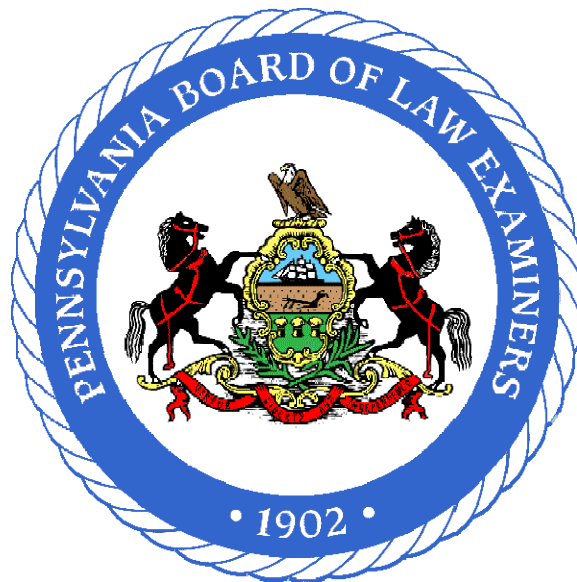


*Pennsylvania  
Bar Admission Rules*



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## SUBCHAPTER A. PRELIMINARY PROVISIONS

### Rule 101. Title and Citation of Rules

These rules shall be known as the Pennsylvania Bar Admission Rules and may be cited as "Pa.B.A.R."

### Rule 102. Definitions

(a) **General Rule.** Subject to additional definitions contained in subsequent provisions of these rules which are applicable to specific provisions of these rules, the following words and phrases when used in these rules shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

**"Accredited law school."** A law school accredited by the American Bar Association.

**"Administrative Office."** The Administrative Office of Pennsylvania Courts.

**"Board."** The Pennsylvania Board of Law Examiners.

**"Certified legal intern."** A law student whose certification under Rule 321 (relating to requirements for formal participation in legal matters by law students) is currently in effect or who otherwise qualifies under such rule.

**"Clerk."** Includes prothonotary.

**"Court."** The Supreme Court of Pennsylvania.

**"Enforcement Rules."** The Pennsylvania Rules of Disciplinary Enforcement.

**"Government Unit."** The Governor and the departments, boards, commissions, officers, authorities and other agencies of the Commonwealth, including the General Assembly and its officers and agencies and any court or other officer or agency of the unified judicial system, and any political subdivision or municipal or other local authority or any officer or agency of any such political subdivision or local authority. The term includes boards of arbitrators appointed pursuant to statute.

**"Prothonotary."** The Prothonotary of the Supreme Court of Pennsylvania.

**"Reciprocal state."** A state having a reciprocal agreement or arrangement with this Commonwealth concerning admission to the bar.

**"State."** When used in reference to the different parts of the United States, includes the District of Columbia and the several territories of the United States.

**"Verified statement."** A document filed under these rules containing statements of fact and a statement by the signatory that it is made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(b) **Number; Tense.** In these rules the singular shall include the plural, and the plural, the singular; and words used in the past or present tense shall include the future.

### **Rule 103. Authority for and Effect of Rules**

The Supreme Court declares that it has inherent and exclusive power to regulate the admission to the bar and the practice of law and in furtherance thereof promulgates these rules which shall supersede all other court rules (except the Enforcement Rules) and practices pertaining to the admission to the bar and the practice of law.

*Note:* Patterned after Pa.R.D.E. 103. The exclusive power of the Supreme Court to regulate admission to the bar and the practice of law is set forth in Section 10(c) of Article V of the Constitution of Pennsylvania and in 42 Pa.C.S. § 1722(a)(1) (relating to the adoption of administrative and procedural rules).

### **Rule 104. Pennsylvania Board of Law Examiners**

(a) **General Rule.** The Supreme Court shall appoint a board to be known as the "Pennsylvania Board of Law Examiners" which shall consist of seven members of the bar of this Commonwealth, one of whom shall be designated by the Court as Chairman and another as Vice-Chairman. Judges shall be eligible for appointment to the Board.

(b) **Terms; Quorum.** The regular terms of members of the Board shall be for three years and members shall be eligible for reappointment, limited to two consecutive terms. Four members shall constitute a quorum.

(c) **Powers and Duties.** The Board shall have the power and duty:

(1) To appoint an Executive Director, Counsel, and such other officers and staff as may from time to time be required to perform properly the functions prescribed by orders of the Court and these rules.

(2) To adopt rules pertaining to the admission to the bar and the practice of law not inconsistent with these rules. Such rules may provide for the delegation to one or more members of the Board, or to a hearing officer appointed by the Board, of the functions of the Board under Rule 213 (relating to hearings before the Board).

(3) To recommend the admission of persons to the bar and the practice of law.

(4) To exercise the powers and perform the duties vested in and imposed upon the Board by law.

The Board shall have broad and plenary power to act within the jurisdiction committed to it as justice may require.

*Note:* Derived from former Supreme Court Rules 7 and 15. In view of the abolition of the former county boards of law examiners the word "Pennsylvania" has been substituted for "State" in the title of the Board. Financial matters are now covered by Rule 401 (relating to expenses).

**Rule 105. Civil Immunity of the Board of Law Examiners, Its Members, Employees and Agents and Entities Providing Information Regarding an Applicant to the Board**

(A) The Board of Law Examiners, and its members, employees, and agents are immune from all civil liability for conduct and communications occurring in the performance of their official duties relating to the examination, character and fitness qualification, and licensing of persons seeking to be admitted to the practice of law.

(B) Records, statements of opinion and other information regarding an applicant for admission to the bar communicated by any entity, including any person, firm, or institution, without malice, to the Board of Law Examiners, or to its members, employees or agents are privileged, and civil suits predicated thereon may not be instituted.

**SUBCHAPTER B. ADMISSION TO THE BAR GENERALLY**

**IN GENERAL**

**Rule 201. Bar of the Commonwealth of Pennsylvania**

**(a) General Rule.** The following are members of the bar of the courts of this Commonwealth and may practice law generally within this Commonwealth:

(1) Persons admitted to the bar pursuant to these rules.

(2) Persons heretofore admitted to practice before any court of record of this Commonwealth pursuant to former Supreme Court Rules 8 or 9 or corresponding provisions of prior law and registered under Enforcement Rule 219 (relating to periodic assessment of attorneys).

**(b) Resignation.** An attorney who is not the subject of any investigation into allegations of misconduct may voluntarily cease to be a member of the bar of this Commonwealth by delivering to the Administrative Office a written resignation from the office of attorney at law.

**(c) Changes in Status Under Enforcement Rules.** An attorney admitted to the bar or issued a limited license to practice law as an in-house corporate counsel, military attorney, or foreign legal consultant:

(1) may be disbarred, suspended or transferred to inactive status and may be readmitted or otherwise reinstated pursuant to the Enforcement Rules;

(2) may have such admission to the bar or limited license to practice law revoked or another appropriate sanction imposed pursuant to the Enforcement Rules when the attorney made a material misrepresentation of fact or deliberately failed to disclose a material fact in connection with an application submitted under these rules that is not discovered prior to the attorney being admitted to the bar or issued a limited license to practice law.

