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the legal profession®

# IBA Global Regulation and Trade in Legal Services Report 2014

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# Introduction

As economies have become more global, the demand for global cross-border legal services has grown significantly. Increasingly governments are pursuing trade agendas designed to break down barriers to cross-border trade, including in relation to the legal profession. For over 15 years the International Bar Association (IBA) Council, the global voice of the legal profession, has responded to this trend by taking a leading role in providing guidance on the responsible delivery of cross-border legal services. *IBA Global Regulation and Trade in Legal Services Report 2014* is part of that initiative.

The report is the result of an ambitious task undertaken by the IBA International Trade in Legal Services Committee to compile data on regulation of domestic and cross-border legal practice in over 90 countries, or over 160 jurisdictions. The result is a rich and detailed body of information.

For the first time the IBA has collected, in one report, valuable information on the rules governing local practice in each jurisdiction, the rules governing cross-border legal practice and the actual position in relation to cross-border legal practice. The report will be an invaluable tool for:

- **bar associations** and **regulators**, as a source of benchmarking information about regulation and the regulatory environment in the home jurisdiction of lawyers seeking access to their markets;
- **law firms** and **individual lawyers**, providing a basis for thinking about the rules in play when practising elsewhere, a starting point for compliance and a potential opportunity for those interested in showcasing their knowledge about the prevailing rules in their home jurisdiction; and
- **governments**, as a tool that will be useful in trade negotiations and as a mechanism to benchmark regulation against others.

There are some important thoughts that emerge. First, it is striking that nearly every jurisdiction covered in the report has some kind of presence or practice by law firms from other jurisdictions. But, perhaps even more importantly, the report shows something that we might not have found a decade ago that practice in other jurisdictions is by no means the preserve of traditional ‘international’ law firms. ‘Independent’ regional practices in places such as Central Asia and South America, linguistic collaborations between Portuguese-speaking Africa, Brazil and Portugal, and foreign offices of Chinese, Korean and Japanese firms, are all relatively recent developments. They all underscore the fact that globalisation has been quietly transforming legal practice. Secondly, a close examination of the data suggests something that the IBA understands that as lawyers there is more that we have in common across boundaries than there is that separates us.

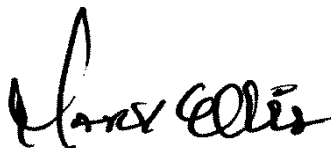
In addition to the report, the IBA has an interactive website from which the data presented here may be conveniently accessed. The website is accessible at [www.ibanet.org](http://www.ibanet.org). It is the IBA's intention to continue work on the database, adding more countries and updating information as it comes to hand.

The IBA welcomes feedback and comments on the report.



**Michael Reynolds**

*President*



**Mark Ellis**

*Executive Director*

October 2014

# Methodology

## How the database was compiled

In order to ensure the maximum degree of accuracy and consistency across countries, the IBA database on international trade and regulation of legal services was compiled as follows:

- First, we undertook desk research to find relevant statutory, regulatory and, where appropriate, common law provisions governing the regulation and supply of legal services in the various countries covered in the database.
- Secondly, these initial results were sent to the responsible competent authority for verification and if this was not possible, confirmation of the regulatory position was sought from local practising lawyers. The status, date and organisation undertaking this verification is set out at the end of each jurisdiction's entry.

