Introduction

When this series of volumes on “foreign law firms” began, more than 20 years ago, the number of law firms that engaged in cross border legal practice was much smaller than it is today. Global trade has skyrocketed, and with it the need for transnational legal counseling (and litigation help) has grown. The pace of change in law firm organization and structure, particularly among law firms that offer their services across national borders, has accelerated in the past few years in ways that, frankly, few of us could have predicted. Because of various law firm mergers, alliances, combinations and associations, it is no longer easy, in many cases, to identify a specific firm with the country of its origin. What does it mean to say that a particular law firm is “Brazilian,” or “French” or even “American?” The answers are not as clear as they once were. The legal world is a much more complex realm these days, and it is becoming more so.

The First Edition of this Guide in 1988 filled a particular void in the area of reliable information on quality legal services in countries outside the United States. The political and economic world in which the First Edition was written (and the world of law firms that served it) has changed radically since that time and this Fifth Edition (as did the Second, Third and Fourth Editions in 1993, 1999 and 2004) reflects the revolution in legal practice that has accompanied it. This volume also reflects the overwhelmingly positive response to the first four Editions of the Guide and the felt need to continue the process.

As noted in the first four Editions of the Guide, the complexity and diversity of legal problems today frequently brings American lawyers and their clients into contact with the laws of foreign jurisdictions. In addition to American clients wanting to purchase from, invest in, or export to, other countries, there are numerous occasions during counseling and/or litigation when questions of foreign law arise. Because of the traditional American focus
on federal, state and local law in the United States, there is typically little familiarity in the U.S. either with the substantive content of foreign laws and regulations or with the identity and qualifications of foreign lawyers able to give advice on such laws and regulations.

This Guide is designed to assist both U.S. and non U.S. lawyers in identifying qualified legal counsel in the many foreign jurisdictions with which such lawyers are likely to come into contact, particularly those in countries emerging as significant factors in international commercial transactions.

This Guide has been prepared based on the recommendations and personal experiences of members of Section of International Law of the American Bar Association, as well as the knowledge, experience and viewpoint of the Editors. As the American Bar Association entity with the most detailed knowledge of foreign law issues, the Section of International Law has the broadest and most extensive contacts with a wide range of foreign lawyers. The authors being “of a certain age”, have had the opportunity to work on projects involving lawyers in most of these jurisdictions over the years.

This Guide should not be viewed as an official recommendation by the ABA or the Section of International Law as to which legal counsel to use in a foreign jurisdiction. Nor should the failure of a firm to be listed in these pages be deemed any form of disapproval. Given the diversity of views within the ABA and the Section of International Law, that would be impractical, if not impossible. What the Guide does do is to list the foreign law firms most likely to be used or considered by the Editors and other contributing members of the Section when foreign law issues arise. This volume is intended to be a practical reference tool for lawyers, not an encyclopedic listing of all qualified lawyers in a particular foreign jurisdiction.

A number of difficult choices have had to be made in preparing this Fifth Edition of the Guide. Perhaps the most fundamental choice was what foreign countries to include. Essentially, the decision was to cover all of the major trading countries, plus
other countries with which members of the Section have had a reasonable amount of experience. The country which posed the most serious questions for us in this regard was Canada. Canadian firms have made this situation even more complex by forming multi-tiered partnerships across Provincial boundaries in Canada and operating in some cases under a single firm name, although the original firms still exist. Almost any generalization we would make about law firms in Canada (other than their growth and their high level of expertise) would likely be in error in some material way. On balance, however, it was decided that listings for Canadian firms would be included in this Edition. Although the legal system in Canada is generally comprehensible to most American lawyers, we hope the Guide will be useful in identifying appropriate counsel in the respective Canadian Provinces.

