

**PROPOSED AMENDMENTS TO THE SUPREME COURT RULES FOR THE
GOVERNMENT OF THE BAR OF OHIO**

Comments Requested: The Supreme Court of Ohio will accept public comments until July 17, 2019, on the following proposed amendments to the Supreme Court Rules for the Government of the Bar of Ohio.

Comments on the proposed amendments should be submitted in writing to: Minerva Elizaga, Assistant Director of Attorney Services, Supreme Court of Ohio, 65 South Front Street, 5th Floor, Columbus, Ohio 43215-3431, or Minerva.Elizaga@sc.ohio.gov not later than July 17, 2019. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendments:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO

1 **RULE VI. REGISTRATION OF ATTORNEYS**

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3 **[Existing language unaffected by the amendments is omitted to conserve space]**

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5 **Section 6. Corporate Counsel Attorney Registration.**

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7 **(A) Definitions**

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9 As used in this section:

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11 (1) “Pro bono legal service” means legal service provided either to a person of
12 limited means or to a charitable organization.

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14 (2) “Qualified employer” means a nongovernmental employer whose business
15 is lawful and consists of activities other than the practice of law or the provision of
16 legal services. “Qualified employer” shall include the employing entity or its
17 organizational affiliates, including entities that control, are controlled by, or are
18 under common control with the employer and the employees, officers, and directors
19 of such entities.

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21 **(B) Registration requirement**

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23 (1) ~~An attorney who is admitted to the practice of law in another state or the District~~
24 ~~of Columbia, or a territory of the United States, but not admitted in Ohio; who is employed~~
25 ~~commences employment as an attorney by a nongovernmental in Ohio exclusively for a~~
26 ~~qualified employer, the business of which is lawful and consists of activities other than the~~
27 ~~practice of law or the provision of legal services; and who, as a result of that employment,~~
28 ~~has a systematic and continuous presence in Ohio as permitted pursuant to Prof.Cond.R.~~
29 ~~5.5(d)(1) shall register for corporate counsel status upon commencement of employment~~
30 ~~as an attorney by submitting to the Office of Attorney Services all of the following:~~

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32 (a) ~~The certificate of registration required for attorneys registering for active~~
33 ~~status pursuant to Section 2 of this rule for the current biennium and each biennia~~
34 ~~during which the attorney is so employed;~~

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36 (b) ~~The fee required for attorneys registering for active status pursuant to~~
37 ~~Section 2 of this rule;~~

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39 (c) ~~An application on a form provided by the office;~~

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41 (d) ~~Documents demonstrating admission to the practice of law and good~~
42 ~~standing in all jurisdictions in which the attorney has been admitted to the practice~~
43 ~~of law and demonstrating that the attorney is on active status in at least one other~~
44 ~~state or the District of Columbia or a territory of the United States;~~

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~~(e) An affidavit on a form provided by the office completed by an officer, director, or general counsel of the employing entity attesting to the attorney's employment by the entity, the date of commencement of employment, and the capacity in which the attorney is so employed and stating that the employment conforms to the requirements of this rule;~~

~~(f) Any other documents or information as deemed appropriate by the office pursuant to division (C) of this section.~~

(2) ~~Division (A)(1) of this section shall not apply to an An attorney who is admitted to the practice of law in another state or, the District of Columbia, or a territory of the United States, but not in Ohio, and who is employed by, associated with, or a partner in an Ohio law firm shall not be eligible to register for corporate counsel status pursuant to division (C) of this section. Until the attorney is admitted to the practice of law in Ohio or affirmatively authorized to practice law in Ohio pursuant to a Supreme Court rule or order, the attorney may not practice law in Ohio, hold the attorney's self out as authorized to practice law in Ohio, or practice before any nonfederal court or agency in Ohio on behalf of any person except the attorney's self, unless granted leave by the court or agency. The law firm may include the name of the attorney on its letterhead only if the letterhead includes a designation that the attorney is not admitted in Ohio.~~

~~(B)(C)~~ **Registration application**

An attorney who is required to register for corporate counsel status registration pursuant to division (B)(1) of this section shall file all of the following with the Office of Attorney Services:

(1) An application on a form provided by the office;

(2) A non-refundable application fee of \$500;

(3) The certificate of registration required for attorneys pursuant to this rule for the current biennium and each biennia during which the applicant is employed by a qualified employer;

(4) The fee required for Ohio attorneys registering for active status pursuant to Section 2 this rule;

(5) A certificate of good standing, dated no more than sixty days prior to the submission of the application, from each jurisdiction in which the applicant is admitted to the practice of law, including verification the applicant is active and eligible to practice in at least one jurisdiction;

(6) An affidavit from the applicant's qualified employer that does all of the following:

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(a) Certifies that it meets the definition of a qualified employer as defined in division (A)(2) of this section;

(b) Attests to the applicant's employment as an attorney by the employer;

(c) Attests that the employment conforms to the requirements of this section;

(d) Confirms the date of commencement of the attorney's employment;

(e) Attests the employer is aware the attorney is not admitted to the practice of law in Ohio.

(7) Any other documents or information as deemed necessary by the office to determine eligibility to register for corporate counsel status pursuant to this section.

(D) Biennial registration

An attorney registered for corporate counsel status under this section shall register biennially with the Office of Attorney Services of the Supreme Court pursuant to ~~the requirements of Section 2 of this rule~~ and shall be subject to all registration requirements for attorneys, including late registration, suspension, and reinstatement.