## Sources used

Wherever possible, primary sources have been used. Answers to questions on lawyers' titles, basic qualification requirements, reserved areas of work and responsible competent authorities are drawn in most cases from primary legislation or government gazettes. Competent authorities, who are responsible for the admission and registration of lawyers, are the most common source for information on codes of conduct and requirements in relation to practice, including corporate forms in which lawyers may practise; the ability to practise in partnership with host-country lawyers or to employ host-country lawyers; and the existence of other restrictions such as advertising prohibitions. Links to the sources used on a country-by-country basis are included in the body of the database. The World Trade Organisation (WTO) services database ([www.wto.org](http://www.wto.org)) has been used as the main source of information on countries' market access commitments for legal services and horizontal commitments and its Regional Trade Agreement (RTA) database for information on the coverage of legal services in RTAs and bilateral trade agreements. Information on the commercial presence of foreign legal providers has been obtained from published commercial sources, such as Chambers and Partners website ([www.chambersandpartners.com](http://www.chambersandpartners.com)) or Legal 500 ([www.legal500.com](http://www.legal500.com)). Where possible this has also been verified with registration data held by competent authorities. Information on general investment restrictions has been derived from a variety of sources, including individual government investment agencies and the World Bank's Doing Business website ([www.doingbusiness.com](http://www.doingbusiness.com)). Information on visas and work permits has come from both the horizontal commitments notified to the WTO and from commercial visa procurement agencies.

## Notes on interpretation

Legal services are defined for the purposes of this database as in UN CPC 861 and arbitration and mediation services, which are frequently conducted by lawyers, are also considered. Many countries define the 'practice of law' within their own jurisdictions differently from the UN CPC classification and many also distinguish between services that are regulated and, therefore, restricted to qualified

lawyers (often only locally qualified lawyers) and those services that are unrestricted, subject only to immigration and work permit requirements. The broad approach taken by this database allows us to reflect a fairer picture of overall market access offered by host countries.

Certain terminology has been used throughout this database, such as ‘licensing’, ‘foreign legal consultant rules’ and ‘fly-in, fly-out’. Many countries do not use this terminology themselves and may, for example, permit foreign lawyer establishment without having a formal FLC regime, but in order to obtain a basis for comparison, we have described arrangements that are considered to have equivalent effect in these sections even if they would not be described locally as such.

There are missing elements in this database that could usefully be added in future. We have not, for example, included any information about disciplinary arrangements; however, most of the authorities who are responsible for issuing licences are also the authorities responsible for issuing certificates of good standing to individuals wishing to move across borders.

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# Algeria

*Is there legislation governing the legal sector?*

The Law on the Organisation of the Legal Profession, Law No 91-04 dated 8 January 1991.

*Under what title do lawyers practise?*

Algerian lawyers practise under a single title, '*mohamy*', which may be translated as '*avocat*' or '*lawyer*'.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

In order to take the title of lawyer in Algeria, an individual must be registered in the table of lawyers (Article 7 Law No 91-04). The table of registered lawyers include the titles of lawyers, their names, dates of registration and places of residence. It is organised in order of seniority and includes a list of those accepted into the training system. An individual needs to fulfil the following conditions in order to have the right to be registered (Article 9):

1. To have Algerian nationality
2. To be at least 23 years old
3. To be in possession of a bachelor's degree in law or equivalent degree in Islamic law or PhD in law
4. To have a certificate of competency for the legal profession
5. To enjoy political and civil rights
6. Not to have been convicted of any crime of dishonesty
7. Not to have taken any action opposing the revolution of 1 November 1954
8. To be in sufficient good health to practice the profession.
9. To be a person of good behaviour.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The Algerian legal licence entitles the holder to practise throughout the country. According to Article 5 of Law 91-04, a lawyer registered in the table of lawyers can practise his profession throughout the national territory in front of all judicial bodies and tribunals, administrative and disciplinary organisations except where provided for by special provisions.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Lawyers are the only class of people who are entitled to practise law in Algeria.

*Do you need to hold local nationality to be eligible to practise law?*

Only Algerian nationals may practise law in Algeria (subject to the exceptions outlined below).

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Law 91-04 explicitly allows Algerian lawyers to establish law firms. According to Article 94: a company, called a lawyers' firm, may be established between two or more lawyers through a contract that possesses moral personality and that has the aim of the common practice of the legal profession as it is organised under this law.

