



Alerts

Arizona Enforces Hurdles for Multi-jurisdictional Practice

June 22, 2010

Lawyers for the Profession® Alert

Arizona Unauthorized Practice of Law Advisory Committee, UPL Advisory Opinions 10-01 (Jan. 2010) & 10-02 (Feb. 2010)

Brief Summary

A non-Arizona lawyer who resides in Arizona cannot practice the law of the jurisdiction in which he or she is admitted. Also, a non-Arizona lawyer who is temporarily admitted to practice with a legal services organization in Arizona must remain active in at least one jurisdiction in which the lawyer is admitted.

Complete Summary

Arizona's Unauthorized Practice of Law Advisory Committee recently issued two opinions affecting the multi-jurisdictional practice of law in Arizona.

In opinion 10-01, the Committee opined that a person practicing in a legal services organization must have an active license in at least one jurisdiction. Arizona Supreme Court Rule 38(f) allows out-of-state lawyers to work for such organizations in Arizona provided they have been admitted and active in another jurisdiction for at least two years, among other requirements. This opinion makes clear that, as with lawyers admitted *pro hac vice*, such lawyers must remain active in the jurisdiction(s) in which they are licensed.

In opinion 10-02, the Committee opined that an out-of-state lawyer admitted in another state, but who resides in Arizona, may not practice the law of his or her state of admission. The Committee noted that, via the Supremacy Clause, such lawyers could practice federal law, and via Arizona's own rules, could engage in the limited practice of Arizona law. But the Committee opined that there was no authority in the Arizona Supreme Court Rules, or the Rules of Professional Conduct allowing such lawyers to practice the law of another state except for ER 5.5(c) of the Rules of Professional Conduct, which merely allows temporary practice. Based on this finding, the Committee also opined that such lawyers may not establish an office of record in Arizona — even if shared with an Arizona-admitted attorney.

Significance of Opinions

These opinions may limit the ability of lawyers to engage in multi-jurisdictional practice in Arizona. Even though the state of licensure may not require in-state residency to practice in that jurisdiction, Arizona would forbid it. Under opinion

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10-02, lawyers may be forced to weigh their ability to practice law against their ability to choose a place of residence.

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