

the entity with final jurisdiction over professional discipline in the foreign jurisdiction or State where the Applicant is authorized to practice. The document must certify:

- (1) that the Applicant is authorized to practice law in the jurisdiction or State;
 - (2) the date that the Applicant became authorized to practice law in the jurisdiction or State; and
 - (3) that the Applicant remains in good standing as an attorney or counselor at law in the jurisdiction or State.
- (c) The Board may waive the requirements of subsection (b) if an Applicant demonstrates good cause for failing to obtain the certificate required by that subsection.
- (d) Proof of authorization to practice law may be satisfied by proof that the Applicant is lawfully engaged in the practice of law as an inhouse counsel in a foreign jurisdiction that requires a person to surrender that person's law license in order to practice in-house.

Rule 14

Foreign Legal Consultants

§1 General Requirements for Certification

In its discretion, the Supreme Court may certify to practice in Texas as a legal consultant (a "Foreign Legal Consultant"), without examination, an Applicant who satisfies the requirements of subsection (a) or (b):

(a) the Applicant:

- (1) for at least three of the five years immediately preceding the Application, has been a member in good standing of a recognized legal profession in a foreign country, the members of which are authorized 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) possesses the present good moral character and general fitness requisite for a member of the Bar;
- (3) is at least 26 years of age; and
- (4) intends to practice as a Foreign Legal Consultant in Texas and to maintain an office in Texas for that purpose; or

(b) the Applicant:

- (1) for at least three of the five years immediately preceding the Application:

- (A) has been authorized to practice law in a foreign jurisdiction;
 - (B) has been a member in good standing of the bar of another State; or
 - (C) has been actively and substantially engaged in the lawful practice of law in a foreign country or another United States jurisdiction;
- (2) possesses the present good moral character and general fitness requisite for a member of the Bar;
 - (3) is at least 26 years of age; and
 - (4) intends to practice as a Foreign Legal Consultant in Texas only as an employee of and on behalf of a single individual, corporation, limited liability company, partnership, association, nonprofit entity, or governmental agency whose primary business is not the provision of legal services to the public.

§2 Application for Certification

An Applicant under this Rule must submit to the Board:

- (a) an Application on the forms designated by the Board, that is signed by both the Applicant and a sponsoring member of the Bar who is in good standing and has been a member of the Bar for at least five years;
- (b) the fee required by the Board;
- (c) either:
 - (1) a certificate or other document from the entity with final jurisdiction over professional discipline in the foreign jurisdiction or State where the Applicant is authorized to practice that certifies:
 - (A) that the Applicant is authorized to practice law in the jurisdiction or State;
 - (B) the date that the Applicant was authorized to practice law in the jurisdiction or State; and
 - (C) that the Applicant remains in good standing as an attorney or counselor at law in the jurisdiction or State; or
 - (2) if the Applicant seeks certification under subparagraph 1(b)(1)(C), but the Applicant is not authorized to practice in a foreign jurisdiction or another State, proof that the Applicant has been actively and substantially engaged in the lawful practice of law in a foreign jurisdiction or another State for at least three of the five years immediately preceding the Application;
- (d) a duly authenticated English translation of every document required by this Rule, if the original is not in English; and
- (e) any other evidence demonstrating that the Applicant satisfies the requirements of

Section 1 that the Board may require.

Upon completion of the Board's review of the information submitted by the Applicant and its investigation of the Applicant's qualifications, moral character, and fitness, if the Board determines that Applicant has satisfied the requirements of Sections 1 and 2, the Board must recommend to the Court the certification of the Applicant to practice in Texas as a Foreign Legal Consultant.

§3 Scope of Practice

A person certified to practice as a Foreign Legal Consultant under this Rule may render legal services in Texas in the manner and to the extent permitted by the jurisdiction in which the person is authorized to practice or, in the case of a person who satisfies the requirements of subparagraph 1(b)(1)(C) , to the extent permitted by the jurisdiction in which the person has been actively and substantially engaged in the lawful practice of law. But the Foreign Legal Consultant must not:

- (a) appear for a person other than himself or herself as an attorney in any court, or before any magistrate or other judicial officer, in Texas;
- (b) prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America;
- (c) prepare:
 - (1) 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
 - (2) any instrument relating to the administration of a decedent's estate in the United States of America;
- (d) 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;
- (e) render professional legal advice on the law of Texas or of the United States (unless the person is licensed in another State), except:
 - (1) on the basis of advice from a person, whom the Foreign Legal Consultant has identified to the client, who:
 - (A) is authorized to practice law in Texas or in the United States; and
 - (B) either:
 - (i) serves as co-counsel with the Foreign Legal Consultant on a matter for the client; or
 - (ii) is affiliated with the Foreign Legal Consultant through employment, partnership, or membership in the same law firm, company, or governmental agency; or
 - (2) as an in-house counsel advising the Foreign Legal Consultant's employer in the

scope of his or her employment;

(f) in any way hold himself or herself out as a member of the Bar; or

(g) carry on his or her practice under, or use in connection with such practice, any name, title, or designation other than one or more of the following:

(1) his or her own name;

(2) the name of the law firm with which he or she is affiliated;

(3) his or her authorized title in the foreign country in which he or she is authorized to practice, which may be used in conjunction with the name of such country; and

(4) the title “Foreign Legal Consultant,” which may be used in conjunction with the words “authorized to the practice of law in [name of the foreign country in which he or she is authorized to practice].”