**(d) Certification of Good Standing.** Upon written request and the payment of a fee of \$25.00 the Prothonotary shall issue a certificate of good standing to any member of the bar of this Commonwealth or limited licensed attorney entitled thereto. The certificate shall be one appropriate for admission to the bar of the federal courts and other state courts. A certificate of good standing shall not be issued to a member of the bar of this Commonwealth or limited licensed attorney who currently is the subject of:

(1) a formal disciplinary proceeding pursuant to Enforcement Rule 208(b) (relating to formal hearing) that has resulted in a recommendation by a hearing committee or by the Disciplinary Board for public discipline,

(2) a petition for emergency interim suspension pursuant to Enforcement Rule 208(f) (relating to emergency interim suspension orders and related relief), or

(3) a petition for transfer to inactive status pursuant to Enforcement Rule 301 (relating to proceedings where an attorney is declared to be incompetent or is alleged to be incapacitated).

*Note:* If a person's admission to practice law or limited license to practice law as an in-house corporate counsel or foreign legal consultant is revoked for a material misrepresentation or omission, the person will be required to reapply de novo. Any such persons who are seeking admission to practice law must meet all of the requirements for admission to the bar, including the taking and passing of the current bar examination if more than three years have passed since the prior certificate recommending the person's admission to the bar was issued by the Board. At the time of reapplication, the Board will make a determination as to the applicant's character and fitness to practice law, taking into account all of the existing character issues, including the prior misrepresentation or omission.

## **Rule 202. Admission to the Bar**

An applicant who complies with the requirements of Rule 203 (relating to admission of graduates of accredited institutions), Rule 204 (relating to admission of domestic attorneys) or Rule 205 (relating to admission of foreign attorneys) and the applicable rules of the Board shall be admitted to the bar of this Commonwealth in the manner prescribed by these rules.

## **Rule 203. Admission of Graduates of Accredited and Unaccredited Institutions**

**(a) Bar Examination.** The general requirements for permission to sit for the bar examination are:

(1) Receipt of an undergraduate degree from an accredited college or university or the receipt of an education which, in the opinion of the Board, is the equivalent of an undergraduate college or university education.

(2) (i) Except as provided in subparagraph 2(ii) of this Rule, completion of the study of law at and receipt without exception of an earned Bachelor of Laws or Juris Doctor degree from a law school that was an accredited law school at the time the applicant matriculated or graduated. See Rule 205 (relating to admission of graduates of foreign institutions) for standards applicable to graduates of foreign law schools; or

(ii) Completion of the study of law at and receipt without exception of an earned Bachelor of Laws or Juris Doctor degree from a law school located within the boundaries of the United States of America that was not an accredited law school at the time the applicant matriculated or graduated, provided that the applicant is a member of the bar of a reciprocal state and meets the following qualifications:

(A) Presentation of a certificate from the highest court or agency of such state having jurisdiction over admission to the bar and the practice of law stating that the applicant is in good standing at the bar of such court or such state.

(B) Presentation of proof satisfactory to the Board that the applicant has for a period of five years of the last seven years immediately preceding the date of filing of the application for admission to the bar of this Commonwealth:

(i) engaged in the practice of law in a reciprocal state or states outside this Commonwealth. For purposes of this paragraph, the phrase "engaged in the practice of law" is defined as "devoting a major portion of one's time and energy to the rendering of legal services"; or

(ii) engaged full-time in the teaching of law at one or more accredited law schools in the United States; or

(iii) engaged primarily in the performance of legal functions while serving on active duty in the United States military service as a judge advocate as defined in the Uniform Code of Military Justice, 10 U.S.C. § 801, as amended, regardless of the location of the service.

Service under subparagraphs (i), (ii) and (iii) may be combined to satisfy the five year service requirement of this subparagraph.

(3) Presentation of a certificate of good standing from the highest court or the agency having jurisdiction over admission to the bar and the practice of law in every state or jurisdiction in which the applicant has been admitted to practice law, stating that the applicant is in good professional standing at the bar of such court or state. An applicant who is disbarred or suspended for disciplinary reasons from the practice of law in another jurisdiction at the time of filing an application for permission to sit for the bar exam shall not be eligible to sit for the bar exam.

**(b) Admission to the Bar.** The general requirements for admission to the bar of this Commonwealth are:

(1) satisfactory completion of the bar examination administered by or under the authority of the Board; and

(2) absence of prior conduct by the applicant which in the opinion of the Board indicates character and general qualifications (other than scholastic) incompatible with the standards expected to be observed by members of the bar of this Commonwealth.

## **STANDARDS FOR PASSING THE PENNSYLVANIA BAR**

### **Order No. 246 Supreme Court Rules Docket No. 1 dated May 22, 2000, provides that:**

Commencing with the Pennsylvania Bar Examination to be administered in July of 2001, and until further Order of this Court, a successful candidate for admission to the Bar of the Commonwealth of Pennsylvania, in addition to the other examination requirements approved by prior Orders of this Court which are not superseded hereby, must attain a total combined scaled score of at least 272 on the combined scores of the Multistate Bar Examination and the essay portion of the bar examination. There will no longer be a separate passing requirement for the essay and MBE portions of the bar examination. The essay portion of the bar examination will be weighted 55% and the Multistate Bar Examination portion will be weighted 45%.

### **Order No. 285 Supreme Court Rules Docket No. 1 dated December 6, 2001, provides that:**

“Commencing with the Pennsylvania Bar Examination to be administered in July 2002, and until further Order of this Court, one Performance Test question developed by the Pennsylvania Board of Law Examiners may be used in lieu of a Multistate Performance Test question as a component of the essay portion of the bar examination.”

### **Order No. 328 Supreme Court Rules Docket No. 1 dated March, 12 2004, provides that:**

“Commencing with the Pennsylvania Bar Examination to be administered in July 2006, and until further Order of this Court, the subjects tested on the essay portion of the Pennsylvania Bar Examination shall include those set forth in Attachment 1.

“Commencing with the Pennsylvania Bar Examination to be administered in July 2004, the following subjects will no longer be tested on the essay portion of the bar examination: U.C.C. Art. III – Commercial Paper, U.C.C. Art. IV – Bank Deposits and Collections and U.C.C. Art IX – Secured Transactions.”

#### **ATTACHMENT 1**

##### **Subjects to be Tested on the Essay Portion of the Bar Examination**

1. Civil Procedure (Pennsylvania and federal)
2. Criminal Law (Including related Pennsylvania and federal constitutional issues and DUI)
3. Conflict of Laws
4. Contracts
5. Business Organizations (including corporations, partnerships, limited liability companies and professional corporations)
6. Wills, Trusts, and Decedents' Estates (including related fiduciary responsibilities)
7. Evidence (Pennsylvania and federal)
8. Family Law
9. Federal Constitutional Law
10. Federal Income Taxes (personal only and limited to taxable and non-taxable income, deductions, proprietorships, and capital transactions)
11. Professional Responsibility
12. Real Property

13. Torts
14. U.C.C. Art. II – Sales
15. Employment Discrimination (limited to Title VII, ADA, and ADEA)

## **Rule 204. Admission of Domestic Attorneys**

As an alternative to satisfying the requirements of Rule 203, an attorney, licensed to practice law in another state, may be admitted to the bar of this Commonwealth if the applicant meets the following requirements:

- (1) Has completed the study of law at and received without exception an earned Bachelor of Laws or Juris Doctor degree from a law school that was an accredited law school at the time the applicant matriculated or graduated.
- (2) Is a member of the bar of a reciprocal state on active status at the time of filing of the application for admission to the bar of this Commonwealth.
- (3) Presentation of a certificate of good standing from the highest court or the agency having jurisdiction over admission to the bar and the practice of law in every state or jurisdiction in which the applicant has been admitted to practice law, stating that the applicant is in good professional standing at the bar of such court or such state. An applicant who is disbarred or suspended for disciplinary reasons from the practice of law in another jurisdiction at the time of filing an application for admission to the bar shall not be eligible for admission to the bar of this Commonwealth.
- (4) Presentation of proof satisfactory to the Board that the applicant has for a period of five years of the last seven years immediately preceding the date of filing of the application for admission to the bar of this Commonwealth devoted a major portion of time and energy to the practice of law in one or more states.
- (5) Presentation of proof satisfactory to the Board that the applicant has either taken and passed the bar examination in a reciprocal state or has devoted a major portion of time and energy to the practice of law in a reciprocal state for five years of the last seven years immediately preceding the date on which an application was filed under this Rule.
- (6) An applicant who has taken and failed the Pennsylvania bar examination will not be admitted under this Rule. This provision does not apply to individuals who have passed the bar examination upon a subsequent attempt.
- (7) Satisfaction of the requirements of Paragraphs (a)(1) and (b)(2) of Rule 203.
- (8) Has passed the Multistate Professional Responsibility Exam with the score required by the Court to be achieved by successful applicants under Rule 203.

For purposes of this rule, the phrase “practice of law” is defined as engaging in any of the following legal activities provided such activities were performed in a state in which the applicant was admitted to practice law or in a state that affirmatively permitted such activity by a lawyer not admitted to practice law in the jurisdiction:

- (i) Representation of one or more clients in the private practice of law.
- (ii) Providing legal services as an attorney with a local, state or federal agency.
- (iii) Teaching law full time at an accredited law school, college or university in the United States, provided a substantial portion of such time was spent teaching at an accredited law school.
- (iv) Service as a judge in a federal, state or local court of record.
- (v) Service full time as a judicial law clerk to any judge of any court of the United States or of any state or territory of the United States.
- (vi) Service as corporate counsel.
- (vii) Performing legal functions while serving on active duty in the United States military service as a judge advocate as defined in the Uniform Code of Military Justice, 10 U.S.C. §801, as amended.

The term “practice of law” shall not include providing legal services in any of the above referenced areas, when such services as undertaken constituted the unauthorized practice of law in the state in which the legal services were performed or in the state in which the clients receiving the unauthorized services were located.

## **Rule 205. Admission of Foreign Attorneys and Graduates of Foreign Institutions**

**(a) General Rule.** The Board, under such standards, rules and procedures as it may prescribe, may extend the provisions of Rule 203 (relating to the admission of graduates of accredited and unaccredited institutions) to any applicant who has completed the study of law in a law school which at the time of such completion was not located within the geographical area encompassed by the accreditation activities of the American Bar Association and:

(1) who has been admitted to practice law in and is in good standing at the bar of a foreign country, as evidenced by a certificate from the highest court or agency of such foreign country having jurisdiction over admission to the bar and the practice of law and

(2) who has for a period of five years of the last eight years immediately preceding the date of filing of the application for admission to the bar of this Commonwealth engaged in the practice of law in such foreign country. For purposes of this paragraph, the phrase "engaged in the practice of law" is defined as "devoting a major portion of one's time and energy to the rendering of legal services."

**(b) Law Study Required.** Unless otherwise provided by the Board, applicants who meet the provisions of subparagraph (a) of this rule may apply to sit for the Pennsylvania Bar Examination provided they have successfully completed 30 credit hours in an accredited American law school in the following subjects: Conflict of Laws; Constitutional Law; Contracts; Corporations; Criminal Law; Decedents' Estates; Evidence; Family Law; Federal and/or Pennsylvania Civil Procedure; Federal

Income Taxes (personal only); Professional Responsibility; Real Property; Torts; Uniform Commercial Code, Art. II - Sales; Uniform Commercial Code, Art. III - Commercial Paper; Uniform Commercial Code, Art. IX - Secured Transactions. No more than 4 credit hours in any one subject shall be counted toward this requirement. In fulfilling this requirement, applicants must successfully complete up to 4 credits in each of the following subjects: Constitutional Law; Contracts; Criminal Law; Decedents' Estates; Evidence; Federal and/or Pennsylvania Civil Procedure; Professional Responsibility; Real Property; and Torts.

## PROCEEDINGS BEFORE BOARD

### **Rule 211. Submission of Application to the Board**

An applicant for admission to the bar shall file with the Board a written application, in the form of a verified statement, in the form and at the time prescribed by the Board, setting forth those matters which the Board deems necessary, including information pertaining to character, education and prior employment, and shall pay any application fee fixed by the Board therefor.

*Note:* Based on former Supreme Court Rule 8C4 and eliminates the detailed listing of the contents of the application, which will be prescribed from time to time by the Board.

### **Rule 212. Consideration by the Board**

The Board shall review the application of the applicant and may use such other means of investigation as it deems best to determine the fitness and qualifications of the applicant.

### **Rule 213. Hearings Before the Board**

**(a) General Rule.** If, upon an initial review of an application filed under these rules and of any other related information available to the Board, the Board, through the Executive Director, finds that the applicant does not appear to possess the fitness and general qualifications (other than scholastic) requisite for a member of the bar of the Commonwealth, the Executive Director shall forthwith give the applicant notice of such finding in the manner prescribed by Board rule, and of the right of the applicant to request in writing, within thirty (30) days of the denial, a hearing before the Board.

**(b) Hearing.** Within 30 days after receipt of the request of an applicant for a hearing under this Rule the Board shall hold a hearing at which the applicant shall be present. The applicant may be represented by counsel at the hearing. The Board shall not be bound by the formal rules of evidence and such relevant evidence may be introduced at the hearing as may be necessary for the Board to make a final determination upon the application. The burden of proof shall be on the applicant to establish that he or she possesses the character, fitness and general qualifications that are compatible with the standards expected to be observed by a member of the Bar of this Commonwealth. The applicant may call and examine witnesses, cross-examine adverse witnesses and present such evidence as is relevant to the issue before the Board. At any such hearing the applicant and his or her counsel shall be permitted to inspect such portion of the record of the applicant bearing upon the issues before the Board as does not constitute confidential information. A stenographic or other verbatim record shall be made of any such hearing, but hearings before the Board shall not be open to the public. The Board shall have the power to issue subpoenas for the attendance of witnesses and for the production of documentary evidence at the hearing.

*Note:* Based on former Supreme Court Rule 14A. "Other than scholastic" means that the failure to comply with Rule 203(a)(1), (a)(2), or (b)(1) is not reviewable pursuant to Rule 213.

## **Rule 214. Action by the Board**

The Board shall issue to an applicant its certificate recommending his or her admission to the bar of this Commonwealth if the applicant shall have complied with the requirements of these rules and of any applicable rules of the Board prescribed pursuant hereto.

## **REVIEW BY SUPREME COURT**

### **Rule 221. Marking of Bar Examination Papers**

The marking of the bar examination paper of an applicant by the Board shall be final and shall not be subject to judicial review.

