

The Impact of Global Developments on U.S. Legal Ethics During the Past Thirty Years

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ABSTRACT

This Essay is written to commemorate the thirtieth anniversary of the Georgetown Journal of Legal Ethics. After exploring what the world of legal ethics looked like thirty years ago, this Essay analyzes how global developments have affected U.S. lawyer regulation and legal ethics dialogue since that time. It does so in several different ways. It begins by analyzing the growth pattern of articles published in the Georgetown Journal of Legal Ethics that have addressed or been influenced by global developments. The Essay continues by identifying global societal developments, global legal developments, and global dialogue that have contributed to the evolution of legal ethics over the past thirty years. This Essay concludes with a section that celebrates the past and future role of the Georgetown Journal of Legal Ethics.

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INTRODUCTION

I was pleased to be asked to contribute to this Commemorative Issue celebrating the thirtieth anniversary of the *Georgetown Journal of Legal Ethics* (“*GJLE*”) and to write about how global developments have affected legal ethics since the *GJLE* began publishing articles in 1987. Part I of this Essay sets the stage by providing a brief snapshot of what the legal ethics world looked like in 1987 when the *GJLE* produced its first issue. Part II examines the impact of global developments on U.S. legal ethics during the past thirty years and uses *GJLE* articles and student comments as a way to highlight these developments.¹ (*GJLE* articles and student comments will hereinafter be referred to collectively as “articles.”) Part III concludes this Essay. As this part observes, global developments have had a significant impact on U.S. legal ethics conversations (and regulation). *GJLE* articles provide a lens through which we can examine global societal developments, legal developments, and a rise in global dialogue, collaboration, and formal and informal networks.

I. WHAT THE LEGAL ETHICS WORLD LOOKED LIKE IN 1987

This Essay focuses on the impact of global developments on U.S. legal ethics during the past thirty years. Before addressing this topic, it is useful to describe the legal ethics world of 1987, which is the year the *GJLE* produced its first issue.

When the *GJLE* was founded in 1987, it was the beginning of what I consider to be the “second wave” of developments related to modern U.S. legal ethics. The first wave of modern legal ethics developments included the 1969 adoption of the *ABA Model Code of Professional Responsibility*² and the 1972 establishment of the AALS Section on Professional Responsibility.³ It was during this first wave of modern legal ethics developments that the ABA established the Center for

1. For the remainder of this Essay, the term “articles” will be used to refer to articles by faculty and lawyers, student-authored comments, and book reviews published in the *Georgetown Journal of Legal Ethics* (*GJLE*). The footnote citations will note, however, when something is a student-authored comment.

2. See MODEL CODE OF PROF'L RESPONSIBILITY (1969), <http://www.americanbar.org/content/dam/aba/migrated/cpr/mrpc/mcpr.authcheckdam.pdf> [<https://perma.cc/N4AS-M4CV>] (“The Model Code of Professional Responsibility was adopted by the House of Delegates of the American Bar Association on August 12, 1969 . . .”).

3. See Laurel S. Terry, *U.S. Legal Ethics: The Coming of Age of Global and Comparative Perspectives*, 4 WASH. U. GLOBAL STUD. L. REV. 463, 471 nn.25–26 (2005) [hereinafter Terry, *Comparative Ethics*] (noting that the AALS Roundtable on the Legal Profession began in 1962, and that in 1972, when the AALS first created sections, this Roundtable became the Section on Professional Responsibility).

Professional Responsibility⁴ and the Kutak Commission conducted the work that culminated in the 1983 adoption of the ABA *Model Rules of Professional Conduct*.⁵ This first wave also included the 1986 launch of the American Law Institute's project to develop a *Restatement of the Law Governing Lawyers*.⁶ The scholarship that emerged during this first wave of modern legal ethics developments included treatises, casebooks, and a number of law review articles.⁷

In my mind, the 1987 establishment of the *GJLE* is one of the events that marks the beginning of the second wave of modern legal ethics developments. In the years since 1987, a vibrant and diverse legal ethics community has emerged that has built upon, expanded, and sometimes challenged the work that had been done during the first wave of modern legal ethics developments. Under the leadership of Father Robert Drinan, who helped establish the journal, the *GJLE* has played a pivotal role in fostering the scholarly dialogue that has been a critical part of this second wave of modern legal ethics developments.

When the *GJLE* was founded in 1987, modern legal ethics education was also on the cusp of its second wave of development. The first wave of modern legal ethics instruction began in the 1970s following the Watergate scandal and the 1974 changes to the ABA accreditation standards that required law schools to instruct students about the ABA *Code of Professional Responsibility*.⁸ An ABA

4. See, e.g., *Landmark Dates in Professional Responsibility*, AM. BAR ASS'N CTR. FOR PROF'L RESPONSIBILITY, http://www.americanbar.org/content/dam/aba/migrated/2011_build/professional_responsibility/landmark_dates_brochure_updated_2014.authcheckdam.pdf [https://perma.cc/T92K-N5H6] (last visited Apr. 15, 2017) [hereinafter *Landmark Dates*]. For additional history about the Center, see Art Garwin, *Message from the Director: Farewell!*, AM. BAR ASS'N CTR. FOR PROF'L RESPONSIBILITY (Nov. 2016), <https://perma.cc/2JMG-M5AF>.

5. See *Landmark Dates*, *supra* note 4 (noting the 1978 establishment of the ABA CPR and the 1977–1983 work of the Kutak Commission); see also A LEGISLATIVE HISTORY: THE DEVELOPMENT OF THE ABA MODEL RULES OF PROFESSIONAL CONDUCT 1982–2013 (Art Garwin ed., 2013) [hereinafter ABA LEGISLATIVE HISTORY].

6. See Charles W. Wolfram, *The Concept of a Restatement of the Law Governing Lawyers*, 1 GEO. J. LEGAL ETHICS 195, 200 (1987) (describing the initiation of the Restatement project); Judith L. Maute, *Foreword: Symposium Issue on the Evolving Restatement of the Law Governing Lawyers*, 46 OKLA. L. REV. 1, 3–4 (1993) (describing the first law review symposium devoted to the Restatement); RESTATEMENT OF THE LAW GOVERNING LAWYERS (1999).

7. See, e.g., 1 GEOFFREY C. HAZARD, JR. & W. WILLIAM HODES, THE LAW OF LAWYERING: A HANDBOOK ON THE MODEL RULES OF PROFESSIONAL CONDUCT (1985) (treatise); CHARLES W. WOLFRAM, MODERN LEGAL ETHICS (1986) (treatise); AM. BAR ASS'N CTR. FOR PROF'L RESPONSIBILITY, A SURVEY ON THE TEACHING OF PROFESSIONAL RESPONSIBILITY (1986) [hereinafter ABA SURVEY] (citing casebooks by Morgan and Rotunda, Schwartz and Wydick, Kaufman, and Hazard and Rhode); Terry, *Comparative Ethics*, *supra* note 3, at 475–76 (“One can sense the increased scope of this literature by looking at the citations contained in the ‘Model Rules Discussion Draft—White Book’ that was circulated before the Model Rules were finally approved—law review article citations are listed for a significant number of the proposed rules.”).

8. See Terry, *Comparative Ethics*, *supra* note 3, at 474–75. The Watergate scandal was part of the impetus for the adoption of this requirement. See Rowland L. Young, *House of Delegates Approves a National Institute of Justice, E.R.A., and Conditional Amnesty at Honolulu Meeting*, 60 A.B.A. J. 1207, 1212 (1974) (describes the competing motions that led to the amendment of Standard 302 that required instruction in the ABA Code of Professional Responsibility). See generally Mark Curriden, *The Lawyers of Watergate: How a “Third-Rate Burglary” Provoked New Standards for Lawyer Ethics*, 98 A.B.A. J. 36 (2012).

survey published in 1986, which is one year before the launch of the *GJLE*, documents this first wave of legal ethics education.⁹ The ABA survey referred to four different books that were being used to teach the required legal ethics course.¹⁰ In 2009, by contrast, there were more than twenty-five books available to legal ethics professors.¹¹ Other factors support the conclusion that after 1987, modern legal ethics education reached a new level of development.¹² While reasonable minds might disagree about exactly when the second wave of modern legal ethics education began in U.S. law schools, I consider the founding of the *GJLE* to be a useful marker because it became a “must read” publication for many legal ethics academics.¹³ The *GJLE* has served as part of the “gel” that has bound the legal ethics community together and that has educated the ethics community about current developments and debates. In my view, the “second wave” developments have not been characterized by a particular school of thought, but by the dramatic increase in the number of scholars and practitioners who have focused on legal ethics issues and by the diversity of approaches that have emerged. The *GJLE*’s contributions to that diversity of thought include educating its readers about global developments.

9. See generally ABA SURVEY, *supra* note 7.

10. See *id.* at 11.

11. See, e.g., ANDREW M. PERLMAN, MARGARET RAYMOND & LAUREL S. TERRY, A SURVEY OF PROFESSIONAL RESPONSIBILITY COURSES AT AMERICAN LAW SCHOOLS IN 2009, at 4 (2009), <http://www.legaethicsforum.com/files/pr-survey-results-final.pdf> [<https://perma.cc/D67Z-TWWT>] [hereinafter 2009 AALS SURVEY] (describing a 2009 survey by AALS’s Section of Professional Responsibility that asked respondents to indicate which of more than twenty-five books they were using when teaching the legal ethics course; thirteen percent of respondents indicated they used their own materials rather than one of the more than twenty-five books listed).

12. Some of the indicia I consider significant are the number of tenure-track faculty teaching the course, the number of academics who attend legal ethics conferences, and the number of credits assigned to the course. For example, the data in the 2009 AALS Survey showed that approximately seventy-nine percent of courses were taught by tenure-track faculty, fourteen percent were taught by resident clinical faculty, and seven percent of courses were taught by adjuncts. See *id.* at 1 (survey data based on responses from 105 individuals from at least seventy-seven different law schools). As is noted *infra* note 88, individuals from more than seventy U.S. law schools attended the July 2016 International Legal Ethics Conference held in New York. Finally, data from 1985, 1994, and 2009 show an increase in the number of credits assigned to the course. Compare ABA SURVEY, *supra* note 7, at 3 (sixteen percent of legal ethics courses were three-credit courses, with eighty-two percent one- or two-credit courses), with 2009 AALS SURVEY, *supra* note 11, at 2 (57.7% of legal ethics courses were three-credit courses); see also AM. BAR ASS’N SECTION OF EDUC. & ADMISSIONS TO THE BAR, REPORT OF THE PROFESSIONALISM COMMITTEE: TEACHING AND LEARNING PROFESSIONALISM 19 (1996) (after citing the results from the 1985 survey, this report noted that a 1994 survey showed that “the percentage of law schools having a two-credit-hour basic course in legal ethics had declined to 44 percent and the percentage of law schools having a three-credit-hour course had increased to 23 percent”).

