DISTRICT OF COLUMBIA BAR
GLOBAL LEGAL PRACTICE TASK FORCE

INTERIM REPORT TO THE BOARD OF GOVERNORS OF THE DISTRICT OF COLUMBIA BAR

Members of the Task Force

Darrell G. Mottley, Chair

Gary B. Born
Elizabeth J. Branda
Ginger T. Faulk
Anastasia D. Kelly
Philip S. Khinda
Geoffrey M. Klineberg
Therese Lee
Esther H. Lim
The Hon. Gregory E. Mize (Sr. Judge)
Alejandra C. Montenegro Almonte
Lorena E. Perez
James P. Schaller
Wallace E. "Gene" Shipp, Jr.
Anthony E. Varona
Claudia A. Withers
Cynthia G. Wright

Timothy K. Webster, Ex Officio
Annamaria Steward, Ex Officio
Brigida Benitez, Ex Officio

May 10, 2016

Interim Report of the Global Legal Practice Task Force to the Board of Governors of the District of Columbia Bar

EXECUTIVE SUMMARY

Recommendations for "Outbound District of Columbia Lawyers:" members who live and practice abroad; and members who live in the United States and have international practices and clients.

Short-Term/Immediate Implementation by the D.C. Bar:

- Provide networking opportunities with substantive content for smaller groups of domestic members with international legal practices.

- Improve the exchange of information about resources, education, and networking for all members engaged in the practice of international law.[1]

- Develop varying levels of educational programming in international law topics for all members; and develop marketing efforts for this programming.

- Develop educational programming about issues in international practice that all members often encounter.

- Further research why members abroad want to participate in online CLE courses.

Long-Term Implementation for Consideration by the D.C. Bar:

- Facilitate informal gatherings of its members residing in specific regions of the world where these members commonly live and practice.

- Facilitate networking between members who reside/practice outside the United States and local business groups.

- Partner with international groups and organizations based in Washington, D.C. for hosting networking events with domestic members with international practices.

---

[1] The terms "international law" and "international practice" in this report are intended to encompass generally the law of international bodies (*e.g.*, the United Nations), the law of sovereign states with cross-border implications (*i.e.*, transnational), the provision of legal services by D.C. Bar members to international clients, and the provision of legal services abroad by D.C. Bar members.

- Develop/maintain a list of a list of volunteer “resource attorneys” with expertise in international law subject matters or in conducting business in specific regions of the world.

Recommendation to conduct ongoing study and monitoring of developments in the areas of alternative business structures (“ABS”) and multi-disciplinary practice (“MDP”).

The work of the Inbound Foreign Lawyers subgroup of the Task Force is ongoing in light of the amendments of February 4, 2016, by the D.C. Court of Appeals to D.C. Court of Appeals Rule 46 – Admission to the Bar. The Task Force will submit its recommendations in this area, if any, to the Board of Governors at a later date.

Interim Report of the Global Legal Practice Task Force to the Board of Governors of the District of Columbia Bar

May 10, 2016

TABLE OF CONTENTS

I. INTRODUCTION 1
- A. The Globalization of Legal Practice 1
- B. Task Force Appointment and Charge 2
- C. Task Force Members 2
- D. The Task Force's Review 4
  - 1. Scope of the Task Force's Study 4
  - 2. Task Force Subgroups and Study Group 5

II. **SUMMARY OF METHODOLGY, RESEARCH AND OUTREACH: OUTBOUND DISTRICT OF COLUMBIA LAWYERS** 6
- A. Threshold Issues for Study 6
- B. Questions that the Outbound Lawyers Subgroup Considered in Studying the Threshold Issues 6
- C. Methodology, Research and Outreach 6
  - 1. Survey of Domestic D.C. Bar Members with International Practices 7
  - 2. Survey of D.C. Bar Members Abroad 8
  - 3. Focus Group of D.C. Bar Members 9
  - 4. Review of Additional Research and Data 10
  - 5. Admission to Practice of D.C. Bar Members Abroad 11

III. RECOMENDATIONS: OUTBOUND DISTRICT OF COLUMBIA LAWYERS 13
- A. Immediate/Short-Term Recommendations 14
  - 1. Connections Between Bar Members 14
  - 2. Resources 15
  - 3. Education/Professional Development 17
- B. Long-term Recommendations 19
  - 1. Connections Between Bar Members 19
  - 2. Resources 20

IV. RECOMMENDATION FOR ONGOING STUDYING AND MONITORING OF ALTERNATIVE BUSINESS STRUCTURES AND MULTI-DISCIPLINARY PRACTICE 21
A. Alternative Business Structure and Multi-Disciplinary Practice Models That Exist Globally and Domestically 22
1. ABS Abroad 22
2. Changes in the United States 24
3. The *Status Quo* in the District of Columbia 25

V. THE TASK FORCE RECOMMENDATIONS AND THE D.C. BAR STRATEGIC PLAN 26
A. Fostering Community and Connections 26
B. Empowering Individuals 27
C. Technical Excellence and Technological Competence 27
D. Enhancing Member Value 27
E. Leading within the Legal Profession 27

VI. SUMMARY AND STATUS OF THE WORK OF THE INBOUND FOREIGN LAWYERS PRACTICING IN THE DISTRICT OF COLUMBIA SUBGROUP 27
A. Summary of the Work of the Inbound Foreign Lawyers Subgroup 28
1. Admission and Practice of Foreign-Educated Lawyers in Other United States Jurisdictions 28
2. District of Columbia 30
B. Survey of Special Legal Consultants Licensed in the District of Columbia 34
C. Recent Amendments to D.C. Court of Appeals Rule 46 - Admission to the Bar 34

VII. CONCLUSIONS 35

LIST OF EXHIBITS

Exhibit A: D.C. Bar 2020: A New Five-Year Horizon, Strategic Priorities and Objectives

Exhibit B: Invitation to Take the Global Legal Practice Task Force Survey for D.C. Bar Members in the United States with International Law Practices

Exhibit C: Global Legal Practice Task Force Survey Instrument for D.C. Bar Members Based in the United States with International Law Practices

Exhibit D: E-Brief: Global Legal Practice Task Force Seeks Member Input (October 7, 2015)

Exhibit E: Invitation to Take the Global Legal Practice Task Force Survey for D.C. Bar Members Abroad

Exhibit F: Global Legal Practice Task Force Survey Instrument for D.C. Bar Members Abroad

Exhibit G: Invitation to Participate in the Global Legal Practice Task Force Focus Group for D.C. Bar Members with International Practices

Exhibit H: Invitation to Members of the Corporation, Finance, and Securities Law; Intellectual Property Law; International Law; and Litigation Sections of the D.C. Bar to Participate in the Global Legal Practice Task Force Focus Group

Exhibit I: Fact Sheet: Transatlantic Trade and Investment Partnership (T-TIP)

Exhibit J: Letter from William C. Hubbard, President, ABA, to Aldo Bulgarelli, President, Council of Bars and Law Societies of Europe (November 19, 2014)

Exhibit K: Jurisdictions with Rules Regarding Foreign Lawyer Practice (Map)

Exhibit L: Taking and Passing the New York Bar Examination by Source of Legal Education (Chart)

Exhibit M: Taking and Passing the District of Columbia Bar Examination by Source of Legal Education (Chart)

Exhibit N: Invitation to the Special Legal Consultants of the D.C. Bar to Take the Global Legal Practice Task Force Survey

Exhibit O: Global Legal Practice Task Force Survey Instrument for D.C. Special Legal Consultants

Exhibit P: District of Columbia Court of Appeals Rule 46 – Admissions (as Amended)

Exhibit Q: District of Columbia Court of Appeals Rule 46 – Admissions (as Proposed)

Exhibit R: Letter from Timothy Webster, President, D.C. Bar, to The Honorable Eric Washington, Chief Judge, D.C. Court of Appeals (December 22, 2015)

INTERIM REPORT OF THE GLOBAL LEGAL PRACTICE TASK FORCE TO THE BOARD OF GOVERNORS OF THE DISTRICT OF COLUMBIA BAR

May 2016

I. INTRODUCTION

A. The Globalization of Legal Practice

The globalization of legal practice is expanding at an ever-increasing rate, raising significant issues for D.C. Bar members and the Bar as an organization.[2] Rapid changes in technology are leading to a surge in online legal services and the outsourcing of legal work across national borders. Increasingly mobile populations have led to more lawyers seeking admission to practice and employment across borders, as well as more clients with legal needs involving the laws of multiple, foreign jurisdictions. Changes in the approach to the regulation of lawyers and law firms in some countries may have an effect on legal practice and regulation in the United States.

International firms and their corporate clients are growing because of the increase in cross-border trade in goods and services. Several factors place U.S. lawyers and law firms at a competitive disadvantage. These include the growth of multi-national law firms that provide non-legal services and that have non-lawyer owners and investors, as well as the general inability of U.S. lawyers to associate with such firms because of ethical prohibitions on fee-sharing with non-lawyers.

Ongoing international free trade negotiations that include the provision of legal services may affect or influence the regulation of and ability to practice of foreign lawyers in the United States and D.C. Bar members who practice abroad, as well as the cross-border regulation of lawyers globally.[3]

---

[2] As of October 5, 2015, nearly 1,450 D.C. Bar members lived abroad, out of a total membership of over 101,500. Many of these members, and members who are based in the United States, increasingly handle matters that involve international clients, transactions, tribunals, and laws.

[3] The Hon. Gregory Mize, *Law Practice Regulation in the United States & Issues Raised by Cross Border Legal Practice October 2015*, http://ccj.ncsc.org/~/media/Microsites/Files/CCJ/Web%20Documents/Law-Practice-Regulation-in-the-USA.pdf; Brigida Benitez, *Our Increasingly Global Profession*, WASHINGTON LAWYER, January 2015, *available at* https://www.dcbar.org/bar-resources/publications/washington-lawyer/articles/january-2015-from-the-president.cfm. *See* Transatlantic Trade and Investment Partnership ("T-TIP") (under negotiation); Trans-Pacific Partnership ("TPP") ch. 10 (signed February 4, 2016, not yet ratified) (covering cross-border trade in services, including the legal services sector, although non-conforming measures (exemptions) taken by all TPP countries, of which the United States is one, appear to limit any new market opening for the legal service sector significantly. Each party country has identified as exempt at least some measures that relate to the provision of legal services.))

B. Task Force Appointment and Charge

At the recommendation of then-D.C. Bar president Brigida Benitez, on September 16, 2014, the D.C. Bar Board of Governors ("Board of Governors" or "Board") approved the creation of the Global Legal Practice Task Force ("Task Force") to explore issues that arise from the globalization of legal practice that have an impact on members of the D.C. Bar and the Bar as an organization and to make recommendations about what the Bar may consider doing to address them. The charge to the Task Force stated:

District of Columbia Bar Board of Governors
Charge to Global Legal Practice Task Force
September 16, 2014

The Board of Governors directs the Global Legal Practice Task Force to study and make recommendations about a number of issues that have a significant impact on law practice for members of the District of Columbia Bar and for the Bar as an organization. Among the potential areas of interest are admissions and authorization to practice for foreign and cross-border attorneys who are not currently members of the D.C. Bar; discipline and other regulation of those who might become authorized to practice whether or not they are admitted to the D.C. Bar; roles and relationships of regulatory bodies across borders and internationally; and the expectations of D.C. Bar members with international practices, both those who are practicing in the United States and those who are practicing abroad.

The recommendations should consider and balance the needs of the members and the Bar in light of available resources; minimize any administrative burdens to the D.C. Court of Appeals; ensure the protection of the public; and maintain the highest professional standards.

The Board requests that the Task Force submit its report and any recommendations as soon as practicable.

C. Task Force Members[4]

The chair of the Task Force is:

Darrell G. Mottley	Principal Shareholder, Banner & Witcoff, Ltd.

The members of the Task Force include:

Gary B. Born	Wilmer Cutler Pickering Hale and Dorr LLP, chair, International Arbitration Practice Group

[4] Appointments to the Task Force were made at the September 16, 2014, meeting of the Board of Governors. James P. Schaller was appointed on January 19, 2016.

Elizabeth J. Branda	Executive Attorney, Board on Professional Responsibility
Ginger T. Faulk	Partner, Baker Botts LLP
Anastasia D. Kelly	Co-Managing partner, DLA Piper LLP
Philip S. Khinda	Partner, Steptoe & Johnson LLP
Geoffrey M. Klineberg	Partner, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC
Therese Lee	Senior Counsel, Google Inc.
Esther H. Lim	Partner, Finnegan Henderson Farabow, Garrett & Dunner LLP
The Hon. Gregory E. Mize	Senior Judge, Superior Court of the District of Columbia
Alejandra C. Montenegro Almonte	General Counsel, Gate Gourmet, Inc.
Lorena E. Perez	Adjunct Professor, Georgetown University Law Center
James P. Schaller	Of Counsel, Jackson & Campbell, PC
Wallace E. “Gene” Shipp, Jr.	Disciplinary Counsel, Office of Disciplinary Counsel
Anthony E. Varona	Professor and Associate Dean for Faculty and Academic Affairs; American University Washington College of Law
Claudia A. Withers	Chief Operating Officer, NAACP; chair of the Committee of Admissions of the District of Columbia Court of Appeals
Cynthia G. Wright	Assistant U.S. Attorney, Office of the United States Attorneys; chair, Committee on Unauthorized Practice of Law of the District of Columbia Court of Appeals

Serving on the Task Force ex officio are:

Timothy K. Webster	Partner, Sidley Austin LLP, D.C. Bar president
Annamaria Steward	Associate Dean of Students, University of the District of Columbia David A. Clarke School of Law, D.C. Bar president-elect
Brigida Benitez	Partner, Steptoe and Johnson LLP, immediate past D.C. Bar president

The D.C. Bar staff liaisons to the task force are:

Katherine A. Mazzaferri	Chief Executive Officer
Cynthia D. Hill	Chief Programs Officer
Carla J. Freudenburg	Director, Regulation Counsel
Hope C. Todd	Assistant Director for Legal Ethics, Regulation Counsel
Michael D. Rybak[5]	Senior Staff Attorney, Regulation Counsel

D. The Task Force's Review

1. Scope of the Task Force's Study

The globalization of legal practice includes questions of lawyer admission and regulation which affect lawyer mobility and cross-border practice domestically and internationally. Issues studied by the Task Force include: (1) the potential impact of lawyer mobility; (2) cross-border practice, both domestically and internationally; (3) international developments in the legal profession; (4) inbound legal services (foreign lawyers providing legal services in the United States); (5) outbound legal services (U.S. attorneys providing legal services in foreign countries); (6) D.C. Bar member needs and expectations as to global legal practice; (7) discipline and other regulation of cross-border and inbound legal practice; and (8) how current rules may affect the attractiveness of the District of Columbia as a business climate and for foreign trade and investment.[6] The Task Force is engaged in ongoing study of some of these issues as further described in this report.

[5] Mr. Rybak joined the D.C. Bar staff on February 16, 2016.

[6] *See* Benitez, *supra* note 3.

2. Task Force Subgroups and Study Group

The Task Force conducted meetings, performed research, conducted Bar member surveys, met with Bar members in a focus group, and consulted with representatives from other groups and organizations. The Task Force reviewed materials about the evolving global legal market. It monitored efforts to allow access to the U.S. legal market by lawyers from foreign countries, and reviewed American Bar Association ("ABA") Model Rules and Policies, and Resolutions from the Conference of Chief Justices[7] about the admission and regulation of foreign-educated lawyers in the United States. The Task Force reviewed existing rules that regulate the admissions and authorization of practice for foreign and domestic attorneys who are not D.C. Bar members. The Task Force also established an email address to receive member communications and feedback.[8]

To explore the issues arising from the globalization of legal practice effectively, and to fulfill its mandate as set forth by the Board, the Task Force grouped its work and members into two subgroups and one study group: the Inbound Foreign Lawyers Practicing in the District of Columbia Subgroup ("Inbound subgroup");[9] the Outbound District of Columbia Lawyers Subgroup ("Outbound subgroup");[10] and the Alternative Business Structures ("ABS") and Multi-Disciplinary Practice ("MDP") Study Group.[11]

Recommendations from the Outbound subgroup, and a recommendation to conduct ongoing study and monitoring of developments in the areas of ABS and MDP were approved by the Task Force on March 22, 2016. Those recommendations are described in Sections III and IV, respectively, of this report.

The work of the Inbound subgroup, which is ongoing in light of recent amendments by the D.C. Court of Appeals to Rule 46 – Admissions, is described in Section VI of this report.

---

[7] CONFERENCE OF CHIEF JUSTICES, http://ccj.ncsc.org (last visited April 4, 2016). The Conference of Chief Justices ("CCJ") is an organization that provides an opportunity for the highest judicial officers of the states to meet and discuss matters of legal importance. This includes improving the administration of justice, rules and methods of procedure, and the organization and operation of state courts and judicial systems. The goal of the CCJ is to make recommendations and bring about improvements on such matters.

[8] The Task Force email is DCGlobal@dcbar.org.

[9] The members of the Inbound Foreign Lawyers Practicing in the District of Columbia Subgroup are: Geoffrey M. Klineberg (subgroup leader), Alejandra C. Montenegro Almonte, Elizabeth J. Branda, The Hon. Gregory E. Mize (Sr. Judge), Lorena E. Perez, Wallace E. "Gene" Shipp, Jr., Anthony E. Varona, Claudia A. Withers and Cynthia G. Wright.

[10] The members of the Outbound District of Columbia Lawyers Subgroup are: Esther H. Lim (subgroup leader), Gary B. Born, Ginger T. Faulk, Philip S. Khinda, Therese Lee and Anastasia D. Kelly.

[11] The members of the Alternative Business Structures (ABS) and Multi-Disciplinary Practice (MDP) Study Group are: Darrell G. Mottley (subgroup leader), Geoffrey K. Klineberg, the Honorable Gregory E. Mize (Sr. Judge) and Timothy K. Webster (ex officio).

II. SUMMARY OF METHODOLGY, RESEARCH AND OUTREACH: OUTBOUND DISTRICT OF COLUMBIA LAWYERS

The Outbound District of Columbia Lawyers Subgroup worked on issues involving the D.C. Bar members who live in the United States and provide legal services in foreign countries and have international practices and clients, and on the Bar members who live and work abroad. The subgroup met by telephone conference call on June 11, 2015; and in person on July 22, 2015; and December 2, 2015. It participated in meetings of the entire Task Force on October 30, 2014; December 18, 2015; and March 22, 2016.

A. Threshold Issues for Study

The Outbound subgroup focused its inquiry on three threshold issues: (1) What do members want or need from the Bar to help them in their practices or for assistance in obtaining current services; (2) Does anything need to change about what the Bar presently is doing for members, and why or why not; and (3) If change is needed, what changes should occur, and are those changes something the Bar could or should do?

B. Questions that the Outbound Lawyers Subgroup Considered in Studying the Threshold Issues

The Outbound subgroup began by gathering primary information about the Bar's members who live and work abroad and those who are based in the United States and have international practices and clients. The subgroup considered the following questions: (1) Where do Bar members live and practice abroad; and (2) In what kind of settings do they practice, and what do they do? For U.S.-based members with international practices, the subgroup asked: (3) What kinds of practices do they have; and 4) What are their practice settings (*e.g.*, law firm, in-house, government)?

After answering those foundational questions, the Outbound subgroup considered: (5) Are there trends that could be identified; and (6) If there are identifiable trends, how will they likely evolve in the future?

The Outbound subgroup then set out to answer: (7) What challenges do our members abroad face in their practices (*e.g.*, local rules on the ability to practice, admission, privilege, discovery); and (8) What do all of our members with international practices want or need from the Bar to help them in their practices, including, what does the Bar provide now, and what could or should the Bar provide (*e.g.*, resources, education, networking)?

C. Methodology, Research and Outreach

To answer these questions, the Task Force conducted two surveys and one focus group of D.C. Bar members. It also reviewed findings from the research of the Bar's Strategic Planning

Committee ("SPC"),[12] including findings from an online focus group discussion between 11 Bar members living abroad that was conducted as part of the SPC research.[13] The Task Force also gathered information about recent educational programing in the area of international law by the Bar's Continuing Legal Education ("CLE") Program and by the Bar's International Law Section.

The Task Force retained Misner Public Relations ("Misner"), a research and analysis firm, to assist the Task Force in conducting its surveys and focus group and to help analyze the results. Findings from the two surveys and focus group were consistent. The findings were also consistent with results from the research conducted by the SPC, which provide additional support for the recommendations of the Task Force.[14]

1. Survey of Domestic D.C. Bar Members with International Practices

Between October 5 and October 12, 2015, the Task Force conducted a survey of the Bar's membership. The survey was sent to 91,065 active, inactive and judicial D.C. Bar members who had United States addresses as their primary addresses of record and valid e-mail addresses.[15] Members were asked to complete the survey if they practiced in the area of international law.[16] Reminders about the survey were published on the Bar's website, through social media channels, and in *E-brief*, the Bar's electronic newsletter.[17] Email reminders were also sent to encourage members to complete the survey.

A total of 1,854 members participated in the survey, a response rate of approximately 1.8 percent with a margin of error of +/- 3 percent and a confidence rate of 95 percent.[18] The margin of error of +/- 3 percent is relatively good, based on survey industry standards.[19]

---

[12] *See* D.C. BAR 2020: A NEW FIVE-YEAR HORIZON KEY FINDINGS, https://www.dcbar.org/about-the-bar/strategic-plan/key-findings.cfm (last visited April 28, 2016). The Strategic Planning Committee ("SPC") was a committee comprised of representatives of the Bar's diverse membership charged with recommending a new strategic plan. From March 10 through April 8, 2015, the SPC gathered research from thousands of the Bar's stakeholders to learn about trends and issues affecting the legal profession and their careers, as well as their thoughts about priorities for the D.C. Bar's focus for the next five years. The Board of Governors adopted the strategic priorities and objectives on June 9, 2015. *See also* Exhibit A, *D.C. Bar 2020: A New Five-Year Horizon, Strategic Priorities and Objectives* ("SPC Priorities and Objectives"), *available at* https://www.dcbar.org/about-the-bar/strategic-plan/priorities-objectives.cfm.

[13] The online focus group discussion, called a "Bulletin Board Focus Group" is an asynchronous, threaded discussion conducted online using specialized software developed for marketing research professionals.

[14] *See* D.C. BAR 2020: A NEW FIVE-YEAR HORIZON KEY FINDINGS, *supra* note 12.

[15] *See* Exhibit B, *Invitation to Take the Global Legal Practice Task Force Survey for D.C. Bar Members in the United States with International Law Practices*; Exhibit C, *Global Legal Practice Task Force Survey Instrument for D.C. Bar Members Based in the U .S.*

[16] Members were asked to "self-identify" as having an international practice if they "traveled internationally" for business or had "international clients or legal matters."

[17] *See* Exhibit D, *E-Brief: Global Legal Practice Task Force Seeks Member Input (October 7, 2015).*

[18] *See* SURVEY MONKEY: SURVEY ERROR CALCULATOR, https://www.surveymonkey.com/mp/margin-of-error-calculator/ (last visited Mar. 25, 2016).

A majority of the domestic survey respondents were age 45 years or above (70 percent); and are active members of the Bar (84 percent). Just over 66 percent of the respondents were male, and 30 percent were female.[20] A majority have been practicing for more than 21 years (60 percent).

Most domestic survey respondents (54 percent) joined the Bar because it was required of them. A substantial minority (39 percent) joined because they wanted the option of practicing in the District or were already members of bars in other U.S. jurisdictions (37 percent). Smaller numbers of respondents joined because they thought it would improve their employment opportunities, or joined for the credential and prestige of membership.[21]

Private practice was the most common practice setting for the domestic survey respondents (58 percent).[22] A majority of the domestic respondents (82 percent) also were licensed to practice in at least one other U.S. jurisdiction, with New York, Maryland, Virginia, and California garnering the highest number of responses.[23]

2. Survey of D.C. Bar Members Abroad

Between October 5 and October 12, 2015, the Task Force also conducted a survey of the Bar's members who lived abroad. The survey was sent to 1,368 active, inactive and judicial members of the D. C. Bar who had addresses outside of the United States as their primary addresses of record and valid e-mail addresses.[24] Reminders about the survey were published on the Bar's website, through social media channels, in *E-Brief*, and in follow-up emails.

---

[19] *See* The Center for Institutional Evaluation, Research, and Planning at the University of Texas at El Paso, Margin of Error in Surveys, http://irp.utep.edu/Default.aspx?tabid=58004 (citing a margin of error of 15 percent as unreliable but a margin of error of 3 percent as capable of producing meaningful conclusions).

[20] By comparison, as of April 25, 2016, the Bar's total domestic membership of 96,713 (active, inactive, and judicial members with main addresses in the U.S.) is 61 percent male and approximately 39 percent female. Sixty-five percent of the Bar's total domestic membership is 45 years old or older, and 34 percent is 44 years old or younger.

[21] Sixteen percent joined because they thought it would improve their employment opportunities. Thirteen percent joined for the credential and prestige of belonging to the D.C. Bar. Ten percent joined for networking opportunities.

[22] By comparison, of the Bar's total domestic membership, nearly 49 percent reported that they were in private practice (law firm or sole practitioner); 18 percent were in government; nearly 12 percent were in-house corporate counsel; 4 percent were in not-for-profit organizations; and 2.5 percent were in academia. Less than 1 percent of respondents were in not-for-profit practice. Fifteen percent reported that they were in "other" fields of practice.

[23] Twenty-seven percent reported being admitted in New York, 20 percent in Maryland, 19 percent in Virginia, and 10 percent in California. Compared to the Bar's total domestic membership, nearly 87 percent are admitted to at least one other U.S. jurisdiction. Almost 24 percent are admitted in Maryland; almost 23 percent in New York; nearly 19 percent in Virginia; 11 percent in California; and 9 percent in Pennsylvania. Seven percent or less are admitted in each of the remaining U.S. jurisdictions.

[24] *See* Exhibit E, *Invitation to Take the Global Legal Practice Task Force Survey for D.C. Bar Members Abroad*. *See* Exhibit F, *Global Legal Practice Task Force Survey Instrument for D.C. Bar Members Based Abroad.*

A total of 264 members responded to the survey, a response rate of 17 percent, with a margin of error of +/- 6 percent at a 95 percent confidence level.[25] (The small overall sample size contributed to a higher margin of error than the domestic survey). While the margin of error is slightly higher, it does not undermine the survey's results.[26]

A majority (61 percent) of the survey respondents located abroad were age 45 years old or above, compared to 70 percent of the domestic survey respondents. A majority (71 percent) were active members compared to 84 percent of the domestic survey members. Similar to the domestic survey respondents, 66 percent of the abroad respondents were male, and 33 percent were female.

