

# ***Legal Ethics and Multijurisdictional Practice***

May 2026

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# What Is the “Practice of Law”?

# What is “Practicing Law”

## Missouri Revised Statute § 484.010

1. The "practice of the law" is hereby defined to be and is the **appearance as an advocate in a representative capacity** or the **drawing of papers, pleadings or documents** or the **performance of any act in such capacity in connection with proceedings pending or prospective before any court** of record, commissioner, referee or any body, board, committee or commission constituted by law or having authority to settle controversies.
2. The "law business" is hereby defined to be and is the **advising or counseling for a valuable consideration** of any person, firm, association, or corporation as to any secular law or the drawing or the procuring of or assisting in the drawing for a valuable consideration of any paper, document or instrument affecting or relating to secular rights or the doing of any act for a valuable consideration in a representative capacity, obtaining or tending to obtain or securing or tending to secure for any person, firm, association or corporation any property or property rights whatsoever.

- Illinois – "[T]he giving of advice or rendition of any sort of service by any person, firm or corporation when the giving of such advice or rendition of such service requires the use of any degree of legal knowledge or skill." *People ex rel. Illinois State Bar Ass'n v. Schafer*, 87 N.E.2d 773 (1949).
- Kansas – "[I]ncludes legal advice and counsel, and the preparation of legal instruments and contracts by which legal rights are secured, although such matter may or may not be depending in a court." *State ex rel. v. Perkins*, 138 Kan. 899, 907, 908, 28 P.2d 765, 769 (1934).

# “Practice of Law”

- Representing another (person or entity) in court
- Taking or defending a deposition
- Signing a pleading
- “Holding out” as an attorney
  
- Providing independent legal advice or legal services (such as legal document preparation)
  - Applying legal principles to a particular set of facts

# Complications

- Specific law allows the practice
  - Representation at SSA disability hearing
- Certain non-lawyers authorized
  - Accountants providing tax law advice
  - Realtors (in Missouri) negotiating property transactions
- Some activity is law practice when lawyer does it
  - Interviewing witness

# Missouri Informal Opinion 940029

QUESTION: Attorney's title company would like to have **non-attorneys draft easement deeds** using form documents. Would this be the unauthorized practice of law?

ANSWER: Yes, and if Attorney assists in this activity, Attorney will violate Rule 4-5.5.

# Missouri Informal Opinion 960031

QUESTION: A collection agency has contacted Attorney about **writing demand letters for cases** in which the creditor is not yet Attorney's client. Attorney would prepare a letter to the debtor on behalf of the creditor and instruct the debtor to contact the collection agency, rather than Attorney. May Attorney do this?

ANSWER: Under the circumstances described, Attorney would violate Rule 4-5.5, by assisting the collection agency in the unauthorized practice of law. Attorney may wish to review *State ex rel. McKittrick v. C.S. Dudley & Co., Inc.*, 102 S.W.2d 895 (Mo 1937), which relates to this topic.

# Missouri Informal Opinion 940036

Are there rule violations if:

- (1) a lay company **prepares estate planning documents** including living trusts and wills;
- (2) an independent contractor, who is not an attorney, **makes the documents available to clients, takes the information from the clients, explains and recommends the documents to the clients and submits the information to the lay company;**
- (3) the lay company **prepares a set of documents which are returned to the client;**
- (4) the client **pays the independent contractor** at the time of the sale and also **writes a check for an attorney** who works with the lay company;
- (5) an **attorney receives the drafted living trust and prepares an opinion letter** which is sent to the client;
- (6) the attorney does not give an opinion on the will and **may or may not prepare documents to fund the living trust.**

# Informal Opinion 940036 – Answer

(1) This would constitute the unauthorized practice of law.

(2) and (3) Each would be engaging in the unauthorized practice of law and aiding and abetting the other in the unauthorized practice of law.

(4), (5) and (6) This would be the unauthorized practice of law and assisting the unauthorized practice of law by the lay company and the independent contractor. It would be assisting the unauthorized practice by the attorney. The attorney would also be violating Rules 4-5.4 and 4-7.3(b) as a result of the solicitation.

# Missouri Informal Opinion 950145

QUESTION: Attorney asks about entering into a relationship with an insurance agent in which the insurance agent would have clients fill out an information sheet if they believe they need a will. The insurance agent would send the form to Attorney who would prepare a will and have the clients come in to execute it. No fees would be split with the insurance agent and nothing of value would be given to the insurance agent for the referral. The insurance agent would provide a price list of Attorney's services.