13. I taught my first legal ethics course in Spring 1986 and consider myself among the “second wave” of legal ethics academics. The *GJLE* has always been a must-read publication for me and for many of my legal ethics colleagues.

II. THE IMPACT OF GLOBAL DEVELOPMENTS ON U.S. LEGAL ETHICS AS SEEN THROUGH THE LENS OF THIRTY YEARS OF THE GEORGETOWN JOURNAL OF LEGAL ETHICS

A. THE BY-THE-NUMBERS STORY

This section identifies a number of important global developments from the past thirty years and explains how these developments have affected legal ethics generally and the *GJLE* specifically. It uses two quite different methods to assess the impact of global developments. The first method examines the impact of global developments on U.S. legal ethics during the past thirty years by looking at the titles of the articles published in Volumes 1–29 of the *GJLE* with the goal of determining how many articles have been influenced by global developments. Although this method is a blunt instrument and although the numbers might look somewhat different depending on who is doing the counting,¹⁴ I thought it would be a useful exercise to review the tables of contents for *GJLE* Volumes 1–29 in order to see what trends, if any, were apparent. My examination has revealed a steady increase over the last thirty years in the number of *GJLE* articles that address, or that have been influenced by, global developments.¹⁵

The methodology I used resulted in a list of more than sixty *GJLE* articles that I consider to have been influenced by global developments. Although some articles on the list I compiled indisputably involve global developments, my list may be both under-inclusive and over-inclusive. For example, I included articles by individuals who I happened to know were foreign authors.¹⁶ I also included articles that I knew included global perspectives even if that fact was not apparent from the article's title.¹⁷ On the other hand, when I was conducting this "by-the-numbers" count, I chose to exclude articles related to larger societal developments such as the impact of technology, immigration, and responses to terrorism.¹⁸ Although someone else's list of "global" *GJLE* articles might look somewhat different from my list, my review convinced me that regardless of who compiles a list of "globally-influenced" *GJLE* articles, that list would demonstrate the growing impact over time of global developments on the content of the *GJLE*.

14. After reviewing the tables of contents from Volumes 1–29 of the *GJLE*, I developed a list of more than sixty *GJLE* articles that I considered to be influenced by global developments. If you would like a copy of the PDF I assembled that contains the *GJLE* tables of contents for Volumes 1–29, please email LTerry@psu.edu.

15. For a more general discussion about the growth in scholarship regarding international and comparative legal ethics issues, see generally Terry, *Comparative Ethics*, *supra* note 3. That article concluded that there was a "sea change" in 1998 with respect to the use of global perspectives when considering U.S. legal ethics issues. *Id.* at 516.

16. See *infra* note 110 and accompanying text.

17. See, e.g., Mary C. Daly, *Choosing Wise Men Wisely: The Risks and Rewards of Purchasing Legal Services from Lawyers in a Multidisciplinary Partnership*, 13 GEO. J. LEGAL ETHICS 217 (2000).

18. See *infra* notes 31, 45, 50 (providing examples of the types of articles I chose not to include).

The “by-the-numbers” story about the impact of global developments on the *GJLE* is striking. During its first decade—from 1987 to 1996—the *GJLE* published only six articles that explicitly addressed global developments. The very first volume of the *GJLE* included a student note entitled *Systems of Ethical Regulation: An International Comparison*.¹⁹ It took five more years before the *GJLE* published additional articles that had an international focus; these pieces focused on the code of conduct adopted in Europe by the organization that is currently known as the Council of Bars and Law Societies of Europe or CCBE.²⁰ During the remainder of its first decade, the *GJLE* published only three additional articles that reflected global developments: one of these articles was based on remarks made during a forum on comparative legal and judicial ethics;²¹ another

19. Olga M. Pina, Note, *Systems of Ethical Regulation: An International Comparison*, 1 GEO. J. LEGAL ETHICS 797 (1988). Although the Essay text identifies this as a student note, as *supra* note 1 explained, hereinafter this Essay will use the word “articles” to refer to both articles and student notes or commentary.

20. See, e.g., Laurel S. Terry, *An Introduction to the European Community’s Legal Ethics Code Part I: An Analysis of the CCBE Code of Conduct*, 7 GEO. J. LEGAL ETHICS 1 (1993) [hereinafter *CCBE I*]; Laurel S. Terry, *An Introduction to the European Community’s Legal Ethics Code Part II: Applying the CCBE Code of Conduct*, 7 GEO. J. LEGAL ETHICS 345 (1993) [hereinafter *CCBE II*]. At the time these articles were written, the treaty that created the European Union (EU) had not yet been adopted. For the sake of simplicity, however, this Essay refers to the EU, not the European Communities.

The reason why the sentence in the text used the word “currently” when referring to the CCBE’s name is because there have been a number of changes in the name for which the acronym CCBE stands. As the *CCBE I* article, cited *supra*, noted, when the CCBE was established, the acronym CCBE stood for the organization’s French name: “Although the original name of this organization [Conseil des Barreaux de la Communauté Europe] was changed in 1987 to its current name [Commission Consultative des Barreaux de la Communauté Europe], the acronym ‘CCBE’ was officially retained and is used extensively.” *CCBE I, supra*, at 5 n.5. The 2005 *History of the CCBE* explains that as a result of the 1987 name change, the English name of the CCBE was changed to the “Council of the Bars of the European Community.” *History of the CCBE*, CCBE, at 7, http://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/EN_history_ccbe.pdf [https://perma.cc/FFN6-SGJ2] (last visited Mar. 3, 2017). In 2004, the CCBE approved a new set of “Statutes” or governing documents that changed the CCBE’s name from the “Council of the Bars and Law Societies of the European Union” to the “Council of Bars and Law Societies of Europe.” See *Revision of the CCBE Statutes*, CCBE-INFO 9 (Mar. 2005), http://www.ccbe.eu/NTCdocument/n_11_enpdf1_1180965138.pdf [https://perma.cc/XRX4-BG5B]. In 2013, the CCBE adopted new Statutes that once again addressed the issue of the name of the organization. See *Statutes of the Council of Bars and Law Societies of Europe, as adopted at the CCE Plenary Session in Brussels on 29–30 November 2013*, at I, http://www.ccbe.eu/document/statuts/statutes_en.pdf [https://perma.cc/KR8E-XYEF] (last visited Apr. 15, 2017) (“I. Name: An international non profit making association is hereby formed, to be named ‘COUNCIL OF BARS AND LAW SOCIETIES OF EUROPE’ (CCBE), and in the languages of the Member States as follows [with a list of the CCBE’s name in the member state languages].”). In January 2017, the new CCBE President stated that one of the things he wanted to accomplish during his presidency was a change in the CCBE’s name. See Michael Cross, *European bar council: continental drift*, LAW SOC’Y GAZETTE DIRECTORIES (Jan. 9, 2017), <http://directories.lawgazette.co.uk/news/european-bar-council-continental-drift/5059692.article> [https://perma.cc/CA9M-UQMK] (“‘By the time you’ve explained to someone what CCBE means you’ve lost them already,’ says Ruthven Gemmill, the Scottish and England and Wales-qualified solicitor who last week took up presidency of the body. One of Gemmill’s ambitions for his term is to start the process of changing the organisation’s name—a French acronym for the council of European bar associations—to something which at least includes the term ‘law’ or ‘lawyers’ in either English or French.”).

21. See *Rules of Conduct for Counsel and Judges: A Panel Discussion on English and American Practices*, 7 GEO. J. LEGAL ETHICS 865 (1994).

article called for greater clarification in the ethics rules that applied in international settings;²² and a third was a comparative analysis of advocate immunity.²³

During the *GJLE*'s second decade, there was a steady growth in the volume of articles that were influenced by global developments. By my count, there were at least eighteen *GJLE* articles published between 1997 and 2006 that reflect global developments; the increase from six to eighteen articles represents a 200% increase over the number of articles published during the *GJLE*'s first decade.²⁴ The growth is even more dramatic, however, when one looks at the *GJLE*'s third decade of publication. Using what I consider to be a conservative approach, I counted more than forty *GJLE* articles published between 2007 and 2016 that address or reflect global developments.²⁵ In short, a "by-the-numbers" analysis shows the growing influence of global developments on the *GJLE*. This increase in the number of globally oriented *GJLE* articles can be used as a proxy that demonstrates the growing importance of global developments on U.S. conversations about legal ethics and lawyer regulation. The section that follows highlights a number of the important global developments from the past thirty years.

B. GLOBAL DEVELOPMENTS DURING THE PAST THIRTY YEARS

In writing this Essay, I thought it would be useful to distinguish among several different kinds of global developments that have affected lawyer regulation and legal ethics conversations during the past thirty years.²⁶ Although these

22. See Malini Majumdar, Note, *Ethics in the International Arena: The Need for Clarification*, 8 GEO. J. LEGAL ETHICS 439 (1995).

23. See Melissa Newman, Note, *The Case Against Advocates' Immunity: A Comparative Study*, 9 GEO. J. LEGAL ETHICS 267 (1995).

24. See *supra* note 14. I consider this number to be conservative because it excludes articles about developments related to the Internet, immigration, responses to terrorism, or articles about various ABA Commissions. Even if one counted these additional articles, however, the pattern of growth remains the same—there would be one additional article in the first decade and more than ten additional articles in the *GJLE*'s second decade.

25. See *supra* note 14. I consider this number to be conservative. If one were to include articles related to issues that have arisen as a result of societal developments regarding terrorism, the Internet, and immigration, there would be more than thirty additional articles.

