

## **Resolution 6**

### **Resolution Regarding Adoption of Rules on Temporary Practice by Foreign Lawyers**

WHEREAS, United States lawyers and law firms from nearly every state and territory are increasingly called upon to provide legal advice on questions of American law in other countries; and

WHEREAS, some countries are reluctant to allow United States lawyers to provide this service unless comparable recognition is provided to their lawyers throughout the United States; and

WHEREAS, most American jurisdictions have already promulgated rules regarding "temporary practice" by qualified lawyers admitted in another state and territory of the United States; and

WHEREAS, the American Bar Association has promulgated a stand-alone Model Rule for Temporary Practice by Foreign Lawyers; and

WHEREAS, several American jurisdictions have promulgated rules permitting temporary practice by qualified lawyers from other countries or have included foreign lawyer temporary practice provisions in Rule 5.5 of their Rules of Professional Conduct; and

WHEREAS, the experience of these American jurisdictions has not led to significant problems regarding the conduct of these foreign lawyers or to disciplinary proceedings; and

WHEREAS, the provision of such legal advice is increasingly important to American businesses and citizens throughout the nation; and

WHEREAS, the decision to promulgate a rule regarding temporary practice by foreign lawyers is separate and distinct from the decision whether to agree to having the rule listed as a commitment of the United States under the General Agreement on Trade in Services;

NOW, THEREFORE, BE IT RESOLVED that the Conference urges the highest court of each state or territory, that has not already done so, to consider adopting a rule permitting temporary practice by foreign lawyers.

*Adopted as proposed by the CCJ Professionalism and Competence of the Bar Committee at the 31st Midyear Meeting on January 30, 2008.*