SJC Rule 4:02 (9) In-House Counsel Status

(a) Any attorney who is admitted in another United States jurisdiction, or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction, and who wishes to engage in the practice of law as in-house counsel in the Commonwealth of Massachusetts shall advise the Board by (i) filing an appropriate annual registration statement that he or she will limit legal practice in Massachusetts to engaging in the practice of law as in-house counsel, and (ii) identifying the organization on whose behalf the legal services are provided. The initial annual registration statement shall be accompanied by a certificate of good standing from each jurisdiction in which the attorney is licensed to practice law. The initial annual registration statement and all later annual registration statements shall disclose whether the attorney is in good standing in each jurisdiction to which he or she is admitted, and, if not in good standing in any jurisdiction, it shall contain an explanation of the circumstances. The initial annual registration statement and all later annual registration statements shall be signed by an authorized representative of the organization on whose behalf the attorney seeks to engage in the practice of law as in-house counsel. Unless the Board of Bar Overseers objects, after filing such initial statement the attorney may engage in the practice of law as in-house counsel in the Commonwealth of Massachusetts as described in the filing under this Rule.

(b) As used in this section 9, "to engage in the practice of law as in-house counsel" means to provide on behalf of a single organization (including, for attorneys admitted in a United States jurisdiction, a governmental entity) or its organizational affiliates any legal services that constitute the practice of law. Notwithstanding this limitation, in-house counsel who are admitted in another United States jurisdiction may provide pro bono publico legal services without compensation or expectation of compensation as described in Rule 6.1 of the Massachusetts Rules of Professional Conduct (S.J.C. Rule 3:07) under the auspices of either (1) an approved legal services organization (as defined in paragraph (8)(c) above) or (2) a lawyer admitted to practice and in good standing in the Commonwealth of Massachusetts.

(c) Any attorney registered under this section who changes or terminates his or her employment shall be required to file a supplemental statement of change in information under Rule 4:02(1) regardless of whether he or she wishes to

continue to engage in the practice of law in the Commonwealth of Massachusetts as in-house counsel for another organization.

(d) Nothing in this section shall be deemed to affect any definition, limitation or explanation under rule, by decision, or otherwise, of what constitutes engaging in the practice of law in this Commonwealth, as used in section 4:02(1).

(e) Nothing in this section permits an attorney registered under this section to provide services for which the forum requires pro hac vice admission.

(f) As used in this section, "organization" does not include a corporation, partnership, limited liability company or other entity that itself engages in the practice of law by providing legal services to others.