



## Globalization: What's a State Bar To Do?

National Conference of Bar Presidents  
Houston, Feb. 6, 2015



Professor Laurel S. Terry  
*Penn State's Dickinson Law*  
Carlisle, Pennsylvania  
[LTerry@psu.edu](mailto:LTerry@psu.edu)

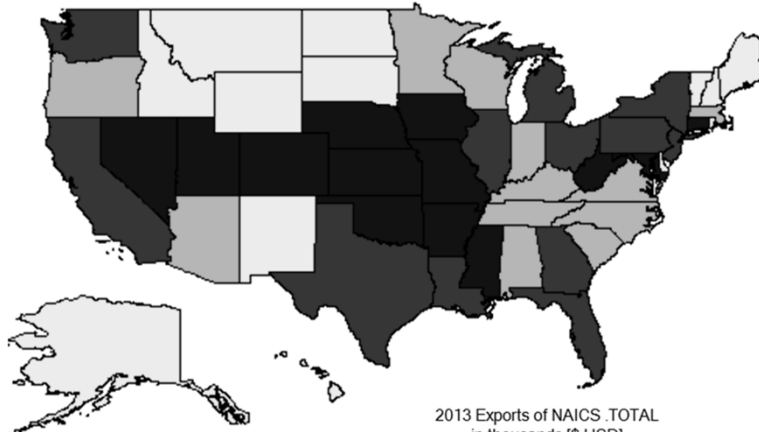


## Overview of Remarks

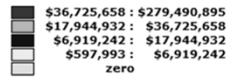
- Why this issue matters to the citizens in your state
- Why the federal government and other countries are talking about your state
- What you can do about it...



## Why This Issue Matters to your State



2013 Exports of NAICS .TOTAL  
in thousands [\$ USD]

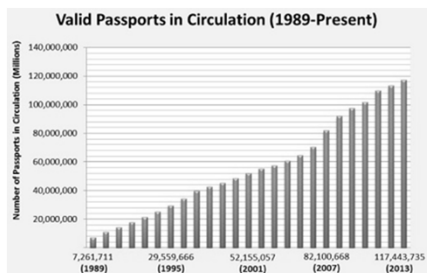


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## Individuals Also Have Global Needs

FOR IMMEDIATE RELEASE: THURSDAY, SEPTEMBER 05, 2013

Census Bureau Reports 21 Percent of Married-Couple Households  
Have at Least One Foreign-Born Spouse



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# Everyone's Talking About You..



CCBE request to the United States in the context of the Transatlantic Trade and Investment partnership (TTIP) negotiations

Task Force on International Trade in Legal Services

William C. Hubbard  
President



AMERICAN BAR ASSOCIATION  
321 North Clark Street  
Chicago, IL 60654-7598  
312) 988-5109  
Fax: (312) 988-5100  
aba-president@americanbar.org

November 19, 2014

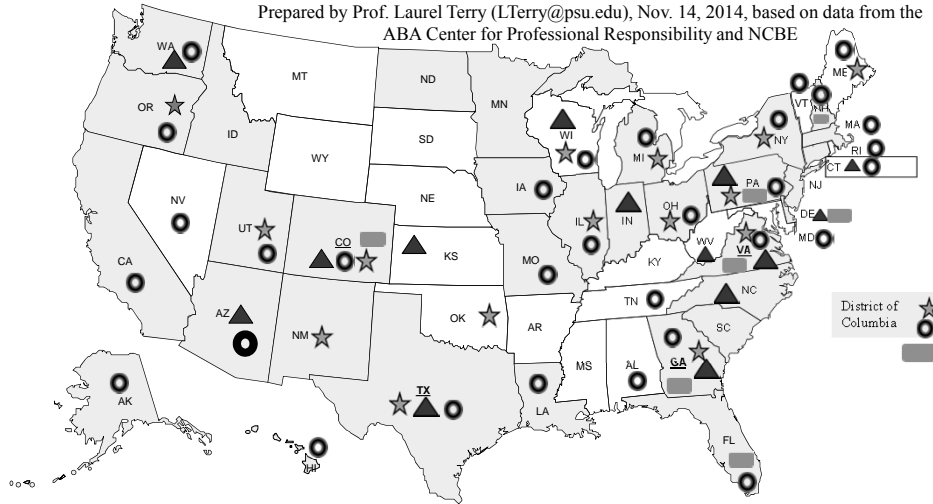


Conference of CHIEF JUSTICES

Policy Resolutions

## Jurisdictions with Rules Regarding Foreign Lawyer Practice

Prepared by Prof. Laurel Terry (LTerry@psu.edu), Nov. 14, 2014, based on data from the ABA Center for Professional Responsibility and NCBE



### LEGEND

- Yellow shading = has a foreign legal consultant rule
- = rule permits temporary practice by foreign lawyers (also known as FIFO or fly-in, fly-out)
- ★ = rule permits foreign pro hac vice admission
- ▲ = rule permits foreign in-house counsel
- = has had at least one foreign-educated applicant sit for a bar exam between 2010 and 2013.

