

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 2542

By: Kannady

AS INTRODUCED

An Act relating to attorneys; defining terms; authorizing admission on motion to practice law in Oklahoma under certain conditions; providing exception; requiring payment of certain application fees and costs; applying rules of reciprocal jurisdictions under certain circumstances; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 19 of Title 5, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. a. "Practice of law" means:

(1) representation of one or more clients in the practice of law, whether as a solo practitioner, in a law firm, or for a legal clinic or similar entity,

- (2) service as a lawyer with a local, state, territorial, or federal agency, including military service,
- (3) teaching full time at an American Bar Association accredited law school,
- (4) service as a judge in a federal, state, territorial, or local court of record,
- (5) service as a judicial clerk,
- (6) service as corporate counsel, or
- (7) any combination of the above.

b. "Practice of law" shall not include work that, as undertaken, would constitute the unauthorized practice of law in the jurisdiction in which it was performed or in which the clients receiving the unauthorized services were located.

c. "Practice of law" shall not be required to occur outside of Oklahoma, providing that any practice of law within this state did not include work that, as undertaken, would constitute the unauthorized practice of law; and

2. "Reciprocal state" means a state which grants judges and lawyers licensed in Oklahoma the right of admission on motion, without the requirement of taking an examination and whose requirements for admission are similar to admission on motion in

1 Oklahoma without examination requirements. Reciprocal state includes
2 other states, the District of Columbia, and the territories,
3 districts, commonwealths or possessions of the United States.

4 B. An applicant may, upon motion, be admitted to the practice
5 of law in this state if the applicant:

6 1. Is a graduate of a law school approved by the American Bar
7 Association;

8 2. Has been admitted to practice law in another state,
9 territory or the District of Columbia;

10 3. Is a member in good standing on active status in a
11 reciprocal state;

12 4. Establishes that the applicant is not currently subject to
13 lawyer discipline or the subject of a pending disciplinary matter in
14 any jurisdiction;

15 5. Has been engaged in the practice of law for a period of five
16 (5) of the seven (7) years immediately preceding the date upon which
17 the application is filed; and

18 6. Establishes that the applicant possesses the character and
19 fitness to practice law in this state.

20 C. An applicant who has failed a bar examination administered
21 in this state within five (5) years of the date of filing an
22 application under this section shall not be eligible for admission
23 on motion.
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1 D. The applicant shall pay such application fees and costs as
2 may be established by the Supreme Court of Oklahoma.

3 E. Notwithstanding the provisions of this section, if a
4 reciprocal state imposes more stringent and exacting limitations on
5 the ability of Oklahoma practitioners to obtain admission by motion,
6 or if the fees required to be paid are higher, the admission of the
7 applicant shall be governed by the same rules and the applicant
8 shall pay the same fees that would apply to an applicant from this
9 state seeking admission to the bar in the state or territory from
10 which the applicant is claiming reciprocity.

11 F. Any applicant that has been denied Admission by Motion -
12 Reciprocity by the Oklahoma Board of Bar Examiners under the Rules
13 Governing Admission to the Practice of Law in the State of Oklahoma
14 in effect as of January 1, 2021, within two (2) years of the date of
15 the effective date of this act shall not be required to pay a fee
16 for reapplication under this section.

17 SECTION 2. This act shall become effective November 1, 2021.
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