§4 Rights and Obligations

Subject to the limitations set forth in Section 3, a person certified as a Foreign Legal Consultant under this Rule is considered to be a lawyer affiliated with the Bar and is entitled and subject to:

(a) the rights and obligations of a member of the Bar that are set forth in the State Bar Act, the State Bar Rules, and the Texas Disciplinary Rules of Professional Conduct or that arise from the other conditions and requirements that apply to a member of the Bar under the Texas Disciplinary Rules of Professional Conduct; and

(b) the rights and obligations of a member of the Bar with respect to:

(1) affiliation in the same law firm with one or more members of the Bar, including by:

(A) employing one or more members of the Bar;

(B) being employed by one or more members of the Bar or by any partnership or professional corporation that includes members of the Bar or that maintains an office in Texas; and

(C) being a partner in any partnership or a shareholder in any professional corporation that includes members of the Bar or that maintains an office in Texas; and

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

A person certified as a Foreign Legal Consultant under this Rule is not a “nonlawyer” as that term is used in Rules 5.03 or 5.04 of the Texas Disciplinary Rules of

Professional Conduct.

A person who receives legal advice from a Foreign Legal Consultant is entitled to all privileges arising from the attorney-client relationship.

§5 Disciplinary Provisions

- (a) Every person certified to practice as a Foreign Legal Consultant under this Rule is subject to censure, suspension, removal, or revocation of his or her certification to practice by the Supreme Court.
- (b) Every Foreign Legal Consultant must execute and file with the Board, in such form and manner as the Board may prescribe:
 - (1) a written commitment
 - (A) to observe the State Bar Act, the State Bar Rules, and the Texas Disciplinary Rules of Professional Conduct, to the extent that the Act and the Rules are applicable to the legal services authorized under Section 3; and
 - (B) to notify the Board of any change in the person's good standing as a member of a foreign legal profession and of any final disciplinary action of the professional body or public authority that regulates attorneys in the foreign jurisdiction in which the Foreign Legal Consultant is authorized to practice law; and
 - (2) a notarized document that sets forth the person's address in Texas and designates the Executive Director of the Board as the person's agent for service of process in any action or proceeding brought against the person that arises from legal services rendered or offered to be rendered by the person within or to residents of Texas, whenever after due diligence service cannot be made on the person at the address on file with the Board.
- (c) Service of process on the Executive Director of the Board under paragraph (b)(2) must be made by personally delivering to, and leaving with, the Executive Director, or another person at the office of the Board who is authorized to receive service, two copies of the citation and petition and a fee of \$10. The Board must promptly send one copy to the Foreign Legal Consultant by certified mail, return receipt requested, at the address designated by the Foreign Legal Consultant under paragraph (b)(2).

§6 Renewal of Certification

- (a) Unless revoked by the Board under Section 7, a certification to practice as a Foreign Legal Consultant is valid for one year.

- (b) A Foreign Legal Consultant may renew his or her certification by submitting to the Board at least 60 days before the certification expires:
- (1) a written request for renewal of the certification;
 - (2) The renewal fee required by Rule 18(a);
 - (3) Proof that the Applicant completed three hours of minimum continuing legal education in ethics courses accredited by the Bar; and
 - (4) a written statement, signed by the Applicant under oath, that the Applicant complied with the terms of the certificate and this Rule during the certification period.
- (c) The Board must grant the Applicant's request unless it determines that the Applicant is not entitled to renew his or her certification under this Rule.
- (d) If the renewal application is timely submitted, the Board must notify the Applicant of the Board's decision before the Applicant's certification expires. If the renewal application is not timely submitted, the Applicant, upon a showing of good cause, may submit a renewal application up to 180 days after the Applicant's certification expires. After the 180-day grace period has passed, an Applicant must reapply for certification under Section 2.

§7 Revocation of Certification

If the Board determines that a person certified as a Foreign Legal Consultant under this Rule no longer meets the requirements for certification set forth in Section 1, the Board must recommend to the Court that the person's certification be revoked, unless the Board waives under Rule 20(e) the requirements that are lacking.

§8 Admission to Bar

If a person certified as a Foreign Legal Consultant under this Rule is subsequently admitted to the Bar under other provisions of these Rules, the certification to practice as a Foreign Legal Consultant is superseded by the license to practice law as a person admitted to the Bar.

Rule 15 Hearings

- (a) The Board shall set a time and place for a hearing on the question of the requisite moral character and fitness of an Applicant or Declarant, under the following circumstances:
- (1) When any Applicant or Declarant who is the subject of an adverse preliminary character and fitness determination files a written request for such a hearing