# This Oct. 2014 IBA Report...



## IBA Global Regulation and Trade in Legal Services Report 2014

<http://tinyurl.com/2014IBARreport>

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# Provides Info for these CCBE Maps



FLC rules ↑ “Association” Rules ↓



Foreign Fly in-Fly out ↑  
Pro hac vice ↓



## Note this Jan. 2015 CCJ Resolution

“[The CCJ] strongly encourages its members to *adopt explicit policies* that permit the following qualified activities by foreign lawyers as a means to increase available legal services and to facilitate movement of goods and services between the United States and foreign nations:

[association + inbound foreign lawyer policies]

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## What's a Bar to Do?

- Help correct-update the IBA info & maps
- Make your informal policies formal
- Acknowledge as regulatory objectives *client needs* as well as client protection
- Be bold.....*create a committee!*
  - The “State Toolkit” can help

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## Advice about Changing the Rules

Task Force on International Trade in Legal Services  
AMERICAN BAR ASSOCIATION  
1050 Connecticut Avenue, NW, Suite 400  
Washington, DC 20036



*available at <http://tinyurl.com/GAtoolkit>.*

### **International Trade in Legal Services and Professional Regulation: A Framework for State Bars Based on the Georgia Experience<sup>1</sup>**

American Bar Association Task Force on International Trade in Legal Services  
February 4, 2012 (Updated January 8, 2014)

*“From Main Street to Wall Street, lawyers of every practice area, every size of firm, and every jurisdiction are affected by globalization. It may involve a dispute*

- *Based on advice from a former regulator*
- *See CCJ Resolution #11 (Jan. 2014) [here](#)*

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## To Read More About It...



- USTR T-TIP Webpage, <http://www.ustr.gov/ttip>
- CCBE “Requests,”  
[http://www.ccbe.eu/fileadmin/user\\_upload/NTCdocument/European\\_Legal\\_Prof1\\_1415787235.pdf](http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/European_Legal_Prof1_1415787235.pdf)
- ABA ITILS Webpage & Toolkit, <http://tinyurl.com/ABAITILS> and  
<http://tinyurl.com/statetoolkit>
- The “Map” of US Foreign Lawyer Rules & my webpage,  
[http://www.americanbar.org/content/dam/aba/administrative/professional\\_responsibility/mjp\\_8\\_9\\_status\\_chart.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/mjp_8_9_status_chart.authcheckdam.pdf) and  
<http://tinyurl.com/LaurelTerry> (see Dec. 2014 Bar Examiner article)
- IBA Global Regulation & Trade in Legal Services Report 2014,  
[http://www.ibanet.org/PPID/Constituent/Bar\\_Issues\\_Commission/BIC\\_ITILS\\_Map.aspx](http://www.ibanet.org/PPID/Constituent/Bar_Issues_Commission/BIC_ITILS_Map.aspx) and  
<http://tinyurl.com/2014IBAReport>
- Laurel Terry’s “Regulatory Objectives” article,  
[http://www.personal.psu.edu/faculty/l/s/lst3/Terry\\_Regulatory\\_Objectives\\_Bandwagon\\_2013.pdf](http://www.personal.psu.edu/faculty/l/s/lst3/Terry_Regulatory_Objectives_Bandwagon_2013.pdf)

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**Laurel S. Terry, Professor of Law** ([LTerry@psu.edu](mailto:LTerry@psu.edu)), [Return to Homepage](#)

**Penn State's Dickinson Law**  
(one of two Penn State law schools)

**NOTE:** Penn State now has TWO ABA-accredited law schools.  
I am located at the older of the two schools, which is Penn State's DICKINSON LAW in Carlisle, Pennsylvania.  
For more information, see <https://dickinsonlaw.psu.edu/news/revitalized-approach>

**DICKINSON LAW | PRACTICE GREATNESS**



**Selected Presentations**

> **Global Developments in general** (See 1-14; 1-13, 1-11, 9-09 and 11-08) (See also 2008 *Service Providers* article, "The Legal World is Flat", 2012 "Trends in Global Lender Regulation" article and other "Global Legal Practice" articles on my [publications](#) webpage)

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*To read my law review articles (or testimony) on the topics listed below,  
please visit my "Publications By Topic" section of my webpage*

> **Alternative Business Structure (ABS)** developments (including the UK's Legal Services Act 2007, Australia's publicly traded law firms, EU, and OECD developments) (See 4-08, 5-08, 10-08, 5-09, and 10-13)

> **Antitrust initiatives** directed towards the legal profession, including the EU's Professional Services Competition Initiative (See 5-08, 4-09)

> **the APEC Legal Services Initiative** (See 10-09)

> **Australian Legal Profession Developments** (See 8-08, 5-09)

**<http://tinyurl.com/Laurel-Terry-slides>**

[select FATF from the list of topics]