ANSWER: The arrangement proposed would involve improper solicitation, breach of confidentiality or both. In person solicitation is prohibited by Rule 4-7.3(b). If the insurance agent is acting as Attorney's agent, in person solicitation would occur. If the insurance agent is independent, Attorney would be asking someone who is not Attorney's representative to gather confidential information from Attorney's clients on Attorney's behalf in violation of Rule 4-1.6. **Additionally, if the insurance agent is the one who is determining what specific type of estate planning the individual needs, the insurance agent would be engaging in the unauthorized practice of law and Attorney would be assisting in that activity in violation of Rule 4-5.5(b).** Depending on other details of the arrangement, other rules may also be involved. Attorney would not be violating the rules if the insurance agent merely refers the potential client to Attorney for general estate planning, leaving it to Attorney to determine, in consultation with the clients, the specific type of estate planning the clients need. This situation could not involve any fee splitting or referral fee.

# When Is Law Practice “Unauthorized”?

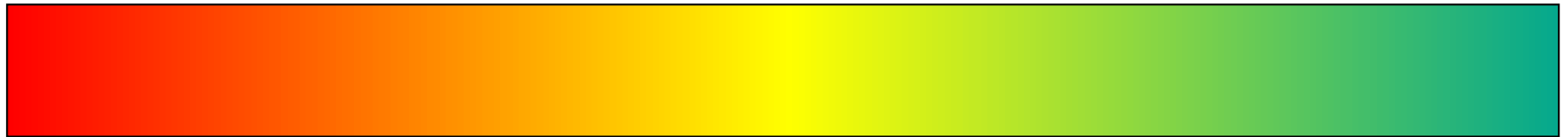
When, **by nature and/or quantity**, the activities outside the state of licensure make the practice of law prohibited

AND

Not **permitted temporary practice** AND

**No exception** applies

# Unauthorized v. Authorized Practice



Danger

Activities in  
jurisdiction that  
probably equal  
UPL

Safety

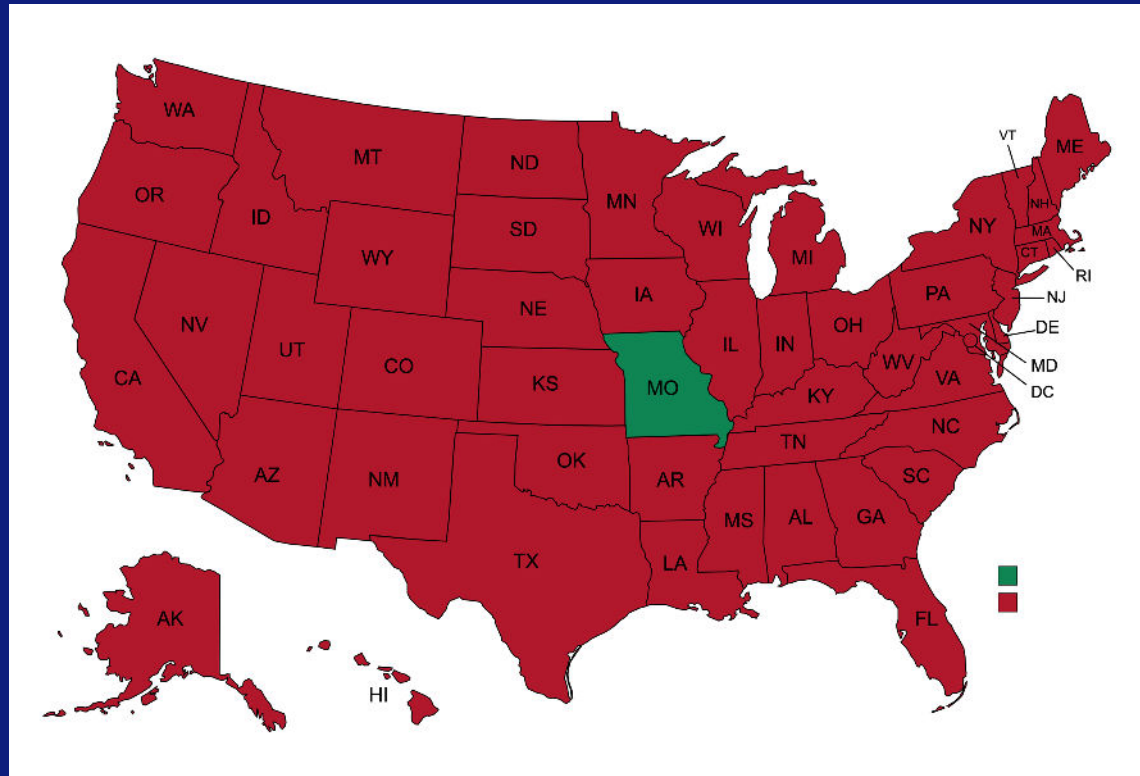
Activities in  
jurisdiction that are  
not UPL