Another difficult question was whether to list the overseas offices of North American and foreign firms in places other than their home country. Because most of these firms historically have had only a limited knowledge of local law (and, indeed, are prohibited in many cases from advising on local law questions), it was decided to omit such information from prior Editions of the Guide in the vast majority of cases. In this new Fifth Edition, however, we have included certain U.S.-based firms where (i) their foreign offices included a strong foreign law capacity from lawyers qualified in that particular jurisdiction and (ii) they were recommended on a reasonably consistent basis with regard to that non-U.S. jurisdiction. Since this is a new element in this Edition of the Guide, we have no doubt made mistakes, both of inclusion and exclusion. We hope to do better next time.

In prior Editions of the Guide, the general theory of the Editors has been to list only indigenous law firms for each foreign jurisdiction. With the advent of truly international law firms, however, and the changes that are taking place in the regulation of foreign lawyers, this is already in many ways an outmoded way of looking at the world. As noted at the outset, no longer is it possible to say with any degree of certainty whether a particular law firm is an American firm, a Swiss firm, a Swedish firm or a Japanese firm,
because the firm of the future (and, in many cases, the present) may have partners trained and located in each of those jurisdictions. While this revolution is only beginning to arrive with full force in some countries, we have decided to take the next step in this process (as hinted at in the Fourth Edition) and included some of the foreign offices of appropriate U.S. firms. We recognize the limitations and inconsistencies of our prior approach and are trying to find in this new Edition an acceptable alternative.

In reviewing this new Edition of the Guide, there are several caveats for the reader to keep in mind:

(i) For space reasons, firms have been listed only under what was deemed to be their “home” city. Although the other offices of firms were also listed, the addresses and other information typically only relate to the one city (even where some firms now maintain that they no longer have a headquarters city). Another limitation resulting from this approach is that the best law firm in a particular country may not be listed under the heading for that country, because the home office of that firm is based elsewhere. Indeed, in at least a few cases, the “best” law firm in a particular country may not even be allowed, officially, to practice local law because it is not allowed to employ locally qualified lawyers.

(ii) Various combinations of law firms in international “affiliations” or “associations” have been largely ignored for purposes of this volume. Such affiliations have taken many forms in recent years and are the subject, in some cases, of incomplete information. As a result, any attempt to recite or describe these relationships was doomed to failure. One would imagine that by the time the next Edition of the Guide is prepared, there will be greater stability in this area of legal practice and this will allow us to include more information about “affiliations” the next time around. Similar predictions were included in prior Editions of the Guide, but the situation has become even more complex since then.

(iii) The nature of what constitutes a law firm is also changing. Some of the largest “law firms” in some countries are now directly tied to (or grew out of) accounting firms. Similarly,
in the Netherlands, for example, tax had always been considered a discrete discipline. Now it has been merged, in most cases, into traditional law firm practice. The same is also true in certain other EU countries where prohibitions against multi-professional partnerships are being challenged.

(iv) In the few cases where there has been a truly cross-border merger of law firms, it has been decided that, if both of the prior firms are of sufficient strength, then the newly combined firm would be listed in this volume in both locations.

(v) Some countries, have been omitted either because they were too newly formed at the time of writing to have been included in our surveys or because they were in a state of disintegration or protracted warfare. In one or two instances, we simply could not identify a local counsel about whom we felt we had enough information to make a recommendation.

(vi) Finally, there are many things about foreign law firms and lawyers that the Editors still do not know, but would like to. Given the number of countries involved and the number of changes that have taken place (in the profession in general and in individual firms in particular), it would have been a unique achievement to get everything exactly right. We realize that we may have failed this test and hope that the errors that do exist in this volume do not cause great inconvenience. We have been shooting not only at a moving target, but at a target that occasionally shoots back (at least rhetorically).

It is our intention to update this Guide periodically to incorporate changes in addresses, qualifications and personnel in the firms listed and countries covered. Comments on the format or the listings contained herein from other lawyers, either from the United States or from abroad, would be both welcomed and appreciated by the Editors. We hope this effort is helpful to you.

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June 2010