Re: ABA Interim Report of the Commission on Multijurisdictional Practice

I am writing to you on behalf of the Council of the Bars and Law Societies of the European Union (CCBE) in connection with the ABA Interim Report of the Commission on Multijurisdictional Practice. As you may be aware the CCBE is the representative body for the legal profession in the European Union and represents through its bars the interests of over 500,000 European lawyer's. The CCBE gave evidence before the Commission at the ABA Annual Meeting in Chicago in August 2001, through its former President, Rupert Wolff.

The CCBE welcomes the ABA interim report on multi-jurisdictional practice and in particular Recommendation number 5 whereby the ABA encourages States which have not implemented the Model Rule for the Licensing of Legal Consultants to adopt these rules. We understand that academic research into the implementation of the Model Rule for the Licensing of Legal Consultants has shown that, even in those states where it has been adopted, it has not always been implemented in a way that is 'consistent with ABA policy' (to adopt the wording in your recommendation), and we would urge that all states should be encouraged to adopt a policy no less liberal than the Model Rule.

In this respect it is worth bringing to your attention that under the CCBE inbound position for the current GATS round, US lawyers will be able to advise on home country law under their home title everywhere in the European Union. It would be regrettable if this would not also be true in all the states of the United States for European lawyers. The CCBE believes that the present level of liberalisation inside the United States could well present a credibility problem for the outbound position of the ABA and the United States in the current GATS round.

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12 March 2002
Regarding Recommendation 5.1, the CCBE would support that foreign legal practitioners should be permitted to supply services into the United States without falling foul of the unauthorised practice of law rule.

In general, and as a possible solution to the problems identified behind both Recommendations, the CCBE would support that the American Bar Association consider approving and promoting a nation-wide framework for admission to the bar for foreign lawyers.

Yours sincerely,

John Fish