# Consequences of UPL

- Disciplinary sanctions
- (Criminal or civil) liability
- Court sanctions
- Loss of privilege
- Loss of fees
- Loss/delay of ability to obtain admission
- Unauthorized actions void

# Practicing Law Where Licensed

# Lawyer Only Licensed in Missouri

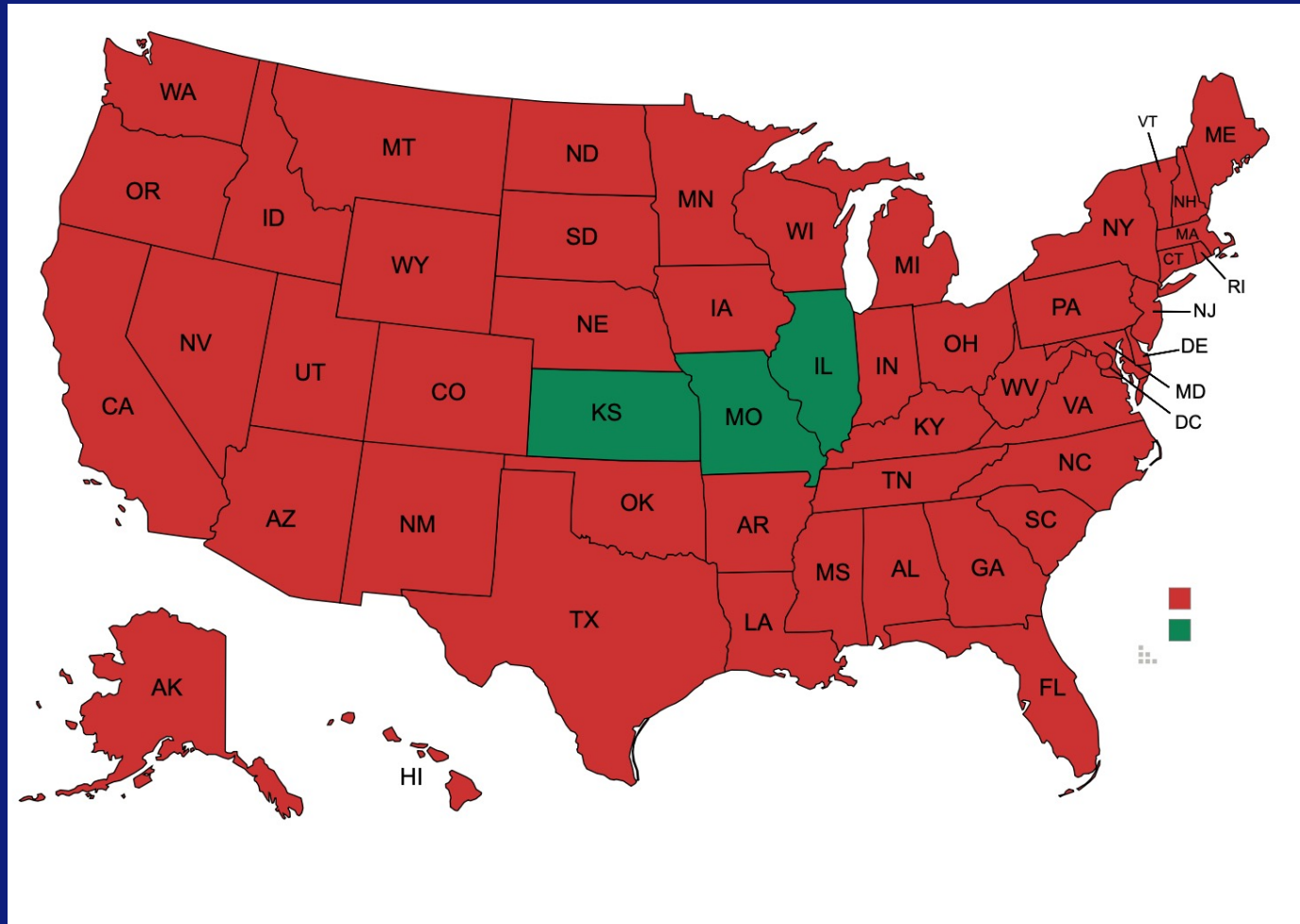


Where can Lawyer Practice?

