

**Rule 5.5 [1-300] Unauthorized Practice of Law; Multijurisdictional Practice of Law  
(Commission's Proposed Rule Adopted on May 30, 2015 – Clean Version)**

- (a) A lawyer admitted to practice law in California shall not:
  - (1) practice law in a jurisdiction where to do so would be in violation of regulations of the profession in that jurisdiction.
  - (2) knowingly\* assist a person\* or entity in the unauthorized practice of law.
- (b) A lawyer who is not admitted to practice law in California shall not:
  - (1) except as authorized by these Rules or other law, establish or maintain a resident office or other systematic or continuous presence in California for the practice of law; or
  - (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in California.

**Comment**

Paragraph (b)(1) prohibits lawyers from practicing law in California unless otherwise entitled to practice law in this state by court rule or other law. See, e.g., California Business and Professions Code, §§ 6125 et seq. See also California Rules of Court, rules 9.40 (counsel pro hac vice), 9.41 (appearances by military counsel), 9.42 (certified law students), 9.43 (out-of-state attorney arbitration counsel program), 9.44 (registered foreign legal consultant); 9.45 (registered legal services attorneys), 9.46 (registered in-house counsel), 9.47 (attorneys practicing temporarily in California as part of litigation), and 9.48 (non-litigating attorneys temporarily in California to provide legal services).

**Proposed Rule 5.5 [1-300] Unauthorized Practice of Law;  
Multijurisdictional Practice of Law  
Synopsis of Public Comments**

<b>TOTAL = XX</b>	<b>A = X</b>
	<b>D = X</b>
	<b>M = X</b>
	<b>NI = X</b>

No.	Commenter/Signatory	Comment on Behalf of Group?	A/D/M/NI <sup>1</sup>	Rule Section or Cmt.	Comment	RRC Response
Public Hearing	Responsive Law (Gordon, Tom) (Provided oral public hearing testimony on July 26, 2016. See page 46-47 of the public hearing transcript.)	Yes	M		I believe the Multijurisdictional Practice Rule, under the new Rule 5.5 could use some clarification. A lawyer who's not a member of the California Bar may not have a "systemic or continuous presence in California". It's unclear from the rule and the comments whether, for example, a Denver-based lawyer with an online presence answering questions about Colorado law for a California resident would have a systemic or continuous presence in California. These types of services are becoming more common as lawyers expand their online practices, and it would be helpful if this rule could be made more clear so hopefully, services of this type are not in violation of the Rules of Professional Conduct. This will clear the way for more consumers to be able to receive legal services online and expand the options available therein resolving their legal matters.	No change is recommended. Paragraph (b)(1) follows the language in California Rules of Court, Rules 9.47(d)(2) and 9.48(d)(2), restricting the right of a non-admitted attorney to practice temporarily in California. The phrase "systematic or continuous" also tracks the language in ABA Model Rule 5.5(b)(1). Application of the rule in providing online legal services in California by a non-admitted lawyer would require an analysis of the particular facts and circumstances and would be better addressed in an ethics opinion or other form of guidance.
X-2016-43a1	COPRAC (Baldwin) (8/12/16)S	Yes	A		COPRAC supports the adoption of proposed Rule 5.5.	No response required.

<sup>1</sup> A = AGREE with proposed Rule

D = DISAGREE with proposed Rule

M = AGREE ONLY IF MODIFIED

NI = NOT INDICATED