

Admitting Foreign-Trained Lawyers - Understanding the Issues **National Conference of Bar Examiners, April 15, 2106 Washington, D.C.**

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Note: The materials I assembled for the NCBE April 2016 conference are found in four separate pdf documents. Items 1-18 are in Terry pdf part 1. Items 19-30 on this Table of Contents are found in Terry pdf part 2. The third pdf contains 2015 export data for each state, bookmarked so that you can print your states' entry (usually 3-5 pages). The fourth pdf contains the US state reports found in the International Bar Association's October 2014 Global Regulation and Trade in Services Report, bookmarked so that you can print your state's report (4-7 pages).

1. Table of Contents

Data Regarding U.S. State Admission of Foreign Applicants

2. Terry, Summary of NCBE Statistics from 1992-2014 Regarding Bar Examinees Educated Outside the U.S., available at <http://tinyurl.com/NCBEforeignstats> [Note: Only the summary page is included in the pdf. The full document includes annual state-by-state statistics]
3. [State Adoption of 5 Types of Rules Regarding Foreign Lawyer Practice](#)

Background Information

4. Laurel S. Terry, [Admitting Foreign-Trained Lawyers in States Other than New York: Why it Matters](#), 83(4) BAR EXAMINER 38 (Dec. 2014)
5. Diane F. Bosse, [Testing Foreign-Trained Applicants in a New York State of Mind](#), 83(4) BAR EXAMINER 31 (Dec. 2014)

Reasons for the Increase in Foreign Applicants: The Impact of Globalization on Your State

6. 2015 [State-by-State Exports](#) (with color-coded map)
7. 2010 Foreign Born Population By State ([Map](#) and [Data](#)) [from MPI & Pew using Census data]
8. [The Newly Arrived Foreign-Born Population of the United States: 2010 \(includes map with state recent growth rates\)](#)
9. Map Showing the Location of Selected US Law Firms that Also Have Offices in Foreign Countries

Resolutions of the Conference of Chief Justices

10. Conference of Chief Justices [Resolution 9](#) (2013) [In Support of the Proposed ABA Guidelines for an International Regulatory Information Exchange](#)
11. Conference of Chief Justices, [Resolution 10](#) (2013) To Call Upon the United States Trade Representative to Negotiate, and the United States Congress to Approve, Provisions in Trade Agreements that Recognize and Support the Sovereignty of State Judicial Systems To Regulate the Admissions and Performance Standards for All Persons Seeking to Practice as Lawyers in Each State
12. Conference of Chief Justices, [Resolution 11 \(2014\)](#) Endorsing State Consideration of the "Toolkit"
13. Conference of Chief Justices, [Resolution 2](#) (2015) Encouraging States to Adopt Explicit Policies Regarding [Limited] Foreign Lawyer Admission & "Association" Rights
14. Conference of Chief Justices [Resolution 9](#) (2016) Recommending Consideration of ABA Model Regulatory Objectives for the Provision of Legal Services

Additional Items Relevant to Foreign Lawyer Admission

15. [ABA "ITILS" Webpage](#)
16. Office of the United States Trade Representative [USTR], [Free Trade Agreements Webpage](#)
17. International Bar Association, IBA [Global Regulation and Trade in Legal Services Report 2014](#)
18. [News: IBA Report Sent to Selected World Trade Organization Members](#) and [Oct. 2014 Report Launch](#)
19. [State "Toolkit"](#) Prepared by the ABA Based on the Georgia Model; the subject of the CCJ's 2014 Resolution 11

Professor Laurel Terry's NCBE Materials – Part 2

ABA Policies Regarding the Five Methods of Foreign-Lawyer Practice

20. Reprise: [Map](#) Showing State Implementation and [CCJ](#) 2015 Resolution
21. Method 1: [Foreign Lawyer Pro Hac Vice](#)
22. Method 2: [Foreign In-House Counsel](#) ([registration rule](#))
23. Method 3: [Foreign Lawyer Temporary Practice](#) (also known as Fly-in Fly-out or FIFO)
24. Method 4: [Foreign Legal Consultants](#)
25. Method 5: Full Admission (the ABA does **not** have any policies on this Method. In 2010, it circulated the following for Notice and Comment, but did not take further action):
 - ABA Section of Legal Education and Admissions to the Bar, [Cover Memo](#)
 - [Proposed Model Rule](#) on Admission of Foreign Educated Lawyers and Proposed Criteria for ABA Certification of an LL.M. Degree for the Practice of Law in the United States [Despite the lack of Council endorsement, some states have modified their full admission rules for foreign-educated applicants and have adopted LL.M. criteria]
26. ABA, [Resolution Endorsing International Legal Regulatory Information Exchange](#) (Aug. 2013) (urges regulators to cooperate and exchange information where appropriate)
27. ABA, [Resolution 105 adopting the ABA Model Regulatory Objectives](#) for the Provision of Legal Services (Feb. 2016)
28. *See also* International Conference of Legal Regulators [Website](#), including links to the [2012](#), [2013](#), [2014](#), and [2015](#) Conferences; the 2016 Conference will be in Washington, D.C., September 15-16, 2016).

Additional Materials By Laurel Terry

29. Laurel S. Terry, [Creating an International Network of Lawyer Regulators: The 2012 International Conference of Legal Regulators](#), 82(2) Bar Examiner 18 (June 2013)
30. Laurel S. Terry, [Why Your Jurisdiction Should Consider Jumping on the Regulatory Objectives Bandwagon](#), 22(1) Prof. L. 28 (Dec. 2013)
31. Laurel S. Terry, [THE REVISED GATS HANDBOOK FOR INTERNATIONAL BAR ASSOCIATION MEMBER BARS \(2013\)](#)
32. Laurel S. Terry's Powerpoint Slides: *Admitting Foreign-Trained Lawyers*, Chicago, May 2, 2015 will be posted on my "Presentations" webpage located here: <http://www.personal.psu.edu/faculty/l/s/lst3/presentations.htm>]

The **third pdf** contains the data for each state's [2015 export of goods](#).

The **fourth pdf** contains state reports in the [IBA Global Regulation and Trade in Services Report 2014](#).