26. Space limitations have prohibited me from discussing all of the global developments that I consider significant and the different kinds of impact they have had. For additional articles showing my views about the impact of global developments, see Laurel S. Terry, *The Power of Lawyer Regulators to Increase Client & Public Protection Through Adoption of a Proactive Regulation System*, 20 LEWIS & CLARK L. REV. 717 (2016) [hereinafter Terry, *Proactive Regulation*] (distinguishing among the beginning, middle, and end stages of lawyer regulation); Laurel S. Terry & Carole Silver, *Transnational Legal Practice [2014]*, 49 ABA/SIL (n.s.) 413 (2015) [hereinafter *Transnational Legal Practice [2014]*] (identifying national and transnational examples of what the article called "TLP-Nets," and thereafter highlighting the meeting points and relationships that cross borders and facilitate policy-making and practice); Laurel S. Terry, Steve Mark & Tahlia Gordon, *Trends and Challenges in Lawyer Regulation: The Impact of Globalization and Technology*, 80 FORDHAM L. REV. 2661 (2012) [hereinafter Terry et al., *Trends*]; Laurel S. Terry, *The Future Regulation of the Legal Profession: The Impact of Treating the Legal Profession as "Service Providers,"* 2008 J. PROF. LAW. 189 [hereinafter Terry,

categories are obviously intertwined, this section addresses separately societal developments, legal developments, and the rise of global networks, dialogue, and collaboration.

1. SOCIETAL DEVELOPMENTS

The most significant societal developments of the past thirty years include the profound changes in technology that have altered the ways in which clients do business, altered clients' personal lives, and altered the ways in which U.S. lawyers interact with their clients, with other lawyers, and with third parties.²⁷ For example, both the Internet and email were in their infancy in 1987²⁸ when the *GJLE* was founded and Google and online communication platforms such as Google+ did not yet exist.²⁹ Technology changes that have allowed lawyers to disaggregate tasks have also profoundly changed legal practice and have raised new issues.³⁰ *GJLE* articles have documented some of the ways in which these societal developments related to technology have given rise to new legal ethics and regulatory issues.³¹

Service Providers] (identifying a “service providers” paradigm in which lawyers are referred to and regulated in a manner similar to other “service providers”); Laurel S. Terry, *The Legal World is Flat: Globalization and its Effect on Lawyers Practicing in Non-Global Law Firms*, 28 NW. J. INT'L L. & BUS. 527 (2008) [hereinafter Terry, *The Legal World is Flat*]. In addition to these articles, the transnational legal practice year-in-review articles I have co-authored have documented a number of developments that would not otherwise be easily found. All of my articles are posted at https://works.bepress.com/laurel_terry/.

27. I have outlined a number of important technology developments in my article entitled *The Legal World is Flat*, *supra* note 26. This article is based on Thomas Friedman's book entitled *THE WORLD IS FLAT* (2005). My article asked whether the ten “flattening” factors that Friedman described also applied to lawyers and legal services. My conclusion was “yes.” Some of the technology developments discussed in *The Legal World is Flat* included: (1) work flow software and other developments, such as the development of html and TCP/IP protocols that allowed lawyers in different locations to work on different tasks and that allowed lawyers working in different locations to effectively and in real time communicate with one another; (2) uploading and open-sourcing, which allowed individuals to send their thoughts and products into the world (e.g., via blogs or open source websites); (3) outsourcing, which is made possible by the disaggregation of the work flow tools mentioned above; (4) supply-chaining, which is a method of collaborating horizontally and which has been made possible by the Internet and other developments; (5) informing, which refers to the ability of individuals to search the world's knowledge base; and (6) the rapid advancement in the speed and capacity of digital, mobile, personal, and virtual technologies. *Id.* at 533–45. As *The Legal World is Flat* explains, these technology developments, along with developments such as more affordable and more prevalent air transportation, have had a significant impact on lawyers.

28. Commercial Internet-based email is said to have begun in 1983 with the advent of MCI Mail. *See MCI Mail*, WIKIPEDIA, https://en.wikipedia.org/wiki/MCI_Mail [<https://perma.cc/V7DJ-68D2>] (last visited Nov. 25, 2016).

29. *See, e.g., From the Garage to the Googleplex*, GOOGLE, <https://www.google.com/about/our-story/> [<https://perma.cc/5CN3-NNA6>] (last visited Mar. 25, 2017) (noting the 1998 establishment of Google).

30. *See, e.g., Terry, The Legal World is Flat, supra* note 26, at 537–41 (discussing outsourcing of legal work and citing Professor Daly and Silver's *GJLE* article about legal ethics and outsourcing).

31. A review of the PDF cited *supra* note 14 shows no such articles in Volumes 1–9 of the *GJLE*; fewer than ten such articles in Volumes 10–19; and many more articles in Volumes 20–29 of the *GJLE*. For some examples, see Lawrence D. MacLachlan, *Gandy Dancers on the Web: How the Internet Has Raised the Bar on Lawyers' Professional Responsibility to Research and Know the Law*, 13 GEO. J. LEGAL ETHICS 607 (2000); J.T.

A second important societal development of the past thirty years is globalization. (The technology changes discussed in the prior paragraph obviously are intertwined with, and have facilitated, globalization.) Although one could write multiple books about globalization, it is sufficient to provide a few examples that illustrate the impact that globalization has had on U.S. clients, legal services, and law firms. With respect to clients, in recent years, every U.S. state has had annual exports of more than a billion dollars.³² Because lawyers serve clients, it should come as no surprise that as clients have begun to do business around the world, so too have lawyers. The resulting globalization of legal services has been documented in a number of places, including in two reports issued by the World Trade Organization.³³ Law firms have also been affected by globalization.³⁴ Global law firms are now common.³⁵ Moreover, it is not just the “Global 100” firms that have offices outside the United States: data from 2015 has shown that law firms located in forty-seven U.S. states have offices in a foreign country.³⁶

Westermeier, *Ethics and the Internet*, 17 GEO. J. LEGAL ETHICS 267 (2004); J. Clayton Athey, Comment, *The Ethics of Attorney Web Sites: Updating the Model Rules to Better Deal with Emerging Technologies*, 13 GEO. J. LEGAL ETHICS 499 (2000); Jovanna Grant, Comment, *Cyberbullying the Judiciary*, 29 GEO. J. LEGAL ETHICS 1031 (2016); Susan Corts Hill, Comment, *Living in a Virtual World: Ethical Considerations for Attorneys Recruiting New Clients in Online Virtual Communities*, 21 GEO. J. LEGAL ETHICS 753 (2008); Nathan Powell, Comment, *Lawyers’ Ethical Obligations in a Cyber Practice*, 29 GEO. J. LEGAL ETHICS 1237 (2016). Because I have chosen not to include articles that address issues related to the development of the Internet and technology in my “by-the-numbers-count,” *supra* note 14, I have not listed in this footnote all *GJLE* articles that reflect technology changes.

32. In 2015, every U.S. state exported to other countries more than \$1 billion in goods alone (excluding services). See *2015 NAICS Total All Merchandise Exports to World*, U.S. DEP’T OF COMMERCE INT’L TRADE ADMIN., <http://tse.export.gov/TSE/TSEHome.aspx> [<https://perma.cc/TL8H-XHKC>] (last visited Mar. 25, 2017) (select “State Export Data,” then “State-by-State Exports to a Selected Market,” with “World” in the drop-down menu). Most U.S. states had exports that were in the tens of billions of dollars. See *id.*

33. See, e.g., WTO COUNCIL FOR TRADE IN SERVS., BACKGROUND NOTE BY THE SECRETARIAT: LEGAL SERVICES, S/C/W/318, at para. 7 (June 14, 2010), http://www.americanbar.org/content/dam/aba/migrated/cpr/gats/wto_legal_services.authcheckdam.pdf [<https://perma.cc/N6AK-U48W>] (shows an upward trend in U.S. legal services imports and exports); WTO COUNCIL FOR TRADE IN SERVS., BACKGROUND NOTE BY THE SECRETARIAT: LEGAL SERVICES, S/C/W/43, at 5–8 (July 6, 1998), http://www.americanbar.org/content/dam/aba/migrated/cpr/gats/bkground_note.authcheckdam.pdf [<https://perma.cc/F8LM-H4AZ>] (providing a variety of statistics about the legal services sector).

34. See, e.g., Carole Silver, *Globalization and the U.S. Market in Legal Services—Shifting Identities*, 31 LAW & POL’Y INT’L BUS. 1093 (2000); Carole Silver, *Local Matters: Internationalizing Strategies for U.S. Law Firms*, 14 IND. U. J. GLOBAL LEGAL STUD. 67 (2007); *Outward Bound*, AM. LAW., Oct. 2014, at 67 [hereinafter *Outward Bound*] (the Global 100 issue) (more than 25,000 lawyers from the AmLaw 200 firms work in foreign offices in more than seventy countries).

35. See *The Global 100*, AM. LAW., Oct. 2016, at 75 [hereinafter *Am. Law Global 100*] (of the 100 firms on the Global 100 list, only five firms did not have a foreign office; five of the top ten firms were U.S. firms and all except one had offices in more than ten countries).

36. See Laurel S. Terry, *Relevant for “Association” Issues: US Jurisdictions with Law Firms That Also Have Foreign Offices* (Apr. 9, 2015), http://www.personal.psu.edu/faculty/l/s/lst3/Terry_Association_maps_and_firms.pdf [<https://perma.cc/GB5D-MMBB>] (map based on data from General Counsel Metrics shows that law firms located in forty-seven U.S. states also had an office in a foreign country); Laurel S. Terry, *Transnational Legal Practice [2015]*, 50 ABA/SIL (n.s.) 531, 544 (2016) [hereinafter Terry, *Transnational Legal Practice [2015]*] (citing language that “Global 100 firms continue to expand their

Several studies have found that a large number of lawyers who do not specialize in international law have nevertheless engaged in cross-border legal practice.³⁷ This phenomenon may explain why many law firms that do not have an international office participate in international networks.³⁸ *GJLE* articles have addressed a number of issues that have arisen as a result of globalization,³⁹ including developments such as the rise of global law firms,⁴⁰ changes in the way global law firms are organized,⁴¹ U.S. efforts to provide “outbound” legal services to other countries,⁴² outsourcing of legal services,⁴³ legal services that are “inbound” to the United States,⁴⁴ and U.S. lawyer interactions with inbound

geographic reach, with half having offices in eight countries or more” and documenting the Dentons-Dacheng merger that created the world’s largest law firm).

37. AM. BAR FOUND., *AFTER THE JD II: SECOND RESULTS FROM A NATIONAL STUDY OF LEGAL CAREERS* 35 (2009) (describing longitudinal study of approximately 4,000 lawyers from the Class of 2000 which found that seven years out, forty-four percent of the surveyed lawyers had done at least some work that involved clients from outside the United States or in cross-border matters, including two-thirds of lawyers in the largest law firms, sixty-five percent of inside counsel, and sixty-one percent of legal services and public defense lawyers); Susan L. DeJarnatt & Mark C. Rahdert, *Preparing For Globalized Law Practice: The Need to Include International and Comparative Law in the Legal Writing Curriculum*, 17 J. LEGAL WRITING INST. 3, 11, 52–53 (2011) (discussing a survey of Philadelphia Bar Association members that found that 67.5% of those responding had worked on a matter in the past five years that required them to “know something about foreign and/or international law,” even though only 3.4% described their primary geographic client base as “international”).

