

Resolution 13
Endorsing in Principle the Recommended 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 population in each state that has family and property in other countries 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 Inbound Foreign Lawyers Working Group of the American Bar Association Commission on Ethics 20/20 has developed carefully limited changes to the ABA Model Rules regarding registration of in-house counsel, admission pro hac vice, and temporary practice reflecting the increased demand for foreign lawyers to practice in the United States; and

WHEREAS, multiple states already have amended their rules to permit foreign in-house counsel to work for their employer in the United States provided they register with the state, to authorize courts to permit pro hac vice admission by foreign lawyers, and to extend Model Rule 5.5 to include temporary practice by foreign lawyers;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices endorses, in principle, the changes to the Model Rules proposed by the Inbound Foreign Lawyers Working Group and urges their adoption by the 20/20 Commission and ABA House of Delegates.

Adopted as proposed by the CCJ Task Force on the Regulation of Foreign Lawyers and the International Practice of Law at the 2010 Annual Meeting on July 28, 2010.