*Note:* Based on former Supreme Court Rule 14C and makes no change in substance.

### **Rule 222. Review of Other Board Determinations**

**(a) General Rule.** Except as prescribed by Rule 221 (relating to marking of bar examination papers) any final determination of the Board may be reviewed by the Supreme Court.

**(b) Preliminary Procedures.** Any person desiring to seek judicial review of a determination of the Board shall, within 30 days after service of notice of such determination, file with the Board a written notice of intention to seek judicial review thereof. Not later than 60 days after the filing of such notice the Board shall enter and serve:

(1) A formal adjudication complying with the provisions of Rule 1925 of the Pennsylvania Rules of Appellate Procedure (relating to opinion in support of order).

(2) A list of all documents, transcripts of testimony, if any, exhibits and other materials comprising the record before the Board in the matter.

**(c) Filing Petition for Review.** The entry of the formal adjudication as prescribed in Subdivision (b) of this rule shall be deemed the entry of a quasi-judicial order for the purposes of the Pennsylvania Rules of Appellate Procedure and a petition for review of such order may be filed with the Prothonotary within the time and in the manner prescribed by such rules. Upon service of the petition for review the Board shall forthwith file the record in the matter with the Prothonotary.

**(d) Briefing.** The petitioner shall serve and file his or her brief no later than 30 days after the petition for review is filed. No answer to the petition need be filed by the Board, but the Board shall within 30 days after service of the brief of the petitioner either file a brief or a letter stating that the Board relies upon the discussion set forth in its formal adjudication.

**(e) In Forma Pauperis Procedure Applicable.** Unless otherwise ordered by the Court, in forma pauperis procedures shall be applicable to all proceedings under this rule.

**(f) Review and Action by Supreme Court.** The Supreme Court shall review the record and enter an appropriate order. Unless otherwise ordered, matters arising under these rules will be considered without oral argument.

*Note:* 42 Pa.C.S. § 725(4) (relating to direct appeals from constitutional and judicial agencies) provides that the Supreme Court shall have exclusive jurisdiction of appeals from final orders of the Pennsylvania Board of Law Examiners. The rule is based on former Supreme Court Rule 14B as modified by the Pennsylvania Rules of Appellate Procedure and makes no change in substance.

## ADMISSION TO PRACTICE

### **Rule 231. Motions for Admission**

**(a) General Rule.** Motions for admission to the bar of this Commonwealth shall be made by filing one copy thereof with the Prothonotary. The motion shall be in writing on a form prescribed by the Board and shall include or be accompanied by:

(1) A certificate from the Board recommending such admission dated within six months of the filing of the motion. A certificate recommending an applicant's admission to the bar expires and is no longer valid after six months from the date of issuance. Subject to the limitations set forth in subsections (i) and (ii) below, an applicant whose certificate has expired is required to file a Supplemental Application for Character and Fitness Determination in order to obtain a new certificate from the Board.

(i) An applicant seeking admission under Rule 203 who fails to file a motion for admission to the bar within three years of the date on which their bar examination results were released will be required to reapply and successfully meet all of the requirements for admission to the bar including the taking and passing of a future bar examination in order for the Board to issue a certificate recommending the applicant's admission to the bar.

(ii) An applicant seeking admission to the bar under Rule 204 who fails to file a motion for admission within three years of the date of filing the initial application with the Board will be required to reapply and successfully meet all of the requirements for admission to the bar in order for the Board to issue a certificate recommending the applicant's admission to the bar.

(2) The oath of office required by statute.

(3) A formal motion for admission to the bar of this Commonwealth.

**(b) Subscription.** The motion for admission shall be subscribed by a member of the bar of this Commonwealth in good standing.

**(c) Admission to Practice - Fee.** The applicant, upon filing a motion under this rule, shall pay a fee of \$50.00 (plus the additional cost involved, if an engrossed certificate of admission to the bar is desired).

**(d) Action by Prothonotary.** If the motion and related documents are in proper order and the required fee is paid the Prothonotary shall:

- (1) Enter the name of the applicant upon the docket of persons admitted to the bar of this Commonwealth and the practice of law.
- (2) Notify the Administrative Office of the admission of the attorney.
- (3) If the requisite fee has been paid therefor, issue an engrossed certificate of admission under seal.

### **Rule 232. Effect of Admission to Practice**

**(a) General Rule.** Members of the bar of this Commonwealth (see Rule 201 (relating to bar of the Commonwealth of Pennsylvania)) shall be entitled to practice law before every court and district justice<sup>1</sup> of this Commonwealth upon presentation of a current certificate issued by the Court Administrator of Pennsylvania under Enforcement Rule 219 (relating to periodic assessment of attorneys). In connection with the filing of any legal paper, the notation on the paper of the attorney's current identification number issued by the Court Administrator of Pennsylvania shall constitute proof of the right of the attorney to practice in the county in which the paper is filed.

**(b) Abrogation of Local Requirements.** All local rules and practices are hereby abrogated which:

- (1) Govern the right to practice before any court or district justice of any county or judicial district of this Commonwealth.
- (2) Require an office, partner, associate or assistant within any county or judicial district in connection with the practice of law.
- (3) Prescribe any residence requirement in connection with the practice of law.
- (4) Limit the number of practicing attorneys in any county or judicial district upon a quota basis.
- (5) Require advertisement in a newspaper or legal periodical, or any approval, examination, ceremony, certification, or admission, or other similar requirements in connection with the practice of law in any county or judicial district.
- (6) Require the presence in person of an attorney in connection with the filing of any legal paper.

*Note:* Based on former Supreme Court Rule 13 and Pa.R.Civ.P.205.1

<sup>1</sup>References to district justices are deemed references to magisterial district judges pursuant to Pennsylvania Supreme Court Order of Jan. 6 2005. eff. Jan. 29, 2005.

## SUBCHAPTER C. RESTRICTED PRACTICE OF LAW

### IN GENERAL

#### **Rule 301. Admission Pro Hac Vice**

(a) **General Rule.** The provisions of Subchapter B of these rules (relating to admission to the bar generally) do not apply to motions for admission pro hac vice. An attorney, barrister or advocate who is qualified to practice in the courts of another state or of a foreign jurisdiction may be specially admitted to the bar of this Commonwealth for purposes limited to a particular matter. An attorney, barrister or advocate admitted pro hac vice in a matter shall not thereby be authorized to act as attorney of record in such matter.

(b) **Procedure.** The general requirements for applicants seeking admission pro hac vice are:

(1) Applicants shall provide such information and pay such fee to the Pennsylvania Interest on Lawyer Trust Account (IOLTA) Board as is required by the regulations concerning pro hac vice admission that have been adopted by the IOLTA Board and approved by the Court.

(2) Pro hac vice admissions shall be only on motion of a member of the bar of this Commonwealth. Except as otherwise prescribed by general rule, such motion shall be signed by the member of the bar, shall recite all relevant facts, including, if applicable, those averments required by regulations adopted by the IOLTA Board, and shall be filed with the clerk of the court in which or with the magisterial district judge before which the matter is pending at least three days prior to the appearance before the court or magisterial district judge by the attorney, barrister, or advocate seeking pro hac vice admission. Any court or magisterial district judge shall grant such a motion unless good cause for denial shall appear, which shall include failure to comply with applicable regulations promulgated by the IOLTA Board.