38. See STEPHEN J. MCGARRY, *PROFESSIONAL SERVICES NETWORKS: THE FUTURE OF THE ACCOUNTING AND LEGAL PROFESSIONS* 85 (2015), <https://dl.dropboxusercontent.com/u/36640286/2015%20-%20Professional%20Services%20Networks%202.pdf> [<https://perma.cc/R4ES-6VF7>] (indicating that the ten largest networks had 126,740 attorneys, the ten largest law firms had 34,232 attorneys, and the 100 largest law firms had 126,000 attorneys).

39. See, e.g., Majumdar, *supra* note 22; Detlev F. Vagts, *Professional Responsibility in Transborder Practice: Conflict and Resolution*, 13 GEO. J. LEGAL ETHICS 677 (2000); Chiara Formenti-Ujlaki, *Comment, Lost in Translation: Legal Ethics and Global Mobility of In-House Counsel*, 26 GEO. J. LEGAL ETHICS 1043 (2013); Jamie Y. Whitaker, *Comment, Remediating Ethical Conflicts in a Global Legal Market*, 19 GEO. J. LEGAL ETHICS 1079 (2006).

40. See, e.g., Nancy J. Moore, *Regulating Law Firm Conflicts in the 21st Century: Implications of the Globalization of Legal Services and the Growth of the “Mega Firm,”* 18 GEO. J. LEGAL ETHICS 521 (2005); Carole Silver, Nicole De Bruin Phelan & Mikaela Rabinowitz, *Between Diffusion and Distinctiveness in Globalization: U.S. Law Firms Go Glocal*, 22 GEO. J. LEGAL ETHICS 1431 (2009) [hereinafter Silver et al., *Glocal*].

41. See Megan E. Vetula, *From the Big Four to Big Law: The Swiss Verein and the Global Law Firm*, 22 GEO. J. LEGAL ETHICS 1177 (2009). See also *infra* note 76 for articles that discuss the ABS phenomenon following the adoption of the 2007 UK Legal Services Act.

42. See, e.g., Jayanth K. Krishnan, *Globetrotting Law Firms*, 23 GEO. J. LEGAL ETHICS 57 (2010) (focusing on outbound efforts in India).

43. See Joshua A. Bachrach, *Comment, Offshore Legal Outsourcing and Risk Management: Proposing Prospective Limitation of Liability Agreements under Model Rule 1.8(h)*, 21 GEO. J. LEGAL ETHICS 631 (2008); Jack Bussell, *Comparison of the Application of Ethical Duties of Foreign Legal Process Outsourcing*, 27 GEO. J. LEGAL ETHICS 435 (2014); Alison M. Kadzik, *Comment, The Current Trend to Outsource Legal Work Abroad and the Ethical Issues Related to Such Practices*, 19 GEO. J. LEGAL ETHICS 731 (2006); Brandon Robers, *Comment, The Firm Is Flat: Ethical Implications of Legal Offshoring*, 23 GEO. J. LEGAL ETHICS 799 (2010).

44. See, e.g., Paul A. Deeringer, *Comment, No Shirt, No Shoes, No English . . . No Dice? How Should We Test English Proficiency for Foreign-Trained Attorneys*, 18 GEO. J. LEGAL ETHICS 691 (2005).

foreign clients (e.g., immigrants).⁴⁵

In addition to technology developments and globalization, political developments have also affected U.S. lawyers during the past thirty years. For example, in response to the 1989 fall of the Berlin Wall and its aftermath, the ABA created the Central and Eastern European Law Initiative (CEELI) that sent U.S. lawyers to other countries.⁴⁶ The ABA CEELI program led to other ABA capacity-building programs and to the creation of the ABA's Rule of Law Initiative (ROLI), which continues to sponsor U.S. lawyer outreach to other countries.⁴⁷ These developments, and the conversations they have fostered, have become part of U.S. legal ethics conversations.⁴⁸ These developments have reached a broad audience as a result of being memorialized in a number of *GJLE* articles.⁴⁹

45. See *supra* note 14. Because I chose not to include articles related to immigration in my "by-the-numbers-count," I have not listed in this footnote all *GJLE* articles related to this development. A review of the PDF cited *supra* note 14 shows approximately three articles related to immigration in the first decade of the *GJLE*, one article in the second decade, and seven articles (including a symposium issue) in the third decade of the *GJLE*. For examples, see Lauren Gilbert, *Facing Justice: Ethical Choices in Representing Immigrant Clients*, 20 GEO. J. LEGAL ETHICS 219 (2007); Esther F. Lardent, *The Role of Major Law Firms in Addressing the Unmet Legal Needs of the Immigrant Poor*, 21 GEO. J. LEGAL ETHICS 49 (2008); Andrew I. Schoenholtz & Hamutal Bernstein, *Improving Immigration Adjudications through Competent Counsel*, 21 GEO. J. LEGAL ETHICS 55 (2008); Alexandra M. Ashbrook, Note, *The Unauthorized Practice of Law in Immigration: Examining the Propriety of Non-Lawyer Representation*, 5 GEO. J. LEGAL ETHICS 237 (1991); Matt Caretto, Comment, *Selective Enforcement of the Immigration Laws: Is There Any Possible External Constraint on the Exercise of Prosecutorial Discretion?*, 18 GEO. J. LEGAL ETHICS 639 (2005); Michael Gaugh, Comment, *The Strange Case of John Demjanjuk: An Argument for a Higher Ethical Standard in Immigration Proceedings Based on Criminal Conduct*, 7 GEO. J. LEGAL ETHICS 783 (1994); Katy Motiey, Comment, *Ethical Violations by Immigration Attorneys: Who Should Be Sanctioning?*, 5 GEO. J. LEGAL ETHICS 675 (1992); Katherine Tianyue Qu, Comment, *Passing the Legal Bar: State Courts and the Licensure of Undocumented Immigrants*, 26 GEO. J. LEGAL ETHICS 959 (2013); Matthew James Hannon Redavid Jr., *Revamping Procedural Due Process for Illegal Aliens: Applying a Categorical Approach to Prosecutorial Discretion in Removal Proceedings*, 28 GEO. J. LEGAL ETHICS 891 (2015).

46. See James R. Silkenat, *The American Bar Association and the Rule of Law*, 67 SMU L. REV. 745, 747 (2014) ("In 1990, the ABA started the Central and East European Law Initiative (the name was changed, in its second decade of operation, to the "Central European and Eurasian Law Initiative"), most commonly referred to as CEELI."); *Rule of Law Symposium Panel: The History of CEELI, the ABA's Rule of Law Initiative, and the Rule of Law Movement Going Forward*, 18 MINN. J. INT'L L. 304, 305 (2009) (referring to panelist Sandy D'Alemberte as the co-founder of CEELI, the Central and East Europe Law Initiative); Victor C. Folsom, *History of the Section of International Law and Practice 1913–1993: The Second Thirty-Five Years (1913–1948)*, 28 INT'L L. 587, 648 (1994) ("One of the most enduring of the Section's initiatives was the launching of the ABA Central and East European Law Initiative, known as CEELI.").

47. See generally James E. Moliterno, *Exporting American Legal Ethics*, 43 AKRON L. REV. 769 (2010); *Rule of Law Initiative: Our Origins & Principles*, AM. BAR ASS'N, http://www.americanbar.org/advocacy/rule_of_law/about/origin_principles.html [<https://perma.cc/FXM9-EXWQ>] (last visited Apr. 16, 2017) ("The ABA established the program in 2007 to consolidate its five overseas rule of law programs, including the Central European and Eurasian Law Initiative (CEELI), which it created in 1990 after the fall of the Berlin Wall.").

48. See, e.g., Judith A. McMorro, *Professional Responsibility in an Uncertain Profession: Legal Ethics in China*, 43 AKRON L. REV. 1081 (2010); Moliterno, *supra* note 47.

49. See, e.g., James Heffernan, Comment, *An American in Beijing: An Attorney's Ethical Considerations Abroad with a Client Doing Business with a Repressive Government*, 19 GEO. J. LEGAL ETHICS 721 (2006); Arwen Joyce & Tracey Winfrey, Comment, *Taming the Red Dragon: A Realistic Assessment of the ABA's Legal Reform Efforts in China*, 17 GEO. J. LEGAL ETHICS 887 (2004); Timothy Lee, Comment, *Rebuilding Judicial*

The terrorist attacks of September 11, 2001, and their aftermath are another set of political developments that have not only affected society at large, but have also affected lawyer regulation. The *GJLE* has published a number of articles that have discussed legal ethics issues connected to the fight against terrorism.⁵⁰

In sum, as this brief discussion has shown, there have been a number of societal developments during the past thirty years that have affected lawyer regulation. *GJLE* articles have documented these developments.

2. LEGAL DEVELOPMENTS

In addition to the three societal developments identified in the prior section, there have been global legal developments that have become part of U.S. legal ethics conversations. This section highlights, in rough chronological order, some of the most significant of these global developments.

During the second half of the twentieth century, a number of public international law and private international law tribunals were established.⁵¹ The establishment of these tribunals has led to new legal ethics issues for U.S. lawyers.⁵² *GJLE* articles have addressed some of the resulting legal ethics and lawyer regulation issues, including issues that arise for lawyers who practice

Ethics and Independence: A Comparative Analysis of the Cambodian Code of Ethics for Judges and Prosecutors, 28 GEO. J. LEGAL ETHICS 661 (2015); Katherine McCullough, Comment, *Out with the Old and in with the New: The Long Struggle for Judicial Reform in Afghanistan*, 19 GEO. J. LEGAL ETHICS 821 (2006).

