

**AALS ANNUAL MEETING, JANUARY 6, 2008 PROGRAM:
NORTH AMERICAN CROSS-BORDER PRACTICE AND THE LAW SCHOOLS**

**Professor Laurel S. Terry, Penn State Dickinson School of Law (LTerry@psu.edu):
*Trends in North American Cross-border Practice and Current Initiatives***

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- II. Survey of Current Initiatives (see attached “Year in Review” Table of Contents)**
- III. Opportunities for Greater North American Cooperation**
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<http://www.personal.psu.edu/faculty/l/s/lst3/globalprac.htm>**

Table of Contents and Selected Footnotes From:

Laurel S. Terry, Carole Silver, Ellyn Rosen, Carol C. Needham, Robert E. Lutz, and Peter D. Ehrenhaft,
TRANSNATIONAL LEGAL PRACTICE: 2006-07 YEAR-IN-REVIEW, 42 Int'l Law. __ (2008)(forthcoming)

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¹ See Laurel S. Terry, A “How To” Guide For Incorporating Global and Comparative Perspectives into the Required Professional Responsibility Course, 51 St. Louis U. L. Rev 1135, 1136-1146 (2007)(includes information and statistics showing how globalization has affected clients, lawyers, the contents of lawyer regulation and the manner in which lawyer regulators operate).

² General Agreement on Trade in Services, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1B, 33 I.L.M. 1125, 1167 (1994), available at http://www.wto.org/english/docs_e/legal_e/final_e.htm . For a lighthearted but comprehensive introduction to the GATS, see Laurel Terry, *The GATS and Legal Services in Limerick*, 15 Michigan St. J. Int'l L. 635 (2007).

