



RECIPROCITY

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The Supreme Court of Arizona recently ordered the State Bar of Arizona to admit lawyers on motion where the moving attorney's state allows Arizona attorneys to be admitted on motion. The implications of such a rule from a neighboring jurisdiction results in this month's discussion about Nevada participating in a reciprocity program.

Prior to the 1920s, most states admitted lawyers who were licensed to practice in another jurisdiction as a matter of course. As the economy became worse in the 1920s and 30s, many states enacted restrictive policies governing admission in an effort to protect the livelihood of attorneys in their own states.

The justification for restrictive practice rules is the protection of legal consumers. This same justification forms the underpinning of all bar exam requirements. Since all reciprocal admission programs require an attorney to be licensed in another state, reciprocity may not be as frightening as it seems at first blush. To the extent that increased competition argues against reciprocity, Nevada attorneys need to remember that California, the 900-pound gorilla in this discussion, does not currently allow admission by reciprocity. At the moment, therefore, this concern is not a realistic threat.

Approximately 30 states allow reciprocal admission. Those states do not report a massive increase in the number of lawyers seeking admission on motion. Neither do the states

report an increase of problems in lawyer competence nor problems with lawyer discipline. The 2002 ABA Multijurisdictional Practice Commission found no legitimate reason existed to impose bar examination requirements on experienced practitioners who have remained in good standing in other jurisdictions. The report concluded that bar exam requirements are a relic of another time when movement by lawyers between states was less common, state laws were less uniform and business was more local in character.

My own experience is that it is foolish to litigate any significant matter in the venue where you do not regularly practice without the assistance of experienced local counsel. The practices and customs of courts and individual judges cannot easily be gleaned from written decisions or local rules. I suspect similar

customs and practices exist in fields of representation other than litigation and wise practitioners will always associate local counsel notwithstanding their admission status. I take no position on the wisdom or desirability of reciprocity but suggest you read the opinions of Mr. Trachok and Mr. Ryan, starting on page 12 of this issue of *Nevada Lawyer*, and reach your own conclusions. The state bar also invites you to share comments by e-mailing publications@nvbar.org. **NL**



State Bar of Nevada
MISSION

Our mission is to govern the legal profession, to serve our members, and to protect the public interest.