50. A review of the PDF cited *supra* note 14 shows no such articles in Volumes 1–9 of the *GJLE*; several articles in Volumes 10–19; and many more articles in Volumes 20–29 of the *GJLE*. For examples, see Milan Markovic, Essay, *Can Lawyers Be War Criminals?*, 20 GEO. J. LEGAL ETHICS 347 (2007); Ellen S. Podgor & John Wesley Hall, Essay, *Government Surveillance of Attorney-Client Communications: Invoked in the Name of Fighting Terrorism*, 17 GEO. J. LEGAL ETHICS 145 (2003); Charlie Cassidy & Cassandra Porsch, Comment, *Government Monitoring of Attorney-Client Communications in Terrorism-Related Cases: Ethical Implications for Defense Attorneys*, 17 GEO. J. LEGAL ETHICS 681 (2004); Donna Marie McKinnon, Comment, *Federal Civilian Criminal Prosecutions of Private Military Contractors: Inherent Legal Ethics Issues*, 24 GEO. J. LEGAL ETHICS 695 (2011); Jason Popp, Comment, *The Cost of Attorney-Client Confidentiality in Post 9/11 America*, 20 GEO. J. LEGAL ETHICS 875 (2007). Because I have chosen not to include articles about terrorism in my “by-the-numbers-count,” *supra* note 14, I have not listed in this footnote all *GJLE* articles related to terrorism-related political developments.

51. See PROJECT ON INT’L COURTS & TRIBUNALS, SYNOPTIC CHART (2004), http://www.pict-pecti.org/publications/synoptic_chart/synop_c4.pdf [<http://perma.cc/27ZB-YZ7R>] [hereinafter 2004 SYNOPTIC CHART] (two-page PDF listing public international law tribunals); GLORIA MICCIOLI, AM. SOC’Y INT’L L., ELECTRONIC RESOURCE GUIDE: INTERNATIONAL COMMERCIAL ARBITRATION 4 (2015), https://www.asil.org/sites/default/files/ERG_ARB.pdf [<https://perma.cc/B3NF-PTMV>] (“There has been a tremendous increase in arbitration options in the last 50 years One reason for the growth in arbitration is that there are now many arbitral bodies, and parties can select one that is best suited for their needs.”).

52. See, e.g., Catherine A. Rogers et al., *Challenges of Transnational Legal Practice: Advocacy and Ethics*, *Proceedings of the 103rd ASIL Annual Meeting*, 103 AM. SOC’Y INT’L L. PROC. 255 (2009) (discussing ethics challenges for lawyers working in international tribunals); see also Laurel S. Terry, *Codes of Conduct for International Tribunals and Arbitration* (May 11, 2009), http://www.personal.psu.edu/faculty/l/s/lst3/presentations%20for%20webpage/ASIL_Terry_Codes_International_Tribunals.pdf [<https://perma.cc/H6CW-D67L>] (showing which international tribunals had lawyers’ ethics codes as of 2009).

before international criminal law tribunals⁵³ and before other international tribunals.⁵⁴

U.S. lawyer regulation has also been affected by the European Union's regulation of lawyers. In 1977, the European Union (EU) adopted the first of several directives regarding intra-EU lawyer mobility.⁵⁵ These directives have been important to U.S. law firms that have offices in Europe⁵⁶ and to those licensed as lawyers in one EU Member State who want to practice temporarily in another EU Member State.⁵⁷

The impact of these directives has been much broader than this, however, because these EU directives frequently have been cited in U.S. conversations about U.S. lawyer mobility rules. For example, the ABA Commission on Multijurisdictional Practice's 2002 final report stated that a "number of organizations and individuals have noted that, in the European Union, a lawyer in one member state may establish a law practice in another member state with relative ease."⁵⁸

The EU's regulation of lawyers has given rise to a number of other issues that have been discussed in the United States. These issues include attorney-client

53. See, e.g., Milan Markovic, Comment, *In the Interests of Justice?: A Critique of the ICTY Trial Court's Decision to Assign Counsel to Slobodan Milosevic*, 18 GEO. J. LEGAL ETHICS 947 (2005); Theresa ("Tracy") Roosevelt, Comment, *Ethics for the Ethical: A Code of Conduct for the International Criminal Court Office of the Prosecutor*, 24 GEO. J. LEGAL ETHICS 835 (2011). For information on the number of international tribunals, including criminal tribunals, see 2004 SYNOPSIS CHART, *supra* note 51 (showing, for example, that the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Court were established in 1993 and 2004, respectively).

54. See Carrie Menkel-Meadow, *Ethical Ordering in Transnational Legal Practice? A Review of Catherine A. Rogers's Ethics in International Arbitration*, 29 GEO. J. LEGAL ETHICS 207 (2016); Robert W. Wachter, *Ethical Standards in International Arbitration: Considering Solutions to Level the Playing Field*, 24 GEO. J. LEGAL ETHICS 1143 (2011); Maria Choi, Current Development, *Third-Party Funders in International Arbitration*, 29 GEO. J. LEGAL ETHICS 883 (2016); Brian Cooper, Comment, *Ethics for Party Representatives in International Commercial Arbitration: Developing a Standard for Witness Preparation*, 22 GEO. J. LEGAL ETHICS 779 (2009); Christine Meerah Kim, *Issue Conflict in Investor-State Dispute Settlement: Focusing on the Challenges Against Professor Francisco Orrego Vicuña in CC/Devas et al. v. India and Repsol v. Argentina*, 27 GEO. J. LEGAL ETHICS 621 (2014) (investor state arbitration).

55. See, e.g., Council Directive 77/249 of 22 March 1977 to Facilitate the Effective Exercise by Lawyers of Freedom to Provide Services, 1977 O.J. (L 78) 17; Directive 98/5 of the European Parliament and of the Council of 16 February 1998 to Facilitate Practice of the Profession of Lawyer on a Permanent Basis in a Member State Other than that in which the Qualification Was Obtained, 1998 O.J. (L 36) 77.

56. See *Outward Bound*, *supra* note 34 and *Am. Law Global 100*, *supra* note 35 for data about U.S. firms with foreign offices. Research has shown that most U.S. law firms that have a foreign office have an office in London. See Silver et al., *Glocal*, *supra* note 40, at 1439.

57. See Council Directive 77/249, *supra* note 55 (this temporary practice directive does not contain an EU citizenship requirement). In contrast to Directive 77/249, U.S. citizens who are licensed EU lawyers may not take advantage of Directive 98/5. Compare Directive 77/249, *supra* note 55, art. 1(2) (no citizenship requirement), with Directive 98/5, *supra* note 55, art. 1(2)(a) (the lawyers' establishment directive is limited to EU lawyers who are also "a national of a [EU] Member State").

58. See, e.g., AM. BAR ASS'N COMM'N ON MULTIJURISDICTIONAL PRACTICE, REPORT OF THE COMMISSION ON MULTIJURISDICTIONAL PRACTICE 13 (Aug. 2002), http://www.americanbar.org/content/dam/aba/migrated/final_mjpr_rpt_6_5_1.authcheckdam.pdf [<https://perma.cc/4PEC-RE6K>].

privilege issues and antitrust issues.⁵⁹ *GJLE* articles are among the articles that have addressed EU lawyer regulation issues.⁶⁰

International trade agreements that apply to legal services represent a third international legal development that has influenced U.S. lawyer regulation discussions and developments.⁶¹ While one can trace some U.S. lawyer regulatory developments directly to these trade agreements, such as the ABA's "inbound foreign lawyer" proposals and related state rules,⁶² these international trade agreements have had an additional impact by changing the identity of those who are involved in lawyer regulation conversations.⁶³ For example, at the time the ABA *Model Rules* were adopted in 1983, conversations about the proper scope of lawyer regulation occurred mostly between and among lawyers, organizations in which lawyers were dominant, and the state supreme courts that regulate lawyers.⁶⁴

In contrast to the situation in 1983, international trade agreements that apply to legal services have led to conversations about lawyer regulation that have gone beyond the closed circle of lawyers, organizations in which lawyers are dominant, and state supreme courts. For example, the ABA Standing Committee on International Trade in Legal Services has a conference call approximately once a month and a representative from the Office of the U.S. Trade Representa-

59. See, e.g., Case C-550/07 P, *Akzo Nobel Chems. Ltd. v. Comm'n*, 2010 E.C.R. I-8301 (EU attorney-client privilege); Laurel S. Terry, *The European Commission Project Regarding Competition in Professional Services*, 29 NW. J. INT'L L. & BUS. 1, 91-97 (2009) (addressing the implications for the United States of EU antitrust developments).

60. See, e.g., *CCBE I*, *supra* note 20; *CCBE II*, *supra* note 20; Eugene Skonicki, *Building a Wall Where a Fence Will Do: A Critique of the European Union's Denial of Attorney-Client Privilege to In-House Counsel*, 21 GEO. J. LEGAL ETHICS 1045 (2008); Nelli Doroshkin, Comment, *Candor and Integration: Codifying Collegial Truthfulness Requirements in Europe*, 25 GEO. J. LEGAL ETHICS 503 (2012); Benjamin L. Klein, *Trust, Respect, and Cooperation May Keep Us Out of Jail: A Practical Guide to Navigating the European Union Privacy Directive's Restrictions on American Discovery Procedure*, 25 GEO. J. LEGAL ETHICS 623 (2012).

61. See generally Laurel S. Terry, *From GATS to APEC: The Impact of Trade Agreements on Legal Services*, 43 AKRON L. REV. 875 (2010) (discussing the 1992 NAFTA, the 1995 GATS, and thirteen additional trade agreements).

62. See, e.g., CONF. 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 (Jan. 2015), <http://ccj.ncsc.org//media/microsites/files/ccj/resolutions/01282015-legal-market-globalization.ashx> [<https://perma.cc/VQB7-QDEW>] ("WHEREAS, in addition to the TTIP, the United States is actively negotiating several multilateral trade-in-services agreements that, if adopted, will likely boost the need for cross-border legal practices in both the United States and the foreign trade partner countries."); see also Laurel S. Terry, *U.S. Rules Regarding the Five Methods of Foreign Lawyer Practice* (Oct. 14, 2016 version), http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/mjp_8_9_status_chart.authcheckdam.pdf [<https://perma.cc/AYK2-25W3>] (online publication with links to ABA model policies and state inbound foreign lawyer rules).

63. See, e.g., Terry, *Transnational Legal Practice [2015]*, *supra* note 36, at 535 (noting the CCJ's regular interaction with representatives from the Office of the U.S. Trade Representative and with foreign officials). See generally *Transnational Legal Practice [2014]*, *supra* note 26 (discussing TLP-Nets); *infra* Part II(B)(3).