# Practice Where Licensed

- Lawyer is licensed only in State A
- Lawyer is located in State A
- Client is located in State A
- Advice is about law of State A
- All other parties are in State A
- All property is in State A
- All litigation activity is in State A
- No travel to other states for matter
- No communications with other states for matter

# Lawyer Only Licensed in MO, IL, and KS



# Practice Where Licensed

- Lawyer is licensed only in States A, B, and C
- Lawyer is located in States A, B, and/or C
- Client is located in States A, B, and/or C
- Advice is about law of States A, B, and/or C
- All other parties are in States A, B, and/or C
- All property is in States A, B, and/or C
- All litigation activity is in States A, B, and/or C
- No travel to other states for matter
- No communications with other states for matter

# Practicing Law Where NOT Licensed

# Practice Where NOT Licensed

- Lawyer is licensed only in State A
- Lawyer is NOT located in State A
- Client is NOT located in State A
- Advice is NOT about law of State A
- All other parties are NOT in State A
- All property is NOT in State A
- All litigation activity is NOT in State A
- Travel to other states for matter – **AND/OR**
- Communications with other states for matter

## *Birbrower, Montalbano, Condon & Frank v. Superior Court, 949 P.2d 1 (Cal. 1998)*

*NY attorneys were barred from recovering compensation for services rendered in CA where the attorney were not admitted to the bar.*

“Our definition **does not necessarily depend on or require** the unlicensed lawyer's **physical presence in the state**. **Physical presence here is one factor** we may consider in deciding whether the unlicensed lawyer has violated section 6125, but it is by no means exclusive. For example, **one may practice law in the state . . . although not physically present here by advising a California client on California law in connection with a California legal dispute by telephone, fax, computer, or other modern technological means**. Conversely, although we decline to provide a comprehensive list of what activities constitute sufficient contact with the state, **we do reject the notion that a person automatically practices law "in California" whenever that person practices California law anywhere, or "virtually" enters the state by telephone, fax, e-mail, or satellite.**”

# Practice Where NOT Licensed

## Rule 4-5.5(a) & (b)

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

- (1) except as authorized by this Rule 4 or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or
- (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

# Regulated Activities

- “Practice law”
- “Establish an office or . . . systematic and continuous presence” to practice law
- “Hold out to public” as lawyer admitted in jurisdiction

# Establishing an Office

- Lawyer is licensed only in State A
- Lawyer works from Office in State B
- Where has Lawyer established Office?
- Does it matter if Lawyer only works on matters pending in State A?

# ISBA Opinion 12-09

A lawyer not admitted in Illinois may not primarily practice in this state, physically or through a virtual office, even if the co-owner of the law firm is a lawyer, licensed in Illinois, who has direct supervision of the non-admitted lawyer on matters involving Illinois clients.

Facts – Two attorneys wish to establish a law practice owned 50/50 between them. **One is licensed only in Illinois, one is licensed only in State X.**

**Both live and primarily work in Illinois.** However, the attorney licensed in State X makes frequent visits to State X for networking and to cultivate a client base there. The attorneys agree that the Illinois-licensed attorney will have direct supervision and ultimate authority over matters involving Illinois clients, although the State X-licensed attorney will interact with Illinois clients and dispense legal advice to them from time to time.

The Illinois-licensed attorney will sign all pleadings in Illinois courts, make all Illinois court appearances, and conduct any Illinois real estate closings personally. The State X-licensed attorney will engage in networking and market himself in Illinois as an attorney, but will take precautions to ensure that potential clients do not get the impression that he is licensed in Illinois. All letterheads and business cards will clearly and correctly indicate the jurisdictions in which each attorney is licensed to practice. Both attorneys agree to make sure, at the time any client is acquired, that the client understands that the State X-licensed attorney is not licensed in Illinois. Retainer agreements will contain bold-type disclosures to this effect.

# ISBA Opinion 12-09 (Continued)

Under the facts provided, the State X lawyer would work primarily in Illinois, which means that he would have a systematic and continuous presence (presumably including an office) in Illinois for the practice of law, in violation of paragraph (b)(1).

...

In the context of a virtual law office involving lawyers from different states, each lawyer should take care that any out-of-state practice is not systematic and continuous. The proposed practice involves a lawyer from State X who wishes to practice regularly in Illinois, whether through a physical presence or a virtual presence. “Presence may be systematic and continuous even if the lawyer is not physically present here.” RPC 5.5, Comment [4]. So even if the virtual office were not based in Illinois, the fact that the State X lawyer would do work for Illinois clients and would seek legal work in Illinois establishes a systematic and continuous presence.

# Establish a “Systematic and Continuous Presence”

- Lawyer is licensed only in State A
- Lawyer is officed in State A
- Lawyer only handles legal matters in State B (by phone, email, website, etc.)

# ISBA Opinion 12-09 (Continued)

Under the facts provided, the State X lawyer would work primarily in Illinois, which means that he would have a systematic and continuous presence (presumably including an office) in Illinois for the practice of law, in violation of paragraph (b)(1).