(2) The oath shall not be required.

*Note:* Based on U.S. Supreme Court Rule 6 and former Supreme Court Rule 13 (last paragraph).

#### **Rule 302. Limited In-House Corporate Counsel License**

(a) **General Rule.** Every attorney not a member of the bar of this Commonwealth, who is employed by and performs legal services in this Commonwealth for a corporation, company, partnership, association or other non-governmental business entity, shall obtain a Limited In-House Corporate Counsel License in order to provide such services if such services are performed in this Commonwealth on more than a temporary basis by the attorney or if the attorney maintains an office or other systematic and continuous presence in this Commonwealth.

(b) **Scope of Legal Activities.** Attorneys issued a Limited In-House Corporate Counsel License may provide advice or legal services to the employer named in the application subject to the following qualifications:

(1) The legal services provided to the employer shall be limited to:

(a) giving legal advice to the directors, officers, employees, and agents of the business organization with respect to its business affairs;

(b) negotiating and documenting all matters for the business organization;

(c) representing the business organization in its dealings with any administrative agency or commission if authorized by the rules of the agency or commission.

(2) In providing legal services, attorneys practicing under a Limited In-House Corporate Counsel License shall not:

(a) represent their employer in any case or matter pending before the courts of this Commonwealth, unless they have been admitted pro hac vice;

(b) represent or give advice to any shareholder, owner, partner, officer, employee or other agent with respect to any personal matter or transaction;

(c) offer legal services or advice to any third party having dealings with the attorney's employer; or

(d) offer legal services or advice to the public or hold themselves out as authorized to offer legal services or advice to the public.

(3) Notwithstanding the fact that the practice of law by a lawyer licensed under this rule is limited to the practice of law for the employer furnishing the statement required by this rule, a lawyer licensed under this rule may participate in the provision of pro bono services offered under the auspices of organized legal aid societies or state/local bar association projects, or provided under the supervision of an attorney licensed to practice law in Pennsylvania who is also working on the pro bono representation.

**(c) Application.** An applicant for a Limited In-House Corporate Counsel License shall file with the board a written application, in the form of a verified statement on the form prescribed by the board, setting forth those matters which the board deems necessary, and pay an application fee fixed by the board. The application shall be processed in accordance with the provisions of Rules 212 through 231.

**(d) Requirements.** The general requirements for issuance of a Limited In-House Corporate Counsel License are:

(1) Completion of the study of law at and receipt without exception of an earned Bachelor of Laws or Juris Doctor degree from a law school;

(2) Admission to practice law in another state, territory of the United States or the District of Columbia on active status at the time of filing the application;

(3) Absence of prior conduct by the applicant which in the opinion of the board indicates character and general qualifications (other than scholastic) incompatible with the standards expected to be observed by members of the bar of this Commonwealth;

(4) Presentation of a certificate of good standing from the highest court or the agency having jurisdiction over admission to the bar and the practice of law in every jurisdiction in which the applicant has been admitted to practice law, stating that the applicant is in good professional standing at the bar of such court or such state. An applicant who is disbarred or suspended for disciplinary reasons from the practice of law in another jurisdiction at the time of filing an application shall not be eligible for a Limited In-House Corporate Counsel License;

(5) Presentation of a sworn statement by the applicant certifying that he/she will perform legal services in this Commonwealth solely for the employer identified in the application, and that such employer's lawful business consists of activities other than the practice of law or the provision of legal services;

(6) Presentation of a statement signed by an officer, director or general counsel of the applicant's employer stating that the applicant is an employee for such employer and performs legal services in this Commonwealth for such employer.

**(e) Duration.** The Limited In-House Corporate Counsel License shall expire if:

- (1) such attorney is admitted to the bar of this Commonwealth under any other rule,
- (2) fails to fulfill the obligations required of active members of the bar of this Commonwealth,
- (3) is suspended or disbarred from the practice of law in another jurisdiction,
- (4) fails to maintain active status for admission to the practice of law in at least one state, territory of the United States or the District of Columbia; or
- (5) such attorney ceases to be employed by the employer listed on such attorney's application; provided, however, that if such attorney, within 30 days of ceasing to be an employee for the employer listed on such attorney's application, becomes employed by another employer within this Commonwealth for which such attorney shall perform legal services, such attorney may apply for a new certificate recommending the issuance of a Limited In-House Corporate Counsel License under this Rule by filing with the board, within 30 days of commencing the new employment, a statement identifying his or her new employer, and the date on which his prior employment ceased and his new employment commenced, and submitting the documents required by sections (d)(5) and (6) of this rule with respect to the new employer.

**(f) Issuance of License.** At any time within six months of the receipt of a certificate from the board recommending the issuance of a Limited In-House Corporate Counsel License, an applicant may file a motion with the Prothonotary, on a form prescribed by the board for issuance of a Limited In-House Corporate Counsel License. The motion shall be accompanied by the certificate from the board recommending issuance of the license and the fee required by the Prothonotary. Upon receipt of the appropriate documents and fee, the Prothonotary shall enter the name of the applicant upon the docket of persons issued a Limited In-House Corporate Counsel License, notify the Administrative Office of the issuance of a limited license to such attorney and issue an engrossed Limited In-House Corporate Counsel License under seal.

**(g) Status.** When a license is required under this rule for the performance of legal services in this Commonwealth solely for an attorney's employer, the performance of such services by the attorney shall be considered to be the active engagement in the practice of law for all purposes and shall subject the attorney to all duties and obligations of active members of the Pennsylvania bar including, but not limited to the Rules of Professional Conduct, the Rules of Disciplinary Enforcement and the Rules of Continuing Legal Education. Prior to the effective date of this rule, when an attorney performed legal services in this Commonwealth solely as an employee of a business organization, whose business consisted of activities other than the practice of law or the provision of legal services, the rendering of such legal services shall be deemed for all purposes to have been the authorized active engagement in the practice of law in this Commonwealth, if such attorney, at the time of the performance of such legal services met the requirements set forth in sections (d) (1), (2), (3) and (4) of this rule.

### **Rule 303. Limited Admission of Military Attorneys**

**A. General Rule.** Subject to the conditions and limitations set forth in this rule, a limited admission to practice law before the courts of this Commonwealth shall be granted to an attorney who is:

1. a full-time active duty military officer, serving in the office of the Staff Judge Advocate of the United States Army, Air Force, Navy, Marines, or Coast Guard, or a Naval Legal Service Office, located in the Commonwealth of Pennsylvania, or
2. a member of a reserve or national guard legal unit, even if not on full-time active duty, while associated with and performing services under the aegis of an established Expanded Legal Assistance Program (ELAP) located in the Commonwealth of Pennsylvania.

**B. Application.** An application for limited admission to practice under this rule shall be made on behalf of the applicant by the Staff Judge Advocate of the military installation to which the applicant is assigned by filing a motion with the Prothonotary on a form prescribed by the board and accompanied by:

1. documentation from the highest court of another state showing that the applicant is admitted to practice law and is on active status in such state at the time of filing the application;
2. a certificate of good standing from the highest court or the agency having jurisdiction over admission to the bar and the practice of law in every jurisdiction in which the applicant has been admitted to practice law, stating that the applicant is in good professional standing at the bar of such court or such state;
3. proof that the applicant has completed at least 15 credit hours of approved continuing legal education in subjects relating to Pennsylvania practice, procedure and professional responsibility.

