

Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law

Explanatory Comment

[4] Other than as authorized by law or this Rule, a lawyer who is not admitted to practice generally in this jurisdiction violates paragraph (b) if the lawyer establishes an office or other systematic and continuous presence in this jurisdiction for the practice of law. Presence may be systematic and continuous even if the lawyer is not physically present here. Such a lawyer must not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction. See also Rules 7.1(a) and 7.5(b). With the rise of advanced communications technology, and in the advent of the 2020 global pandemic, the legal profession confronted the issue of remote legal practice and the unauthorized practice of law, in the context of Rule 5.5(b)(1). The following guidance is provided: A lawyer who is not admitted to practice in Pennsylvania may remotely practice the law of the jurisdictions in which the lawyer is licensed while physically present in Pennsylvania, provided the lawyer does not hold himself or herself out as being admitted to practice in Pennsylvania and does not provide, offer to provide, or hold himself or herself out as authorized to provide legal services in Pennsylvania. Remote practice that satisfies these requirements does not constitute systematic and continuous presence in this jurisdiction for the purposes of Rule 5.5(b)(1). A lawyer authorized to practice law in Pennsylvania may remotely practice the law of Pennsylvania while the lawyer is physically present outside of Pennsylvania, provided the lawyer is not prohibited from doing so in the jurisdiction where the lawyer is physically present.