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In the context of a virtual law office involving lawyers from different states, each lawyer should take care that any out-of-state practice is not systematic and continuous. [The proposed practice involves a lawyer from State X who wishes to practice regularly in Illinois, whether through a physical presence or a virtual presence. “Presence may be systematic and continuous even if the lawyer is not physically present here.” RPC 5.5, Comment \[4\]. So even if the virtual office were not based in Illinois, the fact that the State X lawyer would do work for Illinois clients and would seek legal work in Illinois establishes a systematic and continuous presence.](#)

# Fl Rule 5.5 cmt

For the purposes of this rule, a lawyer who is not admitted to practice law in Florida who files more than 3 demands for arbitration or responses to arbitration in separate arbitration proceedings in a 365-day period shall be presumed to be providing legal services on a regular, not temporary, basis; however, this presumption shall not apply to a lawyer appearing in international arbitrations as defined in the comment to rule 1-3.11

# “Hold Out” as Admitted Lawyer to Public

- Lawyer is licensed only in State A
- Lawyer advertises for new cases in State B, with no mention of where Lawyer is licensed
- Is Lawyer “holding out” to viewers of advertisements that Lawyer is admitted in State B?

# FL Rule 5.5

The Supreme Court of Florida has determined that it constitutes the unlicensed practice of law for a lawyer admitted to practice law in a jurisdiction other than Florida **to advertise to provide legal services in Florida which the lawyer is not authorized to provide**. The rule was adopted in 820 So. 2d 210 (Fla. 2002).

# Permitted Temporary MJP

## “Permitted MJP” – Rule 4-5.5(c)

A lawyer *admitted and authorized to practice law in another United States jurisdiction* and not disbarred or suspended from practice in any jurisdiction *may provide legal services on a temporary basis* in this jurisdiction that . . .

# With Local Counsel

(1) are undertaken in association with a lawyer who is **admitted to practice in this jurisdiction** and who **actively participates** in the matter

# Pro Hac Vice Admission

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction if the lawyer or a person the lawyer is assisting is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

# ADR Exception

- (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted and authorized to practice law and are **not** services for which the forum requires **pro hac vice admission**;

# In-House Counsel Temporary Activities

(4) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

# Related to Licensed Practice

(5) are not within Rule 4-5.5(c)(2), (c)(3), or (c)(4) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted and authorized to practice law.

# Exceptions to UPL

# Corporate Counsel Exception

- (d) A lawyer admitted in another United States jurisdiction and not disbarred or suspended from practice in any jurisdiction **may establish an office or other systematic and continuous presence** in this jurisdiction for the practice of law and **provide legal services in this jurisdiction that are provided to the lawyer's employer or its organizational affiliates** if the lawyer has obtained a **limited license pursuant to Rule 8.105** or a general license pursuant to other provisions of Rule 8.

# Overriding Law Exception – MODEL Rule

ABA Model Rule 5.5(d)(2): are services that the lawyer is **authorized to provide by federal law** or other law of this jurisdiction.

# Missouri on “Federal Practice”

Rule 4-5.5(d) does not address federal practice; federal practice is addressed in Rule 4-5.5(b)(1) and paragraph 4 of this Comment.

# Rule 4-5.5 comment [4] on Federal Practice

Federal law, including but not limited to international treaties, may require that a lawyer be permitted to practice in this jurisdiction. Federal law that admits a lawyer to appear in a federal court or other tribunal does not authorize a lawyer to establish an office or other systematic and continuous presence to engage in other aspects of the practice of law in this jurisdiction. See *In re: Page*, 257 S.W. 2d 679 (Mo. banc 1953).

# Missouri Informal Opinion 980062 – probably violates *Sperry v. FL Bar* (1963)

QUESTION: Does Attorney, who is not licensed in Missouri, commit the unauthorized practice of law in Missouri when Attorney maintains an office and represents and advises clients in Missouri solely in the area of immigration law?

ANSWER: [Attorney may not maintain an office in Missouri for the purpose of representing and advising clients solely on immigration law.](#) In order for Attorney to do so, it would be necessary for Attorney to become licensed in Missouri.

# Which Bar Can Discipline

# Missouri Rule 4-8.5(a) – Who Can Discipline?

- A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction regardless of where the lawyer's conduct occurs.
- A lawyer not admitted in this jurisdiction is also subject to the disciplinary authority of this jurisdiction if the lawyer provides or offers to provide any legal services in this jurisdiction.
- A lawyer may be subject to the disciplinary authority of both this jurisdiction and other jurisdictions for the same conduct.