The largest number of abroad respondents (44 percent) joined the D.C. Bar because they wanted the option to practice in the District. This was followed closely by the number of respondents (42 percent) who joined because their work required membership, at one time. The abroad respondents were more likely to have joined the D.C. Bar for the credential and prestige of membership than respondents to the domestic survey.[27]

Forty-one percent of the abroad survey respondents were citizens (nationals) of the United States only.[28] Forty-six percent had practiced for 21 or more years. The most common practice area was private practice (39 percent). Approximately one-in-five respondents hold a license to practice in their "host country."[29]

3. Focus Group of D.C. Bar Members

On November 17, 2015, the Task Force held a 90-minute focus group session at D.C. Bar headquarters for members who practice in the area of international law. The focus group session was facilitated by Misner Public Relations.

The Task Force sent a total of 60,501 email invitations to D.C. Bar members to participate in the focus group, of which 52,391 were sent to members with primary addresses in the Washington, D.C. metropolitan area.[30] An additional 8,110 invitations were sent to members

---

[25] SURVEY ERROR CALCULATOR, *supra* note 18; Ctr. for Institutional Eval., Research, and Planning at the Univ. of Texas at El Paso *supra* note 19.

[26] *See* The Ctr. for Institutional Evaluation, Research, and Planning at the Univ. of Texas at El Paso, *supra* note 19.

[27] Twenty-two percent joined the Bar for "the credential and the prestige" compared to the domestic survey participants (13 percent).

[28] Twenty percent of the abroad survey respondents identified themselves as dual citizens of the United States and at least one other country. Thirty-six percent identified themselves as non-U.S. nationals. (The survey used the terms "national" and "citizen" interchangeably).

[29] "Host country" is defined as the country in which lawyers abroad work.

[30] The Washington, D.C. metropolitan area includes regions that fall between the zip codes 20001 to 22399. The zip codes encompass the District, Maryland, and parts of Virginia.

of the Corporations, Finance and Securities Law; Intellectual Property Law; International Law; and Litigation Sections of the D.C. Bar.[31] Members were invited to participate in the focus group if they "engage in legal work for matters outside the United States or travel internationally for any of their work."[32] Misner also conducted telephone interviews of five members, all of whom practice in the area of international law.

Twenty Bar members attended the focus group; 11 were male and 9 were female. Private practice was the most common practice setting, which was consistent with the results from both surveys. Three participants worked as in-house counsel; one worked at a non-profit organization; one worked in alternative dispute resolution; one was an international law consultant; and one was an investigator. None of the participants were government employees. The participants' work experience ranged from three years to over 30 years. All of the participants traveled abroad for work. Three of the participants were considering moving abroad. A majority were D.C. Bar members because it was a requirement for their job, but they also wanted "another reason" to be members. Five of the participants were also members of the International Law Section of the D.C. Bar.

4. Review of Additional Research and Data

a. Survey of D.C. Bar Membership: Strategic Planning Committee

The Outbound subgroup reviewed findings from a Bar membership survey of 91,126 members that was conducted between March 23 and March 30, 2015, by the Bar's SPC. A total of 2,453 members responded to the survey, a response rate of about 3 percent, with a +/- 2 percent margin of error at the 95 percent confidence level.

b. Online Bulletin Board Focus Group: Strategic Planning Committee

The Outbound subgroup also reviewed findings from the Bulletin Board Focus Group that was conducted as part of the SPC research. That focus group was conducted from March 18 to March 22, 2015, for Bar members living outside the United States. Eleven members participated in the focus group.[33]

---

[31] Invitations were sent to members of these sections because they were likely to have a high number of members engaged in international practice.

[32] *See* Exhibit G, *Invitation to Participate in the Global Legal Practice Task Force Focus Group for D.C. Bar Members with International Practices*. *See* Exhibit H, *Invitation to Members of the Corporation, Finance, and Securities Law; Intellectual Property Law; International Law; and Litigation Sections of the D.C. Bar to Participate in the Global Legal Practice Task Force Focus Group*.

[33] The foreign countries represented were: Austria, China, Colombia, Japan, Poland, Portugal, Switzerland, Thailand, Ukraine, the United Kingdom, and Vietnam.

c. Recent Educational Programming in International Law Offered by the D.C. Bar

Between March 2014 and December 2015, the Bar offered 25 CLE courses in which the subject was a topic of international law. Of the 25 courses, 17 had immigration law as the topic.[34] An additional nine CLE courses on topics of international law[35] were offered or are scheduled between January 2016 and May 2016, for a total of 34 CLE courses over a period of 26 months.

The D.C. Bar International Law Section offered a total of 30 educational events between July 2014 and April 2016.[36] Twenty-nine of the events were in-person, and one event was in-person with a webinar component. The most common topics were topics about the Americas or Latin America; topics devoted to career development, networking, *pro bono*, or job opportunities; and topics about international arbitration.

5. Admission to Practice of D.C. Bar Members Abroad

As context and background to understanding the needs of Bar members with international practices, the Task Force and Outbound subgroup also reviewed the ability of Bar members to be admitted to practice abroad, or current barriers that would prevent admission or practice abroad.

a. Qualified Lawyers Transfer Scheme: England and Wales

Under the Qualified Lawyer Transfer Scheme ("QLTS"), with the Solicitors Regulation Authority ("SRA") in England and Wales,[37] a foreign lawyer may apply to take the examination to qualify to practice as a solicitor in England and Wales.[38] In 2014, the District of Columbia became a "Recognised Jurisdiction"[39] for the QLTS. Through the QLTS, an attorney who has

---

[34] The average registration for each of the 25 CLE courses was 42 registrants, with a low of 19 registrants and a high of 57 registrants. Of the 25 courses, the eight courses that had a subject other than immigration law received an overall rating of "excellent" from an average of 55 percent of the attendees. The 17 CLE courses that had immigration law as the topic received an "excellent" rating from an average of 74 percent of the attendees.

[35] Of the additional nine courses, six had immigration law as the topic. Of the three courses that had a subject other than immigration law, one is a new course: European Union in Perspective; a webinar-only course scheduled for May 23, 2016.

[36] Section educational events do not qualify for mandatory CLE credit.

[37] The SRA is a regulatory body with jurisdiction over solicitors in England and Wales.

[38] *See* QUALIFIED LAWYERS TRANSFER SCHEME, http://www.sra.org.uk/qlts/ (last visited April 14, 2016); KEY FEATURES OF THE QUALIFIED LAWYERS TRANSFER SCHEME, http://www.sra.org.uk/solicitors/qlts/key-features.page (last visited April 14, 2016).

[39] The process of becoming a "Recognised Jurisdiction" was undertaken by the D.C. Court of Appeals. The Law Society (United Kingdom), QLTS: Washington DC and New Jersey Now 'Recognised Jurisdictions,' http://communities.lawsociety.org.uk/international/regions/americas-and-caribbean/usa/qlts-washington-dc-and-new-jersey-now-recognised-jurisdictions/5043869.fullarticle (last visited April 18, 2016).

become fully licensed to practice law in the District by taking and passing the written D.C. Bar examination[40] may qualify to take the solicitors' examination in England and Wales without needing to complete the full education and training requirements currently required by the SRA's Training Regulations.[41] Thirty-nine U.S. jurisdictions are "Recognised Jurisdictions" under the QLTS as of April 2016.

b. Admission to Practice Internationally

The European Union ("EU") Establishment Directive allows EU nationals[42] admitted to practice law in EU member states the mobility between EU member states to provide legal services.[43] Each EU member state may set its own general admission requirements for the practice of law, including domicile, nationality, citizenship or education requirements, provided that these laws do not conflict with the Establishment Directive.

If a lawyer is not an EU national,[44] then a patchwork of nationality or citizenship requirements among the various EU member states may affect the ability of the lawyer to practice in a specific EU country. Although a non-EU lawyer, including a U.S. lawyer, can be admitted to practice in some EU member states, full mobility between EU member states to practice is more limited because of the different nationality requirements of some individual EU member states.

The EU's Services in the Internal Market Directive ("Service Directive") requires EU member states to abolish requirements discriminating against service providers from other EU member states, including nationality requirements and economic needs tests requiring businesses to prove there is a demand for their services.[45] The Services Directive covers most regulated professions, including the practice of law. However, the Directive does not prohibit more

---

[40] Although it is somewhat unclear, it generally appears that a lawyer who is admitted to the District on motion would not qualify to take the solicitor's examination under the QLTS.

[41] QUALIFIED LAWYERS TRANSFER SCHEME, http://www.sra.org.uk/qlts/ (last visited April 14, 2016); LIST OF RECOGNISED JURISDICTIONS AND QUALIFIED LAWYERS http://www.sra.org.uk/solicitors/qlts/recognised-jurisdictions.page (last visited April 14, 2016). Thirty-nine U.S. jurisdictions are "Recognised Jurisdictions" under the QLTS.

[42] The Establishment Directive also extends to nationals from European Economic Area (EEA) countries, and nationals of Switzerland.

[43] Council Directive 98/5, 1998 O.J. (L. 77) (EC). *See also* LAWYERS PRACTISING ABROAD ON A PERMANENT BASIS — EU RULES, http://eur-lex.europa.eu/legal-content/EN/LSU/?uri=CELEX:31998L0005 (last visited April 18, 2016).

[44] *See* Council Directive 98/5, art. 1, 1998 O.J. (L.77) (EC) (defining a 'lawyer' as "any person who is a national of a Member State and who is authorised to pursue his professional activities under one of the following professional titles…").

[45] Council Directive 2006/123, 2006 O.J. (L. 376) (EC). *See also* QUICK GUIDE TO THE SERVICES DIRECTIVE, http://ec.europa.eu/growth/single-market/services/services-directive/in-practice/quick-guide/index_en.htm (last visited April 18, 2016); SERVICES DIRECTIVE IN PRACTICE, http://ec.europa.eu/growth/single-market/services/services-directive/in-practice/index_en.htm (last visited April 18, 2016).

restrictive rules over non-EU nationals. Some EU member states maintain nationality requirements to allow practice by EU nationals, but not by attorneys from outside the EU.

The Global Regulation and Trade in Legal Services Report issued by the International Bar Association ("IBA") in 2014 compiles comprehensive data on the regulation of domestic and cross-border legal practice in over 90 countries and 160 jurisdictions, including the United States, and is a useful resource for lawyers as a starting point to learn more about admission requirements internationally.[46]

III. RECOMENDATIONS: OUTBOUND DISTRICT OF COLUMBIA LAWYERS

The Task Force makes recommendations about outbound District of Columbia lawyers in three broad areas: (1) Connections; (2) Resources; and (3) Education/Professional Development. The recommendations fall into two groups: those for immediate/short-term implementation, and those for long-term implementation by the Bar.

Data gathered by the Task Force were consistent in reflecting members' needs and desires for more opportunities for interaction between members, and for additional resources and educational programming to help them in their work and further their professional development. There also was consistency between data previously gathered by the SPC and the data gathered by the Task Force, which further supports the Task Force's recommendations.

Several key findings provide underlying support for all of the short-term recommendations, and several of the long-term recommendations of the Task Force.

• 54 percent of domestic survey respondents were very or somewhat interested in expanding their international practices within the next five years, with 57 percent of them indicating that they do expect to expand their practices during that time.

• 64 percent of domestic survey respondents age 44 and under younger were very or somewhat interested in expanding their international practices within the next five ears. Two-thirds expect to expand their practice during that time.

• Both groups of survey respondents and focus group members cited the same group of core challenges in international law practice: conflicting rules about attorney/client privilege (a challenge for over 50 percent of the domestic survey respondents and 61 percent of the abroad survey respondents); conflicting rules about legal ethics (a challenge for just under 50 percent of domestic respondents and 50 percent of the abroad respondents); and conflicting rules about discovery (a challenge for over 40 percent of domestic respondents and 44 percent of abroad respondents).

[46] The International Bar Association, *Global Regulation and Trade in Legal Services Report 2014*, *available at* http://www.ibanet.org/Document/Default.aspx?DocumentUid=1D3D3E81-472A-40E5-9D9D-68EB5F71A702; the International Bar Association, *Statement of General Principles for the Establishment and Regulation of Foreign Lawyers* (1998), *available at* http://www.ibanet.org/Document/Default.aspx?DocumentUid=6431cbc7-e6a2-4491-8bc4-c28383e87fb8.

• Nearly 36 percent of the domestic survey respondents wanted more access to education and resources about the overall globalization of legal practice.

• Asked to rate prospective services the Bar could offer to members on a scale of one to five, with one being "least valuable" and five being "most valuable," 58 percent of the domestic survey respondents rated "educational programs on globalization of legal practice" at a three or higher and 63 percent of the abroad survey respondents rated it as a three or higher.

• Through a general membership survey in March 2015 the SPC had found that 74 percent of the overall membership indicated that having "programming that helps lawyers at all points in their careers" was their top priority.

A. Immediate/Short-Term Recommendations

1. Connections Between Bar Members

a. Recommendation: To foster more substantive connections between domestic members with international legal practices, the Bar should provide networking opportunities for smaller groups of these individuals, and offer substantive content at those networking events. These opportunities would allow the members to interact and engage with others who practice in similar fields or who perform work in similar regions of the world, and could provide a venue from which mentorship connections may develop.

All members wanted deeper connections beyond general networking. The meetings can be informal, but should be purposeful by offering substantive connections and content in specific practice areas. Focus group participants particularly wanted the Bar to facilitate more opportunities to meet other members knowledgeable about specific areas of international law and about practicing in particular countries or regions of the world. They consistently indicated that networking is an important aspect of furthering their careers.

• 55 percent of the domestic survey respondents said networking with other U.S. lawyers also engaged in international practice is important in their practice.

• Nearly 39 percent said that local networking events for lawyers engaged in international law would be a valuable activity for them.

• 63 percent of the respondents age 44 and under indicated that networking with other U.S. lawyers who are also engaged in international practice is important in their practice.

• 41 percent of respondents age 44 and under said that local networking events for lawyers engaged in international law would be a valuable activity for them.

Meetings should also be facilitated between U.S.-based Bar members who conduct business in similar geographic regions of the world. Substantial portions of the domestic survey respondents were doing business in a handful of countries: the United Kingdom (35 percent); China (23 percent); France (23 percent) and Germany (17 percent). Over half of the domestic respondents wanted more contact with other D.C. Bar members who work in similar geographic regions of the world and who work in similar areas of practice, a request similar to that of the focus group.

Focus group members reported that international practitioners especially face challenges in learning about and adapting to regional customs and rules about conducting business and legal practices. The group members suggested that substantive connections between Bar members with international law practices would provide valuable access to other lawyers with practical experience in handling such common challenges in different regions, countries, and practice areas. This type of informal information exchange would be helpful to attorneys facing challenges unique to their geographic region or practice area. It could also provide a venue from which mentorship connections may develop.[47]

2. Resources

a. Recommendation: The Bar should improve the flow and exchange of information about resources, education, and networking for both domestic and abroad members engaged in the practice of international law.

Data from the Task Force's surveys and focus groups consistently indicated that domestic members and members living abroad wanted a better flow and exchange of substantive resources that can help them with specific challenges they face in their practices. Members want easier access to networking and educational resources that are available online and offline. Overall, focus group participants wanted reliable, trustworthy, easy-to-access sources of information on international law topics; issues surrounding international law matters and resources to meet the unique challenges of practicing law in particular regions of the world.

A majority of Bar member survey respondents who live abroad valued increasing the availability of substantive resources through contact with other attorneys. They indicated a greater desire for connections and networking than their domestic counterparts, particularly for networking events that are geographically close to them. They wanted meaningful contact with other attorneys who face similar challenges based on the geographic regions in which they work, and in their practice areas.

[47] Although the Task Force does not recommend that the Bar implement a formal mentoring program, the Task Force recognizes that mentoring relationships may be an organic outcome from the creation of additional networking and connection opportunities and venues between members. Mentoring opportunities were important to the domestic survey respondents age 44 and under. Given a list of prospective Bar services and a rating scale of one-to-five (five being the most valuable and one being the least), 57 percent of the respondents 44 and under rated "mentoring opportunities" as a "3" or higher.

• 72 percent of the abroad survey respondents said that networking with other U.S. lawyers in their host country[48] is helpful in their practices.

• 75 percent said that as a prospective Bar service, online forums or groups for D.C. Bar members practicing abroad and networking events for D.C. Bar members in foreign jurisdictions would be highly valued.

Domestic survey members expressed interest in participating in online CLE courses, but cited several barriers to participation.

• 41 percent of domestic survey respondents expressed interest in participating in online CLE courses.

• 51 percent age 44 and under indicated that they would participate in online CLE courses.

• 40 percent age 44 and under replied "maybe" to participating in online CLE courses.

• Over 40 percent of all domestic survey respondents cited the lack of convenience of the Bar's CLE programs as a challenge to participation.[49]

• 25 percent said the schedule of live webinars poses a challenge to participation.

Focus group participants also wanted more accessible CLE courses. They emphasized the need for online CLE courses or webinars on specific international law topics that can be accessed at their convenience.

In addition to the educational aspect, survey respondents and focus group participants said that online courses also provide a method for bringing together members in similar fields of practice throughout the world.

The focus group participants generally agreed that restrictions on court appearances in foreign countries were a challenge in their international practices. Access to and inclusion of

---

[48] The Task Force asked respondents, "What is your current host country ('Host country' = the country in which you work)?" One-hundred and six respondents answered, while 158 skipped this question. Of those who responded, the most common host countries were: the United Kingdom (18 percent), the Republic of Korea (8.5 percent), Singapore (6.6 percent), China (5.7 percent), the Netherlands (5.7 percent), and Thailand (5.7 percent). Twenty percent responded "other." (Respondents were asked to choose from a list of 24 countries, or an "other" option). By comparison, as of April 2016, the six countries with the highest numbers of D.C. Bar members living in them were: the United Kingdom (206 members), the Republic of Korea (202), Canada (113), France (82), Switzerland (76) and Japan (75).

[49] The domestic survey respondents were asked, "Which of the following circumstances pose a challenge for you in your international practice?" The choices of responses were: 1) "Ability to get certain documents transmitted electronically (*e.g.*, certificate of good standing);" 2) "Convenience of D.C. Bar CLE programs;" 3)"Schedule of live webinars;" 4) "General inquiries or communicating with the D.C. Bar." Respondents could select all that applied.

centralized resources about admission and practice rules in foreign countries would be valuable to Bar members who practice abroad.

3. Education/Professional Development

a. Recommendation: The Bar should develop varying levels of educational programming in international law topics (*e.g.*, beginner; intermediate; advanced), that are targeted to members living domestically and those living abroad; and research and develop marketing and publication efforts for this programming.

All Bar member survey respondents with international practices wanted more varied, substantive and advanced courses that are accessible online. Focus group participants wanted international-law focused CLE courses at varying experience levels (*e.g.*, more "advanced").

The varying levels of time spent by members on international law matters relative to the rest of their practices also supports a need for a range of levels of educational programming. The domestic survey respondents spent either a relatively small amount of time on international law matters, or a great deal of time on them.

• 34 percent of domestic survey respondents reported spending "0-20%"of their time on "international law matters."

• 42 percent of domestic survey respondents spent over 60 percent of their time working "on international law matters."

• 36 percent of the abroad survey respondents either "primarily practice" international law, or practice international law combined with other forms of law.

b. Recommendation: The Bar should develop educational programming about issues in international practice that domestic members and those living abroad often encounter: multi-country litigation; record-keeping; e-discovery training and tools; conflicting legal ethics rules; attorney-client privilege abroad; and data security and privacy.

The Task Force recommends that the Bar review its current educational programming in international law topics, and develop programming devoted to the key challenges that members described. Respondents from both surveys and focus group participants described challenges in three key areas: conflicting rules about attorney/client privilege, legal ethics, and discovery.

• Conflicting rules about attorney/client privilege: a challenge for over 50 percent of the domestic survey respondents and 61 percent of the abroad survey respondents.

• Conflicting rules about legal ethics: a challenge for just under 50 percent of domestic respondents and 50 percent of the abroad respondents.

• Conflicting rules about discovery: a challenge for over 40 percent of domestic respondents and 44 percent of abroad respondents.

• In addition, nearly 36 percent of the domestic survey respondents wanted more access to education and resources about the overall globalization of legal practice.

• Asked to rate prospective services the Bar could offer to members on a scale of one to five, with one being "least valuable" and five being "most valuable," 58 percent of the domestic survey respondents rated "educational programs on globalization of legal practice" at a three or higher and 63 percent of the abroad survey respondents rated it as a three or higher.

Nearly all of the focus group participants agreed that conflicting legal ethics rules between the United States and other countries posed a major challenge in practice. The focus group also cited challenges from conflicting rules about attorney/client privilege; discovery, including e-discovery; and data security and privacy.

Participants in the SPC Bulletin Board Focus Group cited similar challenges in their practices and requested CLE courses tailored to the needs of international lawyers.

A majority of the focus group participants also belonged to other mandatory and voluntary bar associations and were getting high-quality educational content specific to their international legal practices from these organizations and from sources other than the District of Columbia Bar. The American Bar Association in particular was cited as a provider of valuable resources around international law, international trade, national security and relevant CLE courses. Participants noted that they tended to reach out to other organizations first when searching for information and resources to assist in their practices.[50]

c. Recommendation: The Bar should further research why members residing abroad express a desire to participate in online CLE courses, including whether their participation is for substantive content or for mandatory CLE credit.

Preliminary feedback from the abroad survey respondents indicated an interest in participating in online CLE courses. Fifty-six percent of abroad respondents answered, "yes" when asked, "If available, would you participate in online continuing legal education courses offered by the D.C. Bar?"[51] However, given the low response rate, the Outbound subgroup recommends that additional research be conducted.

---

[50] Focus group members cited the ABA's Section of International Law, the New York City Bar Association, the Association of Corporate Counsel, the Society for International Affairs, and the South Asian Bar Association as providing particularly helpful and focused resources to help international law practitioners. Other organizations noted were the American Institute of Intellectual Property Lawyers and the National Bar Association. These organizations served as "first stops" for international practitioners.

[51] Twenty-five respondents answered this question, while 239 skipped it. Of the 25 who answered the question, 56 percent answered, "yes."

B. Long-term Recommendations

1. Connections Between Bar Members

a. Recommendation: In order to foster connections between members, the Bar may consider facilitating informal gatherings of its members residing in specific regions of the world where these members commonly live and practice (*e.g.*, the United Kingdom).[52]

Bar members who live abroad showed a greater desire for connections and networking than their domestic counterparts, particularly for networking events that are geographically close to them. They wanted meaningful contact with other attorneys who face similar challenges based on the geographic regions in which they work, and in their practice areas.

• 72 percent of the abroad survey respondents indicated that networking with other U.S. lawyers was "helpful" in their practice of law.

• 75 percent of the abroad survey respondents said that both an online forum and networking events for D.C. Bar members practicing in foreign jurisdictions would be valuable to them.

• Nearly 81 percent of abroad survey respondents age 44 and under report that networking with other U.S. lawyers also engaged in international practice is important to them.

• Around 75 percent of abroad survey respondents age 44 and under rated mentoring opportunities at a "3" or higher.[53]

• Almost 62 percent of abroad survey respondents will continue to live and work in their current country/countries in the next five years.

b. Recommendation: In order to develop region-specific connections between members and local business groups, the Bar may consider facilitating networking between members who reside and practice outside the United States and local business groups (*e.g.*, local Chambers of Commerce).

As previously described, the focus group participants described challenges faced by international practitioners in leaning about and adapting to regional customs and rules about conducting business and practicing law. The participants suggested that the Bar facilitate

[52] *See supra* section III.A.1 of this report.

[53] *See supra* section III.A.1.a of this report.

opportunities where Bar members could develop connections with other members and individuals and exchange practical information about living and working in specific regions of the world.

The participants in the SPC's Bulletin Board Focus Group also overwhelmingly supported the Bar's facilitation of dialogue and knowledge sharing about international law topics, and reported that adapting to local customs and legal regimes in their host countries was a challenge in their practices. Several participants added that knowledge sharing within their particular countries and regions was difficult for them. Region-specific programming could help address these challenges, such as localized legal customs.[54]

c. Recommendation: The Bar may consider partnering with international groups and organizations based in Washington, D.C. (*e.g.*, foreign chambers of commerce or international associations) for hosting networking events among domestic-based members with international practices.

Focus group participants identified a need to develop connections with individuals in the international law community as a resource for information that would be valuable to their practices.

They wanted the Bar to conduct events and programs in the District that were "compelling," featured "high level speakers" and had value for them. The participants perceived that the Bar was not offering these kinds of events, despite being uniquely positioned to do so because of its location in the nation's capital, proximity to potential U.S. and foreign government speakers, and concentration of lawyers with cross-border practices.

The domestic survey results about the desire for networking with other U.S. lawyers engaged in international practice and the interest in and expectation of Bar members in expanding their international practices support this recommendation.[55]

2. Resources

a. Recommendation: In order to provide more detailed and substantive resources for all attorneys with international practices, the Bar may consider developing and maintaining a list of volunteer "resource attorneys," composed of both domestic attorneys and those living abroad, with specific international law subject matter expertise and/or expertise in conducting business in specific regions of the world.

The focus group participants requested that the Bar facilitate online communities of Bar members who could discuss common challenges in practicing international law (*e.g.*, conflicts in

[54] *See supra* section III.A.1.a of this report.

[55] *Supra* section III (pp. 13-14) of this report.

rules of ethics and attorney/client privilege between the District and foreign jurisdictions). The focus group members also noted that such sources could provide help on non-legal, practical questions and issues of living and working in specific regions of the world.

Focus group members also saw value in a directory of self-identified members who practice abroad in specialty areas of law and in specific countries who could serve a similar purpose as that described above. These volunteer "resource attorneys" could connect with other members who are seeking assistance with specific challenges of international law practice.

The survey data about the interest in and expansion of international practice by domestic members, described above, also supports this recommendation.[56]

IV. RECOMMENDATION FOR ONGOING STUDYING AND MONITORING OF ALTERNATIVE BUSINESS STRUCTURES AND MULTI-DISCIPLINARY PRACTICE

The Task Force recommends the ongoing study and monitoring of developments in the areas of alternative business structures and multi-disciplinary practice. Although the topics of alternative business structures ("ABS") and multi-disciplinary practice ("MDP") intersect with the topic of global legal practice, ABS and MDP also encompass other issues and each could be the subject of a stand-alone task force or special committee. The ABS/MDP issues identified for review may require additional in-depth study, and/or recommendations that may include referral to or collaboration with other Bar committees, or the establishment of a separate task force or committee.

