



## Application Instructions for Registration as a Foreign Legal Consultant

---

Refer to the enclosed California Rules of Court and Rules of The State Bar of California as you complete the application and attachments.

### **ELIGIBILITY TO APPLY:**

To receive a Certificate of Registration as a Registered Foreign Legal Consultant, an Applicant must meet the following criteria:

An Applicant must:

- a) have been admitted to practice law and have been in good standing as an attorney or counselor at law or equivalent in a foreign country for at least 4 of the 6 years immediately preceding the application, and while so admitted, have actually practiced the law of that country.
- b) possess good moral character (the moral character review is conducted by the Office of Admissions in the same manner as for California bar applicants); and
- c) provide the Office of Special Admissions with a written statement agreeing to maintain required security for claims for errors and omissions.

IF YOU DO NOT MEET THE ABOVE CRITERIA, DO NOT CONTINUE THIS APPLICATION; you are ineligible to apply for Registration as a Foreign Legal Consultant in California.

### **REQUIRED APPLICANT INFORMATION: All documents must be in English or an authenticated English translation**

Instructions numbered below correspond to questions numbered on the Application:

1. Name: List full name of Applicant as intended to appear on the State Bar Certificate of Registration as a Foreign Legal Consultant.

If name stated in #1 is different from name stated on any documentation submitted with the application, please describe when and why your name was changed (e.g., "marriage" or "divorce"). If a change was made in a judicial or naturalization proceeding, enclose an exact and complete copy of the order or other evidence of change with your application.

2. Office Address: List an office address in California where you may be reached. This will be your address for State Bar purposes. You must notify the State Bar within 30 calendar days of any changes to your address. (See Registered Foreign Legal Consultant Rules and Regulations, Rule 14.2.)
3. **Qualifying Foreign Country:**
  - a) List the country/legal jurisdiction in which you hold a current active license to practice law.
  - b) List the country/legal jurisdiction in 3.a above for which you seek registration as a foreign legal consultant. If you are seeking registration as a foreign legal consultant for the law of more than one country, please be sure you meet the practice and admission qualifications for each country as stated above in "Eligibility to Apply."



## Application Instructions for Registration as a Foreign Legal Consultant

---

### Required Applicant Information (Continued)

4. **Contact Person:** List name, address, and telephone number of the person to contact regarding this application if the contact person is different from the name of the Applicant **or** list an alternative address where applicant may be contacted or notified of the status regarding his/her Registered Foreign Legal Consultant application or Certification status as a Foreign Legal Consultant.

### STEP 1 – Application Process – Complete the application, as described above, and each attachment as described below:

- **Certificate of Current Good Standing:** This is the “satisfactory proof” required by Rule 3.1 that the Applicant has been admitted to practice and has been in good standing as an attorney or equivalent in a foreign country for at least 4 of the 6 years immediately preceding this application, and have actually practiced the law of that country during that time. (See Attachment A for a sample.)

Submit a certificate from the authority of each foreign country for which Registration as a Foreign Legal Consultant is being applied for that meets the following criteria. Authority certifies:

- a) that it has final jurisdiction over professional discipline.
  - b) as to the Applicant’s current admission to practice and the date of original admission.
  - c) as to the Applicant’s current good standing as an attorney or counselor at law or the equivalent and that Applicant has been in good standing 4 of the past 6 years.
- **Letter of Recommendation:** Submit a letter of recommendation from one of the members of the executive body of the authority having final jurisdiction over professional discipline or from one of the judges of the highest court of law or court of original jurisdiction of each foreign country for which Registration as a Foreign Legal Consultant is applied. If this requirement is a hardship, the Applicant may submit an Application to Waive the Requirement (use Attachment B) and substitute with a letter from another attorney who is personally and professionally familiar with your work in the practice of law in the country.
  - **Letter of Commitment:** Submit a letter of commitment promising to observe all the requirements of the Registered Foreign Legal Consultant Rules and Regulations and the standards of professional conduct required of members of the State Bar. (Use Attachment C – Letter of Commitment and Acknowledgment.)
  - **Designated Agent for Service of Process:** A duly acknowledged instrument in writing setting forth the Registered Foreign Legal Consultant’s address in this State and designating the Secretary of the Board of Governors of the State Bar (the “Secretary”) as the Registered Foreign Legal Consultant’s agent upon whom process may be served, with like effect as if served personally upon the Registered Foreign Legal Consultant, in any action or proceeding thereafter brought against the Registered Foreign Legal Consultant and arising out of or based upon any legal services rendered or offered to be rendered by him/her within or to residents of this state, whenever, after due diligence, service cannot be made upon the Registered Foreign Legal Consultant at such address. **A notary public must execute acknowledgment.** Designation and acknowledgment must appear on the same page. [If you change your address, you must file a new acknowledged and notarized Designation of Agent for Service of Process form with the State Bar. Mere notification of a change of address by other means will not result in a change of address for purposes of mailing a copy of the service.] (Use Attachment D – Designation of Agent for Service of Process.)



