

# *Admitting Foreign-Trained Lawyers- Understanding the Issues*

**National Conference of Bar Examiners, May 2, 2015, Chicago**

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[the older of Penn State's two ABA-accredited law schools]

**Note:** The materials I assembled for the NCBE May 2015 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 2014 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
2. Terry, Summary of NCBE Statistics from 1992-2013 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]

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

3. 2014 [State-by-State Exports](#) (with color-coded map)
4. 2010 Foreign Born Population By State ([Map](#) and [Data](#)) [from MPI & Pew using Census data]
5. [The Newly Arrived Foreign-Born Population of the United States: 2010 \(includes map with state recent growth rates\)](#)
6. Map Showing the Location of Selected US Law Firms that Also Have Offices in Foreign Countries

## **Governmental Interest in Foreign Lawyer Admission Issues**

7. Office of the United States Trade Representative [USTR], [Free Trade Agreements Webpage](#)
8. Conference of Chief Justices, [Resolution 11 \(2014\)](#) Endorsing State Consideration of the "Toolkit"
9. Conference of Chief Justices, [Resolution 2](#) (2015) Encouraging States to Adopt Explicit Policies Regarding [Limited] Foreign Lawyer Admission & "Association" Rights
10. [Map and Chart Showing State Adoption of 5 Types of Rules Regarding Foreign Lawyer Practice](#) and "Association" Map
11. Laurel S. Terry, [Admitting Foreign-Trained Lawyers in States Other than New York: Why it Matters](#), 83(4) BAR EXAMINER 38 (Dec. 2014)

## **Global Bar Association & Regulator Interest in Foreign Lawyer Admission**

12. International Bar Association, IBA [Global Regulation and Trade in Legal Services Report 2014](#)
13. [News: IBA Report Sent to Selected World Trade Organization Members](#) and [Oct. 2014 Report Launch](#)
14. [ABA "ITILS" Webpage](#) (and Agenda from the Aug. 2014 T-TIP Summit)
15. [CCBE "T-TIP" Requests](#) to Links to Selected Materials Related to Trade in Legal Services
16. Foreign Lawyer Admission "Maps" the CCBE Sent to the ABA (Please notify me of state errors)
17. [ABA Letter to CCBE](#) Regarding T-TIP Trade Negotiations
18. [State "Toolkit"](#) Prepared by the ABA Based on the Georgia Model (In 2014, the CCJ recommended that states consider this "Toolkit")

## [Professor Laurel Terry's NCBE Materials – Part 2](#)

### ABA Policies Regarding the Five Methods of Foreign-Lawyer Practice

19. Reprise: [Map](#) Showing State Implementation and [CCJ](#) 2015 Resolution
20. Method 1: [Foreign Lawyer Pro Hac Vice](#)
21. Method 2: [Foreign In-House Counsel \(registration rule\)](#)
22. Method 3: [Foreign Lawyer Temporary Practice](#) (also known as Fly-in Fly-out or FIFO)
23. Method 4: [Foreign Legal Consultants](#)
24. 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]
25. ABA, [Resolution Endorsing International Legal Regulatory Information Exchange](#) (Aug. 2013) (urges regulators to cooperate and exchange information where appropriate)
26. *See also* International Conference of Legal Regulators [Website](#), including links to the [2012](#), [2013](#) and [July 2014](#) Conferences; the 2015 Conference will be in Toronto on July 27-28, 2015)

### Additional Materials By Laurel Terry

27. Laurel S. Terry, [Creating an International Network of Lawyer Regulators: The 2012 International Conference of Legal Regulators](#), 82(2) Bar Examiner 18 (June 2013)
28. Laurel S. Terry, [Why Your Jurisdiction Should Consider Jumping on the Regulatory Objectives Bandwagon](#), 22(1) Prof. L. 28 (Dec. 2013)
29. Laurel S. Terry, [THE REVISED GATS HANDBOOK FOR INTERNATIONAL BAR ASSOCIATION MEMBER BARS \(2013\)](#)
30. 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 [2014 export of goods](#).

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