# Which Rules Govern?

# Choice of Law – Rule 4-8.5(b)

In any exercise of the disciplinary authority of this jurisdiction, the rules of professional conduct to be applied shall be as follows:

- (1) for conduct in connection with a matter pending before a **tribunal**, the **rules of the jurisdiction in which the tribunal sits**, unless the rules of the tribunal provide otherwise; an
- (2) for **any other conduct**, the rules of the jurisdiction in which the **lawyer's conduct occurred** or, if the **predominant effect** of the conduct is in a different jurisdiction, the rules of that jurisdiction.

# “Good Faith” Safe Harbor – Rule 4-8.5(b)

- A lawyer shall not be subject to discipline if the lawyer’s conduct **conforms to the rules of a jurisdiction** in which the **lawyer reasonably believes the predominant effect of the lawyer’s conduct will occur.**

# ABA Opinion 504 – Choice of Law

*When a lawyer practices the law of more than one jurisdiction, choice-of-law questions arise concerning which jurisdiction's ethics rules the lawyer must follow. Model Rule 8.5 provides that **when a lawyer's conduct is in connection with a matter pending before a tribunal, the lawyer must comply with the ethics rules of the jurisdiction in which the tribunal sits, unless otherwise provided. For all other conduct, including conduct in anticipation of litigation not yet filed, a lawyer must comply with the ethics rules of the jurisdiction in which the lawyer's conduct occurs.** However, **if the predominant effect of the lawyer's conduct is in a different jurisdiction, then the lawyer must comply with the ethics rules of that jurisdiction.***

# Predominant Effect Factors

Although Rule 8.5 does not provide lawyers guidance on what factors the lawyer should consider when determining where the predominant effect of the lawyer's conduct occurs, the Committee believes lawyers should look to the following factors:

- the client's location, residence, and/or principal place of business;
- where the transaction may occur;
- which jurisdiction's substantive law applies to the transaction;
- the location of the lawyer's principal office;
- where the lawyer is admitted;
- the location of the opposing party and other relevant third parties (residence and/or principal place of business); and
- the jurisdiction with the greatest interest in the lawyer's conduct

# Virtual-Only Practice

# Missouri Informal Opinion 20030078

QUESTION: Attorney is licensed in Illinois and attempting to become licensed in Missouri. Attorney's office is located in Missouri.

- (1) Can Attorney practice Illinois law from the office in Missouri?
- (2) Can Attorney conduct any business for the Illinois practice from the Missouri office? If so, what activities can be performed from the Missouri office?
- (3) Can Attorney be included on Missouri office letterhead indicating attorney is licensed in Illinois only?
- (4) Can Attorney perform the functions of a paralegal or any other work with respect to cases pending in Missouri?

# Missouri Informal Opinion 20030078

ANSWER: Questions 1. and 4. No, Attorney may not engage in conduct that constitutes the practice of law, while physically located in Missouri. However, Attorney may function as a law clerk or paralegal, as long as Attorney is not held out as an attorney in connection with those functions.

Question 2. Yes, Attorney may conduct business for the Illinois practice from the Missouri office, as long as Attorney's conduct does not constitute the practice of law and Attorney does not state or imply that Attorney is licensed in Missouri.

Question 3. Yes.

Attorney could practice law in Missouri while waiting to take the Bar exam if Attorney obtains a temporary license under Missouri Supreme Court Rule 8.115.

# Missouri Informal Opinion 20030055

QUESTION: Attorney's firm is hiring an attorney licensed in the State of Florida, who will apply to take the Missouri Bar exam in February 2004. How should the law firm list the Florida attorney on the firm's letterhead, in the telephone directory, on the lobby register of their office building, and in Martindale-Hubbell?

ANSWER: The Florida attorney should be carried on the letterhead as a nonlawyer in MO, unless the Florida attorney has obtained a temporary license in MO. If the attorney has a temporary license in MO, the attorney may be designated in the same way as any other licensed attorney. However, if the attorney does not pass the exam or otherwise loses temporary licensure status, Attorney would need to correct the letterhead immediately. The same answer holds for the other questions. In terms of the telephone directory and Martindale-Hubbell, Attorney would need to accomplish the correction as soon as possible.

## ABA Opinion 495 (2020) – Lawyers Working Remotely

The Committee's opinion is that,

- in the absence of a local jurisdiction's finding that the activity constitutes the unauthorized practice of law,
- a lawyer may practice the law authorized by the lawyer's licensing jurisdiction for clients of that jurisdiction, while physically located in a jurisdiction where the lawyer is not licensed
- if the lawyer does not hold out the lawyer's presence or availability to perform legal services in the local jurisdiction or
- actually provide legal services for matters subject to the local jurisdiction, unless otherwise authorized.