**C. Action.** If the motion and required documents are in proper order, the Prothonotary shall enter the name of the applicant upon the docket of persons specially admitted to the bar of this Commonwealth subject to the restrictions of this rule and shall issue a limited certificate of admission in evidence thereof.

**D. Scope of Practice.** Military lawyers granted limited admission to practice law pursuant to this rule may represent active duty military personnel in enlisted grades E-1 through E-4, their dependents, and such other active duty military personnel and their dependants, who are under substantial financial hardship, before the courts and district justices<sup>1</sup> of this Commonwealth in civil matters and administrative proceedings to the extent such representation is permitted by the supervisory Staff Judge Advocate or Commanding Officer. Admission to practice under this rule shall be limited to the matters specified in the preceding sentence and military lawyers admitted to practice pursuant to this rule shall not represent themselves to be members of the bar of this Commonwealth. Attorneys who are practicing under this rule shall not demand or receive any compensation from clients in addition to usual military pay to which they are entitled.

**E. Expiration of Admission.** The right to practice under this rule shall be limited to a period of four years unless extended by the Prothonotary for an additional four years upon written request of the Staff Judge Advocate of the military installation to which the applicant is assigned and shall cease when: (1) the applicant is admitted to the bar of this Commonwealth under any other rule; (2) the applicant fails to continue to meet the requirements of Sections (B)(1) and (2) above; (3) when a full-time active duty military officer licensed under this rule ceases to be stationed in Pennsylvania or (4) when a member of a reserve or national guard unit ceases to provide legal services under an established Expanded Legal Assistance Program located in Pennsylvania. When a military lawyer ends active duty military service in this state, or a member of a reserve or national guard unit ceases to provide legal services under an ELAP program, a written statement to that effect shall be filed with the Prothonotary by the Staff Judge Advocate of the military installation to which the applicant had been assigned.

**F. Status.** An attorney admitted under this rule is subject to the Rules of Professional Conduct and the Rules of Disciplinary Enforcement but shall not be required to pay the annual fee that is required to be paid by active attorneys who are admitted to practice in this Commonwealth.

<sup>1</sup> References to district justices are deemed references to magisterial district judges pursuant to Pennsylvania Supreme Court Order of Jan. 6, 2005, eff. Jan. 29, 2005.

## ATTORNEY PARTICIPANTS IN DEFENDER OR LEGAL SERVICES PROGRAMS

### **Rule 311. Attorney Participants in Defender or Legal Services Programs**

**(a) Scope.** This rule applies to an attorney who is not a member of the bar of this Commonwealth but is qualified to practice in the courts of another state and who is employed by or associated with an organized legal services program in this Commonwealth providing legal assistance to indigents in civil matters or a public defender's office or defender association in this Commonwealth providing legal assistance to indigents in criminal matters.

**(b) General Rule.** An attorney to which this rule applies shall be admitted to practice before the courts and magisterial district judges of this Commonwealth in all matters in which the attorney is employed by or associated with a public defender's office, an organized defender association, or an organized legal services program which is sponsored, approved or recognized by the local county bar association. Admission to practice under this rule shall be limited to the matters specified in the preceding sentence.

**(c) Application.** An applicant for limited admission to practice under this rule shall file with the Board an application on a form prescribed by the Board which shall include or be accompanied by a statement signed by a representative of the public defender's office, defender association or organized legal services program indicating that the attorney will be employed by or associated with such entity. Any such statement shall also contain an undertaking by the public defender's office, defender association or legal services program to notify the Prothonotary immediately whenever the attorney ceases to be employed by or associated with such office, association or program. The application shall be processed in accordance with the provisions of Rules 212 through 222.

**(d) Requirements.** The requirements for issuance of a limited license under this rule are:

1. Completion of the study of law at and receipt without exception of an earned Bachelor of Laws or Juris Doctor degree from an accredited law school;
2. Admission to the practice of law in another state, on active status at the time of filing the application;
3. Absence of prior conduct by the applicant which in the opinion of the Board indicates character and general qualifications incompatible with the standards expected to be observed by members of the bar of this Commonwealth; and
4. Presentation of a certificate of good standing from the highest court or the agency having jurisdiction over the admission to the bar and the practice of law in every jurisdiction in which the applicant has been admitted to practice law, stating that the applicant is in good professional standing at the bar of such court or such state. An applicant who is disbarred or suspended for disciplinary reasons from the practice of law in another jurisdiction at the time of filing an application shall not be eligible for a limited license under this rule.
5. An applicant who has taken and failed the Pennsylvania bar examination will not be admitted under this Rule. This provision does not apply to individuals who have passed the bar examination upon a subsequent attempt.

**(e) Application Fee.** An applicant for limited admission to practice under this Rule shall pay an application fee fixed by the Board.

**(f) Issuance of License.** At any time within six months of the receipt of a certificate from the Board recommending the issuance of a limited license to practice in a public defender's office, defender association or legal services program, an applicant may file a motion with the Prothonotary, on a form prescribed by the Board for issuance of such license. The motion shall be accompanied by the certificate from the Board recommending issuance of the license and the fee required by the Prothonotary. Upon receipt of the appropriate documents and fee, the Prothonotary shall enter the name of the applicant upon the docket of persons specially admitted to the bar of this Commonwealth subject to the restrictions of this rule and shall issue an appropriate certificate in evidence thereof.

**(g) Expiration of Admission.** When an attorney admitted under this rule ceases to be employed by or associated with an office, association or program as set forth in the motion previously filed, a written statement to that effect shall be filed with the Prothonotary by a representative of the public

defender's office, defender association or legal services program. Admission to practice under this rule shall expire after 30 months, unless the Court for good cause shown shall extend such period in an individual case, or when the attorney ceases to be employed by or associated with such office, association or program, whichever shall first occur.

**(h) Enforcement Rules.** The Enforcement Rules shall be applicable to an attorney admitted under this rule.

## CERTIFIED LEGAL INTERNS

### **Rule 321. Requirements for Formal Participation in Legal Matters by Law Students and Law School Graduates**

**(a) General Rule.** The requirements for eligibility for formal participation in legal matters by a law student or law school graduate pursuant to Rule 322 (relating to authorized activities of certified legal interns) are:

(1) Enrollment in or graduation from an accredited law school or a law school that has been approved by the Board which has filed and is actively pursuing an application for accreditation with the American Bar Association; provided that students who attend or graduated from a law school that is located in a jurisdiction that has a program permitting law students to participate in legal matters, which does not afford students attending law school in Pennsylvania the same privilege or opportunity to formally participate in legal matters as a law student in the jurisdiction as is granted to students attending law school in the jurisdiction, shall not be eligible to participate in legal matters pursuant to Rule 322.

(2) Completion of legal studies amounting to at least three semesters, or the equivalent if the law school is on a basis other than the semester basis.

(3) Existence and maintenance of certification as prescribed in Subdivision (b) of this rule.

(4) Introduction to the judge or magisterial district judge before whom the law student or law school graduate is appearing by a member of the bar of this Commonwealth.

(5) Absence of a request for or receipt by the law student or law school graduate of compensation or remuneration of any kind for his or her services from the person on whose behalf the law student or law school graduate renders services. This paragraph shall not prevent:

(i) An attorney or a law school, legal services program, defender association, or government unit from paying compensation to the law student or law school graduate.