Some of the overarching issues for ongoing study include identifying the kinds of models that exist globally for the effective delivery of legal services, the trends in ABS and MDP globally, and what is likely to happen in the future. Other issues that may warrant further study or monitoring include: (1) fee-sharing for D.C. Bar members working with international firms that permit non-lawyer passive investment, multi-disciplinary practice, or other ABS models not currently permitted under the D.C. Rules; and (2) developments and trends in domestic jurisdictions that are considering whether to permit fee-sharing with non-lawyers and/or ABS.

An additional issue for study is a closer examination of whether D.C. Rule of Professional Conduct 5.4(b), which currently permits lawyers to share legal fees with non-lawyer professionals in a limited way, is effective in regulating fee-sharing with non-lawyers and whether it sufficiently addresses the needs for effective delivery of legal services.

Ongoing study and monitoring of these issues and developments will position the Bar to be proactive, if needed, in addressing issues arising from ABS and MDP that may affect Bar members, the delivery of legal services, the public protection of consumers of legal services, and the legal profession overall.

---

[56] *Supra* section III (pp. 13-14) of this report.

A summary of existing ABS and MDP models is set forth below.

A. Alternative Business Structure and Multi-Disciplinary Practice Models That Exist Globally and Domestically

Alternative business structure refers to a legal service business model that is different from a traditional sole proprietorship or partnership. An ABS can include a publicly traded law firm, external investment in a law firm, non-lawyer ownership of a law firm, or other ways to offer legal services outside traditional models.[57] A multidisciplinary practice is a type of ABS firm providing both legal and related non-legal services.[58] Several foreign countries permit ABS firms. In the United States, the District of Columbia allows a limited form of ABS, and several jurisdictions in the United States are studying ABS.

"Entity regulation," a separate but relevant concept, is the regulation of a firm as an organization. Entity regulation can be complaint-based; can be regulatory and compliance-based; or can be proactive and "risk-management"-based.[59] Many jurisdictions that have allowed or are considering ABS have also considered entity regulation.[60]

1. ABS Abroad

a. Australia

In 2001, New South Wales became the first large jurisdiction to adopt comprehensive rules and a system of regulation for ABS firms.[61] The rules governing ABS were part of larger sweeping legislative changes made to lawyer regulation. New South Wales now permits a wide variety of ABS firms, including legal services businesses with part ownership by non-lawyers, legal services in a retail setting, MDP firms, and franchises.

Proactive entity regulation accompanied the development of ABS in Australia. Firms must appoint a legal-practitioner director -- an Australian legal practitioner -- who ensures that the firm complies with proactive entity regulations.[62] The regulations originally required ABS

---

[57] The National Organization of Bar Counsels ("NOBC"), Alternative Business Structures, http://www.nobc.org/docs/Global%20Resources/Alternate.Business.Structures.FAQ.Final.pdf.

[58] The Solicitors Regulation Authority ("SRA"), Multi-disciplinary Practices, http://www.sra.org.uk/sra/consultations/multi-disciplinary-practices.page.

[59] The National Organization of Bar Counsels ("NOBC"), Entity Regulation, http://www.nobc.org/docs/Global%20Resources/Entity%20Regulation/Entity.Regulation.Committee.FAQs.FINAL.07142015.(00000003).pdf.

[60] The Prairie Law Societies (Canada), Innovating Regulation, A Collaboration of the Prairie Law Societies (November 2015), http://www.lawsociety.sk.ca/media/127107/INNOVATINGREGULATION.pdf.

[61] *Id.*

[62] Legal Profession Act 2004 (New South Wales), (Act No. 112/2004) §140(1).

firms to register with authorities and self-assess their compliance with preventative entity ethics regulations.[63] After self-assessment, research showed that complaint rates were two-thirds lower for self-assessing ABS firms than for practices not required to self-assess, and were one-third of the rate against traditional law firms.[64] By 2015, ABS firms comprised 30 percent of legal service firms in Australia, 1,788 of which were in New South Wales.[65]

b. England and Wales

England and Wales first permitted ABS in the legal profession in 2007. Similar to Australia, rules governing ABS were part of sweeping legislative changes made to the profession and lawyer regulation. The Legal Services Act of 2007 permitted a variety of ABS, including partnerships and fee sharing between lawyers and non-lawyers, as well as the ability of non-lawyers to own stock as passive investors. After an initial delay, by June 2014, there were 330 ABS firms in England and Wales, and by mid-2015, there were over 387 such firms.[66]

Entity regulation also accompanied the development of ABS firms. All new firms begin with authorization by the pertinent regulating authority. The firm must appoint a legal practice officer and a finance administration officer responsible for ensuring that the firm complies with proactive ethics regulations.[67] The relevant regulating authority supervises the firm through both individual and entity ethics rules.[68] Multiple regulating authorities may have jurisdiction over a particular firm, making the English system of entity regulations particularly complex.[69]

c. Canada

Several Canadian provinces are considering whether to permit ABS and are adopting or broadening attendant entity regulations.[70]

---

[63] Notwithstanding demonstrable evidence that self-assessments decreased complaints, in 2015, amended rules that replaced the original changes reduced the self-assessment requirements for ABS firms and reduced some preventative elements of the regulations. *See* The Law Society of NSW, Practice Management, http://www.olsc.nsw.gov.au/Pages/lsc_practice_management/lsc_practice_management.aspx.

[64] C.E. Parker et al, *Regulating Law Firm Ethics Management: An Empirical Assessment of an Innovation in Regulation of the Legal Profession in New South Wales*, 37 Journal of Law and Society, Issue 3, 466-500.

[65] Steve Mark, *Commercialization of Legal Practice – Regulatory Reflections from NSW*, Commonwealth Law Conference, 21 April 2012.

[66] Prairie Law Societies, *supra* note 60 at 5.

[67] NOBC, Alternative Business Structures, *supra* note 57 at 5-6.

[68] Prairie Law Societies, *supra* note 60.

[69] *Id.*

[70] *Id.*

d. Singapore

At the beginning of 2014, Singapore began regulating law practices through entity regulation. Singapore also began to allow ABS in the form of partial ownership of law firms by non-lawyers.[71]

2. Changes in the United States

In the United States, one jurisdiction has amended its ethics rules to allow for fee sharing and the provision of legal services in conjunction with ABS firms outside that jurisdiction. Two jurisdictions have adopted a form of entity regulation of law firms in addition to the traditional regulation of individual lawyers.[72]

a. Georgia

In early 2016, Georgia amended its Rules of Professional Conduct to allow Georgia law firms to work with and share legal fees with ABS firms organized in jurisdictions outside of Georgia that permit non-lawyer partnership and passive investment.[73] ABS firms remain prohibited in Georgia. However, Georgia firms are permitted to provide legal services while "working with," and while sharing legal fees with ABS-type firms outside Georgia, including firms that permit non-lawyers to participate in firm management, have equity ownership or share in legal fees.[74] Georgia's system of lawyer regulation remains complaints-based against individual lawyers subject to rules of professional conduct

b. New York and New Jersey

Although New York does not permit ABS, it has adopted proactive, entity regulation through the New York Rules of Professional Conduct. In 1996, New York courts broadened their disciplinary jurisdiction to mandate that traditional law firms, "shall make reasonable efforts to ensure that all lawyers in the firm conform to the disciplinary rules." [75] New York rules stipulate that a lawyer *or law firm*, "shall not: (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another…"[76] New York courts have publicly disciplined firms since amendments to the state's disciplinary rules took effect.[77]

---

[71] NOBC, Entity Regulation, *supra* note 59.

[72] NOBC, Entity Regulation, *supra* note 59; *see* NOBC, Firm Regulation and Business Structures in Other Jurisdictions, http://www.nobc.org/docs/Global%20Resources/Entity%20Regulation/Entity%20Regulation%20Chart%20May%2013%202015.pdf.

[73] GEORGIA RULE OF PROFESSIONAL CONDUCT 5.4(e).

[74] *See id.* Commentary.

[75] NEW YORK RULE OF PROFESSIONAL CONDUCT 5.1(a).

[76] NEW YORK RULE OF PROFESSIONAL CONDUCT 8.4.

The New Jersey Supreme Court also asserts authority to discipline law firms as entities although New Jersey also does not permit ABS firms. The rules of professional conduct in New Jersey apply to "all lawyers engaged in the practice of law."[78] The New Jersey Supreme Court has reprimanded several law firms since 1997 for rules violations, such as the unauthorized practice of law, improper solicitation of clients, and failure to use a trust account properly.[79]

c. Colorado and Illinois

Colorado and Illinois are both considering proactive entity regulation. In late 2015, a subcommittee of the Colorado Supreme Court began working on proposals for proactive entity regulations.[80] The Colorado Attorney Regulation Counsel is also developing a website that will manage firm self-assessments and record keeping for complying with proactive entity regulations.

The Illinois Attorney Registration and Disciplinary Commission is also studying proactive entity regulation.[81]

3. The *Status Quo* in the District of Columbia

The District of Columbia was an early adopter (1991) of a limited exception to the prohibition on lawyers sharing fees with non-lawyers.[82] The exception allows a lawyer to practice law in a partnership or other organization in which a financial interest is held, or managerial authority exercised, by a non-lawyer who performs professional services assisting the organization in providing legal services to clients, *but only if* four conditions are met: (1) the partnership/organization has the sole purpose of providing legal services; (2) all persons having managerial authority or holding a financial interest abide by the Rules of Professional Conduct; (3) the lawyers having a financial interest or managerial authority in the partnership or organization are responsible for the non-lawyer participants to the same extent as if non-lawyer participants were lawyers; and (4) these three conditions are all set forth in writing.[83] The non-

---

[77] *See* NOBC, Entity Regulation, *supra* note 59. *See e.g., In re Law Firm of Wilens & Baker*, 777 N.Y.S.2d 116 (App. Div. 2004); *In re Cohen & Slamowitcz, LLP*, 981 N.Y.S.2d 100 (App. Div. 2014).

[78] NEW JERSEY DISCIPLINARY RULE OF PROFESSIONAL CONDUCT 5.1.

[79] *See* NOBC, Entity Regulation, *supra* note 59. *See e.g., In re Jacoby & Meyers*, 147 N.J. 374 (1997); *In re Ravich, Koster, Tobin, Gleckna, Reitman & Greenstein*, 155 N.J. 357, 715 A.2d 216 (1998); and *In re Bolden & Coker, P.C.*, 178 N.J. 324 (2004).

[80] The Colorado Supreme Court, A New Model of Attorney Regulation?, http://www.coloradosupremecourt.us/newsletters/fall2015/a%20new%20model%20of%20regulation.htm.

[81] NOBC, Entity Regulation, *supra* note 59.

[82] DISTRICT OF COLUMBIA RULE OF PROFESSIONAL CONDUCT 5.4(b).

[83] *Id.*

lawyer must provide services related to the legal practice and cannot be a passive investor.[84] Rule 5.4(b) continues to prohibit non-lawyer passive investment in a law firm.[85]

In the early 2000s, the D.C. Bar Committee on Multidisciplinary Practices ("MDP Committee") and the Bar's Board of Governors proposed the expansion of the exception created by Rule 5.4(b)[86] to allow attorneys and non-attorneys to partner and share fees in more circumstances.[87] However, the District of Columbia Court of Appeals declined to take up MDP or the recommended amendments to Rule 5.4.

V. THE TASK FORCE RECOMMENDATIONS AND THE D.C. BAR STRATEGIC PLAN

The Task Force recommendations advance a number of strategic objectives within each of the Bar's five strategic priorities.[88]

A. Fostering Community and Connections

All three of the objectives -- "Community of Choice," "Bridging Both Practice Area and Demographic Spectrums," and "Local, National and Global Focus" -- within the priority of "Fostering Community and Connections" are met by the Task Force recommendations that include providing networking opportunities with substantive content for smaller groups of domestic members with international legal practices, and facilitating substantive networking opportunities and connections among Bar members who live abroad.

Other Task Force recommendations that further these strategic priorities are partnering with international groups and organizations based in Washington, D.C. for hosting networking events with domestic members with international practices; developing and maintaining a list of volunteer "resource attorneys" with expertise in international law subject matters or in conducting business in specific regions of the world; and improving the exchange of information about resources, education, and networking for all members engaged in the practice of international law.

---

[84] *Id.* cmt. 8.

[85] District of Columbia Bar Legal Ethics Comm., Op. 362 (June 2012), *available at* http://www.dcbar.org/bar-resources/legal-ethics/opinions/opinion362.cfm.

[86] District of Columbia Bar, Report of the Special Committee on Multidisciplinary Practice: Background (October 23, 2001), http://www.dcbar.org/about-the-bar/reports/special-committee-on-multidisciplinary-practice/background.cfm.

[87] District of Columbia Bar, Report of the Special Committee on Multidisciplinary Practice: Recommendations, http://www.dcbar.org/about-the-bar/reports/special-committee-on-multidisciplinary-practice/recommendation.cfm.

[88] *See* Exhibit A, *D.C. Bar 2020: A New Five-Year Horizon, Strategic Priorities and Objectives.*

B. Empowering Individuals

The objective of "Framing Professional Opportunity" within the priority of "Empowering Individuals" is advanced through the Task Force recommendations to develop educational programs in varying levels on international law topics, as well as programs about issues in international practice that members often encounter; and to develop marketing efforts for this programming.

C. Technical Excellence and Technological Competence

The objective of "Technical Excellence and Technological Competence" within the priority of "Providing Public Service and Professional Excellence" is met by the Task Force recommendations to develop educational programming on international law topics that is easily accessible by all members locally, nationally and globally, and by further researching why members abroad want to participate in online CLE courses.

D. Enhancing Member Value

The objective of "Understanding Individual Value Proposition" within the priority of "Enhancing Member Value" has been met by the Task Force in its work of conducting outreach to Bar members who live abroad and to Bar members with international practices, and in developing recommendations based on members' feedback to meet their needs and interests.

E. Leading within the Legal Profession

The objective of "Thought Leadership" within the priority of "Leading within the Legal Profession" is advanced by providing an ongoing framework to position the Bar to address the issue of globalization of legal practice and the issues of alternative business structures and multi-disciplinary practice proactively.

VI. SUMMARY AND STATUS OF THE WORK OF THE INBOUND FOREIGN LAWYERS PRACTICING IN THE DISTRICT OF COLUMBIA SUBGROUP

The Inbound Foreign Lawyers Practicing in the District of Columbia Lawyers subgroup ("Inbound subgroup") is studying the mechanisms and rules by which lawyers from foreign countries can be admitted and fully licensed to practice in the District. The Inbound subgroup is also studying the mechanisms and rules under which lawyers from foreign countries may practice in the District without full admission to the Bar under exceptions to D.C. Court of Appeals Rule 49-Unauthorized Practice of Law ("Rule 49"), or under limited circumstances as licensed Special Legal Consultants.

In light of recent amendments to D.C. Court of Appeals Rule 46 –Admission to the Bar ("Rule 46"), described below, the Inbound subgroup is continuing its work and the Task Force will submit recommendations, if any, to the Board of Governors at a later date. A summary of the work to date of the Inbound subgroup follows.

A. Summary of the Work of the Inbound Foreign Lawyers Subgroup

The Inbound subgroup met on May 20, 2015, and November 20, 2015, and participated in meetings of the full Task Force on October 30, 2014, December 18, 2015, and March 22, 2015.

1. Admission and Practice of Foreign-Educated Lawyers in Other United States Jurisdictions

The Inbound subgroup studied rules and mechanisms by which other United States jurisdictions allow foreign-educated lawyers to become fully licensed to practice, as well as the rates of admission of foreign-educated lawyers to selected jurisdictions.

In addition, the Inbound subgroup reviewed ABA Model Rules, resolutions from the Conference of Chief Justices, and other resources about the admission to practice in the United States of foreign-educated lawyers. The subgroup also studied rules by which other U.S. jurisdictions allow the licensing of "Special" or "Foreign" Legal Consultants and other mechanisms permitting lawyers from foreign countries to practice under exceptions to a jurisdiction's unauthorized practice of law rules or regulations.

The Inbound subgroup also reviewed material about the evolving global legal market and efforts to allow access to the U.S. legal market by lawyers from foreign countries, which included the monitoring of legal services proposals from the European Union's Council of Bars & Law Societies of Europe ("CCBE")[89] pursuant to the Transatlantic Trade and Investment Partnership ("T-TIP").[90]

a. The "Foreign Lawyer Cluster" Rules

The Inbound subgroup reviewed the models by which some other U.S. jurisdictions allow foreign-trained lawyers to practice law, often called the "foreign lawyer cluster" of rules. There are generally five routes by which foreign-licensed lawyers might practice in a U.S. jurisdiction either in a limited way, or by becoming fully licensed to practice: (1) temporary transactional practice ("Fly-in/Fly-out"); (2) practice as foreign-licensed in-house counsel; (3) permanent practice as a foreign/special legal consultant; (4) temporary in-court appearance (*pro hac vice*); and (5) full licensure to practice.[91]

---

[89] The CCBE represents over one million European lawyers.

[90] *See* Exhibit I, *Fact Sheet: Transatlantic Trade and Investment Partnership (T-TIP)*. The T-TIP is an ambitious, comprehensive, trade agreement currently under negotiation between the U.S. and the European Union. The CCBE's requests came under the broader negotiations of the T-Tip. *See* Exhibit J, *Letter from William C. Hubbard, President, ABA, to Aldo Bulgarelli, President, Council of Bars and Law Societies of Europe (November 19, 2014)*.

[91] Laurel S. Terry, *Admitting Foreign-Trained Lawyers in States Other than New York: Why It Matters*, THE BAR EXAMINER, December 2014, at 38-39. *See* Exhibit K, *Jurisdictions with Rules Regarding Foreign Lawyer Practice (Map)*.

As of February 15, 2016, six U.S. jurisdictions have rules on all five elements of the "foreign lawyer cluster." The six jurisdictions are: the District of Columbia, Colorado, Georgia, New York, Oregon, and Virginia.[92]

As of February 2016, 11 jurisdictions allow foreign-licensed lawyers to engage in temporary and incidental practice; 16 allow admission *pro hac vice*; 20 permit foreign-licensed in-house counsel; and 33 permit practice as a foreign/special legal consultant.[93] Thirty-four jurisdictions, including the District, allow foreign-educated lawyers to take the bar examination (subject to certain conditions).[94]

b. The Georgia "Toolkit"

The State Bar of Georgia and the Georgia Supreme Court recognized that the increasing contact between its jurisdiction and the rest of the world necessitated rules addressing each of the five avenues of practice by foreign lawyers. Georgia's work in establishing a permanent committee, the Georgia Bar Committee on International Trade in Legal Services,[95] to conduct ongoing review and evaluation of its regulatory system for foreign lawyers and address issues from the globalization of legal practice has come to be known as the Georgia "Toolkit."[96] The ABA Task Force on International Trade in Legal Service and Professional Regulation[97] and the Conference of Chief Justices[98] have encouraged other jurisdictions to consider the framework established by Georgia when addressing issues of the globalization of legal practice and its impact on a jurisdiction's lawyers.

---

[92] *Id.*

[93] *Id.*

[94] The National Conference of Bar Examiners, *Comprehensive Guide to Bar Admission Requirements 2016*, *available at* http://www.ncbex.org/pubs/bar-admissions-guide/2016/index.html#p=24.

[95] See STATE BAR OF GEORGIA COMMITTEES, PROGRAMS, AND SECTIONS, https://www.gabar.org/committeesprogramssections/committees/ (stating this special committee shall monitor the impact of international developments on the legal profession. It shall consider both outbound legal services delivered in foreign countries by member lawyers and inbound delivery of legal services in Georgia by foreign lawyers).

[96] *See* Terry, *supra* note 91.

[97] The American Bar Association Task Force on International Trade in Legal Services, *International Trade in Legal Services and Professional Regulation: A Framework for State Bars Based on the Georgia Experience* (January 8, 2014), *available at* http://www.americanbar.org/content/dam/aba/uncategorized/GAO/ITILS%20Toolkit.authcheckdam.pdf.

[98] Conference of Chief Justices, *In Support of the Framework Created by the State Bar of Georgia and the Georgia Supreme Court to Address Issues Arising from Legal Market Globalization and Cross-Border Practice* ("Resolution 11"), (January 29, 2014), *available at* http://ccj.ncsc.org/~/media/Microsites/Files/CCJ/Resolutions/01292014-Support-Framework-Created-State-Bar-Georgia.ashx

c. New York

Of all the U.S. jurisdictions, New York has the highest percentage of foreign-educated lawyers who take that jurisdiction's bar exam. From 2010 to 2015, an average of 4,644 foreign-educated attorneys took the New York bar exam annually, around 30 percent of the total number of exam takers. The average passage rate for foreign-educated attorneys was around 33 percent each year, compared to around 73 percent each year for attorneys educated in ABA-approved law schools.[99]

On September 18, 2015, the leadership of the D.C. Bar's Task Force conducted a telephone interview with John McAlary, executive director of the New York State Board of Law Examiners ("BOLE"), about the process by which New York administers its rules for qualifying foreign-educated lawyers to take the New York bar examination. The BOLE engages in a thorough, individualized review of the educational credentials of each foreign applicant to determine if the education is both durationally and substantively equivalent to a J.D. degree from an ABA-approved law school; if it is, then the applicant is qualified to take the New York Bar exam.[100]

2. District of Columbia

The Inbound subgroup studied the current model in the District of Columbia by which lawyers who have graduated from non-ABA-accredited law schools, including foreign-educated lawyers,[101] may become fully admitted to the District of Columbia under Rule 46. The Inbound subgroup also reviewed the admission of foreign-educated lawyers as licensed Special Legal Consultants under Rule 46. Special Legal Consultants are admitted without full licensure and may engage in limited practice in the District.[102]

---

[99] THE NATIONAL CONFERENCE OF BAR EXAMINERS STATISTICS ARCHIVE http://www.ncbex.org/publications/statistics/statistics-archives/; NYS BAR EXAM STATISTICS, https://www.nybarexam.org/ExamStats/Estats.htm. *See* Exhibit L, *Taking and Passing the New York Bar Examination by Source of Legal Education (Chart).* After New York, California has the next highest rate of examination and admission of foreign educated attorneys, but the numbers are substantially lower compared to New York. From 2010 to 2015, a total of 5,384 foreign educated attorneys took the California bar examination, of which a total of 865 passed, yielding a total passage rate of around 16 percent. The number of foreign-educated attorneys taking the California bar examination has steadily increased from 724 in 2010 to 1,142 in 2015.

[100] 22 NYCRR 520.6(b)(1).

[101] There are no ABA-accredited law schools outside of the United States.

[102] D.C. App. R. 46(f) provides for admission to limited legal practice by Special Legal Consultants and explicitly states that, "[a] person licensed to practice as a Special Legal Consultant may render legal services on the District of Columbia, notwithstanding the prohibitions of Rule 49(b)," subject to certain limitations. *See also* Committee on the Unauthorized Practice of Law of the District of Columbia Court of Appeals ("CUPL"), Opinion 8-00, *available at* http://www.dccourts.gov/internet/documents/rule49_opinion8.pdf. In Opinion 8-00, the CUPL clarifies that foreign lawyers who are not licensed SLCs in the District of Columbia, or who are licensed SLCs but are providing legal services beyond those permitted by Rule 46(f), are subject to Rule 49 and its exceptions.

a. D.C. Court of Appeals Rule 46 – Admission to the Bar of Applicants From Non-ABA-Approved Law Schools

Rule 46 does not distinguish between attorneys who have graduated from foreign law schools and attorneys who have graduated from "non-ABA-approved law schools."[103] An attorney with a law degree from a foreign country seeking to become fully admitted to practice law in the District must meet the same criteria[104] as an attorney with a degree from a "non-ABA approved law school" in the United States.

i. Taking the D.C. Bar Examination

An applicant who graduated from a non-ABA approved law school must complete additional educational requirements before qualifying to take the D.C. Bar examination. The candidate must complete at least 26 credit hours of study at a law school approved by the ABA at the time of study, with all 26 hours earned in courses substantially concentrated on a single subject tested on the Uniform Bar Examination ("UBE").[105]

ii. Admission without Examination: Qualifying Multistate Bar Examination Score and Member of the Bar of Another U.S. Jurisdiction for Fewer than Five Years

An applicant who graduated from a law school not approved by the ABA must complete the 26 hours of additional education described above when seeking admission to the D.C. Bar based on a combination of a qualifying Multistate Bar Examination ("MBE") and membership in good standing of fewer than five years in another U.S. jurisdiction upon successful completion of that jurisdiction's written bar examination. This route constitutes a Bar admission "without examination."[106]

iii. Admission by Transfer of a Qualifying UBE Score

An applicant who graduated from a non-ABA-approved law school must complete the 26 hours of additional education described above when seeking admission through the transfer of a passing UBE score from another U.S. jurisdiction.[107] It is not required that the applicant be admitted to the jurisdiction in which the applicant took the UBE.

---

[103] D.C. App. R. 46(c).

[104] This includes the requirement that individuals pass the Multistate Professional Responsibility Examination ("MPRE") if applying for admission to the D.C. Bar through the methods set forth in subsections i, ii, or iii below.

[105] The D.C. Court of Appeals adopted the Uniform Bar Examination for the District, effective with the bar examination to be administered in July 2016. *Infra* Section VI.C of this Report.

[106] D.C. App. R. 46(e)(3)(B). *Infra* Section VI.C of the Report.

[107] D.C. App. R. 46(d).

iv. Admission without Examination: Member of the Bar of Another U.S. Jurisdiction for Five Years

An applicant who has been a member in good standing of that jurisdiction for at least five years immediately preceding the application to the D.C. Bar may be admitted on motion.[108] There are no additional educational requirements, and a degree from an ABA-approved law school is not required.

b. D.C. Court of Appeals Rule 46 – Special Legal Consultant

Under Rule 46, a foreign-educated lawyer may be licensed by the D.C. Court of Appeals, in its discretion, as a Special Legal Consultant ("SLC").[109] The District is among 33 jurisdictions with rules for foreign or special legal consultants.[110] An SLC is an "affiliate" of the D.C. Bar with a limited ability to practice. The SLC must be an attorney in good standing in a foreign jurisdiction, and the Court may also consider whether a member of the D.C. Bar could give legal advice to clients in the SLC applicant's home jurisdiction.[111] The practice of an SLC is limited to providing legal advice on the laws of his or her foreign jurisdiction, and he or she must establish an office in the District of Columbia for the purpose of his or her work. An SLC is prohibited from providing advice on District of Columbia or U.S. law.[112]

c. D.C. Court of Appeals Rule 49 – Unauthorized Practice of Law

Foreign-educated lawyers who are not fully licensed to practice in the District may practice under the same exceptions to Rule 49 as their domestic counterparts who are not licensed to practice in the District.[113] Like their domestic counterparts, foreign-educated lawyers may engage in temporary and incidental practice (also known as "Fly In/Fly Out"); may be admitted pro hac vice up to five times annually; and may "begin to provide services" in up to five alternative dispute resolution ("ADR") proceedings in the District annually. Like his or her

---

[108] D.C. App. R. 46(e)(3)(A).