# Other Recent Developments

# Missouri Informal Opinion 2024-12

Question: Lawyer is planning to retire after a long career of practicing law in Missouri. Lawyer is moving to another state, but Lawyer plans to continue to wind up Lawyer's practice in Missouri and occasionally participate virtually in meetings with clients and appear virtually in Missouri courts. **Is Lawyer permitted to wind up Lawyer's practice in Missouri from another State?**

Answer: **Lawyer needs to determine if the other state from which Lawyer plans to wind up Lawyer's Missouri practice and occasionally participate virtually in client meetings and appearances in Missouri courts constitutes the unauthorized practice of law in the other state.** Rule 4 dash-5.5(a) provides that "[a] lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction..." If the other state would determine Lawyer's conduct to be the unauthorized practice of law, then Lawyer may not proceed without violating Rule 4 dash-5.5(a).

# Missouri Informal Opinion 2024-05

Question: Lawyer is licensed in State A, and Lawyer represents Client in State A on a number of business matters. Client lives in State A. Client is purchasing a portion of a business located in Missouri with another buyer who is also located in Missouri. A Missouri lawyer for the seller of the business is preparing the purchase documents. **May Lawyer in State A review the purchase documents from State A for Client?**

Answer: Pursuant to Rule 4 dash–5.5(c)(5), Lawyer is permitted to review the documents for Client in State A, as such conduct may be considered to be “reasonably related to the lawyer’s practice in a jurisdiction in which the lawyer is admitted and authorized to practice.” However, Lawyer must disclose to Client that Lawyer is not licensed in Missouri, and that Client may wish to seek legal counsel from a lawyer licensed in Missouri. See also Informal Opinions 970073 and 940177. Lawyer should consult the rules of State A to ensure that such conduct is not considered to be the unauthorized practice of law in State A. See also Rule 4 dash–8.5(b)(2).

# Missouri Informal Opinion 2024-04

Question: Lawyer is licensed in State A, and represents Corporate Client in State A. Corporate Client has offices in Missouri. Employee of Corporate Client is set to be deposed in a lawsuit that is pending in Missouri. Lawyer has been asked by Corporate Client to represent Employee in the deposition for the lawsuit pending in Missouri. Lawyer is not licensed in Missouri. What steps is Lawyer required to take to represent Employee in the deposition in Missouri?

Answer: Pursuant to Rule 4 dash–5.5(c)(1) and (c)(2), Lawyer may be permitted to represent Employee at the deposition in Missouri so long as lawyer gains admission pursuant to Rule 9.03, Visiting Attorney Appearing in a Particular Case, to gain pro hac vice status in a matter.

# Missouri Informal Opinion 2024-03

Question: Lawyer is licensed in State A but lives in Missouri. Lawyer is not licensed in Missouri. [Lawyer plans to work for a law firm located in State A from Lawyer's home office in Missouri. Is Lawyer required to seek admission in Missouri?](#)

Answer: **Yes**. Rule 4 dash–5.5(b)(1) prohibits a lawyer from establishing an “office or other systematic and continuous presence in this jurisdiction for the practice of law.” That includes the practice of law of State A from Missouri. Lawyer does not meet any of the exceptions in 4 dash–5.5(c) and is required to seek admission in Missouri. See also Informal Opinions 20030078, 980219, 980062, 980010, 970098, 960276, 960055, 940092, and 930152.

# Missouri Informal Opinion 2024-02

Question: Lawyer is licensed in State A and will be working virtually from State A for a corporation that is located in Missouri. Is Lawyer required to seek admission in Missouri?

Answer: **Yes.** Rule 4 dash–5.5(b)(1) prohibits a lawyer from establishing an “office or other systematic and continuous presence in this jurisdiction for the practice of law.” Comment [4] to Rule 4 dash–5.5 notes that “[p]resence may be systematic and continuous even if the lawyer is not physically present here.” Per Rule 4 dash–5.5(d), a lawyer not licensed in Missouri that is providing legal services to the lawyer’s employer or organizational affiliates may seek a “limited license pursuant to Rule 8.105 or a general license pursuant to other provisions of Rule 8.” See also Informal Opinions 20030078, 980219, 980062, 980010, 970098, 960276, 960055, 940092, and 930152.

# *In re William B. Anderson (UT 2023)*

Mr. Anderson represented forty-seven Arizona clients in Arizona-based personal injury cases and settled their cases. In all of the cases, Mr. Anderson misrepresented to clients, insurers, and other members of the public, that an Arizona-admitted lawyer represented the client.

In none of the cases did Mr. Anderson associate with an Arizona lawyer, furnish a case file to an Arizona lawyer, have an Arizona lawyer obtain a written and signed contingent fee agreement, have an Arizona lawyer conduct a conflicts check, or share fees or pay a referral fee to an Arizona lawyer.