## Application Instructions for Registration as a Foreign Legal Consultant

---

### STEP 1 – Application Process (Continued)

- **Attorney Declaration:** Sign and date the form where indicated. The form will be deemed incomplete without an original signature. (See Attachment E.)
- **Written Statement Agreeing to Maintain Required Security for Claims:** Security for claims for errors or omissions arising out of legal services as a Foreign Legal Consultant may consist of any one or a combination of the options set forth in the attached information. The security must conform to the requirements in Registered Foreign Legal Consultant Rules and Regulations Rule 6.0, and the evidence of such security must comply with Rule 6.0 and/or Rule 4.2.4. (Use Attachment F.)

Please note that if a third party, such as your law firm or corporation, signs the statement to guarantee the required security for claims (Use attachment G.), the Bar requires an affidavit from that entity attesting to the validity of that guarantee.

- **Application for Determination of Moral Character:** Your application must include an Application for Determination of Moral Character. See the separate instructions included with the Application for Determination of Moral Character, which will be processed by Office of Admissions of The State Bar of California. Use the Moral Character Application and Instructions from the website at [www.calbar.ca.gov](http://www.calbar.ca.gov). Use the version under Forms that includes the Request for Live Scan Service for fingerprints. You may also use the version under Attorney Forms. **No separate fee is required.** Submit the Moral Character application with the Foreign Legal Consultant application.
- **Payment:** Submit the application fee of \$370 with your application with a check or money order in U.S. dollars made payable to: The State Bar of California. Applications submitted without payment will not be processed.

### STEP 2 – Moral Character Application

Once we have received a complete application and reviewed your eligibility, your Moral Character application will be sent to Admissions. If you are determined to be ineligible for the program, you will receive a letter of denial.

### STEP 3 – Determination of Moral Character Complete

It takes approximately 4 to 6 months to process the Moral Character Determination. The Office of Admissions will contact you directly if they have questions or problems with your Determination of Moral Character Application. If you receive an adverse Determination of Moral Character, you will not receive a certificate to be a Registered Foreign Legal Consultant.

### STEP 4 – Certificate Issued

If your application is complete, and the Admissions Office determines that you have successfully completed the Moral Character assessment, the Office of Special Admissions will issue a Certificate of Registration. Upon receipt of the certificate, you are authorized to practice law under the conditions specified in California Rule of Court 9.44.

### STEP 5 – Certification Renewals

Annual Reports must be filed for yearly renewal of Foreign Legal Consultant Registration Certificates. You are required to submit annually a current Certificate of Good Standing in English or an authenticated English translation from your licensing jurisdiction. At the time of Certification renewal, you must also provide a new “Written Statement Agreeing to Maintain Required Security.”

**Note: All documents submitted in a language other than English must be accompanied by a duly authorized translation into English by someone other than the applicant.**



## Application Instructions for Registration as a Foreign Legal Consultant

---

### INFORMATION ON SATISFYING THE SECURITY FOR CLAIMS REQUIREMENT – ERRORS OR OMISSIONS COVERAGE (See Registered Foreign Legal Consultant Rules and Regulations Rule 6.0 and Rule 4.2.4):

The following are three methods for satisfying the coverage requirement and important considerations for each method:

#### Insurance:

An applicant may provide as evidence of security for claims a certificate of insurance for the applicant's coverage for damages by reason of any act, error or omission in the rendering of legal services by the applicant in an amount of at least \$150,000 for claims made pertaining to one incident and an aggregate limit of \$450,000 for all claims established against the applicant during the calendar year pertaining to all incidents.