64. See, e.g., ABA LEGISLATIVE HISTORY, *supra* note 5 (explaining the process and noting the identity of those who submitted comments to the ABA).

tive (USTR) regularly participates in those calls.⁶⁵ The federal government's Intergovernmental Policy Advisory Committee (IGPAC), which discusses the impact of federal trade policy with various state regulators, has included in recent years a representative from the Conference of Chief Justices.⁶⁶

There are additional examples that illustrate how the participants in lawyer regulation conversations have changed. The Year-in-Review articles of the Transnational Legal Practice Committee of the ABA Section of International Law have documented conversations about lawyer regulation that go well beyond U.S. lawyers, lawyer organizations, the Conference of Chief Justices, and the state supreme courts.⁶⁷ For example, these Year-in-Review articles have reported on various "Summits" in which lawyers and organizations from outside the United States have met with ABA members and other U.S. lawyers to discuss trade issues (and possible changes in U.S. lawyer regulation).⁶⁸ Thus, not only have international trade agreements led to concrete policy changes, such as the inbound foreign lawyer rules, but they have also changed who sits at the table to discuss lawyer regulation issues.⁶⁹ *GJLE* articles have documented the trade agreement phenomenon and have discussed legal ethics issues related to these agreements.⁷⁰

Although one could highlight a number of additional global legal developments that have affected U.S. lawyers and legal ethics, this section concludes by

65. The author has personal knowledge of this fact. See also *Transnational Legal Practice [2014]*, *supra* note 26 at 413, 417 (discussing transnational legal practice networks, or TLP-Nets, and the participation of USTR representatives in the work of the Conference of Chief Justices).

66. See Office of the U.S. Trade Representative Intergovernmental Policy Advisory Comm. (IGPAC), *Intergovernmental Policy Advisory Committee Members*, <https://ustr.gov/about-us/advisory-committees/intergovernmental-policy-advisory-committee-igpac> [<https://perma.cc/A8VT-VAWQ>] (last visited Apr. 16, 2017). The author has personal knowledge that IGPAC Member and former Chief Justice Shirley Abrahamson has participated in ABA ITILS conference calls.

67. To find many of these Year-in-Review articles in a single location, see *Selected Works of Laurel S. Terry*, https://works.bepress.com/laurel_terry/ [<https://perma.cc/GP3R-T4PK>] (under the heading "Category," select "Transnational Legal Practice Year-in-Review Articles") (last visited Apr. 16, 2017).

68. See, e.g., *Transnational Legal Practice [2014]*, *supra* note 26, at 421 (reporting on the 2014 U.S.-EU Summit and the 2013 Trans-Pacific Bar Leaders' Summit); Laurel S. Terry et al., *Transnational Legal Practice: 2006-07 Year-in-Review*, 42 INT'L L. 833, 842 & n.49 (2008) (reporting on the 2007 "Asian Summit: Bar Leaders on Regulation of Transnational Legal Services" and the 2007 "European Union Legal Services Summit").

69. International trade agreements are not the only developments that have led to changes in the identity of those who participate in conversations about lawyer regulation. As set forth in greater detail in Terry, *Service Providers*, *supra* note 26, I believe there are a number of developments that have contributed to, and reflect, a new "service providers' paradigm." The service providers' paradigm represents a fundamental change in lawyer regulation, in which it is now common for lawyers to be regarded as simply one of many different kinds of "service providers" and to be regulated together with other service providers. In my view, international trade agreements have contributed to this new paradigm.

70. See, e.g., Priscila McCalley, Comment, *The Dangers of Unregulated Counsel in the WTO*, 18 GEO. J. LEGAL ETHICS 975 (1994); Paul F. Downs, Comment, *The Trans-Pacific Partnership and Conflicting Customary International Norms*, 26 GEO. J. LEGAL ETHICS 661 (2013); Kim, *supra* note 54.

citing two significant global developments from 2007.⁷¹ The first development, which several *GJLE* articles have discussed, was the decision by the Australian law firm Slater & Gordon to issue shares on the Australian stock exchange, thereby becoming the world's first publicly-traded law firm.⁷² The second significant legal development from 2007 was the United Kingdom's adoption of a new Legal Services Act.⁷³ That Act made a number of important changes in the way lawyers are regulated and created a framework that allows alternative business structure or ABS firms.⁷⁴ These two events are significant because public ownership and outside ownership of law firms reflects a fundamental change in the way lawyers traditionally have been regulated.⁷⁵ Both the UK Act and Slater & Gordon have been the subject of several *GJLE* articles.⁷⁶

Because of space limits this Essay has discussed only a few of the global developments that have affected U.S. lawyer regulation. *GJLE* articles have addressed some of the additional developments including developments related to human rights,⁷⁷ foreign corrupt practices,⁷⁸ litigation financing,⁷⁹ and foreign

71. In the author's view, these two developments are among the most significant of the last decade. Others agree. For example, these two developments have been prominently featured at programs sponsored by the Georgetown Center for the Study of the Legal Profession. See *infra* note 86 and accompanying text. The 2007 UK Legal Services Act is significant, among other reasons, because of the size and importance of the UK legal services market and because of the dramatic changes the 2007 Act made to the "who-what-when-where-why-and-how" issues of lawyers regulation. See generally Terry et al., *Trends, supra* note 26. The Slater & Gordon IPO was significant because having a publicly-traded law firm is a watershed event.

72. Andrew Grech & Kirsten Morrison, *Slater & Gordon: The Listing Experience*, 22 *GEO. J. LEGAL ETHICS* 535, 535 (2009); Steven Mark & Tahlia Gordon, *Innovations in Regulation—Responding to a Changing Legal Services Market*, 22 *GEO. J. LEGAL ETHICS* 501 (2009); Arthur T. Farrell, Comment, *Public Interest Meets Public Ownership: Pro Bono and the Publicly Traded Law Firm*, 21 *GEO. J. LEGAL ETHICS* 729, 729 (2008).

73. See Legal Services Act 2007, c. 29 (Eng., Wales).

74. See *id.* pt. 5 (Alternative business structures).

75. See Am. Bar Ass'n Comm'n on Ethics 20/20 Working Grp. on Alternative Business Structures, *Issues Paper Concerning Alternative Business Structures*, at 2 (Apr. 5, 2011), http://www.americanbar.org/content/dam/aba/administrative/ethics_2020/abs_issues_paper.authcheckdam.pdf [<https://perma.cc/FNR6-6JS9>] ("At present, only the District of Columbia permits nonlawyer ownership or management of law firms."). As this Issues Paper shows, the rules in other countries that permit outside ownership of law firms are of relatively recent origin. *Id.* at 7–16.

76. See, e.g., Bruce MacEwen, Milton C. Regan, Jr. & Larry Ribstein, *Law Firms, Ethics, and Equity Capital*, 21 *GEO. J. LEGAL ETHICS* 61 (2008); John S. Dzienkowski & Robert J. Peroni, *Conflicts of Interest in Lawyer Referral Arrangements with Nonlawyer Professionals*, 21 *GEO. J. LEGAL ETHICS* 197 (2008); Nick Robinson, *When Lawyers Don't Get All the Profits: Non-Lawyer Ownership, Access, and Professionalism*, 29 *GEO. J. LEGAL ETHICS* 1 (2016).

77. See David Nersessian, *Business Lawyers as Worldwide Moral Gatekeepers? Legal Ethics and Human Rights in Global Corporate Practice*, 28 *GEO. J. LEGAL ETHICS* 1135 (2015).

78. See Nate Wright, Comment, *Domestic vs. Foreign Corrupt Practices: For Bribery, an International Mind is More Guilty*, 28 *GEO. J. LEGAL ETHICS* 989 (2015); see also David M. Engstrom, Comment, *Locked Up Abroad: Developing a Model ABA Rule for Evaluating an Attorney's Foreign Conviction*, 29 *GEO. J. LEGAL ETHICS* 991 (2016).

79. See James M. Fischer, *Litigation Financing: A Real or Phantom Menace to Lawyer Professional Responsibility?*, 27 *GEO. J. LEGAL ETHICS* 191, 193 (2014) (noting that litigation financing has been used in Australia and Europe and is now spreading to the United States).

sovereign immunity.⁸⁰ Thus, as these examples have shown, legal developments from outside the United States have affected lawyer regulation and legal ethics conversations within the United States.⁸¹

3. THE RISE OF GLOBAL NETWORKS, DIALOGUE, AND COLLABORATION

In addition to the global societal developments and global legal developments discussed in the prior sections, this Essay would be remiss if it failed to discuss the rise of global networks and the increased global dialogue and collaboration that have occurred since the founding of the *GJLE*. As this section will demonstrate, global networks, dialogue, and collaboration have contributed to the international exchange and cross-fertilization of ideas that are reflected in *GJLE* articles.

There obviously is overlap between an increase in global networks, dialogue, and collaboration, on the one hand, and the societal and legal developments discussed earlier, on the other hand. For example, if the Internet did not exist, there would not be the same kinds of global networks, dialogue, and collaboration that exist today. If legal developments such as the World Trade Organization's General Agreement on Trade in Services (GATS) and the 2007 UK Legal Services Act had never occurred, some of the global exchanges that now occur on a regular basis might not exist. Despite the potential overlap with the prior topics, I submit that the rise of global networks, dialogue, and collaboration is worth examining separately.

One factor that has contributed to the increase in global dialogue and collaboration is the fact that legal education and legal ethics academics are much more global now than they were in 1987. There are many reasons for this. In addition to reading about global developments in the *GJLE* and elsewhere, a large number of U.S. legal ethics professors have now had the opportunity to teach abroad and to meet colleagues from other countries.⁸² Moreover, many more

80. See Elizabeth G. Atkins, *Collateral Damage: An American Judge's Innovative but Misguided Attempt to Resolve the Enforcement Problem of Sovereign Debt*, 28 GEO. J. LEGAL ETHICS 371 (2015); see also Michael J. Lockman, *An Ethical Representation of Sovereign Clients in Debt Disputes*, 30 GEO. J. LEGAL ETHICS 73 (2017).

81. There are a few global legal developments that have not yet been addressed in the *GJLE* that already have had or that may in the future have an impact on U.S. lawyer regulation. In my view, some of these global legal developments have the potential to lead to disruptive changes, rather than incremental changes. See, e.g., Laurel S. Terry, *U.S. Legal Profession Efforts to Combat Money Laundering and Terrorist Financing*, 59 N.Y. L. SCH. L. REV. 487 (2015) (discussing the Financial Action Task Force). Despite the occasional omission, the overall coverage of global legal developments in the *GJLE* has been excellent, and I look forward to future volumes that will continue to address the impact of global legal developments on U.S. legal ethics.