[109] D.C. App. R. 46(f).

[110] *See* Exhibit K, *Jurisdictions with Rules Regarding Foreign Lawyer Practice (Map)* (indicating 33 U.S. jurisdictions have foreign/special legal consultant rules).

[111] *See* D.C. App. R. 46(f)(2)(5) (stating that in considering whether to license an applicant as an SLC, the D.C. Court of Appeals may, in its discretion, "take into account whether a member of the Bar of this court would have a reasonable and practical opportunity to establish an office for the giving of legal advice to clients in the applicant's country of admission.").

[112] D.C. Court of Appeals Committee on Unauthorized Practice of Law ("CUPL") Opinion 8-00, *available at* http://www.dccourts.gov/internet/documents/rule49_opinion8.pdf.

[113] *Id.*

domestic counterpart, a foreign-educated attorney may provide legal advice only to his or her regular employer as in-house counsel.[114]

d. Admission Rates of Foreign-Educated Lawyers in the District of Columbia: 2010 to 2015.[115]

Between 2010 and 2015, a total of 2,918 attorneys took the D.C. Bar examination.[116] Of that number, 958 were foreign-educated lawyers, about 33 percent of all examinees.

The number of foreign-educated attorneys who have taken the D.C. Bar examination increased each year for five consecutive years: from 76 examinees in 2010, to 244 examinees in 2014. It declined to 204 in 2015. In comparison, during this same time period, the number of examinees from ABA-approved law school decreased for four consecutive years: from 366 examinees in 2010, to 261 examinees in 2013. The number of examinees increased to 303 in 2014 and to 324 in 2015.

Of the 958 foreign-educated examinees, a total of 280 passed, an average passage rate of 29 percent. The passage rate ranged from a low of 18 percent in 2010 to a high of 35 percent in 2012. In comparison, of the total 1,845 examinees from ABA-approved law schools, a total of 997 passed, a passage rate of 54 percent. The passage rate for examinees from ABA-approved law schools ranged from a low of 47 percent in 2010 to a high of 62 percent in 2013.[117]

i. Admissions of Applicants from the Republic of Korea

Since 2010, it appears that an increasing number of applicants from the Republic of Korea ("South Korea") have taken the D.C. Bar examination.[118] From 2013 to 2015, a total of

---

[114] D.C. App. R. 49, *available at* http://www.dccourts.gov/internet/documents/rule49.pdf. *See also* CUPL Opinion 14-04, *available at* http://www.dccourts.gov/internet/documents/rule49_opinion14-04.pdf.

[115] *See* Exhibit M, *Taking and Passing the District of Columbia Bar Examination by Source of Legal Education (Chart).*

[116] *See* THE NATIONAL CONFERENCE OF BAR EXAMINERS STATISTICS ARCHIVE http://www.ncbex.org/publications/statistics/statistics-archives/ (last visited April 6, 2016). The vast majority of attorneys admitted to the D.C. Bar each year are admitted on motion. The attorneys gain admission either through a combination of the requisite test scores and prior admission in another U.S. jurisdiction, or by taking and passing the written bar examination of another U.S. jurisdiction and maintaining the status of a member in good standing for at least five years in that U.S. jurisdiction. From 2010 to 2015, a total of 16,664 attorneys were admitted to the D.C. Bar on motion, compared to a total of 1,134 who were admitted by taking and passing the written D.C. Bar examination.

[117] Of the 2,918 examinees who took the D.C. Bar examination, 115 examinees had attended non-ABA-approved law schools in the United States. The average passage rate for this group was 15 percent. The passage rate ranged from a high of 26 percent in 2013 to a low of 7 percent in 2014.

[118] *See* HANDONG INTERNATIONAL LAW SCHOOL, https://lawschool.handong.edu (last visited April 6, 2016). Handong International Law School, in South Korea, provides students with an "American-style" legal education. The school is not accredited by the ABA. The school, which was founded in 1995, describes its law program as a

644 foreign–educated attorneys took the D.C. Bar examination. Of that number, at least 380 examinees were from South Korea.

B. Survey of Special Legal Consultants Licensed in the District of Columbia

The Inbound subgroup was interested in learning more about the SLCs licensed in the District of Columbia, including their intention to become admitted, or not, to the D.C. Bar. On February 17, 2016, the Task Force emailed a survey[119] to the 95 SLCs who are licensed to practice in the District. The survey was open from February 17 to February 25, 2016. A total of 30 responses were received, a response rate of 31 percent.

The majority of the respondents are in the Washington, D.C. metropolitan area; were licensed as an SLC because they needed it for their work; and intend to apply for admission to the Bar, but do not intend to become admitted by taking the D.C. Bar examination. The majority were also aware that an attorney could be admitted to the D.C. Bar on motion if he or she had been a member in good standing of the bar of another U.S. jurisdiction for at least five years. Of the 10 respondents admitted to the bar of another U.S. jurisdiction, all were admitted to New York.

C. Recent Amendments to D.C. Court of Appeals Rule 46-Admission to the Bar

On February 4, 2016, the D.C. Court of Appeals adopted several amendments to Rule 46. The amendments became effective March 1, 2016.[120] The most significant amendment was the adoption by the District of Columbia of the UBE,[121] effective with the July 2016 D.C. Bar examination.

"Masters of Law" ("J.D. equivalent") that comprises a total of 105 credit hours, *e.g.*, three years (six semesters) of study.

[119] *See* Exhibit N, *Invitation to the Special Legal Consultants of the D.C. Bar to Take the Global Legal Practice Task Force Survey*. *See* Exhibit O, *Global Legal Practice Task Force Survey Instrument for D.C. Special Legal Consultants.*

[120] *See* Exhibit P, *District of Columbia Court of Appeals Rule 46 – Admissions (as Amended));* Exhibit Q, *District of Columbia Court of Appeals Rule 46 – Admissions (as Proposed).* The D.C. Court of Appeals published the proposed amendments to D.C. App. Rule 45 on October 28, 2015, with the period for public comment ending on December 28, 2015. Copies of the comments submitted were made available to the public upon request.

[121] *See* THE UNIFORM BAR EXAMINATION, http://www.ncbex.org/exams/ube (last visited April 6, 2016). The UBE is a standardized bar examination composed of the MBE, the Multistate Essay Examination ("MEE"), and the Multistate Performance Test ("MPT"). The National Conference of Bar Examiners ("NCBE") developed the UBE as a means of creating bar examination scores that are portable between U.S. jurisdictions. While the NCBE formulates the UBE, each jurisdiction is permitted to set its passing score level and its rules for qualifications to sit for the examination. As of February 25 2016, 21 jurisdictions have adopted the UBE, including New York and the District. The two most recent jurisdictions to adopt the UBE are South Carolina and Vermont. As of the date of this report, Maryland and Virginia have not adopted the UBE.

Another amendment established an additional path for admission to the District for graduates of non-ABA-approved law schools, including graduates of foreign law schools.[122] Under that amendment, an applicant who has been admitted to another U.S. jurisdiction through successful completion of its written bar exam, and who has attained the requisite scores on the MBE and the Multistate Professional Responsibility Examination ("MPRE") may be admitted to the District on motion upon the completion of additional educational requirements: the completion of 26 credit hours of study at a law school approved by the ABA at the time of the study, with all 26 hours earned in courses of study, each of which is substantially concentrated on a single subject tested on the UBE. Prior to the recent amendment, the only option for such applicants was to take the D.C. Bar examination.[123]

The Court did not adopt a proposed amendment to provide that the 26 credit hours of study required of students who have not graduated from an ABA-approved law school must be fulfilled by "classroom" courses. In its order adopting amendments to Rule 46, the Court stated that it would "consider that issue at a later date, in light of the recommendations of the Global Legal Practice Task Force."[124]

In light of the Court's recent amendments, the Inbound subgroup is continuing its work. The subgroup intends to consider carefully the recent changes to Rule 46 and the impact, if any, on the subgroup's work and ultimate recommendations. Proposed revisions to rules, if any, will be published for a public comment period by the Task Force before its final recommendations are submitted to the Board of Governors.

VII. CONCLUSIONS

The Task Force gave careful consideration to the proposals from the Outbound subgroup. In formulating its recommendations to meet the needs of members with international law practices and members abroad, the Outbound subgroup studied a wealth of information and data -- the results from two membership surveys and a membership focus group session, and previous member outreach conducted by the Bar. The Task Force also reviewed current educational programs offered by the Bar. The data gathered by the Task Force were consistent across the different methods of member outreach and with data previously gathered by the Bar's Strategic Planning Committee.

---

[122] D.C. App. R. 46(e)(3)(B).

[123] Until Rule 46 was amended, an applicant who had received a degree from a non-ABA-approved law school or a foreign law school and was a member in good standing of another U.S. jurisdiction did not qualify for admission by motion unless he or she had been a member of the other U.S. jurisdiction for at least five years. The applicant could, however, opt to take the D.C. Bar examination upon the completion of additional educational requirements.

[124] *See* Exhibit R, *Letter from Timothy Webster, President, D.C. Bar, to The Honorable Eric Washington, Chief Judge, D.C. Court of Appeals (December 22, 2015). See also* Exhibit P, *District of Columbia Court of Appeals Rule 46 – Admissions (as Amended)* at 1 (Order).

The Task Force believes that its recommendations to create opportunities for more substantive connections between Bar members in-person or through online communities; to improve the exchange, access and flow of information and resources between members engaged in international law practice; and to develop and market educational programing in specific areas at a range of experience levels will add value for D.C. Bar members.[125] As members expand their international law practices and spend more time traveling abroad for their work, and as the globalization of legal practice continues to increase and affect D.C. Bar members, the need for connections between Bar members, and resources and education for members will also increase. Bar members should be able to turn to the D.C. Bar as their primary, trusted resource for information and education to assist them in their international law practices, provide venues to develop professional opportunities, and connect with their counterparts who practice in similar legal areas and in similar regions of the world.

The Task Force recommendation to continue the study and monitoring of developments in the areas of alternative business structures and multi-disciplinary practice will position the Bar to be proactive, if needed, in addressing issues arising from ABS and MDP that may affect Bar members, the delivery of legal services, the protection of consumers of legal services, and the legal profession overall.

The recommendations also facilitate implementation of some of the strategic priorities within each of the Bar's five strategic objectives.

Lastly, as increasing numbers of foreign-educated lawyers demonstrate interest in becoming admitted to the D.C. Bar, the ongoing work of the Inbound Foreign Lawyers subgroup will result in thorough and considered recommendations at a later date that will address the regulation of the admission of, and practice by foreign-educated lawyers.

---

[125] Another potential benefit could involve the provision of *pro bono* services by members with international practices. The Task Force surveys asked both the domestic and abroad respondents, "Do you currently provide any *pro bono* services for your clients?" Domestic respondents were evenly split, with 50 percent answering, "yes" and 50 percent answering, "no." Abroad respondents were less likely to provide *pro bono* services: 36 percent indicated that they provide *pro bono* services, and 64 percent said they did not.

The Task Force does not make any recommendations about the provision of *pro bono* opportunities for Bar members with international practices. However, it is possible that additional opportunities or encouragement to provide *pro bono* service may naturally result from enhanced networking and connection opportunities that are facilitated by the Bar.

EXHIBIT A

D.C. Bar 2020: A New Five-Year Horizon

RELATED INFORMATION

- D.C. Bar 2013–2014 Annual Report
- Setting the Groundwork for Success Beyond 2020
- A New Horizon: D.C. Bar Annual Report 2014–15

Strategic Priorities and Objectives

Approved by the Board of Governors on June 9, 2015.

On June 9, 2015, the Board of Governors voted to adopt the following strategic priorities and objectives to serve as the foundation of "D.C. Bar 2020: A New Five-Year Horizon," the Bar's new strategic plan. They were identified by the D.C. Bar Strategic Planning Committee (SPC) after it completed a comprehensive environmental scan of the legal profession and extensive member engagement efforts.

These priorities and objectives are based on the input of thousands of members, the analysis of an internal staff team and third party market research and strategic planning experts, and the review and directional guidance provided by the SPC comprised of members representing all segments of the profession.

These strategic priorities and objectives will allow the D.C. Bar to account for its current activities and to build a set of initiatives for each discrete priority and across priorities to achieve desired outcomes. Those outcomes are set forth in the strategic objectives that are broadly defined below.

Leading Within the Legal Profession

Context: The D.C. Bar is the second largest unified bar in the country with members in all states and 83 countries. Members from all areas have articulated a desire for the D.C. Bar to function as a leader in the profession, serving as an enabler of thoughtful discussion on the key issues affecting the profession.

The Bar will strive to convene the talented individuals and premier organizations within the profession to help define, evaluate and identify opportunities in response to existing and emerging issues and challenges, consistent with the parameters of its role representing members across entire spectrums of perspectives on any given matter.

Strategic Objectives:

- **Thought Leadership:** The D.C. Bar will use its stature in the community to provide thought leadership around domestic and global issues of importance affecting the legal profession and the community, including the delivery of, and removal of barriers to, access to justice for underserved communities.
- **Collaborative Problem Solving:** The D.C. Bar will focus greater emphasis on partnerships and collaboration with other organizations to address immediate, near and long-term areas of opportunity and challenge for the profession, its members and the public interest.

- **Organizational and Operational Excellence:** The D.C. Bar will achieve positioning as an overall leader in the profession by acquiring, retaining and showcasing the skills and expertise of talented staff, leveraging technologies, and conducting efficiency and effectiveness reviews of programs and processes. The Bar will ensure that a five-year horizon and beyond is considered in making all significant economic decisions, and will strive for long-term financial sustainability and resiliency.

Empowering Individuals

Context: A key theme expressed within 21 focus groups in which hundreds of members participated in person and in responses by thousands of members to online surveys and polling focused on the desire for choice and the ability to have professional mobility. A high percentage of members indicated that a career change had been thrust upon them, while significant numbers indicated that movement within practice areas had been driven by their interest in career progression or in the subject matter. In general, feedback was focused on the ways in which the D.C. Bar could provide individuals with the multi-dimensional resources that would empower them to have choices.

Strategic Objectives:

- **Framing Professional Opportunity:** Drawing on the expertise of its members and the profession at large, the Bar will help to define frameworks and approaches for the opportunities and challenges associated with the choices that a member may encounter within the course of a professional journey. It will seek to drive a holistic understanding of 'what I need to know' in order to enhance members' awareness and ability to identify appropriate professional choices.
- **Career Exploration and Development:** The Bar will provide its members with an opportunity, both in-person and virtual, to consider new career options and trajectories by identifying and addressing gaps in strengths, skills and experience, and by developing both technical expertise and technological competence in the practice of law.
- **Lifelong Transitions:** The Bar will focus on providing resources and experiences for every phase of an individual's professional journey from the prospective lawyer to those who have retired but may still wish to contribute and the many in-between phases that occur within career spans.

Enhancing Member Value

Context: An organization that serves more than 100,000 members in 83 countries with a high concentration of its membership in the D.C. metropolitan area must focus on the many views of what constitutes value for such a diverse and dispersed community. By effectively growing and communicating the Bar's brand value, an opportunity exists to yield both real and perceived added value to membership in one of the premier bars in the country.

Strategic Objectives:

- **Understanding Individual Value Proposition:** The D.C. Bar will work proactively to evaluate the needs and interests of its individual members, discreet member segments and cross-segments of its membership in order to define a sophisticated value proposition model to encourage and support individual members' engagement.
- **Communicating and Delivering Value:** Leveraging the latest technologies whenever possible, the D.C. Bar will seek proactively to communicate the unique value available to its members. The Bar will ensure that value is delivered in a manner that aligns with the diverse and dispersed nature of its membership.

- **Delivering Outstanding Service Experiences:** Members and other key stakeholders should expect a consistently superior service experience, in person or virtually through leading edge technologies, in keeping with the superiority of its member value offerings and its standing as one of the premier bars in the country.

Providing Public Service and Professional Excellence

Context: The D.C. Bar has a public service mission, which addresses the public's need for exceptional legal representation. It achieves this by ensuring that the competence and ethical standards of its members are of the highest caliber.

Strategic Objectives:

- **Promoting Access to Justice:** The D.C. Bar is committed to promoting and supporting access to justice for low income individuals by promoting the increase of pro bono services in the District of Columbia while also focusing on expanding public awareness of this challenge.
- **Technical Excellence and Technological Competence:** The D.C. Bar will serve the profession and the public interest by providing continuing education that reaches members locally, nationally and globally as a component of its efforts to invest in and support the technical and technological proficiency as well as the overall professional excellence of its members.
- **Highest Ethical Standards:** The D.C. Bar will provide resources to support the membership in upholding the highest ethical standards of practice and to ensure the appropriate enforcement of the D.C. Rules of Professional Conduct.

Fostering Community and Connections

Context: An overwhelming number of responses from members focused on the desire to network and connect, both in person and virtually, to other individuals and organizations within the profession. They cited the D.C. Bar as uniquely positioned to convene groups and foster opportunities for self-directed exchanges of ideas and information around practice specialty and issue areas of interest locally, nationally, and internationally.

Members further indicated a desire for connections that highlight their value and contributions to the corporate community, the general public and the complementary professions with which they engage on a regular basis.

Strategic Objectives:

- **Community of Choice:** Members will see the D.C. Bar as an important in person and virtual professional gathering place, which fosters rewarding connections that focus on being part of a critically important profession.
- **Bridging Both Practice Area and Demographic Spectrums:** The D.C. Bar will facilitate connections within a dispersed and diverse community of members engaged in sharing their expertise and experience.
- **Local, National, and Global Focus:** Recognizing the widely dispersed nature of the D.C. Bar's membership, and its location in the Nation's Capital, the Bar will provide opportunities in person as well as virtually and will aggressively move to migrate its catalog of offerings online and consumable wherever a member may be located.

EXHIBIT B

Invitation to Take the Global Legal Practice Task Force Survey for D.C. Bar Members in the U.S. with International Law Practices

Dear D.C. Bar Member,

The D.C. Bar's Global Legal Practice Task Force is conducting a brief survey to learn more about the needs of members who have international clients or travel abroad for their work. If you:

- Travel internationally for your practice, or
- Have any international clients or legal matters, we want to hear from you.

The information you provide will help us understand what is important in your practice.

The survey will take about five minutes to complete. You can begin your survey by clicking **HERE**. All responses to the survey are strictly confidential and will only be reported in the aggregate. We appreciate your time and participation. If you have any problems accessing or completing this survey, please contact us at communication@dcbar.org.

Thank you,

Darrell G. Mottley

Chair, D.C. Bar Global Legal Practice Task Force

EXHIBIT C

D.C. Bar Member Survey [US-based]

Demographics/Background Questions

* 1. Are you:

- ◯ Male
- ◯ Female
- ◯ I prefer not to answer

D.C. Bar Member Survey [US-based]

Demographics/Background Questions

* 2. What is your age?

- ◯ 29 years or younger
- ◯ 30 - 34 years of age
- ◯ 35 - 39 years of age
- ◯ 40 - 44 years of age
- ◯ 45 - 54 years of age
- ◯ 55 - 64 years of age
- ◯ 65 or older
- ◯ I prefer not to answer

D.C. Bar Member Survey [US-based]

Demographics/Background Questions

* 3. How many years have you been admitted to the practice of law?

- ◯ Less than 1 year
- ◯ 1-5 years
- ◯ 6-10 years
- ◯ 11-15 years
- ◯ 16-20 years
- ◯ More than 21 years

D.C. Bar Member Survey [US-based]

Demographics/Background Questions

* 4. What is your member status in the D.C. Bar?

- ◯ Active
- ◯ Inactive
- ◯ Judicial

D.C. Bar Member Survey [US-based]

Demographics/Background Questions

* 5. Are you licensed to practice in any other U.S. jurisdiction in addition to the District of Columbia?

- ◯ Yes, I am licensed to practice law in another U.S. jurisdiction(s).
- ◯ No

D.C. Bar Member Survey [US-based]

Demographics/Background Questions

* 6. Other than the D.C. Bar, in what other U.S. jurisdictions are you licensed to practice law?

- ☐ AL Alabama

- [ ] AK Alaska
- [ ] AZ Arizona
- [ ] AR Arkansas
- [ ] CA California
- [ ] CO Colorado
- [ ] CT Connecticut
- [ ] DE Delaware
- [ ] FL Florida
- [ ] GA Georgia
- [ ] HI Hawaii
- [ ] ID Idaho
- [ ] IL Illinois
- [ ] IN Indiana
- [ ] IA Iowa
- [ ] KS Kansas
- [ ] KY Kentucky
- [ ] LA Louisiana
- [ ] ME Maine
- [ ] MD Maryland
- [ ] MA Massachusetts
- [ ] MI Michigan
- [ ] MN Minnesota
- [ ] MS Mississippi
- [ ] MO Missouri
- [ ] MT Montana
- [ ] NE Nebraska
- [ ] NV Nevada
- [ ] NH New Hampshire
- [ ] NJ New Jersey
- [ ] NM New Mexico
- [ ] NY New York

- [ ] NC North Carolina
- [ ] ND North Dakota
- [ ] OH Ohio
- [ ] OK Oklahoma
- [ ] OR Oregon
- [ ] PA Pennsylvania
- [ ] RI Rhode Island
- [ ] SC South Carolina
- [ ] SD South Dakota
- [ ] TN Tennessee
- [ ] TX Texas
- [ ] UT Utah
- [ ] VT Vermont
- [ ] VA Virginia
- [ ] WA Washington
- [ ] WV West Virginia
- [ ] WI Wisconsin
- [ ] WY Wyoming

D.C. Bar Member Survey [US-based]

Demographics/Background Questions

* 7. Are you licensed to practice in any foreign jurisdictions?

- ◯ Yes
- ◯ No

D.C. Bar Member Survey [US-based]

Demographics/Background Questions

* 8. For those jurisdictions in which you are licensed, please indicate your type of license and if you are currently practicing in that jurisdiction:

	License type	Practicing?
Afghanistan		
Australia		
Austria		
Barbados		
Belgium		
Brazil		
China		
France		
Germany		
Israel		
Italy		
Japan		
Korea, Republic of (South Korea)		
Mexico		
Netherlands		
New Zealand		
Saudi Arabia		
Singapore		
Sweden		
Switzerland		
Taiwan		
Thailand		
United Arab Emirates		

	License type	Practicing?
United Kingdom		
Other jurisdiction(s)		

D.C. Bar Member Survey [US-based]

Demographics/Background Questions

* 9. In what countries do you frequently do business?

- [ ] Afghanistan
- [ ] Australia
- [ ] Austria
- [ ] Barbados
- [ ] Belgium
- [ ] Brazil
- [ ] China
- [ ] France
- [ ] Germany
- [ ] Israel
- [ ] Italy
- [ ] Japan
- [ ] Korea, Republic of (South Korea)
- [ ] Mexico
- [ ] Netherlands
- [ ] New Zealand
- [ ] Saudi Arabia
- [ ] Singapore
- [ ] Sweden
- [ ] Switzerland
- [ ] Taiwan
- [ ] Thailand
- [ ] United Arab Emirates
- [ ] United Kingdom
- [ ] Other jurisdiction(s)

D.C. Bar Member Survey [US-based]

Demographics/Background Questions

* 10. What percentage of your time do you spend on international law matters?

- ◯ 0-20%
- ◯ 21-40%
- ◯ 41-60%
- ◯ 61-80%
- ◯ 81-100%

D.C. Bar Member Survey [US-based]

Demographics/Background Questions

* 11. What percentage of your time do you spend traveling abroad for any kind of legal work?

- ◯ 0-20%
- ◯ 21-40%
- ◯ 41-60%
- ◯ 61-80%
- ◯ 81-100%

D.C. Bar Member Survey [US-based]

Demographics/Background Questions

* 12. Which of the following best describes your primary practice setting?

- ◯ Private practice
- ◯ Federal government
- ◯ State government
- ◯ Local government
- ◯ Military
- ◯ Private industry/Business corporation (in-house counsel)
- ◯ Lobbyist/Lobbying firm
- ◯ Judiciary
- ◯ Education
- ◯ Legal aid/Public defender
- ◯ Private Association
- ◯ Quasi-governmental association or international non-governmental organization
- ◯ Nonprofit public interest group
- ◯ Currently unemployed
- ◯ Retired/Inactive

D.C. Bar Member Survey [US-based]

Demographics/Background Questions

* 13. Which of the following best describes your primary practice focus?

- ◯ Litigation
- ◯ Intellectual Property
- ◯ Corporate
- ◯ Tax/Finance/Investment
- ◯ Immigration
- ◯ International
- ◯ Alternative Dispute Resolution
- ◯ Immigration and/or National Security
- ◯ Criminal Law
- ◯ Human Rights
- ◯ Other

D.C. Bar Member Survey [US-based]

Demographics/Background Questions

* 14. Why did you become a member of the D.C. Bar? Check all that apply:

- ☐ I was required to be a D.C. Bar member
- ☐ To retain the option of practicing in the District of Columbia in the future
- ☐ To improve my chances of finding a job
- ☐ Availability of expert information about legal issues
- ☐ Access to leaders in the field
- ☐ Networking opportunities
- ☐ Access to information about the District of Columbia legal community
- ☐ Access to continuing professional development
- ☐ For the credential and prestige
- ☐ I was already a member of the bar of another U.S. jurisdiction and it was easy to waive in to the D.C. Bar
- ☐ Other

D.C. Bar Member Survey [US-based]

Demographics/Background Questions

* 15. Is networking with other U.S. lawyers who are also engaged in international practice important in your practice?

- Yes
- No

D.C. Bar Member Survey [US-based]

Demographics/Background Questions

* 16. Which of the following activities would you find most valuable?

- Local networking events for lawyers engaged in international law
- Local networking events for lawyers engaged in the practice of law or doing business in a specific country
- Additional educational opportunities on the globalization of legal practice

D.C. Bar Member Survey [US-based]

Demographics/Background Questions

* 17. Do you currently provide any pro bono service for your clients?

- Yes
- No

D.C. Bar Member Survey [US-based]

D.C. Bar Services

* 18. How valuable are the following D.C. Bar services to you? Please rate on a scale of 1 (least) to 5 (most) valuable.

	1	2	3	4	5
Ethics Helpline	○	○	○	○	○
Lawyer Assistance Program	○	○	○	○	○
D.C. Bar Web site (www.dcbar.org)	○	○	○	○	○
Washington Lawyer magazine	○	○	○	○	○
D.C. Bar CLE seminars	○	○	○	○	○
D.C. Bar section memberships	○	○	○	○	○

D.C. Bar Member Survey [US-based]

D.C. Bar Services

19. Which of the following challenges have you encountered in your international practice? Check all that apply, or click Next to proceed to the next question.