(ii) Any person other than the law student or law school graduate from making such charges for services as such person may otherwise properly require.

**(b) Certification.** Only those law students or law school graduates shall be eligible for the benefits of Rule 322 who have been certified by the dean of their law school as being of good character

and competent legal ability, and as being adequately trained to perform as a legal intern. The certification shall be made by filing one copy thereof with the Prothonotary. The certification:

(1) Shall be in writing on a form prescribed by the Board and shall remain in effect until the expiration of 24 months after it is filed, or until the announcement of the results of the first bar examination following the completion of the study of law by the student or law school graduate, whichever is earlier. In the case of a student or law school graduate who passes that examination, the certification shall continue in effect until the student or law school graduate is admitted to the bar.

(2) May be withdrawn at any time by the dean by filing a notice to that effect with the Prothonotary. It is not necessary that the notice state the cause for withdrawal.

(3) May be terminated by the Court at any time without notice or hearing and without any showing of cause.

### **Rule 322. Authorized Activities of Certified Legal Interns**

**(a) General Rule.** Subject to the restrictions of this subdivision, a certified legal intern may with the approval of a supervising attorney:

(1) Appear before any government unit (other than the Supreme, Superior or Commonwealth Courts) in any civil or criminal matter on behalf of any indigent, if the person on whose behalf the legal intern is appearing consents to such appearance. The supervising attorney must be personally present throughout the proceedings where the legal intern is appearing on behalf of the defendant in a criminal matter where the defendant has the right to counsel under any provision of law.

(2) Appear in any civil or criminal matter on behalf of the Commonwealth, if the Attorney General (or the prosecuting attorney in the case of a criminal matter) or his or her authorized representative consents to such appearance.

The approval of the supervising attorney and the consent of the party represented required by this subdivision shall be in writing and filed of record in the matter and shall be brought to the attention of the judge or magisterial district judge or the presiding officer of the other government unit.

**(b) Preparation of Papers.** A certified legal intern may engage in other activities, under the general supervision of a member of the bar of this Commonwealth, but outside the personal presence of the attorney, including:

(1) Preparation of pleadings and other documents to be filed in any matter in which the legal intern is eligible to appear and in any appeals therefrom in the Supreme, Superior or Commonwealth Courts.

(2) Except when the assignment of counsel is required under any provision of law, assistance to indigent inmates of correctional institutions or other persons who request such assistance in preparing applications for and supporting documents for post-conviction relief. If there is an attorney of record in the matter, all such assistance shall be supervised by the attorney

of record.

Each pleading or other document shall contain the name of the legal intern who has participated in drafting it. If the legal intern participated in drafting only a portion of it, that fact may be stated. All pleadings or other documents shall be signed by the supervising attorney.

**(c) Supervising Attorney.** The attorney under whose supervision a certified legal intern performs any of the services permitted by this rule shall:

(1) Be approved in writing as a supervising attorney for the purposes of this rule by the dean of the law school in which the legal intern is or was enrolled.

(2) Assume personal professional responsibility for the guidance of the legal intern in any work undertaken and for supervising the quality of the work of the legal intern.

(3) Assist the legal intern in his or her preparation to the extent the supervising attorney considers necessary.

## PERSONS SPECIALLY ADMITTED PRIOR TO CONSTITUTION OF 1968

### **Rule 331. Persons Specially Admitted by Local Rules**

**(a) General Rule.** Any person specially admitted to practice law on or before April 23, 1968 may continue to practice in the court of Common Pleas or in that division of the court of Common Pleas and the Philadelphia Municipal Court which substantially includes the practice for which such person was specially admitted.

**(b) Registration of Persons Claiming Special Admission Status.** The Administrative Office shall prepare and include with the 1978 annual distribution of forms to attorneys under Enforcement Rule 219 (relating to periodic assessment of attorneys) a questionnaire designed to elicit the name of each specially admitted attorney claiming the right to practice law under Subdivision (a) of this rule and the division or divisions, if any, of the courts of this Commonwealth in which the right to practice law is claimed under such provision. Any person who fails or refuses to complete and return such questionnaire by October 15, 1978 shall be conclusively deemed to have waived and surrendered all rights under such subdivision to practice law in this Commonwealth as a specially admitted attorney.

*Note:* Based on Section 29 of the Schedule to the Judiciary Article and 42 Pa.C.S. § 2523 (relating to persons specially admitted by local rules).

## FOREIGN LEGAL CONSULTANTS

### **Rule 341. Licensing of Foreign Legal Consultants.**

**(a) Required qualifications.** An applicant may be licensed to practice in this Commonwealth as a foreign legal consultant, without examination, if the applicant:

(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;

(2) 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 in the foreign country and has actually been 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;

(3) possesses the good moral character and general fitness requisite for a member of the bar of this Commonwealth;

(4) is at least 26 years of age;

(5) intends to practice as a foreign legal consultant in this Commonwealth and to maintain an office in this Commonwealth for that purpose; and

(6) has passed the Multistate Professional Responsibility Exam with the score required by the Court to be achieved by successful applicants under Rule 203.

**(b) Application.** An applicant under this rule shall file with the Board an application in the form prescribed by the Board, which shall be accompanied by:

(1) a certificate from the professional body or public authority in the foreign country having final jurisdiction over professional discipline, certifying as to the applicant's admission to practice and the date thereof, and as to his or her good standing as such attorney or counselor at law or the equivalent;

(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 the foreign country;

(3) a duly authenticated English translation of the certificate and the letter if, in either case, it is not in English;

(4) a statement indicating his or her understanding of, and commitment to observe, the Rules of Professional Conduct and the Enforcement Rules to the extent applicable to the legal services authorized under Rule 342;

(5) appropriate evidence of professional liability insurance, in such amount as the Board may prescribe, to assure his or her proper professional conduct and responsibility;

(6) such other evidence as to the applicant's educational and professional qualifications, good moral character and general fitness, and compliance with the requirements of Subdivision (a) of this Rule as the Board may require;

(7) a written statement agreeing to notify the Secretary of the Disciplinary Board of the Supreme Court of Pennsylvania of any change in the applicant's good standing as a member of the foreign legal profession referred to in Subdivision (a)(1) of this Rule and of any final action of the professional body or public authority referred to in Subdivision (b)(1) of this Rule imposing any disciplinary censure, suspension, or other sanction upon such person; and

(8) a duly acknowledged instrument, in writing, setting forth his or her address in this Commonwealth and designating the Secretary of the Disciplinary Board of the Supreme Court as his or her agent upon whom process may be served, with like effect as if served personally upon him or her, in any action or proceeding thereafter brought against him or her and arising out of or based upon any legal services rendered or offered to be rendered by him or her within or to residents of this Commonwealth, whenever after due diligence service cannot be made upon him or her at such address or at such new address in this Commonwealth as he or she shall have furnished in the last registration statement filed by him or her in accordance with Enforcement Rule 219(d) (relating to periodic assessment of attorneys), or which has been filed in the Administrative Office by means of a duly acknowledged supplemental instrument in writing.

**(c) Application fee.** An applicant for a license as a foreign legal consultant under this Rule shall pay an application fee fixed by the Board.