- ³ See ABA, Track 1 of the GATS, available at http://www.abanet.org/cpr/gats/track_one.html; USTR, [An Unclassified Summary of the Legal Services "Requests" Filed by the U.S. - Summary of \[U.S.\] Proposed Reference Paper on Legal Services \(June 30, 2002\)](#), available at http://www.abanet.org/cpr/gats/us_request.doc; [Public Citizen's Posting](#), available at http://www.citizen.org/documents/leaked_WTO_Service_requests.pdf (last visited Oct. 27, 2007) (General requests begin on p. 1. Requests regarding business services, including legal services, are found on pp. 3-9; state-specific requests are listed alphabetically and begin on p. 35); Collective Request, Legal Services, available at <http://www.tradeobservatory.org/library.cfm?refID=78740>.
- ⁴ See, e.g., WTO Working Party on Domestic Regulation, *Draft Disciplines on Domestic Regulation Pursuant to GATS Article VI:4, Informal Note by the [WTO WPDR] Chairman*, Room Document, 18 April 2007, available at <http://www.tradeobservatory.org/library.cfm?refID=98264>; ABA Recommendation 105 (August 2006), available at <http://www.abanet.org/leadership/2006/annual/onehundredfive.doc> (ABA resolution regarding GATS Track 2).
- ⁵ See ABA 2007 Annual Meeting Agenda, Asian Summit: Bar Leaders on Regulation of Transnational Legal Services and European Union Legal Services Summit, available at http://www.abanet.org/intlaw/annual07/agenda_meeting.html.
- ⁶ International Bar Association, Council Agenda, Item 10 (for October 2007 Singapore Meeting, Resolution for Consideration by the IBA Council at Its Meeting of October 18, 2007, available at http://www.ibanet.org/images/downloads/Executive%20office/August_2007_Council_Agenda_Part_03.pdf.
- ⁷ Laurel S. Terry, Summary of State Action on ABA MJP Recommendations 8 & 9 (Oct. 17, 2007), available at http://www.abanet.org/cpr/mjp/8_and_9_status_chart.pdf; Carol Needham, *Practicing Non-U.S. Law in the United States: Multijurisdictional Practice, Foreign Legal Consultants and Other Aspects of Cross-Border Legal Practice*, 15 Mich. S. J. Int'l L. 605 (2007); National Conference Bar Examiners and ABA, 2007 Comprehensive Guide to Bar Admissions Requirements, Charts III, X, XII, available at <http://www.ncbex.org/comprehensive-guide-to-bar-admissions/> (includes admission rules for foreign lawyers).
- ⁸ See, e.g., ICC, Code of Professional Conduct for Counsel, available at http://www.icc-cpi.int/library/about/officialjournal/ICC-ASP-4-32-Res.1_English.pdf; Joint statement by the international legal profession to the FATF on the fight against money-laundering (2003), available at http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/signed_statement_0301_1183723072.pdf; FATF, 19 CCBE Info 3-4 (Oct. 2007), http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/newsletter_19_enpdf1_1193300073.pdf (FATF update).
- ⁹ USTR, [Bilateral Trade Agreements](#), available at http://www.ustr.gov/Trade_Agreements/Bilateral/Section_Index.html.
- ¹⁰ The ABA Standing Committee on Professional Discipline and the ABA Task Force on International Trade in Legal Services have been engaged in efforts to facilitate cooperation regarding lawyer discipline and perhaps develop a model protocol with the Council of the Bars and Law Societies of the European Union (CCBE) and with professional regulators in Australia.
- ¹¹ See, e.g., *LeClerc v. Webb*, 270 F. Supp. 2d 779 (ED La), aff'd 419 F.3d 405 (5th Cir. 2005) cert. denied, 127 S.Ct. 3000 (2007); *Lacavera v. Dudas*, 441 F.3d 1380 (Fed. Cir. 2006) cert. denied, 127 S.Ct. 1246 (2007).
- ¹² See Conference of Chief Justices, [Resolution 7 Regarding Authorization for Australian Lawyers to Sit for State Bar Examinations](#) (Feb. 2007), available at <http://ccj.ncsc.dni.us/LegalEducationResolutions/resol7AustralianLawyersStateBarExams.html>; Conference of Chief Justices, [Resolution 8 Regarding Accreditation of Legal Education in Common Law Countries by the ABA Section on Legal Education and Admission to the Bar](#) (Feb. 2007), available at <http://ccj.ncsc.dni.us/LegalEducationResolutions/resol8AccredLegalEducCommonLawCountries.html>; Conference of Chief Justices, [Resolution 4 Regarding Adoption of Rules on the Licensing and Practice of Foreign Legal Consultants](#) (Aug. 2006), available at <http://ccj.ncsc.dni.us/InternationalResolutions/resol4ForeignLegalConsultants.html>.
- ¹³ In May 2007, Australian firm Slater & Gordon made history by becoming the first law firm to offer publicly traded stock See Alexia Garamfalvi, *Law Firm Goes Public*, Legal Times (May 22, 2007), available at <http://www.law.com/jsp/article.jsp?id=1179751700602>; Slater & Gordon, Ltd. Prospectus, available at <http://www.slatergordon.com.au/docs/prospectus/Prospectus.pdf>.
- ¹⁴ See Laurel S. Terry, *Current Developments Regarding the GATS and Legal Services: The Suspension of the Doha Round, "Disciplines" Developments, and Other Issues*, 76 The Bar Examiner 27, 29 (Feb. 2007)(Australian representatives invited to the CCJ Annual Meeting); CCJ Resolution 7, supra note 11; see also Asia Pacific Economic Cooperation (APEC) Professional Services Initiative; Delaware Rules of Professional Conduct, Rule 5.5 (revised Oct. 16, 2007), http://courts.delaware.gov/Rules/?DLRPP_Oct2007.pdf.
- ¹⁵ See European Commission, [Professional Services](#), available at http://ec.europa.eu/comm/competition/sectors/professional_services/overview_en.html; Laurel S. Terry, *The European Commission Project Regarding Competition in Professional Services*, Northwestern J. Int'l L. & Business __ (2008)(forthcoming); Legal Services Act 2007, available at http://www.opsi.gov.uk/acts/acts2007/pdf/ukpga_20070029_en.pdf (last visited Nov. 16, 2007).
- ¹⁶ *Akzo Nobel Chemicals Ltd v. Commission of the European Communities*, Case T-25/03, and *Akros Chemicals Ltd. v. Commission*, Case T-253/03, Judgment of the Court of First Instance (First Chamber, Extended Composition), (Sept. 17, 2007), available at <http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=T-125/03>.
- ¹⁷ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on Services in the Internal Market, O.J. L 376/36 (Dec. 27, 2006).
- ¹⁸ CCBE, Code of Conduct for European Lawyers (May 2006), available at http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/2006_code_enpdf1_1182240432.pdf; CCBE, Charter of Core Principles of the European Legal Profession (Nov. 2006), available at http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/Charter_of_core_prin1_1183986811.pdf.
- ¹⁹ See, e.g., European Commission, Commission Staff Working Document, The Application To The Legal Profession Of Directive 91/308/EEC on the prevention of the use of the financial system for the purpose of money laundering, SEC(2006) 1793 (Dec. 19, 2006), available at http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/commission_report_la1_1183722383.pdf; FATF, supra note __; CCBE Press Release, CCBE is disappointed by the decision of the Court of Justice on lawyers' reporting obligations (June 26, 2007), available at http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/pr_0507_enpdf1_1182925713.pdf.
- ²⁰ See Benelux Bologna Secretariat, <http://www.bologna2009benelux.org/>; UK Bologna Secretariat, Bologna 5th Ministerial Conference, London, May 17-18, 2007, <http://www.dfes.gov.uk/londonbologna/index.cfm?fuseaction=content.view&CategoryID=23>; Laurel S. Terry, *The Bologna Process, its Impact in Europe and Implications for the U.S.*, __ Vanderbilt J. Transnat'l L. __ (Jan. 2008)(forthcoming); Laurel S. Terry, *The Bologna Process and its Implications for U.S. Legal Education*, 57 J. Legal Ed.237 (2007).