

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-17-0011
RULE 38, ARIZONA RULES OF THE)
SUPREME COURT) **FILED 08/31/2017**
)
)
)
_____)

**ORDER
AMENDING RULE 38, RULES OF THE ARIZONA SUPREME COURT**

A petition having been filed proposing to amend Rule 38, Rules of the Arizona Supreme Court, and a comment having been received, upon consideration,

IT IS ORDERED that Rule 38, Rules of the Arizona Supreme Court, be amended in accordance with the attachment hereto, effective January 1, 2018.

DATED this 31st day of August, 2017.

_____/S/_____
SCOTT BALES
Chief Justice

Arizona Supreme Court No. R-17-0011

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TO:

Rule 28 Distribution

Lisa M Panahi

Hon William J O'Neil

ATTACHMENT*

Rule 38. Special Exceptions to Standard Examinations and Admission Process

(a) In-house Counsel

1. As used in this rule, “in-house counsel” shall refer to an attorney who is employed within the State of Arizona as in-house counsel or a related position for a single for-profit or a non-profit corporation, association, or other organizational entity, which can include its parents, subsidiaries and/or affiliates, the business of which is lawful and is other than the practice of law or the provision of legal services.

2.-14. [No change in text.]

(b)-(g) [No change in text.]

(h) Practice Pending Admission on Motion

1. An applicant who meets the requirements of paragraph (f) of Rule 34 and whose application for admission on motion has been filed and deemed complete by the Committee on Character and Fitness may provide legal services in Arizona through an office or other place for the regular practice of law in Arizona for no more than 365 days, provided that the applicant:

A.-G. [No change in text.]

H. pays the annual assessment to the Client Protection Fund in the amount assessed to non-exempt active and inactive members, as set by the Supreme Court for the applicable year.

[No change in remaining text.]

(i) [No change in text.]

COMMENT

~~This rule requires that lawyers not admitted to practice in Arizona, but who are employed in the State by an entity or one of its specified affiliates as “in-house counsel,” as that terms is defined, register annually with the State Bar of Arizona. The rule's registration requirement is only intended to apply to those lawyers who are employed in that capacity by an entity conducting activities within the State, and whose principal office is located within the physical boundaries~~

* Additions in the text of the rule are shown by underscoring and deletions from text are shown by ~~strike through~~.

~~of the State. It is not intended to apply to those employed in such a capacity whose physical presence in the State is temporary or sporadic.~~

Rule 38(a) requires annual registration with the State Bar of Arizona for lawyers who are not admitted to practice in Arizona, but who are employed in Arizona by an entity or one of its specified affiliates as “in-house counsel,” as that term is defined in this rule. The registration requirements of this rule apply only to lawyers: (1) who are employed as in-house counsel by an entity that conducts activities within Arizona; and (2) who either have a principal office physically located in Arizona, or will otherwise be systematically and continuously present in Arizona on behalf of their employer. The registration requirements of this rule do not apply to in-house counsel whose presence in Arizona is only temporary or sporadic.