Suspended two years.

# *In re Craig R. Chiarson (UT 2024)*

This case involved three matters. Mr. Chiarson owned and operated his own law firm(s) since at least 2016. Mr. Chiarson hired various non-lawyers to work at his firm. He also hired [\*66] contract lawyers to appear at hearings or otherwise cover cases when firm lawyers were unavailable.

In the first matter, an attorney who had been disbarred in 2007 was working at Mr. Chiarson's firm as a paralegal. One of the contract lawyers working for Mr. Chiarson reported that multiple clients told him they thought the paralegal was an attorney. The contract lawyer also discovered that the paralegal had given a client incorrect legal advice about expungement. The paralegal directed initial client meetings and communicated directly with clients via email, text and telephone. The paralegal's business cards did not specify that he was not a lawyer, and one version of his business card falsely indicated that he had a Ph.D. . . .

In the second matter, a client requested Mr. Chiarson's help with filing motions to reduce the degree of their criminal convictions under Utah Code Section 76-3-402 (402 Motions). Mr. Chiarson delegated this task to a legal assistant but did not properly review the work. . . .

In the third matter, a client contacted Mr. Chiarson's firm to assist in a criminal matter. The client met with the delicensed attorney (referenced above) who was working as Mr. Chiarson's paralegal. The paralegal presented himself as an attorney and discussed the case and costs with the client, who agreed to pay a certain fee for representation. Mr. Chiarson's firm did not properly manage the fee collected, failed to properly manage the case, and did not keep the client properly informed. The paralegal assured the client that the situation was under control. . . .

Received probation.

# *In re Travis R. Christiansen (UT 2025)*

- Mr. Christiansen filed a complaint for damages on behalf of his client in a breach of contract matter. Mr. Christiansen recommended that his client involve an attorney not licensed in Utah as an "expert" in real estate law to advise on the matter. The attorney/expert was supposed to be a title and real estate expert consultant concerning title and related issues. The attorney/expert had previously been disciplined in North Dakota for the unlicensed practice of law in Utah.
- Mr. Christiansen's client contacted the other attorney/expert. He was asked to sign a retainer agreement and instructed to wire payments directly to the attorney/expert. The attorney/expert, who was to be acting only as an expert, had the client sign a retainer agreement for legal services. The attorney/expert also sent an invoice indicating that he was charging for legal services. The attorney/expert sent a closing letter in which he indicated that he was co-counsel on the case.
- While it was Mr. Christiansen's intent that the attorney/expert assist in the case only as an expert consultant on title issues, Mr. Christiansen did not review or sufficiently oversee the attorney/expert's communications with his client and did not sufficiently communicate to his client the limited role of an expert witness.
- Reprimanded.

# Conclusory Matters

**Questions** – If you have questions after the program, please email them to Paige Tungate at [ptungate@DowneyLawGroup.com](mailto:ptungate@DowneyLawGroup.com)

**Post-Program Survey** – A survey will be emailed to you about 30 minutes after this program. Also, here is the survey link:

<https://www.surveymonkey.com/r/mjp0526>

**Certificate of Completion** – Available through the Post-Program Survey

**Kansas Credit** – If you are seeking Kansas credit, you need to enter the **two Attendance Verification Words** and your Kansas information into the Post-Program Survey. *Please complete this information in the survey **this week**, so we can ensure you receive proper credit*



<https://www.surveymonkey.com/r/mjp0526>

# Timed Agenda

3:01-05 Introduction

3:05-55 Discuss ethical issues that can arise when lawyers practice in jurisdictions where they are not licensed

# Future Programs

**May 27** – Wednesday at 12:00 Noon CT – **Legal Ethics, Client Intake, and Engagement Agreements**

**June 3** – Wednesday at 12:00 Noon CT – **Lawyer Ethics and Professionalism - NEW**

**June 9** – Tuesday at 3:00 PM CT – **Neurodiversity in the Legal Profession**

**June 17** – Wednesday at 12:00 Noon CT – **Legal Ethics Update 2026 – Part II**

**June 22** – Monday at 12:00 Noon CT – **Neurodiversity in the Legal Profession - NEW**

**June 25** – Thursday at 12:00 Noon CT – **Legal Ethics and Technology 2026**

**June 30** – Tuesday at 12:00 Noon CT – **Neurodiversity in the Legal Profession**

**June 30** – Tuesday at 3:00 PM CT – **Legal Ethics Update 2026 – Part II**

[www.DowneyEthicsCLE.com](http://www.DowneyEthicsCLE.com)

# Thank you



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