Globalization: What’s a State Bar To Do?

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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

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
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/2014IBAResport

Provides Info for these CCBE Maps

![Map of USA showing FLC rules, "Association " Rules, Foreign Fly in-Fly out, and Pro hac vice rules]
**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
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


International Trade in Legal Services and Professional Regulation: A Framework for State Bars Based on the Georgia Experience

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

To Read More About It...

• USTR T-TIP Webpage, http://www.ustr.gov/ttip
• CCBE “Requests,”
• 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 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 and
  http://tinyurl.com/2014IBAReport
• Laurel Terry’s “Regulatory Objectives” article,
Laurel S. Terry, Professor of Law (l.terry@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

Selected Presentations

- Global Developments in General (See 8.64 1.31 1.31 9.09 and 11.28)
- The EU’s “Global Legal Practice” article on my publications webpage

http://tinyurl.com/Laurel-Terry-slides
[select FATF from the list of topics]