

# PRO BENEFITS OF RECIPROCITY

BY TOM RYAN, ESQ.

Lawyers move. Law firms and clients expand their operations.

In allowing for admission on motion, Arizona joined a large and growing majority of other states in recognizing modern-day realities of legal practice. This is hardly a free ride. Arizona's requirements include:

- (a) Admission by bar examination in another jurisdiction;
- (b) A law degree from an ABA-approved law school;
- (c) Active legal practice for five of the seven years immediately preceding the application;
- (d) Multistate Professional Responsibility Examination (MPRE) passage;
- (e) Demonstration of suitable character and fitness;
- (f) A spotless lawyer discipline record; and
- (g) Completion of a course on Arizona law.

The Arizona rule also contains a reciprocity requirement – if another state does not extend admission on motion on a reasonably equivalent basis to Arizona-admitted lawyers, Arizona will not allow admission on motion to a lawyer admitted in that state.

Arizona's new rule follows the ABA's model rule and the recommendations of the Arizona State Bar's Multijurisdictional Practice Task Force. The ABA and the Arizona Task Force studied multijurisdictional issues, including admission on motion, for years. Public comment was invited and received. The issues were thoroughly debated.

Both the task force and the ABA observed that lawyers today are increasingly mobile, and barriers to the admission of experienced lawyers who have remained in good standing in other jurisdictions impede not only their ability to practice but also the ability of clients to

retain counsel of their choice. As applied to experienced practitioners, a bar examination requirement, in the task force's view, represents a "relic of another time, when mobility was less common, state law was less uniform and business was more local in nature." In fact, bar examinations themselves have shifted from state-specific tests toward a more standardized, national format as reflected in the Multistate Bar Examination (MBE).

Admission on motion facilitates lawyers' mobility and client access. Such a rule may also increase the number of lawyers willing to provide *pro bono* or reduced-fee legal services, enhance state bar revenues and assist in the recruitment of seasoned, talented lawyers, thereby elevating the quality of the bar generally.

Admission on motion is available in some form or another in at least 36 states and in the District of Columbia. It is, as noted, a growing majority view. It is working effectively. And it reflects a recognition of lawyers' increased mobility as well as an increasingly national and international economy. The "opening of the floodgates" argument, code for protectionism and fear of competition, is no rationale for rejection of admission on motion. Nor, in any event, have such predictions proven to be accurate. Likewise, the criticism – carefully considered in Arizona and by the ABA – that admission by motion will dilute the quality of lawyering has no empirical support. There is no evidence of a disproportionate number of disciplinary matters originating with lawyers admitted on motion.

The time has come for Nevada to recognize the current landscape of the legal profession. Nevada shares a border, and an increasingly regional economy, with Arizona. An easing of the ability of seasoned lawyers to relocate from one state to the other will enhance this natural partnership. It will not happen, however, unless Nevada "reciprocates" by allowing for admission on motion. If Nevada balks, Arizona will enjoy a competitive advantage in attracting talented, experienced lawyers. **NL**

TOM RYAN is a partner, and former chair of the Nevada offices of Lewis and Roca. He has practiced for more than 33 years and is a survivor of four bar exams – Illinois, Wisconsin, Arizona and Nevada. He

does not intend to take a fifth bar exam. He is a former chair of the Arizona Supreme Court's Committee on Examinations, which has responsibility for preparation and grading of the Arizona bar exam.