

Order

Michigan Supreme Court
Lansing, Michigan

May 17, 2023

Elizabeth T. Clement,
Chief Justice

ADM File No. 2021-24

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Megan K. Cavanagh
Elizabeth M. Welch
Kyra H. Bolden,
Justices

Amendment of Rule 5.5
and Official Comment of the
Michigan Rules of Professional
Conduct

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 5.5 of the Michigan Rules of Professional Conduct and its accompanying comment is adopted, effective September 1, 2023.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and
deleted text is shown by strikeover.]

Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law.

(a)-(d) [Unchanged.]

(e) A lawyer admitted in another jurisdiction of the United States and not disbarred or suspended may practice the law of the jurisdiction(s) in which the lawyer is properly licensed while physically present in the State of Michigan, if the lawyer does not:

- (1) hold themselves out as having an office in the State of Michigan,
- (2) provide legal services in the State of Michigan, unless otherwise permitted by law or Supreme Court rule, or
- (3) offer to provide legal services in the State of Michigan, unless otherwise permitted by law or Supreme Court rule.

Comment

[Paragraphs 1-21 unchanged.]

Paragraph (e) is not meant to infringe upon any authorized practice in the federal courts. See, e.g., *In re Desilets*, 291 F3d 925 (CA 6, 2002).

Staff Comment (ADM File 2021-24): The addition of subrule (e) and the amendment of MRPC 5.5's accompanying comment clarify that lawyers may practice law in another jurisdiction while physically present in Michigan.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 17, 2023

A handwritten signature in black ink, appearing to read "Larry S. Royster", written over a horizontal line.

Clerk