

**Rule 11. License for Foreign Legal Consultants**

**A. Eligibility.** A person who is admitted to practice in a foreign country as a lawyer or counselor at law may apply for, and, at the discretion of the Board, may obtain a license to render services as a foreign legal consultant in this state, without examination, subject to the limitations set forth in this Rule.

**B. Requirements.** In order to qualify for the license the applicant must:

(1) Have been admitted to practice in a foreign country as a lawyer or counselor at law or the equivalent;

(2) As principal occupation, have been engaged in the practice of law of that country for at least five of the seven years immediately preceding the application;

(3) Be in current good standing as a lawyer or counselor at law or the equivalent in that country, and have remained in good standing throughout the period of his or her practice;

(4) Possess the good character and fitness required for admission to practice in this state;

(5) Have been awarded a post-secondary degree in law;

(6) Intend to practice as a foreign legal consultant in this state; and

(7) Maintain an office in this state for the purpose of practicing as a foreign legal consultant.

**C. Applications.** In order to qualify for the foreign legal consultant license, an applicant must file with the Board the following documents, together with duly authenticated English translations, if the documents are not in English:

(1) An Application for Foreign Legal Consultant License submitted on a form prescribed by the Board;

(2) An authentic certificate from the authority having final jurisdiction over professional discipline in the foreign country in which the applicant is admitted to practice, which shall be accompanied by the official seal, if any, of such authority, and which shall certify:

(a) The authority's jurisdiction in such matters;

(b) The applicant's admission to practice in the foreign country, the date of admission, and the applicant's good standing as a lawyer or counselor at law or the equivalent in that jurisdiction;

(3) An authentic document from the authority having final jurisdiction over professional discipline in any foreign country or jurisdiction in which the applicant has been licensed as a lawyer or as a foreign legal consultant indicating whether any charge or complaint has ever been filed against the applicant with the authority, and, if so, the substance of each charge or complaint, and the adjudication or resolution of each charge or complaint;

(4) A letter of recommendation signed by, and accompanied with the official seal, if any, of one of the members of the executive body of the authority having final jurisdiction over professional discipline or from one of the judges of the highest court of law of the foreign country, certifying to the applicant's professional qualifications;

(5) Letters of recommendation from at least three lawyers or counselors at law or the equivalent admitted in and practicing in the foreign country where the applicant is admitted, setting forth the length of time, and under what circumstances they have known the applicant and stating their appraisal of the applicant's good character and fitness for admission;

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(6) Affidavits from at least two members in good standing of the Minnesota Bar, setting forth the length of time, and under what circumstances they have known the applicant and their appraisal of the applicant's good character and fitness for admission;

(7) Any other evidence as to the applicant's educational and professional qualifications, good character and fitness and compliance with the requirements of this rule as the Board may require;

(8) A statement that the foreign legal consultant has read, understood, and made a commitment to observe the Minnesota Rules of Professional Conduct;

(9) A score report showing that the applicant received a scaled score of 85 or higher on the Multistate Professional Responsibility Examination, or an affidavit attesting to the applicant's attendance, within the previous 12 months, of no fewer than six hours of coursework in legal ethics accredited by the Minnesota Board of Continuing Legal Education;

(10) Evidence of professional liability insurance in an amount deemed sufficient by the director;

(11) An affidavit setting forth the foreign legal consultant's address within the State of Minnesota and designating the Clerk of Appellate Courts as agent for the service of process for all purposes;

(12) An affidavit stating that the foreign legal consultant shall notify the Board of any resignation or revocation of such foreign legal consultant's admission to practice in the foreign country of admission, or in any other state or jurisdiction in which the foreign legal consultant has been licensed as a lawyer or counselor at law or equivalent or as a foreign legal consultant, or of any censure, suspension, or expulsion in respect of such admission;

(13) If employed as house counsel, an affidavit from an officer, director, or general counsel of applicant's employer attesting to the fact that applicant is employed as house counsel solely for that employer and agreeing to notify the Board if the applicant's employment is terminated; and

(14) A fee in the amount of \$1,200.

**D. Investigation.** The Board shall conduct an investigation into the applicant's background and verify the applicant's supporting documents as the Board deems appropriate or necessary in the circumstances.

**E. Scope of Practice.** A person licensed as a foreign legal consultant under this Rule may render legal services in this state respecting the laws of the country in which the foreign legal consultant is admitted to practice as a lawyer, counselor at law or equivalent.

