

## Conference of Chief Justices

### Resolution 4

#### In Support of Proposed Resolutions Endorsing Changes to the ABA Model Rules Regarding Practice by Foreign Lawyers

WHEREAS, the number of foreign companies with offices and operations within the United States has grown rapidly over the past decade and is expected to continue to increase; and

WHEREAS, the proportion of the United States population with family, property, estate and business interests abroad has increased substantially over the past decade; and

WHEREAS, the number of legal transactions and disputes involving foreign law and foreign lawyers is increasing as a result of these trends; and

WHEREAS, the American Bar Association Commission on Ethics 20/20 has developed proposed changes to the ABA Model Rules, reflecting the increased demand for carefully limited and regulated practice authority for foreign lawyers in the United States to serve as in-house counsel and through restricted *pro hac vice* admission; and

WHEREAS, the November 2012 versions of the Commission's proposals pending before the ABA House of Delegates consist of comprehensive regulatory models that would allow jurisdictions wanting to adopt such rules and procedures to do so in a manner that is protective of the public and the profession while meeting client needs; and

WHEREAS, the Conference of Chief Justices previously endorsed an earlier, less restrictive draft of those proposals in 2010; and

WHEREAS, multiple states already have amended their rules to permit foreign lawyers to work for their employers in the United States as in-house counsel and to gain admission *pro hac vice* and have done so without adverse effects;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices supports, in principle, the proposed changes to the Model Rules reflected in ABA 2013 Midyear Meeting Resolutions 107A - Model Rule 5.5 Inbound Foreign Lawyers; 107B - Model Rule for Registration of In-House Counsel; and 107C - Model Rule on Pro Hac Vice Admission, and urges their adoption by the ABA House of Delegates and consideration by the states.

Adopted as proposed by the CCJ Professionalism and Competence of the Bar Committee and the Task Force on the Regulation of Foreign Lawyers and the International Practice of Law at the Conference of Chief Justices 2013 Midyear Meeting on January 30, 2013.