- [ ] Conflicting rules about attorney/client privilege
- [ ] Conflicting legal ethics rules (other than conflicting rules about attorney/client privilege)
- [ ] Restrictions on court appearances
- [ ] Conflicting rules about discovery, including e-discovery

D.C. Bar Member Survey [US-based]

D.C. Bar Services

* 20. Through which social media do you currently interact with the D.C. Bar? Check all that apply, or select None to proceed.

- [ ] Facebook
- [ ] Twitter
- [ ] LinkedIn
- [ ] YouTube
- [ ] Instagram
- [ ] None

D.C. Bar Member Survey [US-based]

D.C. Bar Services

* 21. If available, would you participate in online continuing legal education courses offered by the D.C. Bar?

- ◯ Yes
- ◯ No
- ◯ Maybe

D.C. Bar Member Survey [US-based]

D.C. Bar Services

* 22. How do you prefer to receive information from the D.C. Bar?

- ◯ Email
- ◯ Postal mail
- ◯ Social media

D.C. Bar Member Survey [US-based]

D.C. Bar Services

* 23. How would you characterize the frequency of communications to you from the D.C. Bar?

- ◯ Too often
- ◯ Not often enough
- ◯ Just the right frequency

D.C. Bar Member Survey [US-based]

D.C. Bar Services

24. Which of the following circumstances pose a challenge for you in your international practice? Check all that apply, or click Next to proceed to the next question.

- ☐ Ability to get certain documents transmitted electronically (e.g. certificate of good standing)
- ☐ Convenience of D.C. Bar CLE programs
- ☐ Schedule of live webinars
- ☐ General inquiries or communicating with the D.C. Bar

D.C. Bar Member Survey [US-based]

D.C. Bar Services

* 25. Thinking about the types of products and/or services the D.C. Bar could offer to members, how valuable would each of the following be to you? Please rate 1 (least) to 5 (most) valuable.

	1	2	3	4	5
Recorded webinars	○	○	○	○	○
D.C. Bar networking events for attorneys with international practices	○	○	○	○	○
Mentoring opportunities	○	○	○	○	○
Educational programs on globalization of legal practice	○	○	○	○	○
Facilitation of knowledge sharing programs among members	○	○	○	○	○
Training programs in federal practice areas	○	○	○	○	○
Providing pro bono service opportunities	○	○	○	○	○

D.C. Bar Member Survey [US-based]

D.C. Bar Services

* 26. How interested are you in expanding your international practice?

- ○ Very interested
- ○ Somewhat interested
- ○ Neutral
- ○ Minimally interested
- ○ Not interested

D.C. Bar Member Survey [US-based]

D.C. Bar Services

* 27. How likely is it that you will expand your practice internationally IN THE NEXT FIVE YEARS?

- ◯ Very likely
- ◯ Somewhat likely
- ◯ Neutral
- ◯ Not very likely
- ◯ No likelihood of expanding my practice internationally

D.C. Bar Member Survey [US-based]

D.C. Bar Services

28. Do you plan to move abroad in the next five years as part of your practice?

- ◯ Yes
- ◯ No

D.C. Bar Member Survey [US-based]

D.C. Bar Services

* 29. If you eventually do move in the next five years, do you intend to...

- ◯ Retain current status of my D.C. Bar membership
- ◯ Change my current status of D.C. Bar membership
- ◯ Resign my D.C. Bar membership

EXHIBIT D

E-Brief: Global Legal Practice Task Force Seeks Member Input (October 7, 2015)

E-Brief
DC BAR
Service ■ Integrity ■ Leadership

October 2015 E-Brief

Welcome to the D.C. Bar *E-Brief*, a monthly electronic newsletter providing updates and breaking news important to you and your practice.

Global Legal Practice Task Force Seeks Member Input

As part of the Bar's continued efforts to meet the needs of members around the world, its Global Legal Practice Task Force has distributed an e-mail survey among members living and working outside of the United States. **Take part and sound off.**

Submit Comments, Proposals on Rule 49

The D.C. Court of Appeals Committee on Unauthorized Practice of Law is **calling for comments and proposals** on whether to revise D.C. Court of Appeals Rule 49, which governs the unauthorized practice of law in the District. Comments due November 30.

Changing Currents in Employment Law

R. Scott Oswald and Andrew W. Witko of The Employment Law Group give a **sneak peek into the CLE Program's October 20 course** on cutting-edge issues in employment law. Spoiler alert: They provide a preview of practical tips.

Choosing the Right Business Entity for Your Practice

Ready to take the leap and start your own business, but don't know which entity type to choose? Skip the guessing game and let the Bar's Practice Management Advisory Service's **Lunch and Learn session on October 22** guide you through the process.

Mix and Mingle

Newly admitted members of the Bar can network with fellow members and meet the Bar's leadership at the **New Member Reception** on November 6.

Call for Comments on Magistrate Judge Applicants

Submit comments by October 9 on eight candidates for a magistrate judge vacancy created by the retirement of Judge Karen A. Howze of the D.C. Superior Court.

Contribute to the Combined Federal Campaign

Federal government attorneys can help the D.C. Bar Pro Bono Center improve access to justice by **contributing to the Combined Federal Campaign.**

We appreciate your feedback.

Feedback | ***Unsubscribe*** | ***Member Benefits*** |

D.C. Bar | 1101 K Street NW, Suite 200 | Washington, DC 20005-4210

EXHIBIT E

Invitation to Take the Global Legal Practice Task Force Survey for D.C. Bar Members Abroad

Dear **Member:**

The D.C. Bar's Global Legal Practice Task Force is conducting a brief survey to learn more about the needs of members who live and work outside of the United States. We want to hear from you. The information you provide will help us understand what is important in your practice.

The survey will take about five minutes to complete. You can begin your survey by clicking HERE. All responses to the survey are strictly confidential and will only be reported in the aggregate. We appreciate your time and participation. If you have any problems accessing or completing this survey, please contact us at **communications@dcbar.org**.

Thank you,

Darrell G. Mottley

Chair, D.C. Bar Global Legal PracticeTask Force

EXHIBIT F

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 1. Are you:

- ◯ Male
- ◯ Female
- ◯ I prefer not to answer

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 2. What is your age?

- ◯ 29 years or younger
- ◯ 30 - 34 years of age
- ◯ 35 - 39 years of age
- ◯ 40 - 44 years of age
- ◯ 45 - 54 years of age
- ◯ 55 - 64 years of age
- ◯ 65 or older
- ◯ I prefer not to answer

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 3. How many years have you been admitted to the practice of law?

- ◯ Less than 1 year
- ◯ 1-5 years
- ◯ 6-10 years
- ◯ 11-15 years
- ◯ 16-20 years
- ◯ More than 21 years

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 4. What is your membership status in the D.C. Bar?

- ◯ Active
- ◯ Inactive
- ◯ Judicial

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 5. Which of the following best describes you?

- ◯ I am a U.S. national
- ◯ I am a dual citizen of the United States and at least one other country
- ◯ I am a non-U.S. national
- ◯ I prefer not to answer

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 6. What is your current host country ("Host country" = the country in which you work)?

- Afghanistan
- Australia
- Austria
- Barbados
- Belgium
- Brazil
- China
- France
- Germany
- Israel
- Italy
- Japan
- Korea, Republic of (South Korea)
- Mexico
- Netherlands
- New Zealand
- Saudi Arabia
- Singapore
- Sweden
- Switzerland
- Taiwan
- Thailand
- United Arab Emirates
- United Kingdom
- Other jurisdiction

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

7. As a U.S. national, are you currently licensed to practice law in your host country ("Host country" = the country in which you work)?

- ◯ Yes
- ◯ No
- ◯ I am licensed in a foreign jurisdiction, but not my host country

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 8. If your only license is from a U.S. jurisdiction(s), which of the following best completes this statement: I do not have a license to practice in my host country because…

- ◯ it does not permit non-citizens to obtain a license in that country
- ◯ it does not offer reciprocity to lawyers with a U.S. license
- ◯ it is too difficult or expensive to obtain or to renew
- ◯ I do not need it in my current practice/business
- ◯ None of the above

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 9. In your host country ("Host country" = the country in which you work), is your license a full license or a limited license?

- ◯ I am fully licensed
- ◯ I have a limited license

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

D.C. Bar Services

10. If you are a U.S. national practicing abroad, which of these lawyer regulations or rules have you encountered in your international practice that cause challenges for you or your clients? Check all that apply, or click NEXT to proceed.

- [ ] Conflicting rules about attorney/client privilege
- [ ] Conflicting legal ethics rules (other than rules about attorney/client privilege)
- [ ] Restrictions on court appearances
- [ ] Conflicting rules about discovery, including e-discovery

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 11. As a D.C. Bar member who is a non-U.S. national or a dual citizen (of the U.S. and at least one other country): In what country were you FIRST licensed to practice law?

- ◯ Afghanistan
- ◯ Australia
- ◯ Austria
- ◯ Barbados
- ◯ Belgium
- ◯ Brazil
- ◯ China
- ◯ France
- ◯ Germany
- ◯ Israel
- ◯ Italy
- ◯ Japan
- ◯ Korea, Republic of (South Korea)
- ◯ Mexico
- ◯ Netherlands
- ◯ New Zealand
- ◯ Saudi Arabia
- ◯ Singapore
- ◯ Sweden
- ◯ Switzerland
- ◯ Taiwan
- ◯ Thailand
- ◯ United Arab Emirates
- ◯ United Kingdom
- ◯ Other jurisdiction

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 12. Are you currently maintaining your law license in your FIRST jurisdiction?

- Yes
- No

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 13. Are you licensed to practice law in more than one foreign jurisdiction?

- Yes
- No

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 14. In what other countries are you licensed to practice law?

- [ ] Afghanistan
- [ ] Australia
- [ ] Austria
- [ ] Barbados
- [ ] Belgium
- [ ] Brazil
- [ ] China
- [ ] France
- [ ] Germany
- [ ] Israel
- [ ] Italy
- [ ] Japan
- [ ] Korea, Republic of (South Korea)
- [ ] Mexico
- [ ] Netherlands
- [ ] New Zealand
- [ ] Saudi Arabia
- [ ] Singapore
- [ ] Sweden
- [ ] Switzerland
- [ ] Taiwan
- [ ] Thailand
- [ ] United Arab Emirates
- [ ] United Kingdom
- [ ] Other jurisdiction(s)

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 15. Which of the following best describes your practice? ("HOST country" = the country in which I work; "HOME country" = the country of which I am a national or citizen").

- ◯ I primarily practice U.S. law abroad
- ◯ I primarily practice international law
- ◯ I primarily practice my host country's law
- ◯ I primarily practice the law of my home country
- ◯ A combination of U.S. law and international law
- ◯ A combination of U.S. law and my host country's law
- ◯ A combination of my home country's law and U.S. law
- ◯ A combination of my host country's law and international law
- ◯ Other

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 16. Which of the following best describes your primary practice setting? (Choose one.)

- ◯ Private practice
- ◯ Federal government
- ◯ State government
- ◯ Local government
- ◯ Military
- ◯ Private Industry/Business Corporation
- ◯ Lobbyist/Lobbying firm
- ◯ Judiciary
- ◯ Education
- ◯ Legal Aid/Public Defender
- ◯ Private Association
- ◯ Quasi-governmental Association or International Non-governmental Organization
- ◯ Nonprofit Public Interest Group
- ◯ Currently unemployed
- ◯ Retired/Inactive

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 17. Which of the following best describes your primary practice focus? (Choose one.)

- ◯ Intellectual Property
- ◯ Litigation
- ◯ Corporate
- ◯ International Finance (foreign investment, tax, etc.)
- ◯ Alternative Dispute Resolution
- ◯ Immigration and/or National Security
- ◯ Human Rights
- ◯ International Antitrust Enforcement and/or Import/Export Laws
- ◯ International Criminal Law
- ◯ Other

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 18. Which statement best describes where you may live and work in the next five years:

- ◯ In the next five years, I likely will continue to live and work in my current country/countries
- ◯ In the next five years, I likely will be living or working in a different country/countries
- ◯ In the next five years, I likely will be based in the United States but traveling abroad for my practice
- ◯ In the next five years, I likely will be living and working in the United States
- ◯ I don’t know

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 19. Why did you become a member of the D.C. Bar? Check all that apply, or select "None of the above" to proceed:

- [ ] I was previously required to be a D.C. Bar member
- [ ] To retain the option of practicing in the District of Columbia in the future
- [ ] To improve my chances of finding a job
- [ ] Networking opportunities
- [ ] Access to information about the District of Columbia legal community
- [ ] Access to continuing professional development
- [ ] For the credential and prestige
- [ ] I was already a member of the bar of another U.S. jurisdiction and it was easy to waive in to the D.C. Bar
- [ ] The membership dues are inexpensive
- [ ] None of the above

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 20. Is networking with other U.S. lawyers helpful in your practice?

- ( ) Yes
- ( ) No

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 21. Which of the following services would be more valuable to you if offered by the D.C. Bar?

- ( ) An online forum or group for only those D.C. Bar members practicing abroad
- ( ) Networking events for D.C. Bar members in foreign jurisdictions
- ( ) Both would be valuable

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

Demographics/Background Questions

* 22. Do you currently provide any pro bono service for your clients?

- ◯ Yes
- ◯ No

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

D.C. Bar Services

23. How valuable are the following D.C. Bar services to you? Please rate on a scale from 1 (least) to 5 (most) valuable.

	1	2	3	4	5
Ethics Helpline	◯	◯	◯	◯	◯
Lawyer Assistance Program	◯	◯	◯	◯	◯
D.C. Bar Web site (www.dcbar.org)	◯	◯	◯	◯	◯
Washington Lawyer magazine	◯	◯	◯	◯	◯
D.C. Bar CLE seminars	◯	◯	◯	◯	◯
D.C. Bar section memberships	◯	◯	◯	◯	◯

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

D.C. Bar Services

* 24. Through which social media do you currently interact with the D.C. Bar? Check all that apply, or select None to proceed.

- [ ] Facebook
- [ ] Twitter
- [ ] LinkedIn
- [ ] YouTube
- [ ] Instagram
- [ ] None

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

D.C. Bar Services

* 25. If available, would you participate in online continuing legal education courses offered by the D.C. Bar?

- ( ) Yes
- ( ) No
- ( ) Maybe

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

D.C. Bar Services

* 26. How do you prefer to receive information from the D.C. Bar?

- ( ) Email
- ( ) Postal mail
- ( ) Social media

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

D.C. Bar Services

* 27. How would you characterize the frequency of communications to you from the D.C. Bar?

- ◯ Too often
- ◯ Not often enough
- ◯ Just the right frequency

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

D.C. Bar Services

28. Which of the following circumstances pose a challenge for you in your international practice? Check all that apply, or click Next to proceed to the next question.

- ☐ Ability to get certain documents transmitted electronically (e.g., certificate of good standing)
- ☐ Convenience of D.C. Bar educational programs
- ☐ Schedule of live webinars
- ☐ General inquiries or communicating with the D.C. Bar

D.C. Bar Survey of Members Outside the U.S. [ABROAD]

D.C. Bar Services

* 29. Thinking about the types of products and/or services the D.C. Bar could offer, how valuable would each of the following be to you? (Please rate on a scale from 1 (least) to 5 (most) valuable.

	1	2	3	4	5
Recorded webinars	○	○	○	○	○
D.C. Bar networking events abroad	○	○	○	○	○
Mentoring opportunities	○	○	○	○	○
Online forums for knowledge sharing	○	○	○	○	○
Training programs in federal practice areas	○	○	○	○	○
Educational programs on globalization of legal practice	○	○	○	○	○
Providing pro bono service opportunities	○	○	○	○	○

EXHIBIT G

Invitation to Participate in the Global Legal Practice Task Force Focus Group for D.C. Bar Members with International Practices

Dear Member,

The D.C. Bar needs your input. If you have international clients, legal matters outside of the United States, or travel abroad for your work, you are cordially invited to participate in a **focus group** about what is important in your practice that will take place from 12:00 noon to 2:00 p.m. on **Thursday, November 12** at the D.C. Bar Conference Center, 1101 K St., NW.

Light refreshments will be provided. You are welcome to bring your own brown-bag lunch.

The D.C. Bar's Global Legal Practice Task Force is continuing its efforts to meet the needs of members who engage in legal work for matters outside the United States or travel internationally for any of their work. This focus group is a critical part of this effort as it will provide feedback from individuals such as yourself whom we believe can help us think creatively about what services or products the Bar may provide that are helpful to your career.

The focus group will last approximately 90 minutes and requires no advance preparation. It will be facilitated by an outside consultant who the D.C. Bar has engaged to assist with this important project.

Space is limited so please **RSVP** today and plan to attend! We look forward to seeing you at the focus group.

Sincerely,

Darrell G. Mottley

Chair, Global Legal Practice Task Force

EXHIBIT H

Invitation to Members of the Corporation, Finance, and Securities Law; Intellectual Property Law; International Law; and Litigation Sections of the D.C. Bar to Participate in the Global Legal Practice Task Force Focus Group

As a member of the Corporations, Intellectual Property, International Law or Litigation Sections, the D.C. Bar needs your input. If you have international clients, legal matters outside of the United States, or travel abroad for your work, you are cordially invited to participate in a **focus group** about what is important in your practice that will take place from 12:00 noon to 2:00 p.m. on **Thursday, November 12** at the D.C. Bar Conference Center, 1101 K St., NW.

Light refreshments will be provided. You are welcome to bring your own brown-bag lunch.

The D.C. Bar's Global Legal Practice Task Force is continuing its efforts to meet the needs of members who engage in legal work for matters outside the United States or travel internationally for any of their work. This focus group is a critical part of this effort as it will provide feedback from individuals such as yourself whom we believe can help us think creatively about what services or products the Bar may provide that are helpful to your career.

The focus group will last approximately 90 minutes and requires no advance preparation. It will be facilitated by an outside consultant who the D.C. Bar has engaged to assist with this important project.

Space is limited so please **RSVP** today and plan to attend! We look forward to seeing you at the focus group.

Sincerely,

Darrell G. Mottley

Chair, Global Legal Practice Task Force

EXHIBIT I

Fact Sheet: Transatlantic Trade and Investment Partnership (T-TIP)

In 2013, the United States (US) and the European Union (EU) launched negotiations on a Transatlantic Trade and Investment Partnership (T-TIP) agreement.

T-TIP will be an ambitious, comprehensive, and high-standard trade and investment agreement that offers significant benefits in terms of promoting U.S. international competitiveness, jobs, and growth.

T-TIP will aim to boost economic growth in the United States and the EU and add to the more than 13 million American and EU jobs already supported by transatlantic trade and investment. In particular, T-TIP will aim to:

- Remove trade barriers in a wide range of economic sectors to make it easier to buy and sell goods and services between the EU and the US.

- Strengthen rules-based investment to grow the world's largest investment relationship. The United States and the EU already maintain a total of nearly $3.7 trillion in investment in each other's economies (as of 2011).

- Eliminate all tariffs on trade.

- Tackle costly "behind the border" non-tariff barriers that impede the flow of goods, including agricultural goods.

- Obtain improved market access on trade in services.

- Significantly reduce the cost of differences in regulations and standards by promoting greater compatibility, transparency, and cooperation, while maintaining our high levels of health, safety, and environmental protection.

- Develop rules, principles, and new modes of cooperation on issues of global concern, including intellectual property and market-based disciplines addressing state-owned enterprises and discriminatory localization barriers to trade.

- Promote the global competitiveness of small- and medium-sized enterprises.

EXHIBIT J

Defending Liberty
Pursuing Justice

William C. Hubbard
President

AMERICAN BAR ASSOCIATION

321 North Clark Street
Chicago, IL 60654-7598
(312) 988-5109
Fax: (312) 988-5100
abapresident@americanbar.org

November 19, 2014

Mr. Aldo Bulgarelli
President
Council of Bars and Law Societies of Europe
Rue Joseph II, 40/8
B 1000 Brussels
Belgium

Dear Aldo:

On behalf of Immediate Past President James Silkenat and myself, I would like to express our appreciation for the CCBE's engagement with the ABA on an ongoing basis regarding issues impacting legal services in the pending Transatlantic Trade and Investment Partnership (TTIP) negotiations.

I understand that representatives of our organizations had a productive discussion at the ABA Annual Meeting in Boston and that you have graciously extended an invitation for several ABA members to join in the November 27th meeting with Chief Judge Jonathan Lippman to be held in conjunction with the CCBE Plenary Session in Brussels. Continuing and enhancing the dialogue among the CCBE, the ABA, the Conference of Chief Justices, and other U.S. organizations such as the National Conference of Bar Presidents is important to advance our shared goal of facilitating the ability of our respective lawyers to effectively serve their clients through cross-border practice in a way that also adequately protects those clients and the public.

Because the U.S. system is grounded on state-based judicial regulation of the legal profession, progress in the United States must be made on a state-to-state basis. Trade negotiations such as the TTIP are useful mechanisms to facilitate dialogue on liberalization, and the ABA welcomes the opportunity to work closely with the CCBE to ensure that clients have the legal services access they need in both the U.S. and the EU. As was discussed in Boston, we believe that the more constituencies that speak to regulators here and in the EU about these important issues, the more effective we are likely to be in reducing unnecessary barriers.

We have carefully studied the CCBE's requests to the United States and look forward to further discussion regarding how best to implement cross-border practice. It is important to emphasize that, unlike the CCBE, the ABA does not have the authority to speak for or make commitments on behalf of the lawyer regulatory authorities or state bar associations

in the United States, so we cannot provide a response or a similar request that would represent the "U.S." position. However, we can provide information to the CCBE (and to state regulators) on policies adopted by the ABA (and implemented in a number of U.S. jurisdictions) that address many of the relevant issues, and we can work with the CCBE to stimulate a dialogue in the U.S. and the EU about these issues.

The ABA has adopted policies designed to allow lawyers to effectively serve their clients, at home and abroad, through cross-border practice. To facilitate this goal, the ABA has adopted a number of Model Rules and policies that seek to facilitate access by foreign lawyers in the United States, including: (1) the Model Rule for the Licensing and Practice of Foreign Legal Consultants; (2) the Model Rule for Temporary Practice by Foreign Lawyers; (3) the Model Rule on Pro Hac Vice Admission; and (4) Model Rule of Professional Conduct 5.5(d) and (e), along with the Model Rule for Registration of In-House Counsel; and (5) the ABA Model Rule on Practice Pending Admission that applies to foreign legal consultants. Section a(3) of the Model Rule for Temporary Practice includes lawyers who represent clients in mediation and international arbitration.

The only topic addressed in the CCBE "requests" for which the ABA does not have a policy position is the issue of lawyers who serve as neutrals in international arbitration and mediation, as opposed to representing clients. The ABA has adopted a policy, however, that favors recognition of freedom of parties to international commercial arbitration proceedings to choose as their representatives in those proceedings lawyers who need not be admitted to practice law in the jurisdiction where the arbitration proceeding takes place. All of these policies are available on the webpage of the ABA Task Force on International Trade in Legal Services: http://www.ambar.org/itils.

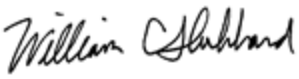
As the ABA urges adoption of these Model Rules by all U.S. jurisdictions, we would also encourage that similar access to those found in the CCBE "requests" be afforded to U.S. lawyers and law firms in foreign jurisdictions. We note that the CCBE request indicates that issues relating to pro hac vice admission, in-house counsel registration, full admission, and the Services and Establishment Directives are considered "off the table." These issues represent serious impediments to the ability of some U.S. lawyers and law firms to engage in providing legal services in the EU, and the latter two are of particular concern because they are based solely on the question of nationality rather than competence. We hesitate to foreclose further discussion on these issues and propose that they remain on the agenda for consideration. Because of the leadership role held by both of our organizations, we believe that all issues related to cross-border legal practice should be available for discussion, even if some of these issues are not ultimately included in our respective government's TTIP "requests." We believe that both organizations share the goal of reducing unnecessary trade barriers and promoting a dialogue regarding which barriers might – or might not – be considered unnecessary in light of the goals of lawyer regulation.

In sum, the ABA welcomes the opportunity to work closely with the CCBE to ensure that clients have the legal services access they need in both the U.S. and the EU. We welcome the CCBE's letter and believe that it provides a useful basis for ongoing discussions in

the U.S. and in Europe. As our combined letters reveal, the ABA and the CCBE agree on a number of policy issues with respect to cross-border practice. We believe that our organizations can serve an effective role in gathering data about the barriers that lawyers face and working with a variety of stakeholders, including regulators, to help them understand the issues and remove any unnecessary barriers.

We look forward to working with the CCBE as the trade negotiations progress, as well as in other efforts to ensure that the interests of our respective lawyers are addressed.

