

PUBLICATION

Mississippi Amends Rules of Professional Conduct to Require In-House Counsel Registration for Those Not Licensed in Mississippi

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On June 18, 2021, the Supreme Court of Mississippi amended Rule 5.5 of the Mississippi Rules of Professional Conduct (MRPC) with an effective date of July 1, 2021. Rule 5.5(d) of MRPC, as amended, requires attorneys that are not licensed in Mississippi who serve as in-house corporate lawyers, government lawyers, and others who are employed to render legal services to an employer, who establish an office or other systemic presence in Mississippi, to register with the Mississippi Bar and pay an annual registration fee. In this alert, we review the details of this new rule and where you can register.

The Mississippi Supreme Court modeled this rule after the American Bar Association's (ABA) Model Rules, specifically Rule 5.5: Unauthorized Practice of Law; Multijurisdictional Practice of Law. Rule 5.5 of the ABA provides that a lawyer practicing as an in-house counsel under the laws of a foreign jurisdiction may provide legal services through an office or other systemic and continuous presence in the jurisdiction that is provided to the lawyer's employer or its organizational affiliates. The ABA rule does not require registration or the payment of an annual fee and leaves it up to the highest court of that jurisdiction to create those requirements.

States with Similar Rules

Several states have similar requirements for in-house counsel. For example, Rule 8 of the rules governing admission to the Alabama State Bar authorizes attorneys licensed to practice in jurisdictions other than Alabama to be permitted to undertake activities in Alabama while employed exclusively by a business organization that registers with the Alabama Bar and pays an annual fee. Florida has a similar registration and annual fee requirement which is outlined in [Chapter 17. Authorized House Counsel Rule](#), as does Tennessee as outlined in [Rule 7, Article X, Section 10.01](#) adopted by the Tennessee Supreme Court. Louisiana Supreme Court Rule XVII Section 154 governs limited admission for in-house counsel. The rule allows non-admitted lawyers who are employed by corporate or associational clients to receive a limited license to allow them to perform legal work for their employers. South Carolina has a similar limited license provision under Rule 405 of the South Carolina Appellate Rules which requires registration and annual fee.

It is important to note that not all jurisdictions require registration and payment of an annual fee. For example, Georgia has adopted Rule 5.5 of the ABA but does not have a registration or fee requirement. Texas does not have an in-house counsel rule permitting out-of-state lawyers to practice law in-state for corporate clients.

Conclusion

Before offering legal advice as an in-house counsel, check your jurisdiction's requirements for in-house counsel registration and fee payment to prevent an unauthorized practice of law complaint.

If you have any questions on this new Mississippi law or similar rules in other states, please contact the author or any member of Baker Donelson's [Labor & Employment Group](#) for more information or assistance. Attorneys that are not licensed in Mississippi may register by clicking [here](#).