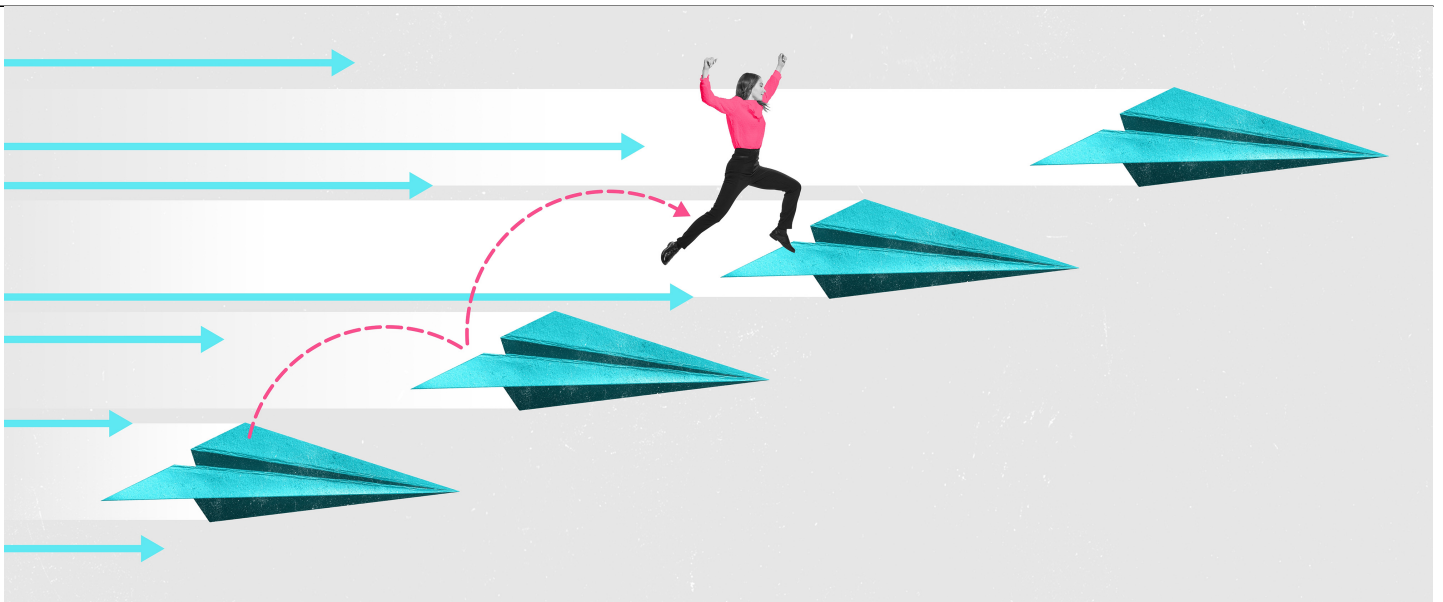




## **Don't Let Multi-jurisdictional Practice Be a Barrier to Your Career Mobility**

**Government**

**Skills and Professional Development**



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For many in-house counsel, multi-jurisdictional practice (MJP) challenges are more than a regulatory technicality — they're a career constraint.

In ACC's new report, [Understanding US Multi-Jurisdictional Practice Challenges](#), one-third (32 percent) of respondents said licensing questions deter them from seeking or accepting employment opportunities in states where they are not licensed.

The concerns we heard repeated across the survey are strikingly consistent. Attorneys worry about duplicative licensing burdens, the cost and administrative delays of new applications, unclear rules that vary state by state, and the professional risks of running afoul of unauthorized practice of law restrictions. For many, these barriers limit not just mobility but also long-term career opportunities.

Key deterrents for in-house counsel include:

- **Retaking the bar exam:** Senior lawyers question the fairness and practicality of having to sit for another bar exam despite decades of practice.
- **Cost and administrative hurdles:** Fees, paperwork, and lengthy processing times create real obstacles, sometimes even jeopardizing employment.
- **Unclear and conflicting rules:** A patchwork of state requirements creates confusion, especially in the context of remote work and cross-border travel.
- **Fear of unauthorized practice of law (UPL):** Concern about violating local requirements deters many from pursuing opportunities outside their licensed jurisdiction.

As businesses expand across jurisdictions and embrace hybrid work, legal leaders must understand how MJP restrictions affect talent mobility, recruitment, and compliance. These barriers not only limit career opportunities for lawyers but also constrain companies' ability to attract and retain top legal talent.

## **Guiding principles for in-house counsel**

While there is significant uncertainty and complexity with the US multi-state licensing system, there are also four key considerations in-house counsel should keep in mind when considering whether to pursue a position in a state where they're not licensed.

### **Remember Rule 5.5**

Every US state except for Hawaii has adopted some form of the American Bar Association's Rule 5.5, Unauthorized Practice of Law; Multijurisdictional Practice Law.

Rule 5.5(d) allows in-house lawyers to practice law in jurisdictions where they are not licensed so long as they are a member in good standing in another state, do not represent anyone other than their employer, and do not appear in court.

Under Rule 5.5, you do not have to become a member of that state's bar to serve as in-house counsel, either by taking the bar exam or filing a motion.

### **Be mindful of common variations**

Some states use the ABA numbering and text in their rules, while others use different numbering and language.

Some states require in-house counsel to register with that state's bar. Sometimes, registration only applies if the in-house counsel lives in that state. Most, but not all, states that require registration also require a fee.

Pro bono opportunities can differ across jurisdictions.

### **Understand employer requirements**

Some companies require their in-house lawyers to be licensed in specific jurisdictions for legitimate business reasons. However, some employers mistakenly believe this is a licensing requirement.

Ask your employer (or prospective employer) about their reasoning and consider whether there is an opportunity to educate their organization.

### **Don't be afraid to seek guidance**

Survey respondents reported largely positive interactions with their state licensing authority or bar association when they reached out with questions.

While ethics counsel may not have all the answers, seeking guidance or even a formal opinion can

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help to clarify the bar association's position when needed by the in-house lawyer or their organization.

## **ACC's state-by-state MJP tracker**

Don't let the confusion around US multi-jurisdictional practice keep you from your next position! Consult ACC's [U.S. Multi-jurisdictional State Tracker](#) to see the rules for the states where you practice or are thinking of practicing.

MJP is just one example of the regulatory and professional challenges shaping the future of in-house practice. ACC is committed to ensuring that the voices of in-house counsel are heard in courts, legislatures, regulatory agencies, and beyond. By engaging in advocacy, ACC works to address the real-world barriers our members face and to advance policies that strengthen the role of in-house lawyers.

Learn more about [Advocacy at ACC](#) and how you can be part of shaping the conversation.

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