Sincerely,

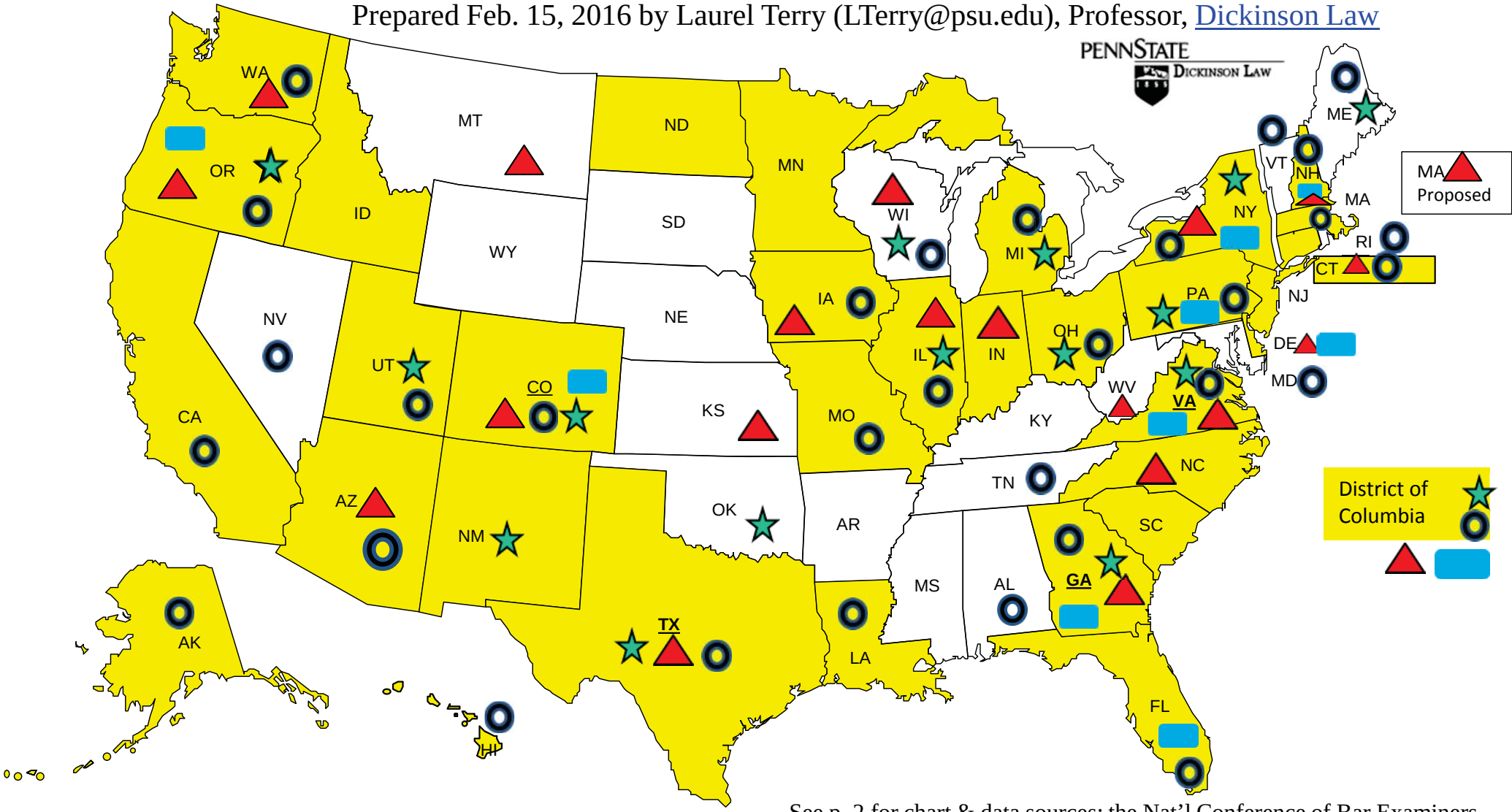


William C. Hubbard

EXHIBIT K

Jurisdictions with Rules Regarding Foreign Lawyer Practice

Prepared Feb. 15, 2016 by Laurel Terry (LTerry@psu.edu), Professor, Dickinson Law



LEGEND (see back page for additional information)

See p. 2 for chart & data sources: the Nat'l Conference of Bar Examiners and the ABA Center for Professional Responsibility

Yellow shading = has a foreign legal consultant rule

= rule permits temporary practice by foreign lawyers (also known as FIFO or fly-in, fly-out)

= rule permits foreign pro hac vice admission

= rule permits foreign in-house counsel

= has had at least one foreign-educated applicant sit for a bar exam between 2010 and 2014.

Summary of State Foreign Lawyer Practice Rules (2/15/16*)

Prepared by Laurel Terry (LTerry@psu.edu), Professor, Dickinson Law

PENNSTATE DICKINSON LAW

Based on implementation information contained in charts prepared by the ABA Center for Professional Responsibility

dated 12/15/2015 and 1/26/16 available at http://tinyurl.com/ABA-MJP-Chart and http://tinyurl.com/ABA-20-20-Chart

*This document (or an updated version) is available online on an ABA webpage and my webpage: *see* http://tinyurl.com/laurelterrymap

There are five methods by which foreign lawyers might ***actively*** practice in the United States: 1) through a license that permits only limited practice, known as a foreign legal consultant rule [addressed in MJP Report 201H]; 2) through a rule that permits temporary transactional work by foreign lawyers or arbitration or mediation [addressed in MJP Report 201J]; 3) through a rule that permits foreign lawyers to apply for pro hac vice admission [ABA Resolution #107C (Feb. 2013)]; 4) through a rule that permits foreign lawyers to serve as in-house counsel [ABA Resolutions #107A&B (Feb. 2013)]; and 5) through full admission as a regularly-licensed lawyer in a U.S. jurisdiction. (The ABA does not have a policy on Method #5 although there are a number of foreign lawyers admitted annually; information about state admission rules is available in NCBE's annual COMPREHENSIVE GUIDE TO BAR ADMISSIONS. *See also* NCBE Statistics.)

In 2015, the Conference of Chief Justices [CCJ] adopted a Resolution that urged states to adopt explicit policies on issues 1-4 and on the issue of "association." (For a related map, *see* here). States that are considering whether to adopt rules regarding these five methods of foreign lawyer admission might want to consider the model provided in *International Trade in Legal Services and Professional Regulation: A Framework for State Bars Based on the Georgia Experience*, available at http://tinyurl.com/GAtoolkit. The CCJ endorsed this "Toolkit" in 2014.

Jurisdictions with FLC Rules	Explicitly Permit Foreign Lawyer Temporary Practice	Jurisdictions that Permit Foreign Lawyer Pro Hac Vice	Jurisdictions that Permit Foreign In-House Counsel	Since 2010 has had a foreign-educated full-admission applicant
33	11	16	20	32
AK, AZ, CA, CO, CT, DE (Rule 55.2), DC, FL, GA, HI, ID, IL, IN, IA, LA, MA, MI, MN, MO, NH, NJ, NM, NY, NC, ND, OH, OR, PA, SC, TX, UT, VA, WA	CO, DE, DC (Rule 49(c)(13) (RPC 5.5(d)), FL, GA, NH, NM (includes transactional matters), NY, OR, PA, VA	CO, DC (Rule 49), GA (Rule 4.4), IL, ME, MI, NM, NY, OH (Rule XII), OK (Art. II(5)), OR, PA, TX (Rule XIX), UT (appellate courts only). (Note: not on the CPR's list. Cf. Utah Rule of Appellate Procedure 40 with Rule 14-806), VA, WI	AZ (R. 38(h) , CO (205.5), CT, DC, DE (Rule 55.1), GA, IL, IA, IN, KS, MT, NH, NC, NY, OR (allowed on a temporary basis under Rule 5.5(c); further study underway); TX, VA (Part 1A), WA, WI, WV Proposed in MA	AL, AK, AZ, CA, CO, CT, DC, FL, GA, HI, IL, IA, LA, ME, MD, MA, MI, MO, NV, NH, NY, OH, OR, PA, RI, TN, TX, UT, VT, VA, WA, WI
ABA Model FLC Rule (2006)	ABA Model Rule for Temporary Practice by Foreign Lawyers	ABA Model Pro Hac Vice Rule	ABA Model Rule re Foreign In-House Counsel and Registration Rule	No ABA policy; Council did not act on Committee Proposal; see state rules
ABA Commission on Multijurisdictional Practice web page	State Rules—Temporary Practice by Foreign Lawyers (ABA chart)	Comparison of ABA Model Rule for Pro Hac Vice Admission with State Versions and Amendments Since August 2002 (ABA chart)	In-House Corporate Counsel Registration Rules (ABA chart); Comparison of ABA Model Rule for Registration of In-House Counsel with State Versions (ABA chart); State-by State Adoption of Selected Ethics 20/20 Commission Policies (ABA chart)	NCBE COMPREHENSIVE GUIDE TO BAR ADMISSIONS

*Note: As the map on the back of this page shows, six jurisdictions (CO, DC, GA, NY, OR, VA) have rules for all 5 methods; four jurisdictions have rules on 4 methods (IL, NH, PA and TX); and ten jurisdictions have rules on 3 methods (AZ, CT, DE, FL, IA, MI, OH, UT, WA, and WI). [Prior editions of the map erroneously included PA among the "five method" states. This chart covers 50 U.S. states & the District of Columbia.]

EXHIBIT L

Taking and Passing the New York Bar Examination by Source of Legal Education[1]

Year	Total Number of Bar Exam Takers	Total Number of Individuals Who Passed the Bar Exam	Pass %	Total Examinees from ABA Schools	Pass rate for ABA school Examinees	Total Number of Foreign-Educated Attorneys Taking the Bar Exam	Total Foreign-Educated Attorneys Passing the Bar Exam	Foreign Educated Attorney Pass Rate
2015	14,668	8,209	56%	9,893	68%	4,754	1,454	31%
2014	15,227	9,167	60%	10,392	72%	4,813	1,565	33%
2013	15,846	10,163	64%	11,219	76%	4,602	1,588	35%
2012	15,745	9,680	61%	11,038	73%	4,675	1,604	34%
2011	15,063	9,607	64%	10,611	77%	4,427	1,442	33%
2010	15,588	10,060	65%	10,097	77%	4,596	1,565	34%
Total	**92,137**	**56,886**	**68%**	**63,250**	**73%**	**27,867**	**9,218**	**33%**

[1] All statistics in these charts are from: THE NATIONAL CONFERENCE OF BAR EXAMINERS, STATISTICS, http://www.ncbex.org/publications/statistics/ (last visited April 29, 2016).

EXHIBIT M

Taking and Passing the District of Columbia Bar Examination by Source of Legal Education[1]

	Law School Outside the USA			All Examinees		
	Taking	Passing	Passing %	Taking	Passing	Pass %
2015	204	59	29%	555	232	42%
2014	244	78	32%	561	223	40%
2013	196	54	28%	476	222	47%
2012	144	51	35%	447	227	51%
2011	94	24	26%	418	201	48%
2010	76	14	18%	461	189	41%
Total	**958**	**280**	**29%**	**2,918**	**1,294**	**44%**

Taking the District of Columbia Bar Examination by Education

	ABA-Approved Law School			Non-ABA Approved Law School			Law School Outside the USA			All Examinees		
	Taking	Passing	Passing %	Taking	Passing	Passing %	Taking	Passing	Passing %	Taking	Passing	Pass %
2015	324	169	52%	27	4	15%	204	59	29%	555	232	42%
2014	303	144	48%	14	1	7%	244	78	32%	561	223	40%
2013	261	163	62%	19	5	26%	196	54	28%	476	222	47%
2012	287	173	60%	16	3	19%	144	51	35%	447	227	51%
2011	304	175	58%	20	2	10%	94	24	26%	418	201	48%
2010	366	173	47%	19	2	11%	76	14	18%	461	189	41%
Total	**1845**	**997**	**54%**	**115**	**17**	**15%**	**958**	**280**	**29%**	**2,918**	**1,294**	**44%**

Comparison of Admission by Examination Versus Admission on Motion in the District of Columbia

Year	By Examination	On Motion
2015	200	2,189
2014	253	2,670
2013	92	3,028
2012	204	2,932
2011	194	2,970
2010	191	2,875
Total	**1,134**	**16,664**

[1] All statistics in these charts are from: THE NATIONAL CONFERENCE OF BAR EXAMINERS, STATISTICS, http://www.ncbex.org/publications/statistics/ (last visited April 29, 2016).

All First-Time Exam Takers and Repeaters of the District of Columbia Bar Examination

		First-Timers[2]			Repeaters[3]		
		Taking	Passing	Passing %	Taking	Passing	Passing %
2015	February	163	86	53%	96	16	17%
	July	173	100	58%	123	30	24%
	Total	**336**	**186**	**55%**	**219**	**46**	**21%**
2014	February	179	110	61%	118	26	22%
	July	140	73	52%	124	14	11%
	Total	**319**	**183**	**57%**	**242**	**40**	**17%**
2013	February	159	92	58%	70	15	21%
	July	134	88	66%	113	27	24%
	Total	**293**	**180**	**61%**	**183**	**42**	**23%**
2012	February	150	100	67%	87	16	18%
	July	125	88	70%	85	23	27%
	Total	**275**	**188**	**68%**	**172**	**39**	**23%**
2011	February	112	82	73%	98	22	22%
	July	120	77	64%	88	20	23%
	Total	**232**	**159**	**69%**	**186**	**42**	**23%**
2010	February	126	77	61%	98	15	15%
	July	141	84	60%	96	13	14%
	Total	**267**	**161**	**60%**	**194**	**28**	**14%**

District of Columbia Bar Examination Takers and Repeaters from ABA-Approved Law Schools

		ABA-Approved Law School First-Timers			ABA-Approved Law School Repeaters		
		Taking	Passing	Passing %	Taking	Passing	Passing %
2015	February	105	74	69%	45	8	18%
	July	112	60	64%	57	2	4%
	Total	**217**	**134**	**67%**	**102**	**10**	**10%**
2014	February	107	71	72%	29	8	28%
	July	94	71	80%	44	13	30%
	Total	**201**	**142**	**76%**	**73**	**21**	**29%**
2013	February	99	74	74%	48	11	23%
	July	89	77	77%	39	11	28%
	Total	**188**	**151**	**76%**	**87**	**22**	**25%**
2012	February	100	75	75%	63	18	29%
	July	100	66	74%	52	16	31%
	Total	**200**	**141**	**75%**	**115**	**34**	**30%**
2011	February	100	75	65%	68	11	16%
	July	89	75	65%	67	12	18%
	Total	**189**	**150**	**65%**	**135**	**23**	**17%**
2010	February	126	77	61%	98	15	15%
	July	141	84	60%	96	13	14%
	Total	**267**	**161**	**60%**	**194**	**28**	**14%**

[2] "First-time exam takers" are individuals taking the examination for the first time in the reporting jurisdiction.
[3] "Repeaters" are individuals who have taken the bar examination in the reporting jurisdiction at least once prior to the listed administration.

EXHIBIT N

Invitation to the Special Legal Consultants of the D.C. Bar to Take the Global Legal Practice Task Force Survey of Special Legal Consultants

Dear District of Columbia Special Legal Consultant,

The D.C. Bar's Global Legal Practice Task Force is conducting a brief survey to learn more about the needs of our *Special Legal Consultant* affiliates. The information you provide will help us understand what is important to you as a licensed *Special Legal Consultant* of the District of Columbia.

This survey closes at 11:59 pm eastern standard time on Wednesday, February 24. If you have already completed this survey, thank you. If you have not, **we want to hear from you**.

The survey will take about five minutes to complete. You can begin your survey by clicking **HERE**. All responses to the survey are strictly confidential and will only be reported in the aggregate. We appreciate your time and participation. If you have any problems accessing or completing this survey, please contact us at DCGlobal@dcbar.org. We also welcome you to e-mail us any additional comments or suggestions you may have.

Thank you,

Darrell G. Mottley

Chair, D.C. Bar Global Legal Practice Task Force

EXHIBIT O

District of Columbia Special Legal Consultants

* 1. Why did you apply for a license as a Special Legal Consultant in the District of Columbia? (check all that apply)

- [ ] I needed the license for my job
- [ ] For the prestige
- [ ] It is a temporary measure while I complete course work to qualify to take the D.C. Bar exam
- [ ] I would have preferred to become admitted to the D.C. Bar, but it is too difficult
- [ ] Other (please specify)

District of Columbia Special Legal Consultants

* 2. Which of the following best describes your primary practice setting? (Choose one.)

- ◯ Private practice
- ◯ Federal government
- ◯ State government
- ◯ Local government
- ◯ Military
- ◯ Private Industry/Business Corporation
- ◯ Lobbyist/Lobbying firm
- ◯ Judiciary
- ◯ Education
- ◯ Legal Aid/Public Defender
- ◯ Private Association
- ◯ Quasi-governmental Association or International Non-governmental Organization
- ◯ Nonprofit Public Interest Group
- ◯ Currently unemployed
- ◯ Retired/Inactive

District of Columbia Special Legal Consultants

* 3. Do you work in the Washington, D.C. metropolitan area?

- ◯ Yes
- ◯ No

District of Columbia Special Legal Consultants

* 4. In which countries are you licensed to practice law?

- [ ] Afghanistan
- [ ] Australia
- [ ] Austria
- [ ] Barbados
- [ ] Belgium
- [ ] Brazil
- [ ] China
- [ ] France
- [ ] Germany
- [ ] Israel
- [ ] Italy
- [ ] Japan
- [ ] Korea, Republic of (South Korea)
- [ ] Mexico
- [ ] Netherlands
- [ ] New Zealand
- [ ] Saudi Arabia
- [ ] Singapore
- [ ] Sweden
- [ ] Switzerland
- [ ] Taiwan
- [ ] Thailand
- [ ] United Arab Emirates
- [ ] United Kingdom
- [ ] Other jurisdiction

District of Columbia Special Legal Consultants

5. Are you licensed in another jurisdiction within the United States?

- ◯ Yes
- ◯ No

District of Columbia Special Legal Consultants

* 6. Are you currently completing course work in an ABA-accredited law school that will enable you to take the New York or any other United States bar exam?

- ◯ Yes
- ◯ No

District of Columbia Special Legal Consultants

* 7. Please select the U.S. jurisdictions in which you are licensed, and also indicate if you have been admitted to those jurisdictions for five years or longer.

	Licensed	Admitted prior to February 17, 2011
AL Alabama	☐	☐
AK Alaska	☐	☐
AZ Arizona	☐	☐
AR Arkansas	☐	☐
CA California	☐	☐
CO Colorado	☐	☐
CT Connecticut	☐	☐
DE Delaware	☐	☐
FL Florida	☐	☐
GA Georgia	☐	☐
HI Hawaii	☐	☐
ID Idaho	☐	☐
IL Illinois	☐	☐

	Licensed	Admitted prior to February 17, 2011
IN Indiana	☐	☐
IA Iowa	☐	☐
KS Kansas	☐	☐
KY Kentucky	☐	☐
LA Louisiana	☐	☐
ME Maine	☐	☐
MD Maryland	☐	☐
MA Massachusetts	☐	☐
MI Michigan	☐	☐
MN Minnesota	☐	☐
MS Mississippi	☐	☐
MO Missouri	☐	☐
MT Montana	☐	☐
NE Nebraska	☐	☐
NV Nevada	☐	☐
NH New Hampshire	☐	☐
NJ New Jersey	☐	☐
NM New Mexico	☐	☐
NY New York	☐	☐
NC North Carolina	☐	☐
ND North Dakota	☐	☐
OH Ohio	☐	☐
OK Oklahoma	☐	☐
OR Oregon	☐	☐
PA Pennsylvania	☐	☐
RI Rhode Island	☐	☐
SC South Carolina	☐	☐
SD South Dakota	☐	☐
TN Tennessee	☐	☐
TX Texas	☐	☐
UT Utah	☐	☐

	Licensed	Admitted prior to February 17, 2011
VT Vermont	☐	☐
VA Virginia	☐	☐
WA Washington	☐	☐
WV West Virginia	☐	☐
WI Wisconsin	☐	☐
WY Wyoming	☐	☐

District of Columbia Special Legal Consultants

* 8. Did you qualify to take the New York or any other United States bar exam through completion of an L.L.M. degree or completion of the number of academic credits required?

- ◯ Yes
- ◯ No, I qualified through a different method. (Please explain)

District of Columbia Special Legal Consultants

* 9. Did you know that if you have been a member in good standing of a U.S. jurisdiction for at least five years that you may apply for admission to the D.C. Bar without taking the exam?

- ◯ Yes
- ◯ No

District of Columbia Special Legal Consultants

* 10. Do you intend to apply for admission to the D.C. Bar?

- ◯ Yes
- ◯ No

District of Columbia Special Legal Consultants

11. Why do you not intend to apply for admission to the D.C. Bar? (check all that apply)

- ☐ I do not need a D.C. Bar license for my job
- ☐ The admission process is too expensive
- ☐ The admission process is too time-consuming
- ☐ Other (please specify)

District of Columbia Special Legal Consultants

* 12. Do you intend to apply for admission to the District of Columbia Bar by taking the D.C. Bar exam?

- ◯ Yes
- ◯ No

District of Columbia Special Legal Consultants

* 13. Why do you not intend to apply for admission to the District of Columbia Bar by taking the D.C. Bar exam? (check all that apply)

- [ ] I do not need a D.C. Bar license for my job
- [ ] It is too difficult to qualify to take the exam (e.g., completion of 26 hours of classes at an American Bar Association -accredited law school is too expensive and time consuming)
- [ ] Other (please specify)

District of Columbia Special Legal Consultants

* 14. If the rule were changed to permit foreign-educated attorneys who have already been admitted to practice in another U.S. jurisdiction to take the D.C. Bar exam without the completion of additional course work, would you consider taking the D.C. Bar exam?

- ◯ Yes
- ◯ No (please specify why)

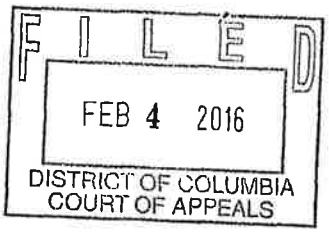
District of Columbia Special Legal Consultants

* 15. Please let us know the different ways you engage with the D.C. Bar (check all that apply)

- [ ] Attend Sections events
- [ ] Participate in a Section Listserv
- [ ] Attend CLE programs
- [ ] Social media
- [ ] Volunteer for the D.C. Bar Pro Bono Center
- [ ] Read the D.C. Bar magazine Washington Lawyer
- [ ] Subscribe to email alerts (ex. Ebrief or CLE)
- [ ] Sought guidance through the Legal Ethics hotline
- [ ] Use the Practice Management Advisory Service as a resource
- [ ] Take advantage of the Member Benefits Program
- [ ] NONE OF THE ABOVE
- [ ] Other (please specify)

EXHIBIT P

District of Columbia
Court of Appeals



No. M-252-15

BEFORE: Washington, Chief Judge; Glickman, Fisher, Blackburne-Rigsby, Thompson, Beckwith, Easterly, and McLeese, Associate Judges.

ORDER
(FILED – February 4, 2016)

On consideration of the proposed amendments to Rule 46 of this court's rules, published for notice and comment on October 28, 2015, and the comments received concerning those proposed amendments, it is

ORDERED that, with two exceptions, the proposed amendments are hereby adopted, effective March 1, 2016. The text of the Rule as amended is attached to this order.

It is further ORDERED that the proposal to amend Rule 46 to permit third-year law students to take the Bar Examination in certain circumstances is not adopted at this time. Rather, the notice and comment period with respect to that proposed amendment is hereby reopened. Interested parties may submit written comments concerning that proposed amendment and any suggested modifications to the proposed language. Ten copies of any comments should be addressed to the Clerk, D.C. Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001, by March 31, 2016. All comments submitted pursuant to this notice will be available to the public.

It is further ORDERED that the proposal to amend Rule 46 (c)(4), (d)(3)(D), and (e)(3)(B)(i) to provide that the 26 hours of study required of students who have graduated from a law school not accredited by the American Bar Association be fulfilled by "classroom" courses is not adopted at this time. Rather, the court will consider that issue at a later date, in light of the recommendations of the Global Legal Practice Task Force of the D.C. Bar.

PER CURIAM

Amended Rule 46

Rule 46. Admission to the Bar.

(a) *Committee on Admissions.*

(1) The court shall appoint a standing committee known as the Committee on Admissions (Committee) consisting of at least seven members of the Bar of this court, one of whom shall serve as counsel to the Committee. Each appointment shall be for a term of three years. In case of a vacancy arising before the end of a member's term, the successor appointed shall serve the unexpired term of the predecessor member. When a member holds over after the expiration of the term for which that member was appointed, the time served after the expiration of that term shall be part of a new term. No member shall be appointed to serve longer than two consecutive regular three-year terms, unless an exception is made by the court.

(2) Subject to the approval of the court, the Committee may adopt such rules and regulations as it deems necessary to implement the provisions of this rule. The members of the Committee shall receive such compensation and necessary expenses as the court may approve.

(3) Members of the Committee and their lawfully appointed designees and staff are immune from civil suit for any conduct in the course of their official duties.

(b) *Admission to the Bar of this jurisdiction.* Admission may be based on (1) examination in this jurisdiction; (2) transfer of a Uniform Bar Examination score attained in another jurisdiction; (3) the applicant's qualifying score on the Multistate Bar Examination administered in another jurisdiction and membership in the bar of such other jurisdiction; or (4) membership in good standing in the bar of another jurisdiction for at least five years immediately prior to the application for admission.

(c) *Admission based on examination in this jurisdiction.*

(1) Place and Dates of Examination. Examinations for admission to the Bar shall be held on two successive days in February and July of each year in Washington,

D.C., at a place designated by the Committee and on dates designated by the National Conference of Bar Examiners (NCBE). The Committee may extend the days for examination for an applicant pursuant to a request for testing accommodations.

(2) Time to Apply and Fees.

(A) An application to take the bar examination shall be submitted in a format approved by the Committee and filed with the Director of Admissions (Director) not later than December 15 for the February examination and May 3 for the July examination unless, for exceptional cause shown, the time is extended by the Committee. The contents of the application to take the examination shall be confidential except upon order of the court.

(B) The application shall be accompanied by (1) a payment to the Clerk, D.C. Court of Appeals (Clerk), in an amount and form approved by the Committee and specified by the Director, and (2) payment to NCBE, or proof of payment to NCBE, in an amount and form specified on the application form.

(C) Late applications may be filed within 15 days from the closing dates specified in subparagraph (i) and must be accompanied by an additional, non-refundable payment to the Clerk, D.C. Court of Appeals, in an amount and form approved by the Committee.

(3) Proof of Legal Education in a Law School Approved by the American Bar Association. An applicant who has graduated from a law school that at the time of graduation was approved by the American Bar Association (ABA) shall be permitted to take the bar examination. Under no circumstances shall such an applicant be admitted to the Bar without first having submitted to the Director a certificate that the applicant has graduated from an ABA-approved law school with a J.D. or LL.B. degree.

(4) Law Study in a Law School Not Approved by the ABA. An applicant who graduated from a law school not approved by the ABA shall be permitted to take the bar examination only after successfully completing at least 26 credit hours of study in a law school that at the time of such study was approved by the ABA. All such 26 credit hours shall be earned in courses of study, each of which is substantially concentrated on a single subject tested on the Uniform Bar Examination.

(5) Multistate Professional Responsibility Examination. An applicant for admission by examination shall not be admitted to the Bar unless that applicant has also taken

the Multistate Professional Responsibility Examination (MPRE) written and administered by NCBE and has received thereon the minimum required grade as determined by the Committee. Arrangements to take the MPRE, including the payment of any fees therefor, shall be made directly with NCBE. The score received on the MPRE shall not be used in connection with the scoring of the bar examination.

(6) Examination of Applications. The Director shall examine each application to determine the applicant's eligibility and to verify the completeness of the application. If eligibility is not demonstrated, the applicant shall be permitted to furnish additional information. If the application is not complete, the needed information shall be provided upon the Director's request.

(7) Examination Identification Number. The Director shall assign an examination number to each accepted applicant. Each applicant shall be notified by the Director of the applicant's examination number and shall be furnished an admission card and a list of instructions. Further disclosure of the examination number of any applicant is prohibited.

(8) General Considerations Regarding the Examination.

(A) The examination shall be the Uniform Bar Examination (UBE) developed by NCBE. The UBE consists of a written component, consisting of the Multistate Essay Examination (MEE) and the Multistate Performance Test (MPT), and a multiple choice component, which is the Multistate Bar Examination (MBE).

(B) An applicant may request the Committee to accept an MBE score from a prior examination administration provided that:

(i) The prior MBE scaled score is not less than 133; and

(ii) The prior administration was within 25 months of the present administration.

