Globalization: What’s a State Bar To Do?

National Conference of Bar Presidents
Houston, Feb. 6, 2015

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Overview of Remarks

• Why this issue matters to the citizens in your state
• Why the federal government and other countries are talking about your state
• What you can do about it…
Why This Issue Matters to your State

2013 Exports of NAICS .TOTAL in thousands [$ USD]

- $36,725,658 : $279,490,895
- $17,944,932 : $36,725,658
- $6,919,242 : $17,944,932
- $597,993 : $6,919,242
- zero
Individuals Also Have Global Needs

FOR IMMEDIATE RELEASE: THURSDAY, SEPTEMBER 05, 2013

Census Bureau Reports 21 Percent of Married-Couple Households Have at Least One Foreign-Born Spouse

Valid Passports in Circulation (1989-Present)

- States with <5% foreign-born population
- States with ≥5% foreign-born population

Approx. 1/3 of states

1960

2010

Approx. 2/3 of states

≈250,000 foreign-born children adopted by US families
Everyone’s Talking About You.

CCBE request to the United States in the context of the Transatlantic Trade and Investment partnership (TTIP) negotiations

Task Force on International Trade in Legal Services

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Conference of CHIEF JUSTICES
Jurisdictions with Rules Regarding Foreign Lawyer Practice
by Prof. Laurel Terry (LTerry@psu.edu), Nov. 14, 2014, based on data from the
ABA Center for Professional Responsibility and NCBE

LEGEND

Yellow shading = has a foreign legal consultant rule

= rule permits temporary practice by foreign lawyers (also known as FIFO or fly-in, fly-out)

= rule permits foreign pro hac vice admission

= rule permits foreign in-house counsel

= has had at least one foreign-educated applicant sit for a bar exam between 2010 and 2013.
This Oct. 2014 IBA Report...

IBA Global Regulation and Trade in Legal Services Report 2014

http://tinyurl.com/2014IBAReport
Led to These CCBE Maps…

FLC rules ↑  “Association “ Rules↓

Foreign Fly in-Fly out ↑  Pro hac vice↓
What’s a Bar to Do?

• Help correct-update the IBA info & maps
• Make your informal policies formal
• Acknowledge as regulatory objectives client needs as well as client protection
• Be bold.....create a committee!
  – The “State Toolkit” can help
Advice about Changing the Rules

Based on advice from a former regulator

See CCJ Resolution #11 (Jan. 2014)
To Read More About It…

- CCBE “Requests,”
- The “Map” of US Foreign Lawyer Rules & my webpage,
  http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/mjp_8_9_status_chart.authcheckdam.pdf and http://tinyurl.com/LaurelTerry (see Dec. 2014 Bar Examiner article)
- IBA Global Regulation & Trade in Legal Services Report 2014,
- Laurel Terry’s “Regulatory Objectives” article,
Laurel S. Terry, Professor of Law (LTerry@psu.edu), Return to Homepage

Penn State’s Dickinson Law
(one of two Penn State law schools)

NOTE: Starting in 2015, Penn State will have TWO ABA-accredited law schools. I am based at Penn State’s DICKINSON LAW in Carlisle. For more information, see https://dickinsonlaw.psu.edu/news/revitalized-approach

Selected Presentations

- Global Developments in general (See 1-14; 1-13, 1-11, 9-09 and 11-08) (See also 2008 Service Providers article, “The Legal World is Flat”; 2012 “Trends in Global Lawyer Regulation” article and other “Global Legal Practice” articles on my publications webpage)

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To read my law review articles (or testimony) on the topics listed below, please visit my “Publications By Topic” section of my webpage

- Alternative Business Structure (ABS) developments (including the UK’s Legal Services Act 2007, Australia’s publicly traded law firms, EU, and OECD developments) (See 4-08, 5-08, 10-08, 5-09, and 10-13)

- Antitrust initiatives directed towards the legal profession, including the EU’s Professional Services Competition Initiative (See 5-08, 4-08)

- the APEC Legal Services Initiative (See 10-09)

- Australian Legal Profession Developments (See 8-08; 5-09)

http://tinyurl.com/Laurel-Terry-slides