

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**In Case No. ADM-2003-0060, In the Matter of Unnamed Applicant, the court on July 2, 2003, issued the following order:**

An attorney admitted to practice law in another state (hereinafter referred to as "unnamed applicant") has applied for admission on motion without examination pursuant to Supreme Court Rule 42(10). Rule 42(10) provides in pertinent part:

(10)(a) An applicant who is domiciled in the United States, is of the age of 18 years, and meets the following requirements may, upon motion, be admitted to the practice of law without taking and passing the New Hampshire bar examination. The applicant shall:

....  
(iii) Have been primarily engaged in the active practice of law in one or more states, territories, or the District of Columbia for five of the seven years immediately preceding the date upon which the motion is filed;

....  
(b) For the purposes of Rule 42, the "active practice of law" shall include the following activities:

....  
(vi) Service as corporate counsel.

....  
(c) For the purposes of Rule 42, the "active practice of law" shall not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

The petition and motion filed by the unnamed applicant show that since October 2000, the unnamed applicant has served in New Hampshire as in-house counsel for a corporation.

After reviewing the petition and motion for admission, the court asked the unnamed applicant to file a memorandum addressing the question whether the unnamed applicant's legal work as in-house counsel constitutes the unauthorized practice of law in New Hampshire. The unnamed applicant has filed a memorandum arguing that his work as in-house counsel does not constitute the unauthorized practice of law in New Hampshire.

The court invites the Office of the Attorney General and the New Hampshire Bar Association to address this legal issue. On or before July 17, 2003, the unnamed applicant may redact the memorandum that he filed with the court, deleting his name and any other personally identifying information. If the unnamed applicant elects to redact the memorandum, he shall provide the clerk of court with three copies of the redacted memorandum. The clerk shall then place one copy of the redacted memorandum and a copy of this order in a file which shall be available for public inspection and shall send copies of the redacted memorandum to the Office of the Attorney General and the New Hampshire Bar Association. If the unnamed applicant elects not to file redacted copies of his memorandum, the clerk of court shall place a copy of his unredacted memorandum and a copy of this order in a file which shall be available for public inspection, and shall send copies of the unredacted memorandum to the Office of the Attorney General and the New Hampshire Bar Association. The Office of the Attorney General and the New Hampshire Bar Association may file memoranda on or before August 16, 2003.

Brock, C.J., and Broderick, Nadeau, Dalianis, and Duggan, JJ., concurred.

**Eileen Fox,  
Clerk**

Distribution:

Unnamed Applicant  
Peter W. Heed, Attorney General  
N.H. Bar Association  
✓ File