(C) An applicant may request the Committee to accept a written component score from a prior examination administration in the District of Columbia provided that:

(i) The prior written component scaled score is not less than 133; and

(ii) The prior administration was within 25 months of the present administration.

(D) An applicant requesting acceptance of a score from a prior administration shall submit with the application to sit for the bar examination a score transfer form. Any score earned in a prior administration may not be used to earn a UBE score

that can be transferred to seek admission in another U.S. jurisdiction. To earn a transferrable UBE score, an applicant must take both the written and MBE components in a single administration of the examination.

(E) Examination booklets shall be furnished by the Committee. Computers or typewriters furnished by the applicants may be used by prearrangement with the Director.

(F) Except by permission of the Committee's representative, no applicant shall leave the examination room during the examination. Each applicant, upon leaving the examination room, shall turn in the examination materials to the Committee's representative.

(9) Computation of Written Component Scaled Scores. The raw scores on the written component shall be converted to scaled scores by NCBE in accordance with UBE policies.

(10) Determining Pass/Fail Status.

(A) An applicant taking the written and MBE components concurrently must attain a combined UBE scaled score of 266 or greater to pass the examination.

(B) If an MBE component score from a prior administration is accepted by the Committee under (c)(8)(B) above, the applicant must attain a scaled score of 133 or higher on the written component in the current administration to pass the examination. If a written component score from a prior administration is accepted by the Committee under (c)(8)(C) above, the applicant must attain a scaled score of 133 or higher on the MBE component in the current administration to pass the examination.

(C) Before notice and publication of the examination results, the Committee shall review the written component answers of all applicants who have attained a written component scaled score or a combined UBE scaled score within a specified number of points below the passing score, as determined by the Committee.

(11) Time of Notice and Publication of Results. Applicants shall be notified in writing of the results of their examination.

(A) The Director shall notify each successful applicant of his or her written component scaled score, MBE scaled score, and combined UBE scaled score, as applicable. An alphabetical list of the successful applicants shall be published with the request that any information tending to affect the eligibility of an applicant on moral grounds be furnished to the Committee. The first publication shall be at least

30 days before the Committee reports to the court. A copy of this list shall be posted in the office of the Clerk for three weeks.

(B) The Director shall notify in writing each unsuccessful applicant of the applicant's score. The notification shall contain the applicant's raw score for each question in the written component, the written component scaled score, the MBE scaled score, and the combined UBE scaled score.

(12) Post-examination Review. Each unsuccessful applicant may review his or her graded written component answers by executing and returning the review request form so that it is received by the Director by the 30th day after examination results are published. A review of the MBE is not available. The Director shall advise the unsuccessful applicant of the date, time, and place at which the written component answers may be reviewed. The review period shall not exceed three hours.

(13) Destruction of the Written Component Answers. Destruction of the applicant answers in the written examination component may commence 30 days from the date of publication of the examination results, but destruction of the written component answers of an unsuccessful applicant who takes advantage of the post-examination review procedure shall be delayed until at least 15 days after the review.

(14) Previous Failures. An applicant who has taken the bar examination or a component of the bar examination four times in the District of Columbia and failed to earn a passing score will not be permitted to take a further examination, except upon a showing of extraordinary circumstances. An applicant who has previously taken the bar examination in the District of Columbia four or more times before the effective date of this rule will be permitted to take the bar examination one additional time without a showing of extraordinary circumstances.

(15) Communication with Committee Members and Graders. No applicant shall communicate with Committee members or graders concerning any applicant's performance in the examination.

(d) *Admission by transfer of a Uniform Bar Examination score attained in another jurisdiction.*

(1) Application. Applicants seeking admission to this Bar on the basis of a UBE score attained in another jurisdiction shall submit to the Director an application in a

format approved by the Committee. The content of the application shall be confidential except upon order of the court.

(2) Fees. The application shall be accompanied by (1) a payment to the Clerk, D.C. Court of Appeals, in an amount and form approved by the Committee and specified by the Director, and (2) payment to NCBE, or proof of payment to NCBE, in an amount and form specified on the application form.

(3) Admission Requirements. An applicant may, upon proof of good moral character as it relates to the practice of law, be admitted to the Bar of this court on the basis of a UBE score attained in another jurisdiction provided that:

(A) The combined UBE scaled score, as certified by NCBE, is not less than 266 (the passing combined UBE scaled score);

(B) The passing combined UBE scaled score was attained by taking the UBE not more than five years before the filing of the application;

(C) The passing combined UBE scaled score was attained by taking the UBE no more than 4 times, including any attempts in the District of Columbia.

(D) The applicant has been awarded a J.D. or LL.B. degree by a law school which, at the time of the awarding of the degree, was approved by the ABA; or, if the applicant graduated from a law school not approved by the ABA, the applicant successfully completed at least 26 credit hours of study in a law school that at the time of such study was approved by the ABA, with all such 26 credit hours having been earned in courses of study, each of which is substantially concentrated on a single subject tested on the UBE; and

(E) The applicant has also taken the MPRE written and administered by NCBE and received the minimum required grade as determined by the Committee.

(e) *Admission without Examination of Members of the Bar of Other Jurisdictions.*

(1) Application. An application of an applicant seeking admission to this Bar from another state or territory shall be submitted in a format approved by the Committee and filed with the Director. The contents of the application shall be confidential except upon order of the court.

(2) Fees. The application shall be accompanied by (1) a payment to the Clerk, D.C. Court of Appeals, in an amount and form approved by the Committee and

specified by the Director, and (2) payment to NCBE, or proof of payment to NCBE, in an amount and form specified on the application form.

(3) Admissions Requirements. An applicant may, upon proof of good moral character as it relates to the practice of law, be admitted to the Bar of this court without examination in this jurisdiction, provided that the applicant:

(A) Has been a member in good standing of a Bar of a court of general jurisdiction in any state or territory of the United States for a period of at least five years immediately preceding the filing of the application; or

(B) (i) Has been awarded a J.D. or LL.B. degree by a law school which, at the time of the awarding of the degree, was approved by the ABA; or, if the applicant graduated from a law school not approved by the ABA, the applicant successfully completed at least 26 credit hours of study in a law school that at the time of such study was approved by the ABA, with all such 26 credit hours having been earned in courses of study, each of which is substantially concentrated on a single subject tested on the UBE;

(ii) Has been admitted to the practice of law in any state or territory of the United States upon the successful completion of a written bar examination and has received a scaled score of 133 or more on the MBE which the state or territory deems to have been taken as a part of such examination; and

(iii) Has taken and passed, in accordance with paragraph (c)(5), the MPRE.

(f) *Special Legal Consultants.*

(1) Licensing Requirements. In its discretion, the court may license to practice as a Special Legal Consultant, without examination, an applicant who:

(A) Has been admitted to practice (or has obtained the equivalent of admission) in a foreign country, and is in good standing as an attorney or counselor at law (or the equivalent of either) in that country;

(B) Possesses the good moral character and general fitness requisite for a member of the Bar of this court;

(C) Intends to practice as a Special Legal Consultant in the District of Columbia and to maintain an office for such practice in the District of Columbia which, if the applicant is a teacher of law at a law school approved by the American Bar Association, may be the office of the teacher at the law school; and

(D) Is at least twenty-six years of age.

(2) Filings Required.

An applicant for a license to practice as a Special Legal Consultant shall file with the Committee:

(A) An application in the form prescribed by the Committee addressed to the court in executive session, which without further order of the court shall be referred to the Committee;

(B) Payment to the Clerk, D.C. Court of Appeals, in an amount and form approved by the Committee and specified by the Director;

(C) A certificate from the authority in the foreign country having final jurisdiction over professional discipline, certifying to the applicant's admission to practice (or the equivalent of such admission) and the date thereof and to the applicant's good standing as attorney or counselor at law (or the equivalent of either), together with a duly authenticated English translation of such certificate if it is not in English; and

(D) A summary of the law and customs of the foreign country that relate to the opportunity afforded to members of the Bar of this court to establish offices for the giving of legal advice to clients in such foreign country.

(3) Upon a showing that strict compliance with the provisions of subparagraph (2) of this paragraph (f) is impossible or very difficult for reasons beyond the control of the applicant, or upon a showing of exceptional professional qualifications to practice as a Special Legal Consultant, the court may, in its discretion, waive or vary the application of such provisions and permit the applicant to make such other showing as may be satisfactory to the court.

(4) The Committee may investigate the qualifications, moral character, and general fitness of any applicant for a license to practice as a Special Legal Consultant and may in any case require the applicant to submit any additional proof or information as the Committee may deem appropriate. The Committee may also require the applicant to submit a report from the National Conference of Bar Examiners, and to pay the prescribed fee therefor, with respect to the applicant's character and fitness.

(5) Opportunity to Establish Law Office in Applicant's Country of Admission. In considering whether to license an applicant to practice as a Special Legal Consultant, the court may in its discretion take into account whether a member of

the Bar of this court would have a reasonable and practical opportunity to establish an office for the giving of legal advice to clients in the applicant's country of admission. Any member of the Bar who is seeking or has sought to establish an office in that country may request the Court to consider the matter, or the Court may do so sua sponte.

(6) Scope of Practice. A person licensed to practice as a Special Legal Consultant may render legal services in the District of Columbia, notwithstanding the prohibitions of Rule 49(b), subject, however, to the limitations that any person so licensed shall not:

(A) Appear for a person other than himself or herself as attorney in any court, before any magistrate or other judicial officer, or before any administrative agency, in the District of Columbia (other than upon admission pro hac vice in accordance with Rule 49 (b) or any applicable agency rule) or prepare pleadings or any other papers or issue subpoenas in an action or proceeding brought in any such court or agency or before any such judicial officer;

(B) Prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States;

(C) Prepare:

(i) Any will or trust instrument effecting the disposition on death of any property located in the United States and owned, in whole or in part, by a resident thereof, or
(ii) 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 one or more children of any such resident;

(E) Render professional legal advice on or under the law of the District of Columbia or of the United States or of any state, territory, or possession thereof (whether rendered incident to the preparation of legal instruments or otherwise) except on the basis of advice from a person acting as counsel to such Special Legal Consultant (and not in his or her official capacity as a public employee) duly qualified and entitled (other than by virtue of having been licensed as a Special Legal Consultant under this paragraph (f)) to render professional legal advice in the District of Columbia on such law who has been consulted in the particular matter at hand and has been identified to the client by name;

(F) In any way hold himself or herself out as a member of the Bar of this court; or

(G) Use any title other than one or more of the following, in each case only in conjunction with the name of the person's country of admission:

(i) "Special Legal Consultant";

(ii) Such Special Legal Consultant's authorized title in foreign country of his or her admission to practice;

(iii) The name of such Special Legal Consultant's firm in that country.

(7) Disciplinary Provisions.

Every person licensed to practice as a Special Legal Consultant under this paragraph (f):

(A) Shall be subject to the Rules of Professional Conduct of this jurisdiction to the extent applicable to the legal services authorized under this paragraph (f), and shall be subject to censure, suspension, or revocation of his or her license to practice as a Special Legal Consultant by the court; and

(B) Shall execute and file with the Clerk, in such form and manner as the court may prescribe:

(i) A written commitment to observe the Rules of Professional Conduct;

(ii) An undertaking or appropriate evidence of professional liability insurance, in such amount as the court may prescribe, to assure the Special Legal Consultant's proper professional conduct and responsibility;

(iii) A duly acknowledged instrument in writing setting forth the Special Legal Consultant's address in the District of Columbia and designating the Clerk of the D.C. Court of Appeals as his or her agent upon whom process may be served, with like effect as if served personally upon the Special Legal Consultant, in any action or proceeding thereafter brought against the Special Legal Consultant and arising out of or based upon any legal services rendered or offered to be rendered by the Special Legal Consultant within or to residents of the District of Columbia, whenever after due diligence service cannot be made upon the Special Legal Consultant at such address or at such new address in the District of Columbia as he or she shall have filed in the office of the Clerk by means of a duly acknowledged supplemental instrument in writing; and

(iv) A written commitment to notify the Clerk of the Special Legal Consultant's resignation from practice in the foreign country of his or her admission or of any censure in respect of such admission, or of any suspension or revocation of his or her right to practice in such country.

(C) Service of process on the Clerk pursuant to the designation filed as aforesaid shall be made by personally delivering to and leaving with the Clerk, or with a deputy or assistant authorized by the Clerk to receive service, at the Clerk's office, duplicate copies of such process together with a fee of $10.00. Service of process shall be complete when the Clerk has been so served. The Clerk shall promptly send one of the copies to the Special Legal Consultant to whom the process is directed, by certified mail, return receipt requested, addressed to the Special Legal Consultant at the address given to the court by the Special Legal Consultant as aforesaid.

(D) In imposing any sanction authorized by subparagraph (7)(A), the court may act sua sponte, on recommendation of the Board on Professional Responsibility, or on complaint of any person. To the extent feasible, the court shall proceed in a manner consistent with its Rules Governing the Bar of the District of Columbia.

(8) Affiliation with the District of Columbia Bar.

(A) A Special Legal Consultant licensed under this paragraph (f) shall not be a member of the District of Columbia Bar, provided, however, that a Special Legal Consultant shall be considered an affiliate of the Bar subject to the same conditions and requirements as are applicable to an active or inactive member of the Bar under the court's Rules Governing the Bar of the District of Columbia, insofar as such conditions and requirements may be consistent with the provisions of this paragraph (f).

(B) A Special Legal Consultant licensed under this paragraph (4) shall, upon being so licensed, take the following oath before this court, unless granted permission to take the oath in absentia:

"I, _____, do solemnly swear (or affirm) that as a Special Legal Consultant with respect to the laws of_____, licensed by this court, I will demean myself uprightly and according to law."

(g) *Moral Character and General Fitness to Practice Law*. No applicant shall be certified for admission by the Committee until the applicant demonstrates good moral character and general fitness to practice law. The Committee may, in its discretion, give notice of the application by publication in a newspaper or by posting a public notice. For applicants who apply to take the UBE in this jurisdiction, the Committee shall endeavor to complete its character and fitness inquiry so as to be in a position to recommend for or against a successful bar examinee's admission to the practice of law no later than the time the results of the UBE are available. This time limitation is aspirational only, and may be extended when circumstances so require.

(h) *Quantum and Burden of Proof.* The applicant shall have the burden of demonstrating, by clear and convincing evidence, that the applicant possesses good moral character and general fitness to practice law in the District of Columbia.

(i) Hearing by the Committee.

(1) In determining the moral character and general fitness of an applicant for admission to the Bar, the Committee may act without requiring the applicant to appear before it to be sworn and interrogated or may require the applicant to appear for an informal hearing. If the Committee is unwilling to certify an applicant after an informal hearing, it shall notify the applicant of (A) the adverse matters on which the Committee relied in denying certification, and (B) the choice of withdrawing the application or requesting a formal hearing. Notice shall be given by certified mail at the address appearing on the application. Within 30 days from receipt of the notice, the applicant may file with the Committee a written request for a formal hearing. If the applicant fails to file a timely request for a formal hearing, the applicant's application shall be deemed withdrawn. If the applicant requests a formal hearing within the 30-day period, the request shall be granted and the formal hearing shall be conducted by the Committee under the following rules of procedure:

(2) The Director shall give the applicant no less than 10 days' notice of:

(A) The date, time, and place of the formal hearing;

(B) The adverse matters upon which the Committee relied in denying admission;

(C) The applicant's right to review in the office of the Director those matters in the Committee file pertaining to the applicant's character and fitness upon which the Committee may rely at the hearing; and

(D) The applicant's right to be represented by counsel at the hearing, to examine and cross-examine witnesses, to adduce evidence bearing on moral character and general fitness to practice law and, for such purpose, to make reasonable use of the court's subpoena power.

(3) The hearing before the Committee shall be private unless the applicant requests that it be public. The hearing shall be conducted in a formal manner; however, the Committee shall not be bound by the formal rules of evidence. It may, in its discretion, take evidence in other than testimonial form and determine whether evidence to be taken in testimonial form shall be taken in person at the hearing or by deposition. The proceedings shall be recorded and the applicant may order a transcript at the applicant's expense.

(4) If after the hearing the Committee is of the opinion that an adverse report should be made, it shall serve on the applicant a copy of the report of its findings and conclusions and permit the applicant to withdraw an application within 15 days after the date of the notice. The Committee may, in its discretion, extend this time. If the applicant elects not to withdraw, the Committee shall deliver a report of its findings and conclusions to the court with service on the applicant.

(j) *Review by the Court.*

(1) The Committee shall deliver a report of its findings and conclusions to the court for its approval in the case of any applicant for admission after a formal hearing.

(2) After receipt of a Committee report, if the court proposes to deny admission, the court shall issue an order to the applicant to show cause why the application should not be denied. Proceedings under this Rule shall be heard by the court on the record made by the Committee on Admissions.

(3) Except for the review by the court provided in this paragraph (j), no other review by the court of actions by or proceedings before the Committee shall be had except upon a showing (A) of extraordinary circumstances for instituting such review and (B) that an application for relief has previously been made in the first

instance to the Committee and been denied by the Committee, or that an application to the Committee for the relief is not practicable.

(k) *Admission Order*. (1) The Committee shall file with the court a motion to admit the successful applicants by examination, or a certification of attorneys for admission by transferred UBE score or of attorneys for admission without examination, after successful completion of a character and fitness study. Each candidate shall be notified of the time and place for the taking of the oath.

(2) An applicant whose name is on an order of admission entered by the court or who is certified for admission by the Committee without a formal hearing shall complete admission within 90 days from the date of the order or the certification by taking the oath prescribed and by signing the roll of attorneys in the office of the Clerk.

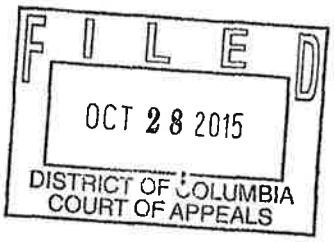
(3) An applicant who fails to take the oath and sign the roll of attorneys within 90 days from the date of the admission order or the certification may file, within one year from the date of the order or certification, an affidavit with the Director explaining the cause of the delay. Upon consideration of the affidavit, the Committee may reapprove the applicant and file a supplemental motion with the court or may deny the applicant's admission and direct the applicant to file a new application for admission.

(l) *Oath.* An applicant admitted to the Bar of this court shall take the following oath before the court or the Clerk of the court or his or her designee, unless granted permission to be admitted in absentia.

"I_____ do solemnly swear (or affirm) that as a member of the Bar of this court, I will demean myself uprightly and according to law; and that I will support the Constitution of the United States of America."

EXHIBIT Q

District of Columbia
Court of Appeals



No. M-252-15

NOTICE

The District of Columbia Court of Appeals seeks public comment on proposed amendments to its Rule 46, governing admissions to the bar. Some proposed revisions are minor and involve only renumbering, re-arranging, omission of unnecessary detail, or updating provisions pertaining to application fees. However, there are several important changes. The major changes that would be made under the proposed amended rule are as follows:

- The proposed amended rule adopts the Uniform Bar Examination (UBE) and establishes the District of Columbia as a UBE jurisdiction. This would not effect any change in the examination materials to be used (our jurisdiction already use all UBE components) or in the passing score. Rather, it would establish that (1) this jurisdiction accepts the conditions of use developed by the National Conference of Bar Examiners (NCBE) for UBE jurisdictions (including, under current policy, that examinations will not be re-graded once scores are released); (2) this jurisdiction agrees to accept UBE scores (i.e., the combined scaled scored on the multiple choice and written components of the examination) earned in other jurisdictions if they meet the passing score in this jurisdiction (266); and (3) those who take the UBE in our jurisdiction can be admitted to other UBE jurisdictions whose passing scores they meet. In other words, scores are portable.

- The proposed amended rule also permits law students to take the bar examination during the last semester of law school with certification by the law school. Bar admission, however, still requires law school graduation.

- A limit is imposed on the number of times an applicant may sit for the bar examination, absent extraordinary circumstances. This limit applies as well to those seeking to transfer in UBE scores earned in other UBE jurisdictions.

New material is underlined, and language to be deleted is stricken through.

This notice is published to afford interested parties an opportunity to submit written comments concerning the amendments under consideration. Ten copies of any comments should be addressed to the Clerk, D.C. Court of Appeals, 430 E Street, N.W. Washington, D.C. 20001 by December 28, 2015. All comments submitted pursuant to this notice will be available to the public.

Proposed Amended Rule 46

Rule 46. Admission to the Bar.

(a) *Committee on Admissions.*

(1) The court shall appoint a standing committee known as the Committee on Admissions (~~hereafter the~~ Committee) consisting of at least seven members of the Bar of this court, one of whom shall serve as counsel to the Committee. Each appointment shall be for a term of three years. In case of a vacancy arising before the end of a member's term ~~caused by death, resignation or otherwise~~, the~~a~~ successor appointed shall serve the unexpired term of the predecessor member. When a member holds over after the expiration of the term for which that member was appointed, the time served after the expiration of that term shall be part of a new term. No member shall be appointed to serve longer than two consecutive regular three-year terms, unless an exception is made by the court.

(2) Subject to the approval of the court, the Committee may~~shall~~ adopt such rules and regulations as it deems necessary to implement the provisions of this rule. The members of the Committee shall receive such compensation and necessary expenses as the court may approve.

(3) Members of the Committee and their lawfully appointed designees and staff are immune from civil suit for any conduct in the course of their official duties.

(b) *Admission to the Bar of this jurisdiction.* ~~Admission by Examination.~~ Admission may be based on (1) examination in this jurisdiction; (2) transfer of a Uniform Bar Examination score attained in another jurisdiction; (3) the applicant's qualifying score on the Multistate Bar Examination administered in another jurisdiction and membership in the bar of such other jurisdiction; or (4) membership in good standing in the bar of another jurisdiction for at least five years immediately prior to the application for admission.

(c) *Admission based on examination in this jurisdiction.*

(1) Number and Dates of Examination. Examinations for admission to the Bar shall be held on two successive days in February and July of each year in Washington, D.C., at a place ~~and on the dates~~ designated by the Committee and on dates designated by the National Conference of Bar Examiners (NCBE). The Committee may extend the days for examination for an applicant ~~upon good cause having been demonstrated to the Committee~~ pursuant to a request for testing accommodations.

(2) Time to Apply and Fees.

(i) An application to take the bar examination shall be ~~typewritten and~~ submitted in a format~~on a form~~ approved by the Committee and filed with the Director of Admissions (~~hereafter~~ Director) not later than December 15 for the February examination and May 3 for the July examination unless, for exceptional cause shown, the time is extended by the Committee. The contents of the application to take the examination shall be confidential except upon order of the court.

(ii) The application shall be accompanied by (1) a payment to the Clerk, D.C. Court of Appeals (Clerk), in an amount and form approved by the Committee and specified by the Director, and (2) payment to NCBE, or proof of payment to NCBE, ~~(1) a certified check, cashier's check, or money order in the amount of $ 100, which shall be nonrefundable, made payable to the Clerk, D.C. Court of Appeals, together with (2) the applicable certified checks, cashier's checks, or money orders made payable to the National Conference of Bar Examiners, the purposes and amounts of which shall be~~ in an amount and form specified on the application form.

(iii) Late applications may be filed within 15 days from the closing dates specified in subparagraph (i) and must be accompanied by an additional, non-refundable ~~certified check, cashier's check, or money order in the amount of $ 200 made payable~~ payment to the Clerk, D.C. Court of Appeals, in an amount and form approved by the Committee.

(3) Proof of Legal Education in a Law School Approved by the American Bar Association.

(i) An applicant who has graduated from a law school that at the time of graduation was approved by the American Bar Association (ABA) shall be permitted to take the bar examination.

(ii) An applicant shall be permitted to take the bar examination prior to graduation from law school if the applicant (1) is a currently enrolled student in good standing at a law school approved by the ABA; (2) is expected to graduate from that law school with a J.D. or LL.B. degree within one hundred ninety (190) days of the first day of administration of the bar examination; and (3) provides, by the application deadline, a certification by the law school that the applicant meets the foregoing criteria.

(iii) Under no circumstances shall ~~such~~ an applicant described in this paragraph (3) be admitted to the Bar without first having submitted to the Director a certificate that the applicant has graduated from an ABA-approved law school with a J.D. or LL.B. degree.

(4) Law Study in a Law School Not Approved by the ABA. An applicant who graduated from a law school not approved by the ABA~~merican Bar Association~~ shall be permitted to take the bar examination only after successfully completing at least 26 credit~~semester~~ hours of study ~~in the subjects tested in the bar examination~~ in classroom courses in a law school that at the time of such study was approved by the ABA.~~merican Bar Association.~~ All such 26 credit ~~semester~~ hours shall be earned in courses of study, each of which is substantially concentrated on a single ~~tested~~ subject tested on the Uniform Bar Examination.

(5) Multistate Professional Responsibility Examination. An applicant for admission by examination shall not be admitted to the Bar unless that applicant has also taken the Multistate Professional Responsibility Examination (MPRE) written and administered by NCBE ~~an examination on the Code of Professional Responsibility given under the auspices of the Multistate Bar Examination Committee of the National Conference of Bar Examiners~~ and has received thereon the~~a~~ minimum required grade as determined by the Committee. ~~on Admissions.~~ Arrangements to take the MPRE~~said examination~~, including the payment of any fees therefor, shall

be made directly with NCBE. ~~the Multistate Bar Examination Committee of the National Conference of Bar Examiners.~~ The score received on the MPRE ~~Multistate Professional Responsibility Examination (MPRE)~~ shall not be used in connection with the scoring of the bar examination. ~~There shall be no limit to the number of times an applicant may take the MPRE.~~

(6) Examination of Applications. -- The Director shall examine each application to determine the applicant's eligibility and to verify the completeness of the application. If eligibility is not demonstrated, the applicant shall be permitted to furnish additional information. If the application is not complete, ~~either it shall be returned to the applicant for completion or~~ the needed information shall be provided upon the Director's request. ~~requested by letter.~~

(7) Examination Identification Number. The Director shall assign an examination number to each accepted applicant. Each applicant shall be notified by the Director of the applicant's examination number and shall be furnished an admission card and a list of instructions. Further disclosure of the examination number of any applicant is prohibited.

(8) General Considerations Regarding the Examination.

(A~~i~~) ~~Applicants shall be examined on~~ The examination shall be the Uniform Bar Examination (UBE) developed by NCBE. The UBE consists of a written component, consisting of the Multistate Essay Examination (MEE) and the Multistate Performance Test (MPT), and a multiple choice component, which is the ~~both the essay and the~~ Multistate Bar Examination (MBE). ~~sections at the examination site designated by the Committee.~~

(B~~A~~) An applicant may request the Committee to accept an ~~prior~~ MBE score from a prior examination administration provided that:

~~1~~(i). The prior MBE scaled score is not less than 133; and

~~2~~(ii). The prior administration was within 25 months of the present administration.