~~(D)~~(E) Failure to register

An attorney who is admitted to the practice of law in another state ~~or~~ the District of Columbia, or a territory of the United States, but not in Ohio, and who performs legal services in Ohio for ~~the attorney's~~ a qualified employer, but fails to ~~register~~ file an application for corporate counsel status under this section within one hundred eighty days of commencing employment as an attorney for the qualified employer in compliance with this section or does not qualify to register under this section, ~~may~~ shall be referred for investigation of the unauthorized practice of law under Gov. Bar R. VII and, at the discretion of the Chief Justice, may be precluded from applying for admission without examination under Gov. Bar R. I.

~~(D)~~(F) Scope of practice

(1) An attorney who is registered for corporate counsel status under this section may perform legal services for ~~the employing entity or its organizational affiliates, including entities that control, are controlled by, or are under common control with the qualified employer; and for employees, officers, and directors of such entities,~~ but only on matters directly related to the attorney's work for the ~~entity~~ qualified employer and only to the extent consistent with Prof.Cond.R. 1.7.

- 137 (2) An attorney registered under this section shall not do either of the following:
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139 (a) Appear before a court or any other tribunal in Ohio on behalf of the
140 attorney's employer or any person except for the lawyer's self, except if granted
141 leave by the court or tribunal as provided in Gov. Bar R. XII;
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143 (b) Offer or provide legal services or advice to any person other than as
144 described in division ~~(D)(1)~~ (F)(1) of this section, or hold the attorney's self out as
145 being authorized to practice law in Ohio other than as described in division ~~(D)(1)~~
146 (F)(1) of this section.
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148 ~~(E)~~(G) **Pro bono legal service**
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150 ~~(1)~~ As used in this rule, "pro bono legal service" means legal service provided either
151 to a person of limited means or to a charitable organization.
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153 ~~(2)~~ Notwithstanding division ~~(D)~~(F) of this section, an attorney registered for corporate
154 counsel status under this section may provide pro bono legal service if the legal service is
155 assigned, verified, and reported to the Commission on Continuing Legal Education by any
156 of the following:
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158 ~~(a)~~(1) An organization receiving funding for pro bono programs or services from
159 the Legal Services Corporation or the Ohio Legal Assistance Foundation;
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161 ~~(b)~~(2) A metropolitan or county bar association;
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163 ~~(c)~~(3) The Ohio State Bar Association;
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165 ~~(d)~~(4) The Ohio Legal Assistance Foundation;
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167 ~~(e)~~(5) Any other organization recognized by the Commission pursuant to Gov. Bar
168 R. X, Sec. (5)(H).
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170 ~~(F)~~(H) **Application of rules**
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172 (1) An attorney registered for corporate counsel status under this section shall be
173 subject to all rules and requirements governing the practice of law in Ohio, including the
174 Ohio Rules of Professional Conduct.
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176 (2) Upon admission to the practice of law in Ohio pursuant to Gov. Bar R. I, an attorney
177 registered for corporate counsel shall not be subject to the requirements of this section.
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179 ~~(G)~~(I) **New lawyers training and continuing legal education requirements**
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181 An attorney registered for corporate counsel status under this section shall comply with the
182 new lawyers training and continuing legal education requirements of Gov. Bar R. X.

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~~(H)~~(J) **Obligation to provide and update contact information**

An attorney registered for corporate counsel status under this section shall provide the Office of Attorney Services with the attorney's current residence address, office address, office telephone number, and office or residence e-mail address and shall notify the office of any change in the information recorded on the certificate of registration pursuant to division ~~(B)~~(C) of this section.

~~(I)~~(K) **Obligation to report**

An attorney registered for corporate counsel status under this section shall notify the Office of Attorney Services within ten days of any of the following:

- (1) Termination of the attorney's employment that was the basis for the attorney's registration as corporate counsel;
- (2) Any change in the attorney's license status in another jurisdiction, including the attorney's resignation from the practice of law;
- (3) The imposition of any disciplinary finding or sanction in any state ~~other than Ohio or~~ the District of Columbia, or a territory of the United States where the attorney has been admitted to the practice of law.

~~(J)~~(L) **Termination of registration**

The limited authority to practice law of an attorney registered for corporate counsel status under this section shall automatically terminate upon the occurrence of any of the following:

- (1) The employment that was the basis for the attorney's registration for corporate counsel terminates;
- (2) ~~The attorney is admitted to the practice of law in Ohio pursuant to Gov. Bar R. I;~~
- ~~(3)~~ (3) The attorney ceases to maintain active status in at least one other state or the District of Columbia or a territory of the United States;
- ~~(4)~~(3) The attorney fails to maintain current good standing in at least one other state or the District of Columbia or a territory of the United States in which the attorney is admitted to the practice of law;
- ~~(5)~~(4) The attorney is suspended or disbarred for disciplinary reasons in any state ~~or~~ the District of Columbia, or a territory of the United States or by any federal court or agency in which the attorney has been admitted to the practice of law.

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~~(K)~~**(M)** Reinstatement of registration

An attorney registered for corporate counsel status under this section whose registration is terminated pursuant to division ~~(J)~~**(L)** of this section may ~~be reinstated upon submission of~~ reapply for such status by submitting an application ~~for reinstatement in a manner required~~ by the Office of Attorney Services pursuant to division (C) of this section.

[Existing language unaffected by the amendments is omitted to conserve space]