



Keith B. Norman

Recent Rule Changes

Over the last few months, the Alabama Supreme Court announced a number of important rule changes. All of these were the result of recommendations from ASB committees or task forces. These rules, including the Authorized House Counsel Rule highlighted in the September 2006 “Executive Director’s Report,” have been implemented, and each rule change is noted below. The complete text of the rules is posted on the bar’s Website, www.alabar.org.

Admission without Examination

Rule III, Rules Governing Admission to the Alabama State Bar

This change allows a lawyer admitted in another jurisdiction to be admitted without taking the bar exam so long as that lawyer’s home jurisdiction grants Alabama lawyers the same privilege under similar conditions. This is often referred to as a “reciprocity” rule. The specific requirements for admission are set out in Rule III. As of late November, we were aware of the following reciprocal jurisdictions: Connecticut, Kansas, Kentucky, Tennessee, and Virginia.

Multi-Jurisdictional Practice Rule

Alabama Rules of Professional Conduct

This change provides a “safe harbor” for those lawyers from other jurisdictions to perform services in Alabama that are incidental to matters that are a part of the lawyer’s home practice. These services are distinguished from systematic or continuous representation of clients wholly in Alabama. Such incidental services might include taking depositions related to a case pending in another jurisdiction, interviewing witnesses, recording deeds on Alabama property, preparing estate or trust documents that include Alabama property, or obtaining document signatures or affidavits affecting transactions elsewhere.

Pro Hac Vice for Pro Bono Criminal Counsel

Rule VII, Rules Governing Admission to the Alabama State Bar

Changes to Rule VII permit out-of-state lawyers who want to represent an indigent criminal defendant *pro bono* in a capital case or post-conviction proceeding to be admitted *pro hac vice* without a fee.

There is a separate, verified application that *pro bono* counsel must complete and file with the bar. The rule change also waives for *pro bono* counsel the prohibition regarding repeated appearances.

Foreign Lawyer Admission

Rule IV.B., Rules Governing Admission to the Alabama State Bar

Under previous rules, lawyers licensed in other countries wishing to practice in Alabama were generally prohibited from taking the bar exam unless the supreme court granted them permission to take it. Under the new rule, a foreign lawyer must have obtained a law degree and been licensed to practice law in his or her home country. In addition, the foreign lawyer must meet one or more of the following requirements: The law-degree program under which the foreign lawyer obtained his or her degree must have included a substantial component of the study of English Common Law; *or* the foreign lawyer must have satisfactorily completed at least 24 semester hours of legal studies in subjects covered by the bar exam in regular law school courses; *or* the foreign lawyer must have been admitted to practice law in another state and continuously and actively practiced law there for at least three years.

Law Student Internships

Alabama Rule for Legal Internship by Law Students

The changes to the internship rule include the elimination of the requirement that the law student attend a law school in Alabama. The changes also clarify the obligations of all parties under the rule including the law student,

the supervising lawyer and the law school.

The promulgation of these rule changes by the Alabama Supreme Court represents many months of study and consideration by ASB committees, the Board of Bar Commissioners and the court. Although they are not likely to affect the practicing bar to a large degree, nevertheless, they are important to the orderly administration of the practice of law in Alabama. ■



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Phone **205/980-9777** Fax **205/981-1889**
E-Mail **TSOStewart@charter.net**



SG The Stewart Group, LLC