82. See, e.g., Moliterno, *supra* note 47, at 770 (citing his work in Armenia and Georgia). There is also anecdotal evidence that supports my conclusion that there has been an increase. I taught my first comparative professional responsibility course in 1987 in my law school's summer program in Vienna and Strasbourg. Since that time, I have spoken to and shared materials with a number of U.S. legal ethics professors who have also taught in summer programs.

foreign students attend law school in the United States now than did previously.⁸³ And even if a particular legal ethics professor has not had the opportunity to teach abroad and has not had foreign students in class, that professor likely has heard international perspectives elsewhere. For example, the ABA's annual ethics conference included its first internationally oriented program in 1995;⁸⁴ since that time foreign speakers have become a regular feature at the conference.⁸⁵ Georgetown University Law Center has been a leader in hosting symposia that have brought in speakers from around the world who have discussed changes in the legal market and lawyer regulation.⁸⁶ Three of the last four International Legal Ethics Conferences (ILEC) have been held in North America;⁸⁷ attendees at the ILEC VII Conference held in July 2016 in New York City included academics from approximately seventy U.S. law schools, along with individuals from more than sixty countries.⁸⁸ In short, there are many more globally aware legal ethics academics now than there were thirty years ago.

A second factor that has contributed to the increase in global dialogue and collaboration is the fact that legal ethics practitioners, as well as legal ethics academics, have become more global than they were thirty years ago. Consider,

83. See, e.g., Carole Silver, *Internationalizing U.S. Legal Education: A Report on the Education of Transnational Lawyers*, 14 CARDOZO J. INT'L & COMP. L. 143, 147 (2006) (using empirical data and noting that in 1998, sixty-seven law schools offered graduate programs in which foreign lawyers could and did enroll, and that by 2003, this number had increased more than fifty percent to 103 schools); Carole Silver, *Globalization and the Monopoly of ABA-Approved Law Schools: Missed Opportunities or Dodged Bullets?*, 82 FORDHAM L. REV. 2869, 2875 (2014) ("Moreover, in the period from 2000 to 2012, graduate law programs grew by more than 50 percent, although this figure also includes programs not limited to international students. International students also comprise a larger proportion of J.D. applicants than was the case a decade ago, although they still account for only a small percentage of J.D. students, typically well under 5 percent of the entering class.").

84. See Terry, *Comparative Ethics*, *supra* note 3, at 491 n.124 and accompanying text (citing an email from ABA Center for Professional Responsibility staff lawyer Art Garwin about the concurrent panel session entitled "Ethics in International Practice: It's a Small World."); see also *id.* at 514 nn.230–32 and accompanying text (in June 2005, the Association of American Law Schools Section of Professional Responsibility sponsored what I believe was its first session on globalization; this session was part of the AALS Midyear Meeting in Montreal).

85. See, e.g., *Program from the 42nd National Conference on Professional Responsibility* (June 1–3, 2016), http://www.americanbar.org/content/dam/aba/events/professional_responsibility/2016%20Meetings/Conference/2016_conf_schedule.authcheckdam.pdf [<https://perma.cc/Y9FT-268P>] (lists U.S./Canadian Regulators' Roundtable, which was the second year of this networking breakfast); *Program from the 40th National Conference on Professional Responsibility* (May 29, 2014), http://www.americanbar.org/content/dam/aba/events/professional_responsibility/2014/05/40th-aba-national-conference-on-professional-responsibility/40th_conference_schedule.authcheckdam.pdf [<https://perma.cc/46BV-XJNY>] (program includes several programs with international speakers or themes).

86. See generally Ctr. for the Study of the Legal Profession, *Symposia*, GEORGETOWN UNIV. LAW CTR., <https://www.law.georgetown.edu/academics/centers-institutes/legal-profession/research/symposium.cfm> [<https://perma.cc/ATY5-EWBM>] (last visited Aug. 7, 2017) (includes many links to program materials and speakers).

87. See *ILEC Conferences*, INT'L ASSOC. LEGAL ETHICS (IAOLE), <http://www.iaole.org/conferences/> [<https://perma.cc/Q3JA-L8S5>] (last visited Apr. 16, 2017) (includes links to ILEC I-VII, including the conference websites from the Stanford 2010, Banff 2012, London 2014, and New York 2016 conferences).

88. See *ILEC 2016, Participants by Country*, FORDHAM UNIV. SCH. LAW, http://www.fordham.edu/info/23510/ilc_2016/8329/participants_by_country [<https://perma.cc/JWQ4-9BEB>] (last visited Nov. 26, 2016).

for example, the Association of Professional Responsibility Lawyers (APRL), which was established in 1990 and is one of the primary organizations for legal ethics practitioners.⁸⁹ APRL held its first international meeting in 1996 in Paris.⁹⁰ Since that time, it has held a number of additional international meetings, has published some of the papers from those international meetings in U.S. law review symposia, and has continued to make its international meeting materials available to its members.⁹¹ As a result, APRL members (and other legal practitioners) are much more globally aware and globally connected than they were in the past.

A third factor that has contributed to the increase in global dialogue and collaboration is the fact that legal ethics regulators, like legal ethics academics and practitioners, have become more aware of global developments than they were in the past and are more likely to participate in international networks. For example, in 2013, the National Organization of Bar Counsel's (NOBC) annual meeting was held in conjunction with the Third International Conference of Legal Regulators (ICLR) meeting and shared speakers and programs.⁹² In 2014, long-time NOBC member and D.C. Bar Counsel Gene Shipp stated that "NOBC members had undergone a sea change and were ready to address [transnational legal practice] and globalization issues."⁹³ In 2015, the NOBC added a "Global Resources" tab to its webpage that included links to materials designed to educate NOBC members about global developments.⁹⁴ (This webpage still exists and has been updated several times.)⁹⁵ In 2016, the D.C. Office of Disciplinary Counsel sponsored the Fifth International Conference of Legal Regulators, which many

89. See *Welcome*, ASS'N PROF'L RESPONSIBILITY LAWYERS (APRL), <https://www.aprl.net/> [<https://perma.cc/AN6T-SADR>] (last visited Nov. 26, 2016) ("Originally formed over two decades ago primarily as an association of lawyers who represent other lawyers in disciplinary proceedings, APRL membership now encompasses lawyers who provide services in all aspects of legal ethics and professional responsibility.")

90. See *Meeting Materials Archive*, ASS'N PROF'L RESPONSIBILITY LAWYERS (APRL), https://www.aprl.net/members/meeting_archive/download.html [membership log-on required] (on file with author) (listing APRL's international meetings, including the 1996 Paris Meeting).

91. See *id.* (showing international meetings in 1996, 1998, 2000, 2003, 2008, 2011, 2012, and 2016). Selected papers from the 2003 and 2008 meetings were published in law review symposia issues. For a summary of these symposia, see Laurel S. Terry, *Foreword, Global Legal Practice Symposium*, 22 PENN STATE INT'L L. REV. 527 (2004); Laurel S. Terry, *Foreword: 2008 Global Legal Practice Symposium*, 27 PENN ST. INT'L L. REV. 269 (2008).

92. See, e.g., *Transnational Legal Practice [2014]*, *supra* note 26, at 418 ("All NOBC members were invited to the last session of the 2013 International Conference and all 2013 International Conference attendees were invited to attend the NOBC's 2013 annual meeting reception (and were encouraged to register for the full NOBC meeting), leading the two groups' members to engage.")

93. See *Transnational Legal Practice [2014]*, *supra* note 26, at 418–19 (memorializes this remark and related remarks).

94. See *Global Resources*, NAT'L ORG. BAR COUNSEL, <https://www.nobc.org/index.php/jurisdiction-info/global-resources> [<https://perma.cc/M23V-XKNT>] (webpage includes numerous materials prepared by committees that included individuals from around the world).

95. See *id.* The author has personal knowledge that this webpage has been updated.

U.S. regulators attended.⁹⁶ U.S. regulators have also attended the 2015 and 2016 U.S.-Canadian regulator breakfasts held during the ABA's annual ethics conference,⁹⁷ two proactive risk-based regulation workshops that have included international attendees,⁹⁸ and additional ICLR conferences.⁹⁹ Moreover, it is not just the "day job" regulators who have become more global. As was noted earlier, a Conference of Chief Justices (CCJ) committee receives regular briefings that include information about international developments.¹⁰⁰

Voluntary bar associations have also contributed to the rise in global dialogue and collaboration. Consider, for example, the various ABA Commissions that have examined lawyer regulatory issues. The ABA Commission on Multidisciplinary Practice considered developments from outside the United States and heard from international speakers.¹⁰¹ The ABA Commission on Multijurisdictional Practice was asked to examine both domestic and international mobility issues;¹⁰² it too heard from international speakers and considered international models as part of its deliberations.¹⁰³ The ABA Commission on Ethics 20/20

96. See, e.g., *International Conference of Legal Regulators 2016*, INT'L CONFERENCE OF LEGAL REGULATORS, <https://iclr.net/conference/washington2016/> [<https://perma.cc/SZ9C-L3YU>]. For more information about the ICLR, see Laurel S. Terry, *Creating an International Network of Lawyer Regulators: The 2012 International Conference of Legal Regulators*, 82 B. EXAMINER, June 2013, at 18.

97. See *Program for the 42nd ABA Conference*, *supra* note 85 (listing the U.S./Canadian networking breakfast). The author has personal knowledge that this was the second such breakfast because she helped organize them.

98. The minutes from both of these workshops are available on the Colorado PMBR webpage. See Office of Att'y Regulation Counsel, *Proactive Management-Based Regulation Materials*, COLO. SUP. CT., <http://www.coloradosupremecourt.us/AboutUs/PMBRMinutes.asp> [<https://perma.cc/EK25-7KZ2>]. For additional information on proactive regulation, see Terry, *Proactive Regulation*, *supra* note 26.

99. See, e.g., *Conference Presenters*, 2015 INT'L CONFERENCE OF LEGAL REGULATORS, <http://flsc.ca/building-blocks-to-better-regulation/conference-presenters/> [<https://perma.cc/WQ47-MJ4Q>] (panelists included regulators from California, Colorado, the District of Columbia, and New Mexico).

100. See, e.g., *Transnational Legal Practice [2015]*, *supra* note 36, at 534–35; *Transnational Legal Practice [2014]*, *supra* note 26, at 416–17 (describing CCJ interactions). The CCJ Committee, in one form or another, dates back at least to 2003. See Terry, *Comparative Ethics*, *supra* note 3, at 509 n.211. The author has personal knowledge that this CCJ group is now referred to as a working group, rather than a committee.

