

Rule 204. Admission by Reciprocity

(a) Definitions. This rule also incorporates definitions found in Rule 102. For purposes of this rule, the following defined terms shall have the meanings ascribed to them below:

(1) Practice of law. [For purposes of this rule, the phrase “practice of law” is defined as e]Engaging in any of the [following legal activities, provided such activities were performed in a state in which the applicant was admitted to practice law or in a state that affirmatively permitted such activity by a lawyer not admitted to practice law in the jurisdiction:]**nine enumerated legal activities below, provided:**

(A) such activities were performed in a state in which the applicant was admitted to practice law, or

(B) if not, such activities must not have constituted the unauthorized practice of law in the state in which the activities were performed or in the state in which the clients receiving the legal services were located at the time the work occurred:

- (i) Representation of one or more clients in the private practice of law.
- (ii) Providing legal services as an attorney with **a defender services program, legal services program, or a** local, state, or federal agency.
- (iii) Teaching law full time at an accredited law school, college or university in the United States, provided a substantial portion of such time was spent teaching at an accredited law school.
- (iv) Service as a judge in a **local, state, or** federal[, **state or local**] court of record.
- (v) Service full time as a judicial law clerk to any judge of any court of the United States or of any state or territory of the United States.
- (vi) Service as corporate counsel.
- (vii) Performing legal functions while serving on active duty in the United States military service as a judge advocate as defined in the Uniform Code of Military Justice, 10 U.S.C. §801, as amended.
- (viii) Work as an independent contractor for a law firm providing legal services requiring attorney licensure.**
- (ix) Providing legal services as an attorney in a jurisdiction in which the attorney is not licensed, provided that the work is temporary and performed under the supervision of an attorney licensed in the jurisdiction.**

[The term “practice of law” shall not include providing legal services in any of the above referenced areas, when such services as undertaken constituted the unauthorized practice of law in the state in which the legal services were performed or in the state in which the clients receiving the unauthorized services were located.]

(2) Licensing State. The state where an attorney holds an active law license.

(3) Remote Location – The location where an attorney is physically present when practicing law, but where the attorney is not licensed to practice.

(4) Remote Practice of Law. When an attorney is engaged in the practice of law authorized by the attorney’s licensing state and the attorney does so from a remote location and the attorney’s physical presence in the remote location is incidental and not for the practice of law.

(5) Majority. Majority is more than 50 percent of the attorney’s time, calculated by weeks. Every week in which an applicant practiced law more than 20 hours constitutes a qualifying week.

(b) Requirements. As an alternative to satisfying the requirements of Rule 203, an attorney, licensed to practice law in another state, may be admitted to the bar of this Commonwealth if the applicant, **except where indicated,** meets **all** the following requirements:

- (1) Has completed the study of law at and received without exception an earned Bachelor of Laws or Juris Doctor degree from a law school that was an accredited law school at the time the applicant matriculated or graduated.
- (2) Is a member of the bar of a reciprocal state on active status at the time of filing of the application for admission to the bar of this Commonwealth.
- (3) Presentation of a certificate of good standing from the highest court or agency having jurisdiction over admission to the bar and the practice of law in every state, **federal, or specialty court in which the applicant has been admitted and is on active status**[or jurisdiction in which the applicant has been admitted to practice law stating that the applicant is in good professional standing at the bar of such court or such state]. An applicant who is disbarred or suspended for disciplinary reasons from the practice of law in **[another]any** jurisdiction at the time of filing an application for admission to the bar shall not be eligible for admission to the bar of this Commonwealth.

[(4) Presentation of proof satisfactory to the Board that the applicant has for a period of five years of the last seven years immediately preceding the date of filing of the application for admission to the bar of this Commonwealth devoted a major portion of time and energy to the practice of law in one or more states.]

[(5) Presentation of proof satisfactory to the Board that the applicant has

either taken and passed the bar examination in a reciprocal state or has devoted a major portion of time and energy to the practice of law in a reciprocal state for five years of the last seven years immediately preceding the date on which an application was filed under this rule.]

(4) Presentation of proof satisfactory to the Board that the applicant meets of one of the following:

(A) That the applicant has taken and passed the bar examination in a reciprocal state and the applicant has devoted a majority of time to the practice of law in one or more states for a period of five years of the last seven years immediately preceding the date of filing of the application for admission to the bar of this Commonwealth.

(B) That the applicant has gained admission in a reciprocal state and the applicant has devoted a majority of time to the practice of law in one or more reciprocal states for a period of five years of the last seven years immediately preceding the date of filing of the application for admission to the bar of this Commonwealth.

(C) That the applicant has earned a score on the Uniform Bar Examination in a reciprocal state that would have qualified for transfer under Pa.B.A.R. 206, and the applicant has devoted a majority of time to the practice of law in one or more states for a period of more than three of five years since sitting for the UBE exam in which the applicant earned the qualifying UBE score. The practice time must occur within the five years immediately preceding the date of filing of the application for admission to the bar of this Commonwealth. And

(I6]5) Satisfaction of the requirements of Paragraphs (a)(1), (b)(2) and (b)(3) of Rule 203.

(c) Remote practice of law. Remote practice of law will count towards qualifying practice time of this rule provided the applicant meets all the requirements of this rule.

(d) Limitations and Restrictions

(1) When an attorney who is licensed and on active status practices law under supervision in a state or federal jurisdiction in which the attorney is not licensed in order not to constitute the unauthorized practice of law, the Board will count a maximum of two years of supervised practice toward the practice requirements of Rule 204.

(2) When an attorney has practiced law remotely while located outside of the United States, the Board will count a maximum of two years of remote practice toward the practice requirements of Rule 204.

- (3) If at the time the attorney practiced in a state, the state required an attorney to obtain a limited or other specialized license in order to practice, the attorney must have obtained such license for the practice time to count toward admission under this rule.**
- (4) When calculating the number of weeks of practice that count under this rule, the Board will not count more than one week of time in situations in which the attorney worked a high number of hours during that week, nor will the Board average the hours an attorney worked over a period of weeks to increase the number of weeks that count.**
- (5) For practice time to count it must have occurred after the applicant was admitted to the bar of a state.**

Adopted July 1, 1972. Amended June 6, 1977; July 22, 1977, imd. effective; Nov. 15, 1978, effective Dec. 2, 1978; Dec. 17, 1981, effective 30 days after Jan 9 1982; June 30, 1983, imd. effective; Aug. 22, 1986, imd. effective; June 16, 1993, imd. effective; Jan. 31, 1997, imd. effective; April 6, 1999, imd. effective; Nov. 23, 1999, imd. effective; May 25, 2000, imd. effective; March 30, 2004, effective Sept. 27, 2004; April 28, 2009, imd. effective; Oct. 14, 2011, effective in 30 days [Nov. 14, 2011]; Jan. 4, 2022, effective Jan. 12, 2022.[.]

Official Note: The Commonwealth of Pennsylvania cannot be reciprocal with itself. Therefore, an applicant who does not take the bar examination in a reciprocal state may not have work performed in Pennsylvania, even if authorized, count towards the practice requirement of this rule.