Introduction to this Panel

• Changes in lawyer regulatory systems
  – *Who, what, when, where, why & how* changes
  – Ellyn Rosen will discuss US developments
  – Darrel Pink will discuss Canadian developments

• Regulatory *issues* of interest to internat’l lawyers
  – *Global mobility & “association” issues*
  – Sara Sandford will discuss practitioner perspectives on Asian developments

• New resources
# Changes in Lawyer Regulation

<table>
<thead>
<tr>
<th><strong>WHO</strong> regulates?</th>
<th>Self-regulation? Co-regulation? Other?</th>
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<td>• Congress?</td>
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<td>• The WTO? The Troika? FATF?</td>
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<td>• Other structures?</td>
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<td><strong>WHAT</strong> is regulated?</td>
<td>Providers or Services?</td>
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<td>Individuals and/or entities? Law firms? ABS?</td>
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<td><strong>WHEN</strong> to regulate?</td>
<td>Prospectively or Retroactively?</td>
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<td><strong>WHERE</strong> to regulate?</td>
<td>Geography v. technology mismatch</td>
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<td><strong>WHY</strong> regulate?</td>
<td>The “Regulatory Objectives” Movement</td>
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<td><strong>HOW</strong> to regulate?</td>
<td>Outcomes based regulation? One size fits all? Antitrust (competition) concerns</td>
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**Issues: Global Mobility & Association**

- The “outbound” ability of US firms & lawyers
- Foreign lawyers “inbound” to the US
  - Limited practice: FLCs, FIFO, Pro Hac, In-house
  - Full admission: via a bar exam or by motion
- Association addresses RELATIONSHIPS
  - Partnerships between US & foreign lawyers
  - US lawyers employ foreign lawyers (& vice versa)
  - *Association does not address practice rights of foreign lawyers*

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**Jurisdictions with Rules Regarding Foreign Lawyer Practice**

Prepared by Prof. Laurel Terry (LTerry@psu.edu), April 29, 2015, based on data from the ABA Center for Professional Responsibility and NCBE

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.
Jan. 2015 CCJ Resolution

Conference of Chief Justices
Resolution 2

In Support of Regulations Permitting Limited Practice by Foreign Lawyers in the United States to Address Issues Arising from Legal Market Globalization and Cross-Border Legal Practice

“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 + ABA inbound foreign lawyer policies]

Regulatory System Resources

Client & public protection are important regulatory objectives but there is increasing recognition that client needs should not be ignored

Why Your Jurisdiction Should Consider Jumping on the Regulatory Objectives Bandwagon

The International Conference of Legal Regulators
Mobility-Association Resources

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

IBA Global Regulation and Trade in Legal Services Report 2014
http://tinyurl.com/2014IBAReport

Other Useful Resources

Policy Resolutions

Task Force on International Trade in Legal Services
http://tinyurl.com/ABAITILS
SIL Panels that Illustrate our Topic

• Stranger in a Strange Land: Cross-Cultural Issues in the Courts
• Martial Arts Ethics: Offensive and Defensive Techniques
• Transatlantic Trade and Investment Partnership (TTIP): Negotiating the Lawyers' Interests
• Attorney Client Privilege in a Global World: An Interactive Workshop
• Partnerships Models for Law Firms of the Future
• The Legal Landscape in India is Changing for Foreign Lawyers: What is Coming and When

These and other slides are posted here:

http://tinyurl.com/Laurel-Terry-slides
To Read More About It…