

Admitting Foreign-Trained Lawyers

National Conference of Bar Examiners, May 3, 2014, Seattle
Materials from Prof. Laurel Terry (LTerry@psu.edu)

1. Table of Contents of Items #1-13 and List of Additional Reference Items

Statistics re Foreign-Educated Applicants

2. Terry, Summary of NCBE Statistics from 1992-2013 Regarding Bar Examinees Educated Outside the U.S., available at <http://tinyurl.com/NCBEforeignstats> [separate handout]

NOTE: Items 3-13 are found in a single pdf handout. Items 14-33 are not included in your materials. The Table of Contents includes hotlinks to these items or email LTerry@psu.edu.

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

3. 2013 [State-by-State Exports](#) (with color-coded map) [Items 3-13, pdf p. 3]
4. 2010 Foreign Born Population By State ([Map](#) and [Data](#)) [from MPI & Pew using Census data] [pdf p. 5]
5. [The Newly Arrived Foreign-Born Population of the United States: 2010 \(includes map with state recent growth rates\)](#), [pdf p. 9]

Why Governments Care About Bar Admissions Policies

6. Office of the United States Trade Representative [USTR], [Free Trade Agreements Webpage](#) [pdf p. 16]
7. Links to Selected Materials Related to Trade in Legal Services [pdf p. 17]

International Initiatives Regard Lawyer Regulation

8. International Conference of Legal Regulators [Website](#), including links to the [2012](#), [2013](#) and [July 2014](#) Programs (The DIRECTORY OF LEGAL REGULATORS (2012) is available from the NCBE) [pdf p. 18]
9. International Bar Association, THE IBA GLOBAL REGULATION AND TRADE IN LEGAL SERVICES REPORT (May 2014); information likely will be available here http://www.ibanet.org/PPID/Constituent/Bar_Issues_Commission/BIC_ITILS_Map.aspx [pdf p. 19] (Note: foreign lawyers and governments may use this document when framing trade “request” to the U.S. regarding foreign-lawyer admission. Some of you contributed to this document).

U.S. Responses to Globalization & Foreign Lawyers Seeking to Practice in the U.S.

10. [Map Showing State Adoption of 5 Types of Rules Regarding Foreign Lawyer Practice](#) [pdf p. 20]
11. Conference of Chief Justices, [Resolution 11 \(2014\)](#) Endorsing the “State Toolkit” [pdf p. 21]
12. [Chart \(with hotlinks to state rules\)](#) Showing State Implementation of Foreign Lawyer Practice Rules [pdf p. 24]
13. ABA, International Trade in Legal Services and Professional Regulation: A Framework for State Bars Based on the Georgia Experience [[the State Toolkit](#)] [pdf p. 26]

Additional Reference Materials (not included in the handouts)

If you have difficulty locating any of these materials, email LTerry@psu.edu)

ABA Policies Regarding the Five Methods of Foreign-Lawyer Practice

14. Method 1: [Foreign Lawyer Pro Hac Vice](#)
15. Method 2: [Foreign In-House Counsel \(registration rule\)](#)
16. Method 3: [Foreign Lawyer Temporary Practice](#) (also known as Fly-in Fly-out or FIFO)
17. Method 4: [Foreign Legal Consultants](#)
18. 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

New Resources (with an International Orientation)

19. ABA, [Resolution regarding International Legal Regulatory Information Exchange](#) (2013)(urges regulators to cooperate and exchange information where appropriate)
20. ABA, [THE ABA GUIDE TO INTERNATIONAL BAR ADMISSIONS](#) (Russell W. Dombrow & Nancy A. Matos eds., 2012).
21. Laurel S. Terry, [THE REVISED GATS HANDBOOK FOR INTERNATIONAL BAR ASSOCIATION MEMBER BARS \(2013\)](#)
22. Laurel S. Terry, [Creating an International Network of Lawyer Regulators: The 2012 International Conference of Legal Regulators](#), 82(2) Bar Examiner 18 (June 2013)

Ongoing Discussions regarding Access to Legal Services & Admissions-related Issues

23. Canada: Nova Scotia Barristers' Society [Consultation](#) about *Transforming [Lawyer] Regulation and Governance in the Public Interest* and Excerpts from the [Nova Scotia Final Report](#) (Oct. 31, 2013)
24. Canada: [Paralegal regulation](#) a “remarkable success” (with links to the five-year reviews)
25. Canada: Agendas for the Law Society of Upper Canada ABS Symposiums (Oct. 4, 2013 and Jan. 22, 2014); Press Report regarding Feb. 2014 [Report](#) to Convocation
26. New York “Court Navigator” Program [Announcement](#) and [Sample Website](#)
27. Washington’s Limited License Legal Technician ([LLLT](#)) Program
28. [California’s](#) Limited License Working Group
29. Martha Neil, [Investors Spent \\$458M on Legal Startups in 2013; Will 2014 Be Another Big Year?](#) ABA e-Journal (Feb. 14, 2014)
30. Laurel S. Terry, [‘Creative Destruction’ and the Legal Services and Legal Education Markets](#), JOTWELL (June 5, 2013) (reviewing Ray Worthy Campbell, *Rethinking Regulation and Innovation in the U.S. Legal Services Market*, 9 N.Y.U. J.L. & BUS. 1 (2012)).
31. Symposium, [The Legal Profession’s Monopoly on the Practice of Law](#), FORDHAM UNIV. SCH. LAW (Oct. 18, 2013) (Law Review Symposium Issue forthcoming May 2014; many articles addressed issues related to US access to legal services)
32. Harvard Program on the Legal Profession, [Disruptive Innovation in the Market for Legal Services](#) (March 2014)

Miscellaneous Resources

33. Laurel S. Terry, [Why Your Jurisdiction Should Consider Jumping on the Regulatory Objectives Bandwagon](#), 22(1) Prof. L. 28 (Dec. 2013)
34. Laurel S. Terry’s Powerpoint Slides: *Admitting Foreign-Trained Lawyers*, Seattle, May 3, 2014 will be posted on my “Presentations” webpage located here: <http://www.personal.psu.edu/faculty/l/s/lst3/presentations.htm>]