**(d) Action by the Board.** The Board may, in its discretion, issue to an applicant its certificate recommending his or her licensure as a foreign legal consultant if the applicant has met the requirements of this Rule. In considering whether to issue a certificate recommending an applicant to practice as a foreign legal consultant under this Rule, the Board may in its discretion take into account whether a member of the bar of this Commonwealth 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 Board to consider whether applicants from that country should be denied the opportunity to be licensed as foreign legal consultants under this Rule, or the Board may do so *sua sponte*.

**(e) Motion for licensure.** An applicant shall file a motion for licensure as a foreign legal consultant with the Prothonotary of the Supreme Court, accompanied by the certificate from the Board recommending such licensure. If the motion is in proper order, the Prothonotary shall:

(1) Enter the name of the applicant upon the docket of persons licensed as foreign legal consultants in this Commonwealth.

(2) Notify the Administrative Office of the licensure of the foreign legal consultant.

(4) If the requisite fee has been paid therefor, issue an engrossed certificate of licensure under seal.

**(f) Subsequent admission to bar.** In the event that a person licensed as a foreign legal consultant under this Rule is subsequently admitted as a member of the bar of this Commonwealth under Subchapter B (relating to admission to the bar generally), the license granted to such person under this Rule shall be deemed superseded by the license granted to such person to practice law as a member of the bar of this Commonwealth.

## **Rule 342. Practice by Foreign Legal consultants**

**(a) Prohibited activities.** A person licensed to practice as a foreign legal consultant under Rule 341 (relating to licensing of foreign legal consultants) may render legal services in this Commonwealth with respect to the law of the foreign country where the foreign legal consultant is admitted to practice law, subject, however, to the limitations that he or she shall 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 Commonwealth (other than upon admission *pro hac vice* pursuant to Rule 301 (relating to admission *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:

(i) 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

(ii) 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 Commonwealth, 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);

(6) be, or in any way hold himself or herself out as, a member of the bar of the Supreme Court of Pennsylvania; 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:

(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 "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]".

**(b) Rights and obligations.** Subject to the limitations set forth in Subdivision (a) of this Rule, a

person licensed as a foreign legal consultant under Rule 341 shall be considered a lawyer affiliated with the bar of this Commonwealth and shall be entitled and subject to:

(1) the rights and obligations set forth in the Rules of Professional Conduct or arising from the other conditions and requirements that apply to a member of the bar of this Commonwealth under the Enforcement Rules; and

(2) the rights and obligations of a member of the bar of this Commonwealth with respect to:

(i) affiliation in the same law firm with one or more members of the bar of this Commonwealth, including by:

(A) employing one or more members of the bar of this Commonwealth;

(B) being employed by one or more members of the bar of this Commonwealth or by any law firm that includes members of the bar of this Commonwealth or which maintains an office in this Commonwealth; and

(C) being a partner in any law firm that includes members of the bar of this Commonwealth or which maintains an office in this Commonwealth; and

(ii) attorney-client privilege, work-product privilege and similar professional privileges.

**(c) Discipline.** A person licensed to practice as a foreign legal consultant under Rule 341 shall be subject to professional discipline in the same manner and to the same extent as members of the bar of this Commonwealth. The license of a foreign legal consultant shall be revoked when he or she no longer meets the requirements and obligations for licensing set forth in Rule 341 (a)(1). A foreign legal consultant shall not be subject to the Pennsylvania Rules for Continuing Legal Education.

**(d) Service of Process.** Service of process on the Secretary of the Disciplinary Board of the Supreme Court of Pennsylvania, pursuant to the designation filed under Rule 341(b)(8), shall be made by personally delivering to and leaving with the Secretary, or with a deputy or assistant authorized by him or her to receive such service, at his or her office, duplicate copies of such process together with a fee as set by the Disciplinary Board of the Supreme Court. Service of process shall be complete when the Secretary of the Disciplinary Board has been so served. The Secretary of the Disciplinary Board shall promptly send one of such copies to the foreign legal consultant to whom the process is directed, by certified mail, return receipt requested, addressed to the foreign legal consultant at the address specified by him or her as provided in Rule 341(b)(8).

## MISCELLANEOUS

### **Rule 371. Saving Provision**

Nothing in this subchapter shall affect the right of any person who is not admitted to the bar and the practice of law to perform any services such person might lawfully do in the absence of this subchapter.

*Note:* Generalization of former Supreme Court Rule 11F.

### **Rule 372. Formerly Admitted Attorneys**

Upon the request of the Disciplinary Board of the Supreme Court of Pennsylvania, a formerly admitted attorney seeking reinstatement pursuant to the rules of the Disciplinary Board may sit for the bar examination without having to comply first with Section 203(b)(2) of these rules.

## **SUBCHAPTER D. MISCELLANEOUS PROVISIONS**

### **Rule 401. Expenses and Staff**

The salaries of the Executive Director and Counsel of the Board and the salaries and number of other staff, and the Board's staff complement, their expenses, administrative costs and the expenses of the members of the Board shall be fixed by the Court Administrator of Pennsylvania pursuant to rule of the Supreme Court and paid out of funds available therefor.

### **Rule 402. Confidentiality**

**(a) General Rule.** Except as otherwise prescribed in these rules, the actions and records of the Board are confidential and shall not be disclosed or open to inspection by the public.

**(b) Permitted Disclosure.** The Board may, however:

(1) publish a list of the names of applicants who successfully completed the bar examination administered by the Board;

(2) upon request from the dean of a law school, furnish the law school with the names of applicants from the law school who did not successfully complete the bar examination, provided the law school has agreed to only use such information internally within the law school and not to disclose the names of students who failed the bar examination to any person or organization outside of the law school;

(3) upon written request from a state or county bar association located within this commonwealth, furnish such bar association with the names and addresses of those applicants who have successfully completed the bar examination administered by the Board and who have not objected to the release of such information, provided the bar association has agreed to only use such information for purposes of offering applicants membership in and services provided by or through the bar association;

(4) release information with respect to an applicant upon a written request from a bar admission authority in another jurisdiction, provided the admission authority agrees to use the information only for bar admission purposes and has a rule or policy that guarantees the confidentiality of bar admission materials and records to the same extent required by this rule;

(5) release information with respect to an applicant upon a written request from the Disciplinary Board of this Commonwealth or from a lawyer disciplinary authority in another

jurisdiction, provided the disciplinary authority agrees to use the information only for attorney disciplinary matters and has a rule or policy that guarantees the confidentiality of its disciplinary materials and records to the same extent required by this rule;

(6) release information with respect to an applicant when necessary in defending litigation brought against the Court, the Board, its members or staff arising out of or related to the bar admission process;

(7) release a copy of the bar admission application submitted by an applicant upon receipt of a properly executed written authorization and release from the applicant;

(8) release information with respect to an applicant pursuant to a court order;

(9) release to the National Conference of Bar Examiners, the name and the date of birth of individuals who have applied to take the bar examination or be admitted to the bar of this Commonwealth; and

(10) publish the contents of responses submitted to a question on the bar examination by an applicant as a representative sample of a good answer, provided the identity of the applicant is not disclosed.

**(c) Limitation.** Nothing set forth in this rule shall prohibit the Board from refusing to provide information relating to an applicant, when the writer or provider of the information has requested that the information be kept confidential or when the board deems it imprudent to disclose such information.

*Note:* Based on former Supreme Court Rule 14D.