

You spend time in one of your company's branch offices in another state and, since it's your job as in-house counsel, you dispense legal advice as needed. It's a typical situation for many ACC members, but are we breaking the law? The answer is, it depends. If you're working in Alabama, California, or Utah, you have nothing to worry about. But in New York, Vermont, or Hawaii, you could

Operating Without a License?

be in trouble. This is just one scenario that is part of the complicated issue of multijurisdictional practice (MJP). A few recent developments have highlighted the importance of this issue.

First, a recent article in *National Law Journal* "outed" eight general counsel from Fortune 250 firms for not being licensed in the state in which they were practicing. Certainly, this was not the kind of publicity they or their companies would relish, and it underscores that this seemingly innocuous situation can have major ramifications. In the article, "GCs Forget One Detail: Their License," it was heartening to hear from one of the named GCs that he had already been alerted to his state's rule by his local ACC chapter.

Second, right now, Connecticut is reviewing its rules related to multijurisdictional practice. While focus on this topic is welcome, some of the proposed rules are of concern. One provision being considered would make continued "unauthorized" practice by an in-house counsel a misdemeanor crime. Any lawyer subject to such a charge could face a sentence ranging from a relatively



minor fine to severe personal and professional consequences, including jail time and disbarment.

ACC has long been an advocate for states' rules that authorize in-house lawyers to practice for their employer-clients in states in which they are not formally admitted so long as they are members in good standing in another state's bar. As a result, ACC is taking an active role by providing both written commentary and in-person

testimony to Connecticut's decision-making bodies on this issue. You can keep apprised of the latest news about Connecticut's decision and other MJP activities by visiting the ACC website, www.acc.com/advocacy.

Many ACC members are working under this scenario now, and for those of you who are not, you may be at some point in the future. To make sure that you are up-to-date on all of the MJP rules and procedures, count on ACC. On the website, you will find a state-by-state breakdown of the status of all the in-house counsel authorization rules, as well as tools to help you get your state on board if they aren't already.

ACC plays an important role, serving as the voice of the in-house bar on a variety of professional issues like multijurisdictional practice. While you might not always be aware of ACC's work in these areas, if the situation touches you (like the GC mentioned before), you'll be glad that ACC is there. ❏

Richard T. White
2007 Chair
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