(1) The foreign legal consultant shall not conduct any activity or render any services constituting the practice of the law of the United States, of this state, or of any other state, commonwealth or territory of the United States or the District of Columbia including, but not limited to, the restrictions that the foreign legal consultant shall not:

(a) Appear for another person as a lawyer in any court or before any magistrate or other judicial officer or before any federal, state, county or municipal governmental agency, quasi-judicial or quasi-governmental authority in this state, or prepare pleadings or any other papers in any action or proceedings brought in any such court or before any judicial officer, except as authorized in any rule or procedure relating to admission pro hac vice, or pursuant to administrative rule;

(b) Provide legal advice in connection with the preparation of any deed, mortgage, assignment, discharge, lease, agreement of sale, or any other instrument affecting title to real property located in the United States;

(c) Prepare any will or trust instrument affecting the disposition of any property located in the United States and owned by a resident thereof or any instrument relating to the administration of a decedent's estate in the United States;

(d) Prepare any instrument in respect of the marital relations, rights or duties of a resident of the United States, or the custody or care of the children of a resident;

(e) Render professional legal advice on the law of this state or the United States or any other state, subdivision, commonwealth, or territory of the United States or the District of Columbia (whether rendered incident to the preparation of a legal instrument or otherwise);

(f) In any way represent that the foreign legal consultant is admitted to the Minnesota Bar or is licensed as a lawyer or foreign legal consultant in another state, territory, or the District of Columbia, or as a lawyer or counselor at law or the equivalent in a foreign country, unless so licensed;

(g) Use any title other than "Foreign Legal Consultant, Admitted to the Practice of Law in [name of country]." The foreign legal consultant's authorized title and firm name in the foreign country in which the foreign legal consultant is admitted to practice as a lawyer or counselor at law or the equivalent may be used if the title, firm name, and the name of the foreign country are stated together with the above-mentioned designation;

(h) Render any legal services for a client without utilizing a written retainer agreement which shall specify in bold type that the foreign legal consultant is not admitted to practice law in this state, nor licensed to advise on the laws of the United States or the District of Columbia, and that the practice of the foreign legal consultant is limited to the laws of the foreign country where such person is admitted to practice as a lawyer or counselor at law or the equivalent; or

(i) Hold any client funds or valuables without entering into a written retainer agreement which shall specify in bold type the name of a Minnesota lawyer licensed in good standing who is also representing the particular client in the particular matter at hand.

(2) A foreign legal consultant who is employed in Minnesota as house counsel solely for a single corporation (or its subsidiaries), association, business, or governmental entity is not subject to the restrictions as to scope of practice set forth in Rule 11E(1)(e), (f), (g), (h), and (i) provided that the practice is performed exclusively for the employer referenced above. A foreign legal consultant employed as house counsel may use the title "counsel."

#### **F. Disciplinary Provisions.**

(1) A foreign legal consultant is expressly subject to:

(a) the Minnesota Rules of Professional Conduct and all laws and rules governing lawyers admitted to the practice of law in this state;

(b) continuing review by the Board of qualifications to retain the license granted hereunder; and

(c) the disciplinary jurisdiction of the Minnesota Office of Lawyers Professional Responsibility and the Minnesota Supreme Court.

(2) Rule 11F(1) above shall not be construed to limit in any way concurrent disciplinary procedures to which the foreign legal consultant may be subject in the country of admission.

**G. Rights and Obligations.** A foreign legal consultant shall be entitled to the rights and obligations of a member of the Minnesota Bar with respect to:

(1) Affiliation in the same law firm with one or more members of the Minnesota Bar, including by employing one or more members of the bar; being employed by one or more members of the bar or by any partnership or professional corporation that includes members of the Minnesota Bar or that maintains an office in Minnesota; and being a partner in any partnership or shareholder in any professional corporation that includes members of the Minnesota Bar or that maintains an office in Minnesota; and

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

**H. Re-Certification and Renewal Fees.**

(1) Every three years a foreign legal consultant shall submit to the Board:

(a) An affidavit attesting to the foreign legal consultant's continued good standing as a lawyer or counselor at law or equivalent in the foreign country in which the foreign legal consultant is admitted to practice;

(b) An Application for Foreign Legal Consultant License submitted on a form prescribed by the Board; and

(c) A fee in the amount of \$300.

(2) On an annual basis, a foreign legal consultant shall submit to the Minnesota Lawyer Registration Office a lawyer registration fee equivalent to the renewal fees paid by Minnesota licensed lawyers pursuant to the Rules of the Supreme Court for Registration of Lawyers.

**I. Admission to Bar.** If the Board determines that a foreign legal consultant under this Rule is subsequently admitted as a member of the Minnesota Bar, the foreign legal consultant's license shall be deemed superceded by the license to practice law in Minnesota.

**J. Revocation and Expiration.** If the Board determines that a foreign legal consultant no longer meets the requirements for licensure set forth in this Rule, the license shall expire. If the foreign legal consultant is employed as house counsel, the foreign legal consultant license shall expire on the date of the termination of the foreign legal consultant's employment by the employer referenced in Rule 11C(13).

(Renumbered and amended effective September 1, 2004; amended effective July 1, 2007; amended effective July 23, 2007; amended effective October 1, 2021.)