

Resolution 13 In Support of Cooperation Among United States and Australian Bar Admission and Lawyer Disciplinary Bodies

WHEREAS, the provision of legal services in Australia by lawyers admitted to practice in a United States state, territory or the District of Columbia (U.S. lawyers) and the provision of legal services in the United States by lawyers admitted to practice in Australia have become significant elements in international trade; and

WHEREAS, a system of cooperation between the competent bar admission and lawyer disciplinary bodies of the home jurisdiction (the jurisdiction in which the lawyer has been admitted to the bar) and the host jurisdiction (the jurisdiction in which the lawyer renders cross-border legal services) will increase cross-border legal services and better protect the public; and

WHEREAS, the Conference of Chief Justices (the Conference) and the Law Council of Australia (LCA) have indicated an interest in strengthening communication and cooperation among the competent bar admission and lawyer disciplinary bodies of the United States and Australia; and

WHEREAS, an essential part of regulating the practice of foreign lawyers is an ability to verify the qualifications, experience, and professional standing of that lawyer, including the status of any disciplinary proceedings involving that lawyer;

NOW, THEREFORE, BE IT RESOLVED that the Conference encourages the competent bar admission and lawyer disciplinary bodies in each United States state, territory, and the District of Columbia (American jurisdiction) to consider entering a voluntary, reciprocal, cooperative protocol with the LCA that, consistent with the proposed protocol attached to this resolution, calls for establishing a process for providing information regarding:

1. The key elements of the American jurisdiction's legislation, professional rules, admission rules, rules relating to practicing certificates and other requirements related to admission to practice and lawyer discipline;
2. The qualifications and professional standing of and the status of any disciplinary proceedings involving a lawyer admitted in the American jurisdiction upon the request of the LCA;
3. Any sanction imposed on or complaint regarding violation of a professional regulation regarding an Australian lawyer who is practicing in the American jurisdiction.

BE IT FURTHER RESOLVED that the Conference will use its best efforts to enable the above described cooperation, in particular by:

1. Providing to the LCA and regularly updating a list of names and addresses of the bar admissions and disciplinary bodies in each American jurisdiction;
2. Distributing to its members the list of the names and addresses of the Australian bar admission and lawyer disciplinary bodies that it receives from the LCA; and

3. Facilitating, if called upon, communications between U.S. and Australian bar admission and lawyer disciplinary bodies.

Adopted as proposed by the International Agreements Committee and the Professionalism and Competence of the Bar Committee at the CCJ/COSCA Annual Meeting in August 2009.

PROTOCOL FOR THE EXCHANGE OF INFORMATION BETWEEN [STATE ADMITTING AUTHORITY] AND THE LAW COUNCIL OF AUSTRALIA