(~~B~~C) An applicant may request the Committee to accept a written component ~~prior essay a~~ score from a prior examination administration in the District of Columbia provided that:

~~1~~(i)~~.~~ The prior written component ~~essay~~ scaled score is not less than 133; and

~~2~~(ii)~~.~~ The prior administration was within 25 months of the present administration.

(~~ii~~D) ~~Any prior section administration accepted pursuant to this rule shall be valued as set forth in (b)(10)(ii) below.~~ An applicant requesting acceptance of a score from a prior -administration shall submit with the application to sit for the bar examination a score transfer form. ~~either a duly executed MBE score and release form or an essay scaled score release form.~~ Any score earned in a prior administration may not be used to earn a UBE score that can be transferred to seek admission in another U.S. jurisdiction. To earn a transferrable UBE score, an applicant must take both the written and MBE components in a single administration of the examination.

~~(Eiii) The bar examination may cover the following subjects: administrative law, contracts, agency, Uniform Commercial Code and, equity, business associations, conflicts of laws, evidence, torts, wills, trusts, administration of estates, family law, real and personal property, civil and criminal procedure, constitutional law, criminal law, legal ethics and tax law. In its discretion, the Committee may change the subjects.~~

~~(iv) Each day of the examination shall require six hours writing time unless modified by the Committee for an applicant pursuant to a request for testing accommodations. One day shall be devoted to essay questions approved by the Committee; the other day shall be devoted to the MBE multiple choice questions prepared by the National Conference of Bar Examiners.~~

(E~~v~~) Examination booklets shall be furnished by the Committee. Computers or typewriters furnished by the applicants may be used by prearrangement with the Director.

(F~~vi~~) Except by permission of the Committee's representative, no applicant shall

leave the examination room during the examination. Each applicant, upon leaving the examination room, shall turn in the examination materials ~~examination booklets~~ to the Committee's representative.

(9) Computation of Written Component~~Essay~~ Scaled Scores. The raw~~essay~~ scores on the written component ~~each examination~~ shall be converted to scaled scores by NCBE in accordance with UBE policies. ~~using the standard deviation method. The basis for this scaling shall be the distribution of MBE scaled scores of the applicants taking the essay portion of that examination.~~

(10) Determining Pass/Fail Status.~~.~~–

(~~i~~A)~~)~~ An applicant taking the written~~essay~~ and MBE ~~sections~~ components concurrently must attain a combined UBE scaled score of ~~shall be successful if the sum of the applicant's essay and MBE scaled scores is~~ 266 or greater to pass the examination. ~~(i.e., an average scaled score of 133 or greater).~~

(~~ii~~B)~~)~~ ~~Where~~If ~~-~~an MBE component score from a prior administration is accepted by the Committee under (c~~b~~)(8)(B) above, ~~an~~the applicant must attain a scaled score of 133 or higher on the written component in the current administration to pass the examination. If a written component score from a prior administration is accepted by the Committee under (c)(8)(C) above, the applicant must attain a scaled score of 133 or higher on the MBE component in the current administration to pass the examination. ~~shall be successful only if:~~

~~(A) Both the prior essay scaled score and the concurrent MBE scaled score are not less than 133; or~~

~~(B) Both the prior MBE scaled score and the concurrent essay scaled score are not less than 133, as the case may be.~~

~~For purposes of this subsection (i) an applicant's passing status on a section will remain intact for 25 months from the date the section was administered even if the applicant fails the section on subsequent administrations.~~

(C~~iii~~) Before notice and publication of the examination results, the Committee shall review the ~~essay~~written component answers~~examination papers~~ of all applicants who have attained a written component~~n essay~~ scaled score or a

combined UBE scaled score within a specified number of ~~five~~ points below the passing score, as determined by the Committee.~~grade.~~

(11) Time of Notice and Publication of Results. -- Applicants shall be notified in writing of the results of their examination.

(A) The Director shall notify each ~~S~~successful applicant of his or her ~~shall be notified in writing of the~~ written component scaled score, ~~they attained in the~~MBE scaled score, and ~~the~~ combined UBE scaled score, as applicable.~~section of the examination~~. An alphabetical list of the successful applicants shall be published with the request that any information tending to affect the eligibility of an applicant on moral grounds be furnished to the Committee. The first publication shall be at least 30 days before the Committee reports to the court. A copy of this list shall be posted in the office of the Clerk for three weeks.

(B) The Director shall notify in writing each unsuccessful applicant of the applicant's score. The notification shall contain the applicant's raw score for each question in the written component, the written component scaled score, the MBE scaled score, and the combined UBE scaled score.

(12) Post-examination Review. –

~~(i) The Director shall notify in writing each unsuccessful applicant of the applicant's score. The notification shall contain the applicant's score for each essay question, the scaled essay score, the MBE scaled score, and the combined score. Scores will not be rounded.~~

~~(ii)~~ Each unsuccessful applicant may review his or her graded written component answers ~~the essay section of the examination~~ by executing and returning the review request form so that it is received by ~~to~~ the Director by the ~~within~~ 30th day after examination results are published.~~the time period specified by the Committee. The examiner's questions and comments thereto shall be made available to the unsuccessful applicant.~~ A review of the MBE is not available. The Director shall advise the unsuccessful applicant of the date, time, and place at which the ~~essay~~ written component answers~~papers~~ may be reviewed. The review period shall not exceed three hours.

~~(iii) Within 10 days after review (excluding Saturdays, Sundays and legal holidays), the applicant may submit a petition for regrading setting forth the reasons in support of such petition. The petition shall be addressed to the appropriate examiner and delivered or mailed to the Director. The only identifying mark to be placed on the petition is the number assigned to the applicant for taking the examination, which number shall serve as identification. Any references to the applicant's combined score, economic status, social standing, employment, personal hardship, or other extraneous information is strictly prohibited. An applicant shall submit a separate petition to each examiner from whom the applicant seeks regrading. The petition for regrading shall be directed to the merits of the applicant's response to the examination questions.~~

~~(iv) Upon receipt of a petition for regrading, the Director shall forward to the appropriate examiner a file composed of the examiner's questions and comments with respect to such questions, the applicant's examination booklet, and the applicant's petition for regrading.~~

~~(v) Unless otherwise extended by the Chairman, the examiner shall, within 15 days (excluding Saturdays, Sundays, and legal holidays), return to the Director the applicant's file together with the examiner's disposition of the petition. The Director shall notify the applicant of the final decision.~~

(13) Destruction of the ~~Essay~~Written Component Answers~~Examination Papers~~. -- Destruction of the applicant answers in the written~~essay~~ examination component ~~papers~~ may commence 30 days from the date of publication of the examination results~~;~~, but destruction of the written component answers~~essay examination papers~~ of an unsuccessful applicant who takes advantage of the post-examination review procedure shall be delayed ~~for not less than~~until at least 15 days after the review. ~~30 days after notification of the final decision on the applicant's petition for review.~~

(14) Previous Failures. ~~-- Previous failures in a bar examination shall not disqualify an applicant from taking the examination.~~An applicant who has taken the bar examination or a component of the bar examination four times in the District of Columbia and failed to earn a passing score will not be permitted to take a further examination, except upon a showing of extraordinary circumstances. An applicant who has previously taken the bar examination in the District of Columbia four or

more times before the effective date of this rule will be permitted to take the bar examination one additional time without a showing of extraordinary circumstances.

(15) Communication ~~W~~with Committee Members and Graders. -- No applicant shall communicate with Committee members or graders concerning any applicant's performance in the examination.

(d) *Admission by transfer of a Uniform Bar Examination score attained in another jurisdiction.* ~~Without Examination of Members of the Bar of Other Jurisdictions.~~

(1) Application. Applicants seeking admission to this Bar on the basis of a UBE score attained in another jurisdiction shall submit to the Director an application in a format approved by the Committee. The content of the application shall be confidential except upon order of the court.

(2) Fees. The application shall be accompanied by (1) a payment to the Clerk, D.C. Court of Appeals, in an amount and form approved by the Committee and specified by the Director, and (2) payment to NCBE, or proof of payment to NCBE, in an amount and form specified on the application form.

~~(1) Application. -- An application of an applicant seeking admission to this Bar from another state or territory shall be typewritten and submitted on a form approved by the Committee and filed with the Director. The contents of the application shall be confidential except upon order of the court.~~

~~(2) Fees. -- The applicant shall be accompanied by (1) certified check, cashier's check, or money order in the amount of $ 400 made payable to the Clerk, D.C. Court of Appeals, together with (2) a certified check, cashier's check, or money order made payable to the National Conference of Bar Examiners, the amount of which shall be specified on the application form.~~

(3) Admission Requirements. -- An applicant may, upon proof of good moral character as it relates to the practice of law, be admitted to the Bar of this court on the basis of a UBE score attained in another jurisdiction provided that:

(A) The combined UBE scaled score, as certified by NCBE, is not less than 266 (the passing combined UBE scaled score);

(B) The passing combined UBE scaled score was attained by taking the UBE not more than five years before the filing of the application;

(C) The passing combined UBE scaled score was attained by taking the UBE no more than 4 times, including any attempts in the District of Columbia.

(D) The applicant ~~(1)~~ has been awarded a J.D. or LL.B. degree by a law school which, at the time of the awarding of the degree, was approved by the ABA; or, if the applicant graduated from a law school not approved by the ABA, the applicant successfully completed at least 26 credit hours of study in classroom courses in a law school that at the time of such study was approved by the ABA, with all such 26 credit –hours having been earned in courses of study, each of which is substantially concentrated on a single subject tested on the UBE; and

(E) The applicant has also taken the MPRE written and administered by NCBE and received the minimum required grade as determined by the Committee.

(e) *Admission Without Examination of Members of the Bar of Other Jurisdictions.*

(1) Application. An application of an applicant seeking admission to this Bar from another state or territory shall be submitted ~~on a form~~ in a format approved by the Committee and filed with the Director. The contents of the application shall be confidential except upon order of the court.

(2) Fees. The application shall be accompanied by (1) a payment to the Clerk, D.C. Court of Appeals, in an amount and form approved by the Committee and specified by the Director, and (2) payment to NCBE, or proof of payment to NCBE, in an amount and form specified on the application form.

(3) Admissions Requirements. An applicant may, upon proof of good moral character as it relates to the practice of law, be admitted to the Bar of this court without examination in this jurisdiction, provided that the applicant:

(~~i~~A) Has been a member in good standing of a Bar of a court of general jurisdiction in any state or territory of the United States for a period of at least five years immediately preceding the filing of the application; or

(~~ii~~B) (~~A~~i) Has been awarded a J.D. or LL.B. degree by a law school which, at the time of the awarding of the degree, was approved by the ABA;~~merican Bar~~

~~Association;~~ or, if the applicant graduated from a law school not approved by the ABA, the applicant successfully completed at least 26 credit hours of study in classroom courses in a law school that at the time of such study was approved by the ABA, with all such 26 credit hours having been earned in courses of study, each of which is substantially concentrated on a single subject tested on the UBE;

(~~B~~ii) Has been admitted to the practice of law in any state or territory of the United States upon the successful completion of a written bar examination and has received a scaled score of 133 or more on the MBE~~ultistate Bar Examination~~ which the state or territory deems to have been taken as a part of such examination; and

(~~C~~iii) Has taken and passed, in accordance with paragraph (c~~b~~)(5), the ~~Multistate Professional Responsibility Examination (~~MPRE~~)~~.

(f) *Special Legal Consultants.*

(1) Licensing Requirements. In its discretion, the court may license to practice as a Special Legal Consultant, without examination, an applicant who:

(A) Has been admitted to practice (or has obtained the equivalent of admission) in a foreign country, and is in good standing as an attorney or counselor at law (or the equivalent of either) in that country;

(B) Possesses the good moral character and general fitness requisite for a member of the Bar of this court;

(C) Intends to practice as a Special Legal Consultant in the District of Columbia and to maintain an office for such practice in the District of Columbia which, if the applicant is a teacher of law at a law school approved by the American Bar Association, may be the office of the teacher at the law school; and

(D) Is at least twenty-six years of age.

(2) Filings Required.

~~(A1)~~ An applicant for a license to practice as a Special Legal Consultant shall file with the Committee:

(A) A~~a~~n ~~typewritten~~ application in the form prescribed by the Committee addressed to the court in executive session, which without further order of the court shall be referred to the Committee;

(B) P~~p~~ayment to the Clerk, D.C. Court of Appeals, in an amount and form approved by the Committee and specified by the Director; ~~a certified check, cashier's check, or money order in the amount of $ 450.00 made payable to the Clerk, D.C. Court of Appeals;~~

(C) A~~a~~ certificate from the authority in the foreign country having final jurisdiction over professional discipline, certifying to the applicant's admission to practice (or the equivalent of such admission) and the date thereof and to the applicant's good standing as attorney or counselor at law (or the equivalent of either), together with a duly authenticated English translation of such certificate if it is not in English; and

(D) A~~a~~ summary of the law and customs of the foreign country that relate to the opportunity afforded to members of the Bar of this court to establish offices for the giving of legal advice to clients in such foreign country.

(3) Upon a showing that strict compliance with the provisions of subparagraph (2) of this paragraph (f) is impossible or very difficult for reasons beyond the control of the applicant, or upon a showing of exceptional professional qualifications to practice as a Special Legal Consultant, the court may, in its discretion, waive or vary the application of such provisions and permit the applicant to make such other showing as may be satisfactory to the court.

(4) The Committee may investigate the qualifications, moral character, and general fitness of any applicant for a license to practice as a Special Legal Consultant and may in any case require the applicant to submit any additional proof or information as the Committee may deem appropriate. The Committee may also require the applicant to submit a report from the National Conference of Bar Examiners, and to pay the prescribed fee therefor, with respect to the applicant's character and fitness.

(5) Opportunity to Establish Law Office in Applicant's Country of Admission. -- In considering whether to license an applicant to practice as a Special Legal Consultant, the court may in its discretion take into account whether a member of the Bar of this court would have a reasonable and practical opportunity to establish an office for the giving of legal advice to clients in the applicant's country of admission. ~~(as referred to in subparagraph (A)(1) of this paragraph (4)).~~ Any member of the Bar who is seeking or has sought to establish an office in that country may request the Court to consider the matter, or the Court may do so sua sponte.

(6) Scope of Practice. A person licensed to practice as a Special Legal Consultant may render legal services in the District of Columbia, notwithstanding the prohibitions of Rule 49(b), subject, however, to the limitations that any person so licensed shall not:

(A) A~~a~~ppear for a person other than himself or herself as attorney in any court, before any magistrate or other judicial officer, or before any administrative agency, in the District of Columbia (other than upon admission pro hac vice in accordance with Rule 49 (b) or any applicable agency rule) or prepare pleadings or any other papers or issue subpoenas in an action or proceeding brought in any such court or agency or before any such judicial officer;

(B) P~~p~~repare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States;

(C) P~~p~~repare:

(i) A~~a~~ny will or trust instrument effecting the disposition on death of any property located in the United States and owned, in whole or in part, by a resident thereof, or

(ii) A~~a~~ny instrument relating to the administration of a decedent's estate in the United States;

(D) Pprepare any instrument in respect of the marital relations, rights, or duties of a resident of the United States or the custody or care of one or more children of any such resident;

(E) Rrender professional legal advice on or under the law of the District of Columbia or of the United States or of any state, territory, or possession thereof (whether rendered incident to the preparation of legal instruments or otherwise) except on the basis of advice from a person acting as counsel to such Special Legal Consultant (and not in his or her official capacity as a public employee) duly qualified and entitled (other than by virtue of having been licensed as a Special Legal Consultant under this paragraph (f)) to render professional legal advice in the District of Columbia on such law who has been consulted in the particular matter at hand and has been identified to the client by name;

(F) Iin any way hold himself or herself out as a member of the Bar of this court; or

(G) Uuse any title other than one or more of the following, in each case only in conjunction with the name of the person's country of admission:

~~(1)~~ (i) "Special Legal Consultant";

(ii) Ssuch Special Legal Consultant's authorized title in foreign country of his or her admission to practice;

(iii) Tthe name of such Special Legal Consultant's firm in that country.

(7) Disciplinary Provisions.

~~(1)~~ Every person licensed to practice as a Special Legal Consultant under this paragraph (f):

(A) Sshall be subject to the Rules of ~~Code of~~ Professional Conduct of this jurisdiction~~Responsibility of the American Bar Association, as amended by the court,~~ to the extent applicable to the legal services authorized under this paragraph (f), and shall be subject to censure, suspension, or revocation of his or her license to practice as a Special Legal Consultant by the court; and

(B) Sshall execute and file with the Clerk, in such form and manner as the court may prescribe:

(i) Aa written commitment to observe the Rules of Professional Conduct Code of Professional Responsibility as referred to in subparagraph (7)(A)(E)(1)(a) of this paragraph ();

(ii) Aan undertaking or appropriate evidence of professional liability insurance, in such amount as the court may prescribe, to assure the Special Legal Consultant's proper professional conduct and responsibility;

(iii) Aa duly acknowledged instrument in writing setting forth the Special Legal Consultant's address in the District of Columbia and designating the Clerk of the court D.C. Court of Appeals as his or her agent upon whom process may be served, with like effect as if served personally upon the Special Legal Consultant, in any action or proceeding thereafter brought against the Special Legal Consultant and arising out of or based upon any legal services rendered or offered to be rendered by the Special Legal Consultant within or to residents of the District of Columbia, whenever after due diligence service cannot be made upon the Special Legal Consultant at such address or at such new address in the District of Columbia as he or she shall have filed in the office of the Clerk by means of a duly acknowledged supplemental instrument in writing; and

(iv) Aa written commitment to notify the Clerk of the Special Legal Consultant's resignation from practice in the foreign country of his or her admission or of any censure in respect of such admission, or of any suspension or revocation of his or her right to practice in such country.

(C) Service of process on the Clerk pursuant to the designation filed as aforesaid shall be made by personally delivering to and leaving with the Clerk, or with a deputy or assistant authorized by the Clerk to receive service, at the Clerk's office, duplicate copies of such process together with a fee of $10.00. Service of process shall be complete when the Clerk has been so served. The Clerk shall promptly send one of the copies to the Special Legal Consultant to whom the process is directed, by certified mail, return receipt requested, addressed to the Special Legal Consultant at the address given to the court by the Special Legal Consultant as aforesaid.

(D) In imposing any sanction authorized by subparagraph (7)(A), the court may act sua sponte, on recommendation of the Board on Professional Responsibility, or on complaint of any person. To the extent feasible, the court shall proceed in a manner consistent with its Rules Governing the Bar of the District of Columbia.

(8) Affiliation With the District of Columbia Bar.

(A) A Special Legal Consultant licensed under this paragraph (f4) shall not be a member of the District of Columbia Bar, provided, however, that a Special Legal Consultant shall be considered an affiliate of the Bar subject to the same conditions and requirements as are applicable to an active or inactive member of the Bar under the court's Rules Governing the Bar of the District of Columbia, insofar as such conditions and requirements may be consistent with the provisions of this paragraph (f).

(B) A Special Legal Consultant licensed under this paragraph (4) shall, upon being so licensed, take the following oath before this court, unless granted permission to take the oath in absentia:

"I, _____, do solemnly swear (or affirm) that as a Special Legal Consultant with respect to the laws of_____—, licensed by this court, I will demean my self uprightly and according to law."

(g) *Moral Character and General Fitness to Practice Law*. No applicant shall be certified for admission by the Committee until the applicant demonstrates good moral character and general fitness to practice law. The Committee may, in its discretion, give notice of the application by publication in a newspaper or by posting a public notice. For applicants who apply to take the UBE in this jurisdiction, the Committee shall endeavor to complete its character and fitness inquiry so as to be in a position to recommend for or against a successful bar examinee's admission to the practice of law no later than the time the results of the UBE are available. This time limitation is aspirational only, and may be extended when circumstances so require.

(h) *Quantum and Burden of Proof.* The applicant shall have the burden of demonstrating, by clear and convincing evidence, that the applicant possesses~~d~~ good moral character and general fitness to practice law in the District of Columbia.

(i) Hearing by the Committee.

(1) In determining the moral character and general fitness of an applicant for admission to the Bar, the Committee may act without requiring the applicant to appear before it to be sworn and interrogated or may require the applicant to appear for an informal hearing. If the Committee is unwilling to certify an applicant after an informal hearing, it shall notify the applicant of (A) the adverse matters on which the Committee relied in denying certification, and (B) the choice of withdrawing the application or requesting a formal hearing. Notice shall be given by certified mail at the address appearing on the application. Within 30 days from receipt ~~the date~~ of the notice, the applicant may file with the Committee a written request for a formal hearing. If the applicant fails to file a timely request for a formal hearing, the applicant's application shall be deemed withdrawn. If the applicant requests a formal hearing within the 30-day period, the request shall be granted and the formal hearing shall be conducted by the Committee under the following rules of procedure:

(2) The Director shall give the applicant no less than 10 days' notice of:

(A) The date, time, and place of the formal hearing;

(B) The adverse matters upon which the Committee relied in denying admission;

(C) The applicant's right to review in the office of the Director those matters in the Committee file pertaining to the applicant's character and fitness upon which the Committee may rely at the hearing; and

(D) The applicant's right to be represented by counsel at the hearing, to examine and cross-examine witnesses, to adduce evidence bearing on moral character and general fitness to practice law and, for such purpose, to make reasonable use of the court's subpoena power.

(3) The hearing before the Committee shall be private unless the applicant requests that it be public. The hearing shall be conducted in a formal manner; however, the

Committee shall not be bound by the formal rules of evidence. It may, in its discretion, take evidence in other than testimonial form and determine whether evidence to be taken in testimonial form shall be taken in person at the hearing or by deposition. The proceedings shall be recorded and the applicant may order a transcript at the applicant's expense.

(4) If after the hearing the Committee is of the opinion that an adverse report should be made, it shall serve on the applicant a copy of the report of its findings and conclusions and permit the applicant to withdraw an application within 15 days after the date of the notice. The Committee may, in its discretion, extend this time. If the applicant elects not to withdraw, the Committee shall deliver a report of its findings and conclusions to the court with service on the applicant.

(j) *Review by the Court.*

(1) The Committee shall deliver a report of its findings and conclusions to the court for its approval in the case of any applicant for admission after a formal hearing.

(2) After receipt of a Committee report, if the court proposes to deny admission, the court shall issue an order to the applicant to show cause why the application should not be denied. Proceedings under this Rule shall be heard by the court on the record made by the Committee on Admissions.

(3) Except for the review by the court provided in this ~~section~~ paragraph (j), no other review by the court of actions by or proceedings before the Committee shall be had except upon a showing (A~~1~~) of extraordinary circumstances for instituting such review and (B~~2~~) that an application for relief has previously been made in the first instance to the Committee and been denied by the Committee, or that an application to the Committee for the relief is not practicable.

(k) *Admission Order*. (1) The Committee shall file with the court a motion to admit the successful applicants by examination, or a certification of attorneys for admission by transferred UBE score or of attorneys for admission without examination, after successful completion of a character and fitness study. Each candidate shall be notified of the time and place for the taking of the oath.

(2) An applicant whose name is on an order of admission entered by the court or who is certified for admission by the Committee without a formal hearing shall

complete admission within 90 days from the date of the order or the certification by taking the oath prescribed and by signing the roll of attorneys in the office of the Clerk.

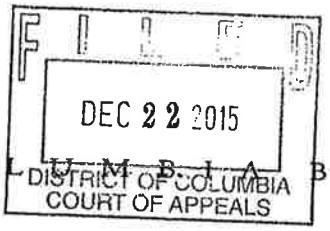
(3) An applicant who fails to take the oath and sign the roll of attorneys within 90 days from the date of the admission order or the certification may file, within one year from the date of the order or certification, an affidavit with the Director explaining the cause of the delay. Upon consideration of the affidavit, the Committee may reapprove the applicant and file a supplemental motion with the court or may deny the applicant's admission and direct the applicant to file a new application for admission.

(l) *Oath.* An applicant admitted to the Bar of this court shall take the following oath before the court or the Clerk of the court or his or her designee, unless granted permission to be admitted in absentia.

"I_____ do solemnly swear (or affirm) that as a member of the Bar of this court, I will demean myself uprightly and according to law; and that I will support the Constitution of the United States of America."

EXHIBIT R

DISTRICT OF COLUMBIA BAR



December 22, 2015

The Honorable Eric T. Washington
Chief Judge
District of Columbia Court of Appeals
Historic Courthouse
430 E Street NW
Washington, DC 20001

Timothy K. Webster
President

Annamaria Steward
President-Elect

Lindsey R. Vaala
Secretary

Christopher P. Zubowicz
Treasurer

Board of Governors
Brigida Benitez
Steven N. Berk
Susan Low Bloch
Rodney J. Bosco
Cindy A. Conover
Moses A. Cook
Ann K. Ford
Lily M. Garcia
Stephen I. Glover
Arian M. June
Sara Kropf
Bridget Bailey Lipscomb
Richard J. Marks
Bonnie Montgomery
Leah M. Quadrino
Gregory S. Smith
Keiko K. Takagi
Michelle C. Thomas
Benjamin F. Wilson

Katherine A. Mazzaferri
Chief Executive Officer

Cynthia D. Hill
Chief Programs Officer

Victor L. Velazquez
Chief Operating Officer

Dear Chief Judge Washington:

In light of the fact that that the Court is currently considering, and has published for comment, proposed amendments to D.C. Court of Appeals Rule 46, I would like to advise the Court of certain potentially relevant activities of the Global Legal Practice Task Force, which was appointed by the D.C. Bar Board of Governors in July 2014. The Task Force, which is chaired by past Bar president Darrell G. Mottley, is studying a variety of issues affecting "inbound" lawyers, including foreign-educated lawyers who wish to practice in the District of Columbia, and "outbound" lawyers, including current D.C. Bar members practicing abroad.

The Task Force's subgroup that is exploring the question of inbound, foreign-educated lawyers is considering whether to recommend amendments to Rule 46. Issues under consideration by the subgroup overlap in some respects with the current Rule 46 proposal. This includes, for example, proposed amended paragraph 46(c)(4) (requirements for applicants who did not graduate from ABA-accredited law schools).

The subgroup's work is not complete. Any subgroup proposals first would be acted upon by the full Task Force and then would be submitted to the Board of Governors for its consideration. I hope that by June 2016, the Board would decide what, if any, recommendations to submit to the Court. This letter is not intended to comment on any aspect of the proposed amendments to Rule 46 that the Court has published for comment, but rather to provide the Court with notice of D.C. Bar activities about the same rule, for your information and consideration.

Please let me know if the Court would like any additional information.

Sincerely,

Timothy K. Webster

cc: Annamaria Steward, Esq.
Darrell G. Mottley, Esq.
Katherine A. Mazzaferri, Esq.