

National Association for Court Management

RESOLUTION 11

In Support of the Framework Created by the State Bar of Georgia and the Georgia Supreme Court to Address Issues Arising from Legal Market Globalization and Cross-Border Legal Practice

WHEREAS, valuable commerce in goods and services is increasingly becoming more global in scope; and

WHEREAS, the globalization of commerce naturally increases the provision of legal services across international borders; and

WHEREAS, the United States is engaged in several ongoing negotiations of multilateral free trade agreements that address the provision of legal services; and

WHEREAS, the General Agreement on Trade in Services (GATS) contemplates that member states will avoid professional services regulations on inbound, foreign legal service providers that are “more burdensome than necessary to ensure quality of service”; and

WHEREAS, legal policy makers in Georgia have long recognized that bench and bar must proactively address the complex issues that arise from legal market globalization and cross-border legal practice involving domestic lawyers seeking to meet their clients’ needs abroad and foreign lawyers seeking to meet their clients’ needs in Georgia; and

WHEREAS, in light of the foregoing, the State Bar of Georgia several years ago created a Committee on International Trade in Legal Services” (ITILS) with a clear mission to monitor the impact of international developments on the legal profession from the perspective of both inbound and outbound legal service, to educate bar members on the issues and vocabulary surrounding cross-border practice, to review existing bar rules, and to recommend appropriate rule-changes to Georgia State Bar authorities; and

WHEREAS, the work of the Georgia State Bar ITILS Committee is ongoing and several of its work products have led to important regulatory changes and improvements; and

WHEREAS, in 2012, the American Bar Association Task Force on International Trade in Legal Services, recognizing Georgia as a leader in adopting rules that specifically address the ways in which foreign lawyers may appropriately perform legal services in Georgia, published a “tool kit” entitled “International Trade in Legal Services and Professional Regulation: A Framework for State Bars Based on the Georgia Experience” for state supreme courts and bar associations to consider as a guide for their own efforts to effectively address the issues arising from legal market globalization and cross-border legal practice;

NOW, THEREFORE, BE IT RESOLVED that the National Association for Court Management encourages its members to consider the “International Trade in Legal Services and Professional Regulation: A Framework for State Bars Based on the Georgia Experience” (Updated January 8, 2014) as a worthy guide for their own state endeavors to meet the challenges of ever-changing legal markets and increasing cross-border law practices.