

**April 2005 *Multnomah Lawyer Ethics Focus***

## **Have License, Will Travel: Oregon Extends Reciprocity**

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Last month, we looked at temporary multijurisdictional practice under the new Oregon RPCs. But what if your practice regularly takes you into Washington, Idaho or Utah often enough that you would like or need to become licensed there? In years past, that meant taking another bar exam—no small decision given the time and financial commitment involved.

In 2002, Oregon joined Washington and Idaho in addressing this problem through a novel reciprocal admission compact. Under the agreement, lawyers who have taken the bar exam in one of the three states and have practiced in those states for at least three years can be admitted in the others *without* taking another bar exam. Instead, a lawyer simply needs to complete an application form, pay the requisite admission dues and take 15 hours of approved CLE courses in local practice and procedure. Applications and additional information for Oregon lawyers interested in becoming reciprocally licensed in Washington or Idaho are available on their state bar web sites at, respectively, [www.wsba.org](http://www.wsba.org) and [www.state.id.us/isb](http://www.state.id.us/isb).

Since 2002, Washington and Idaho have extended reciprocal admission to Utah. Utah, in turn, adopted a broad, “mirror image” reciprocity rule that allows out-of-state lawyers to be admitted there by satisfying the same prerequisites

that the lawyer's "home" state requires of Utah lawyers. Oregon has now returned the favor. Effective February 1, Utah lawyers are now eligible for reciprocal admission here on the same terms as Washington and Idaho lawyers and, under Utah's "mirror image" reciprocity rule, Oregon lawyers are now eligible for reciprocal admission in Utah. Applications and additional information for Oregon lawyers interested in becoming licensed in Utah are available on the Utah State Bar's web site at [www.utahbar.org](http://www.utahbar.org).

As an added benefit, Oregon, Washington, Idaho and Utah also have MCLE reciprocity. Under that compact, lawyers can satisfy their CLE requirements in the other states by filing a form attesting that they have complied with their "home" state's CLE reporting requirements. More information on MCLE reciprocity is available on the Oregon State Bar's web site at [www.osbar.org](http://www.osbar.org).

What about our neighbor to the south? Unfortunately, aside from in-house corporate counsel, California requires out-of-state lawyers to take its bar exam. One of the political impediments to extending reciprocity to California is that most states—including Oregon—require bar applicants to have graduated from ABA-accredited law schools. California has some law schools that are accredited by the California State Bar but not by the ABA. A segment of California lawyers, therefore, would be excluded from any reciprocity agreement predicated on graduation from an ABA-accredited law school. Until that political issue is addressed, reciprocity with California is unlikely. That leaves *pro hac vice*

admission for litigators and California's "MJP" rule on transactional practice for business lawyers as the only options for temporary practice there. For those of us whose days as students are a fading memory, the bar exam remains a significant hurdle to regular practice in California.

California aside, reciprocal admission is expanding throughout the West. Washington and Alaska, for example, have reciprocal admission. So do Idaho, Wyoming and Utah. The ABA's Center for Professional Responsibility has a comprehensive national list of reciprocal jurisdictions at [www.abanet.org/cpr/mjp-home](http://www.abanet.org/cpr/mjp-home). As lawyers' practices take them across state borders on a regular basis with increasing frequency, reciprocal admission offers an innovative, convenient and practical approach to multistate licensing.

#### **ABOUT THE AUTHOR**

Mark J. Fucile of Fucile & Reising LLP focuses on legal ethics, product liability defense and condemnation litigation. In his legal ethics practice, Mark handles professional responsibility, regulatory and attorney-client privilege matters and law firm related litigation for lawyers, law firms and legal departments throughout the Northwest. He is a past member of the Oregon State Bar's Legal Ethics Committee, is a past chair of the Washington State Bar Rules of Professional Conduct Committee, is a member of the Idaho State Bar Professionalism & Ethics Section and is a co-editor of the OSB's Ethical Oregon Lawyer and the WSBA's Legal Ethics Deskbook. Mark also writes the monthly

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