



Feature

Reciprocity Laws Among the States

By Nikki LaCrosse

When law students are choosing what areas of the law they want to practice, two questions they must seriously consider are how and where they will practice. Unlike lawyers of the early 20th century, counselors today often find themselves practicing across state, or even country, borders. However, what qualifies for a legal license in Wisconsin is not necessarily the same in California. Figuring out where a law degree can be used is a complex process.



When one bar admits a lawyer based mainly on his/her membership in another bar, it is called reciprocity or “admission on motion.” It is not a standardized process. While the American Bar Association (ABA) promotes

guidelines it believes each jurisdiction should follow in accepting outside lawyers, each state is free to accept or disregard those suggestions and make its own rules.

Of the 50 states and 5 territories listed on the chart “Reciprocity, Comity & Attorneys Exam” in the ABA’s [Comprehensive Guide to Bar Admission Requirements, 2005](#), 23 participate in some sort of reciprocity. Nineteen jurisdictions require that attorneys take their individual bar exams before being allowed admission to the bar, while 18 do not. Some states will allow attorneys to take the Attorneys Exam, which is only the written part of the bar exam, and still others require passing scores on specific standardized exams.

While many states do participate in reciprocity, most still require that the applying lawyer have some experience in practicing law. Requirements range from one year of work as a licensed counselor up to seven years of experience before an applicant can apply to the bar. All jurisdictions that participate in reciprocity require that incoming lawyers be in good standing with their current bar associations.

There are also a series of standardized tests offered by the National Conference of Bar Examiners (NCBE) that are often components of an application to a state bar. The Multistate Bar Exam (MBE), Multistate Essay Exam (MEE), Multistate Professional Responsibility Exam (MPRE), and the Multistate Performance Test (MPT) are the most commonly used tests for bar entrance, and some states require an applicant to pass one, or more, of these exams despite, or in lieu of, having reciprocity from his/her home state. The MBE and MPRE are the most common exams used, with only three or four jurisdictions opting to use other exams.

A handful of jurisdictions offer reciprocity only to other, specific jurisdictions. For example, Idaho offers reciprocity to lawyers licensed in Oregon, Washington, Utah, and Wyoming only, while Maine limits reciprocity to attorneys from New Hampshire and Vermont. A complete chart of states participating in reciprocity can be found on the ABA’s website at <http://www.abanet.org/legaled/publications/compguide2005/chart9.pdf>

One way that lawyers can avoid joining the bar in another state is to receive a designation of *pro hac vice*, which is when a lawyer not licensed in a state is allowed to practice law there, usually for a specific case or client. Again, the requirements for the waiver differ greatly from state to state, but they normally require that the lawyer have several years of recent experience in the state where he/she is licensed. Registration with the courts is required, as is a fee to cover the subsequent investigation into the personal character, legal standing, and educational background of the applicant. A signed declaration to follow the laws of that state is also standard. Some states require that a licensed member of the bar act as co-counsel, while others only require the name of a local attorney who can provide assistance to the visiting lawyer. While appearing *pro hac vice* is significantly less rigorous than passing the bar; nevertheless, it is an involved process.

Corporate attorneys may also be able to avoid the maze of reciprocity regulations provided that their practices are limited to work directly concerning their employers and that they do not have any other clients. The term “in-house” may be applied to these corporate attorneys. Again, each state has its own rules and regulations regarding the practice of law under these conditions, but they tend to be less rigorous than those for reciprocity.

According to Becky Sutton of the Indiana Board of Law Examiners, who coordinates all the applications for “foreign attorneys” seeking to practice law in Indiana, most lawyers “will do anything to avoid taking the bar exam.” Although there are many criteria for an Indiana law license, Sutton states, “I



Feature

don't think it is any more than they [lawyers] expect. Even if it is handled differently in other states, they would still have to go through a process." In her state, even those counselors meeting all of the requirements to practice in Indiana must re-register their Foreign Licenses for five consecutive years before they will be issued a license.

The state does have a Business Counsel License that has less-stringent requirements, but *in-house* lawyers cannot use their time in Indiana towards filling the five-year foreign-license requirement that leads to bar acceptance. Sutton warns, "They could practice [here] for 20 years, and they'll still have to apply for a Foreign License."

In-house lawyers are plentiful enough in the U.S. that there are publications devoted just to them. Lawyers Weekly, Inc., publishes three regional versions of In-House magazine across

the country and reaches approximately 25,000 lawyers in 10,000 companies. In a column for *New England In-House*, Andrew D'Amico, General Counsel and Vice-President of Brookstone, Inc., notes, "The fact that a company lawyer is both the participant and an observer of the corporate activities supported makes this brand of lawyering unique." He also comments, "This lawyer has to provide legal advice while assisting in the conduct of a business."

Law students or attorneys from other countries may also be admitted to U.S. bar associations in 33 of the 55 states and territories governed by the ABA. Each of those jurisdictions has specific requirements for foreign applicants to meet, some of which include training in English common law, additional education at an ABA-approved school, and admission to the bar of another U.S. bar association.

EmploymentCrossing is the largest collection of active jobs in the world.

We continuously monitor the hiring needs of more than 250,000 employers, including virtually every corporation and organization in the United States. We do not charge employers to post their jobs and we aggressively contact and investigate thousands of employers each day to learn of new positions. No one works harder than EmploymentCrossing.

Let EmploymentCrossing go to work for you.