

West's Annotated California Codes

California Rules of Court (Refs & Annos)

Title 9. Rules on Law Practice, Attorneys, and Judges (Refs & Annos)

Division 4. Appearances and Practice by Individuals Who Are Not Members of the State Bar of California (Refs & Annos)

Cal.Rules of Court, Rule **9.47**  
Formerly cited as CA ST MISC Rule 966

Rule **9.47**. Attorneys practicing law temporarily in California as part of litigation

Currentness

**(a) Definitions**

The following definitions apply to the terms used in this rule:

- (1) "A formal legal proceeding" means litigation, arbitration, mediation, or a legal action before an administrative decision-maker.
- (2) "Authorized to appear" means the attorney is permitted to appear in the proceeding by the rules of the jurisdiction in which the formal legal proceeding is taking place or will be taking place.
- (3) "Active member in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency" means an attorney who meets all of the following criteria:
  - (A) Is a member in good standing of the entity governing the practice of law in each jurisdiction in which the member is licensed to practice law;
  - (B) Remains an active member in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency while practicing law under this rule; and
  - (C) Has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law in any other jurisdiction.

**(b) Requirements**

For an attorney to practice law under this rule, the attorney must:

- (1) Maintain an office in a United States jurisdiction other than California and in which the attorney is licensed to practice law;

(2) Already be retained by a client in the matter for which the attorney is providing legal services in California, except that the attorney may provide legal advice to a potential client, at the potential client's request, to assist the client in deciding whether to retain the attorney;

(3) Indicate on any Web site or other advertisement that is accessible in California either that the attorney is not a member of the State Bar of California or that the attorney is admitted to practice law only in the states listed; and

(4) Be an active member in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency.

**(c) Permissible activities**

An attorney meeting the requirements of this rule, who complies with all applicable rules, regulations, and statutes, is not engaging in the unauthorized practice of law in California if the attorney's services are part of:

(1) A formal legal proceeding that is pending in another jurisdiction and in which the attorney is authorized to appear;

(2) A formal legal proceeding that is anticipated but is not yet pending in California and in which the attorney reasonably expects to be authorized to appear;

(3) A formal legal proceeding that is anticipated but is not yet pending in another jurisdiction and in which the attorney reasonably expects to be authorized to appear; or

(4) A formal legal proceeding that is anticipated or pending and in which the attorney's supervisor is authorized to appear or reasonably expects to be authorized to appear.

The attorney whose anticipated authorization to appear in a formal legal proceeding serves as the basis for practice under this rule must seek that authorization promptly after it becomes possible to do so. Failure to seek that authorization promptly, or denial of that authorization, ends eligibility to practice under this rule.

**(d) Restrictions**

To qualify to practice law in California under this rule, an attorney must not:

(1) Hold out to the public or otherwise represent that he or she is admitted to practice law in California;

(2) Establish or maintain a resident office or other systematic or continuous presence in California for the practice of law;

(3) Be a resident of California;

(4) Be regularly employed in California;

(5) Regularly engage in substantial business or professional activities in California; or

(6) Have been disbarred, have resigned with charges pending, or be suspended from practicing law in any other jurisdiction.

**(e) Conditions**

By practicing law in California under this rule, an attorney agrees that he or she is providing legal services in California subject to:

(1) The jurisdiction of the State Bar of California;

(2) The jurisdiction of the courts of this state to the same extent as is a member of the State Bar of California; and

(3) The laws of the State of California relating to the practice of law, the State Bar Rules of Professional Conduct, the rules and regulations of the State Bar of California, and these rules.

**(f) Inherent power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

**(g) Effect of rule on multijurisdictional practice**

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not members of the State Bar of California.

**Credits**

(Formerly Rule 966, adopted, eff. Nov. 15, 2004. Renumbered Rule 9.47 and amended, eff. Jan. 1, 2007.)

Cal. Rules of Court, Rule 9.47, CA ST PRACTICE Rule 9.47

California Rules of Court, California Rules of Professional Conduct, and California Code of Judicial Ethics are current with amendments received through October 15, 2016. California Supreme Court, California Courts of Appeal, Guidelines for the Commission of Judicial Appointments, Commission on Judicial Performance, and all other Rules of the State Bar of California are current with amendments received through October 15, 2016.