- a) **Cost of Defense:** If the policy shows that the cost of defense of the foreign legal consultant is not included in the policy limits, the amount of the limits may be reduced to \$100,000 for claims made pertaining to one incident and an aggregate limit of \$300,000 for all claims established during the calendar year pertaining to all incidents.
- b) **Deductible:** An amount equal to any deductible amount over \$10,000 must be secured by a letter of credit or a written guarantee as described below.
- c) **Foreign Insurers:** Applicants who intend to obtain insurance from outside the United States [or outside California] must, if asked, provide a copy of the insurance policy for the pertinent coverage, translated in English if not originally in English, stating the required coverage and submit that insurance company's official financial statements or annual report for the most recent fiscal year. Note that both out-of-state and foreign insurer(s) must be acceptable to the State Bar of California.

#### Letter of Credit:

An applicant may provide as evidence of security for claims a document establishing a letter of credit payable for sums the applicant becomes legally obligated to pay as damages by reason of any act, error or omission in the rendering of legal services by the applicant as a foreign legal consultant. The total amount of the letter of credit must be maintained at all times at no less than \$300,000. However, honor from the issuing bank(s) is not to exceed \$100,000 for claims made pertaining to one incident and \$300,000 for all claims made during the calendar year pertaining to all incidents.

- a) **Insurance Deductibles:** If evidence of security for claims is satisfied by a letter of credit for the amount of the deductible portion exceeding \$10,000 of insurance provided to satisfy errors or omissions, evidence of such coverage must be provided.
- b) **Foreign Banks:** A bank doing business in California or a foreign correspondent bank may issue a letter of credit confirmed by a local advising bank. Any change in that confirmation, extension, modification, or replenishment must be made before the effective date of change for continued coverage under the letter of credit.



## Application Instructions for Registration as a Foreign Legal Consultant

---

### INFORMATION ON SATISFYING THE SECURITY FOR CLAIMS REQUIREMENT – ERRORS OR OMISSIONS COVERAGE (Continued):

#### Written Guarantee:

Applicant may satisfy the security for claims requirement by arranging for a Guarantor to reimburse any claimant for pecuniary losses caused by reason of any act, error or omission in the rendering of legal services by the applicant as a Foreign Legal Consultant, while engaged or employed by the Sponsoring Law Firm or other Business, or while engaged in practice for himself/herself.

- a) **Amount of Written Guarantee:** The total amount of the guarantee must be the same as that required of other methods of security for claims. Currently, the aggregate amount is \$300,000 for all incidents in a calendar year. The guarantee must be made in favor of the State Bar of California. Guarantor must be a law firm/law corporation or other business who has engaged the Foreign Legal Consultant, a member of the State Bar of California, or a financial institution.
- b) **Independent Accountant's Certification – Financial Adequacy of Guarantor:** Applicant must obtain evidence that Guarantor's financial net worth is adequate to meet the security obligation. The Applicant or Guarantor must obtain an Independent Accountant's Certification certifying that the Guarantor's estimated tangible net worth as of the most recent fiscal year-end amounts to at least the minimum required by the State Bar for security for claims. The Guarantor must have a minimum tangible net worth of at least \$300,000 to satisfy the financial adequacy requirement for guaranteeing payment for claims of damages from errors or omissions.

The Independent Accountant's Certification shall be based upon the Guarantor's financial statements and subsidiary records. Intangible assets such as goodwill, licenses, patents, trademarks, trade names, copyrights and franchises may not be included as part of the independent accountant's basis for estimating Guarantor's tangible net worth. However, the independent accountant's basis for estimating the Guarantor's tangible net worth may include 50% of uncollected fees billed and fees earned but not billed.