101. See AM. BAR ASS'N COMM'N ON MULTIDISCIPLINARY PRACTICE, BACKGROUND REPORT: ISSUES AND DEVELOPMENTS (Jan. 1999), http://www.americanbar.org/groups/professional_responsibility/commission_multidisciplinary_practice/multicomreport0199.html [<https://perma.cc/TMD7-DHVJ>] ("The rules that regulate lawyer conduct in some foreign countries permit various forms of lawyer/nonlawyer affiliations that are prohibited in the United States. As a result, the Big-5 accounting firms have vigorously entered the market for the delivery of legal services in those countries. In a search for new sources of revenue, they have also significantly expanded their consulting services in the United States.").

102. *Mission Statement*, AM. BAR ASS'N COMM'N ON MULTI-JURISDICTIONAL PRACTICE, http://www.americanbar.org/groups/professional_responsibility/committees_commissions/commission_on_multijurisdictional_practice/mjp_mission_statement.html [<https://perma.cc/QAP3-QFT9>] (last visited Apr. 16, 2017) ("The Commission shall also review international issues related to multijurisdictional practice in the United States.").

103. See AM. BAR ASS'N COMM'N ON MULTI-JURISDICTIONAL PRACTICE, INTERIM REPORT AND APPENDICES OF THE COMMISSION ON MULTIJURISDICTIONAL PRACTICE 60–65 (Nov. 2001), http://www.americanbar.org/content/dam/aba/migrated/mjp_final_interim_report_appen_2.authcheckdam.pdf [<https://perma.cc/S52H-EDZC>] (available as a link from the ABA MJP Commission's homepage; Appendices F and G to the Interim Report list the individuals who provided oral testimony and written comments); AM. BAR ASS'N COMM'N ON MULTI-

examined whether any changes to the ABA *Model Rules of Professional Conduct* were needed in light of globalization and technology developments.¹⁰⁴ This Commission's hearings and discussion papers triggered extensive global dialogue about ethics issues.¹⁰⁵ The Commission's recommendations also led to the adoption of several new ABA model rules regarding "inbound foreign lawyers" and a new comment to the choice-of-law rule that was influenced by the experiences of U.S. lawyers outbound to other countries.¹⁰⁶ The ABA Commission on the Future of Legal Services recommended, and the ABA adopted, model regulatory objectives that were inspired, at least in part, by developments outside the United States.¹⁰⁷

It is important to note that the ABA is not the only voluntary bar association whose work has contributed to increased global dialogue about legal ethics. The International Bar Association's Bar Issues Commission (BIC) has sponsored several projects, including the 2014 Global Legal Services Report and the 2016 Directory of Regulators, that have been circulated in the United States and that have contributed to increased global conversations about lawyer regulation.¹⁰⁸

JURISDICTIONAL PRACTICE, CLIENT REPRESENTATION IN THE 21ST CENTURY: REPORT OF THE COMMISSION ON MULTI-JURISDICTIONAL PRACTICE (2002); *see also* Terry, *Comparative Ethics*, *supra* note 3, at 498–500 nn.144–55 and accompanying text (listing the foreign entities and individuals from whom the Commission heard testimony); *id.* at 501 n.162 and accompanying text (noting the seriousness with which the Commission considered the foreign testimony).

104. This Commission was active between 2010 and 2013. *See generally* Laurel S. Terry, *Globalization and the ABA Commission on Ethics 20/20: Reflections on Missed Opportunities and the Road Not Taken*, 43 HOFSTRA L. REV. 95 (2014). The Commission proposed and the ABA adopted model policies that applied to inbound foreign lawyers.

105. *See generally* House of Delegates Filings, AM. BAR ASS'N COMM'N ON ETHICS 20/20 (Feb. 11, 2013), http://www.americanbar.org/groups/professional_responsibility/aba_commission_on_ethics_20_20/house_of_delegates_filings.html [<https://perma.cc/XLJ2-89VB>].

106. *See id.* at Resolution 107D (as adopted); AM. BAR ASS'N COMM'N ON ETHICS 20/20, RESOLUTION & REPORT TO THE HOUSE OF DELEGATES: MODEL RULE 8.5 (CHOICE OF RULE) (Feb. 2013).

107. *See* AM. BAR ASS'N, RESOLUTION & REPORT: ABA MODEL REGULATORY OBJECTIVES FOR THE PROVISION OF LEGAL SERVICES 8 ("Nearly two dozen jurisdictions outside the U.S. have adopted them in the past decade or have proposals pending. Australia, Denmark, England, India, Ireland, New Zealand, Scotland, Wales, and several Canadian provinces are examples."). For more information about this Commission, see generally *Comm'n on the Future of Legal Services*, AM. BAR ASS'N, https://www.americanbar.org/groups/centers_commissions/commission-on-the-future-of-legal-services.html [<https://perma.cc/4UMA-3F73>] (last visited Apr. 16, 2017). International lawyers are among those who have followed the work of the ABA Commission on the Future of Legal Services regarding innovation, access to justice, and regulation of legal services. *See, e.g.*, Jonathan Goldsmith, *The American Bar Association's Final Report on the Future of Legal Services Raises Some Questions for Us Too*, LAW GAZETTE, Aug. 8, 2016; *Innovation & Future of the Legal Profession Paris—21.10.2016*, CCBE INFO SPECIAL EDITION, http://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/Newsletter/CCBEINFO_special_edition_2016/colloque_20161021/EN_newsletter_special_edition.pdf [<https://perma.cc/5JGP-SKFL>] (reporting on the October 2016 CCBE conference about innovation and the future of the legal profession).

108. *See generally* Bar Issues Commission, INT'L BAR ASS'N, http://www.ibanet.org/barassociations/bar_associations_home.aspx [<https://perma.cc/TD4B-V35G>] (last visited Aug. 7, 2017) (includes links to lawyer regulatory information including the INT'L BAR ASS'N, IBA GLOBAL REGULATION AND TRADE IN LEGAL SERVICES REPORT 2014 (Oct. 2014) and the INT'L BAR ASS'N, IBA DIRECTORY OF REGULATORS OF THE LEGAL PROFESSION

These examples illustrate the point that during the past thirty years, there has been an increase in international cooperation and networks focused on legal ethics and lawyer regulation issues.

Articles published in the *GJLE* reflect the global dialogue, collaboration, and formal and informal networks that now exist among legal ethics academics, practitioners, regulators, and voluntary bar associations.¹⁰⁹ For example, the *GJLE* has published articles that have been written solely or partially by foreign authors;¹¹⁰ articles that address foreign or comparative legal ethics issues;¹¹¹ and articles that have analyzed the work of the ABA Commissions cited above.¹¹² In short, *GJLE* articles include the type of international exchange that has now become common.

III. CONCLUSION

As this Essay has demonstrated, a retrospective look at the *GJLE* provides a useful way to identify the significant impact that global developments have had on U.S. legal ethics conversations and regulation during the past thirty years. *GJLE* articles have reflected the rise in global societal developments, global legal developments, and the rise in global dialogue, global collaboration, and formal

(2016)). The author has personal knowledge that these IBA reports have been circulated to U.S. legal ethics academics, practitioners, and regulators.

109. For further discussion of the formal and informal networks or TLP-Nets, see *Transnational Legal Practice* [2014], *supra* note 26.

110. See Christine E. Parker, Robert Eli Rosen & Vibeke Lehmann Nielsen, *The Two Faces of Lawyers: Professional Ethics and Business Compliance with Regulation*, 22 GEO. J. LEGAL ETHICS 201 (2009) (Australian and Danish co-authors); James R. Faulconbridge & Daniel Muzio, *Legal Education, Globalization, and Cultures of Professional Practice*, 22 GEO. J. LEGAL ETHICS 1335 (2009) (English authors); Alice Woolley & W. Bradley Wendel, *Legal Ethics and Moral Character*, 23 GEO. J. LEGAL ETHICS 1065 (2010) (Canadian co-author); Christopher J. Whelan & Neta Ziv, *Law Firm Ethics in the Shadow of Corporate Social Responsibility*, 26 GEO. J. LEGAL ETHICS 153 (2013) (English & Israeli authors surveying multinational clients); see also Grech & Morrison, *supra* note 72; Mark & Gordon, *supra* note 72 (all of whom are Australian).

111. See *Rules of Conduct for Counsel and Judges: A Panel Discussion on English and American Practices*, 7 GEO. J. LEGAL ETHICS 865 (1994); Al Young, *The Continuing Lack of Independence of Chinese Lawyers*, 18 GEO. J. LEGAL ETHICS 1133 (2005); William C. McMahon III, Comment, *Declining Professionalism in Court: A Comparative Look at the English Barrister*, 19 GEO. J. LEGAL ETHICS 845 (2006); Peter W. Tague, *Guilty Pleas and Barristers' Incentives: Lessons from England*, 20 GEO. J. LEGAL ETHICS 287 (2007); William W. Yavinsky, Comment, *A Comparative Look at Comparative Attorney Advertising: Why Efforts to Prohibit Evaluative Rankings Spark Debate from Buffalo to Buenos Aires*, 20 GEO. J. LEGAL ETHICS 969 (2007); Christine Parker & Lyn Aitken, *The Queensland "Workplace Culture Check": Learning from Reflection on Ethics Inside Law Firms*, 24 GEO. J. LEGAL ETHICS 399 (2011); Timothy Lee, *Rebuilding Judicial Ethics and Independence: A Comparative Analysis of the Cambodian Code of Ethics for Judges and Prosecutors*, 28 GEO. J. LEGAL ETHICS 661 (2015); Misha Yang, Comment, *Confidentiality in the United States and China*, 29 GEO. J. LEGAL ETHICS 1443 (2016).

112. See, e.g., Owen Bonheimer & Paul Supple, Comment, *Unauthorized Practice of Law by U.S. Lawyers in U.S.-Mexico Practice*, 15 GEO. J. LEGAL ETHICS 697 (2002); Milan Markovic, *Juking Access to Justice to Deregulate the Legal Market*, 29 GEO. J. LEGAL ETHICS 63 (2016); Richard Zorza, *Five Broad New Ideas to Cut through the Access to Justice-Commercialization-Deregulation Conundrum*, 29 GEO. J. LEGAL ETHICS 683 (2016).

and informal global networks. This retrospective examination of the *GJLE* has also shown how the impact of global developments has increased over time. I predict that despite recent political events such as Brexit and the 2016 U.S. presidential election, in the future, global developments will continue to affect U.S. legal ethics conversations and regulation. Global dialogue, global collaboration, and formal and informal global networks seem to be here to stay.

I am pleased to have had the opportunity to add my voice to the chorus of voices honoring the *GJLE* and to thank it for the role it has played in helping create and nurture the legal ethics community. I look forward to many more years in which the *GJLE* plays a pivotal role in fostering legal ethics conversations, including those related to global developments.