

Statement of the Association of Professional Responsibility Lawyers on Proposed Amendments to ABA Admission on Motion Rule

The Association of Professional Responsibility Lawyers (“APRL”) supports the proposed amendments to the Admission on Motion Rule. Insofar as they allow credit for service as a judicial law clerk or in-house counsel that would not be considered under the existing rule, they are an appropriate, if small, step in facilitating lawyer mobility among jurisdictions. APRL hopes that, in the context of the current Ethics 20/20 review, that the ABA will take larger steps in that regard.

APRL’s Interests

APRL is an independent national organization of lawyers whose practices concentrate upon professional licensing and discipline, professional responsibility and the law of lawyering. Its membership practices in every American jurisdiction and includes foreign lawyers. APRL conducts study and educational programs nationally and internationally. APRL members are particularly interested in matters relating to attorney licensing and discipline, risk management and multijurisdictional practice.

Reasons for APRL’s Position

The growing ease of interstate and international travel and communication and the resulting globalization of economic activity have made it ever more necessary for lawyers to expand the geographic scope of their practices. Both law firms and their clients increasingly conduct business on a nationwide and even worldwide scale. And, as the Commission on Multijurisdictional Practice recognized in 2002, “the geographic scope of a lawyer’s practice must be adequate to enable the lawyer to serve the legal needs of clients in a national and global economy.” Thus lawyers need to be more able than previously to practice in multiple jurisdictions.

Moreover, the need for lawyers to be able to move their practice locations from one jurisdiction to another has become far greater than it used to be and promises to become ever greater. There is little purpose to requiring experienced lawyers to sit for bar examinations in their new jurisdictions, and requiring that poses a significant obstacle to lawyer mobility.

The proposed amendment modestly eases lawyer mobility for those who, after obtaining admission in one state, served as judicial law clerks or in-house counsel in another state, where such service did not constitute the unauthorized

practice of law. As such, APRL supports it, while urging the ABA to consider greater steps to facilitate lawyer mobility.