# Algeria

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The code of conduct was adopted by the National Bar Association (*l'Union Nationale des Barreaux*) on 25 March 1995 and approved by decree of the Justice Minister of 4 September 1995. It makes provisions in relation to conflict of interest, professional secrecy, and upholding the honour and dignity of the profession. A full version in French can be found at [www.avocats-alger.com](http://www.avocats-alger.com).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

According to Article 96 of Law 91-04, an Algerian law firm must be registered with the bar in the place in which it has its main office.

*Which authority issues licences? Are there different authorities for individuals and firms?*

According to article 7 and article 96, both individual lawyers and law firms must be registered with the Bar in order to be able to practise law.

The registering authority is the relevant local bar within Algeria. Contact details: Union nationale des barreaux algériens, Palais de Justice, B.P. 17, Alger, Algeria, 16000  
Telephone: +213 2 160 37 13  
Fax: +213 2 160 36 97

*Is the jurisdiction a member of the WTO?*

Negotiations on Algeria's accession to the WTO were opened in 1996 and have proceeded slowly.

*Has it made any WTO commitments on legal services?*

A draft schedule of services commitments to be made on Algeria's accession to the WTO was circulated in February 2012 but no details are publicly available.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Algeria has had a bilateral association agreement with the EU since 2002 and is party to the Pan-Arab Free Trade Area agreement.

*Do these currently include legal services or are there plans to include them in future?*

None of its bilateral agreements include legal services.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Algeria recognises French diplomas when admitting lawyers (although only Algerian nationals benefit from this).

*Are there any foreign law firms present in this jurisdiction?*

Foreign law firms with their own offices in Algeria run by Algerian lawyers include: Lefevre, Pelletier & Associés (France); Gide (France); CMS-Bureau Francois Lefevbre (France); Thomson and Knight LLP (US); and Ferchiou & associés (Tunisian). SNR Denton has a formal agreement with a local firm. Many other US, French and English law firms are active on Algerian matters from their Paris offices and act regularly for the Algerian government and state-owned operations.

# Algeria

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

The rules governing temporary practice by foreign lawyers relate primarily to appearance in court and require the foreign lawyer to register and practise from a 'host' local law firm.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Business visas of up to six months may be obtained on the invitation of a local business or ministry.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

According to Article 6 of Law 91-04, it is possible for a foreign lawyer to obtain a limited licence to defend and act on behalf of litigants in an Algerian judicial body. In order to obtain this licence, the foreign lawyer must be granted a licence for that purpose by the competent regional chairman of the bar and must operate from the office of a local lawyer practising in the jurisdiction of the relevant judicial council. This licence may be cancelled at any stage.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Once granted a limited licence, the foreign lawyer must practice from the office of a local lawyer.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

The foreign lawyer must be in good standing with his home bar or licensing authority.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Foreign lawyers are permitted to undertake international arbitration in Algeria. Where domestic arbitration provides for the appointment of a lawyer, the Bar Council will appoint an arbitrator from amongst its members, who are by definition Algerian nationals.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Following article 6 of Law 91-04, a foreign lawyer may obtain a special licence to appear before an Algerian judicial body under certain circumstances.

*Can foreign lawyers requalify as local lawyers?*

There is no provision for a foreign lawyer to requalify as an Algerian lawyer because of the nationality condition.

*Can a foreign law firm obtain a licence to open an office?*

A foreign law firm may not obtain a licence to open an office unless this is registered as a local law firm by Algerian lawyers.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

A foreign business setting up in Algeria must have 51 per cent ownership by Algerian nationals. This requirement coupled with rules governing Algerian lawyers mean that a foreign law firm cannot set up as a business consultancy outside of legal sector regulation.

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

n/a

*Is there a quota on the number of licences available?*

n/a

# Algeria

<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	n/a
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	A 51 per cent rule on local ownership stipulates that any foreign company investing in Algeria must be majority owned by an Algerian company.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Only lawyers who are members of one of Algeria's 11 bar associations can practise as advocates and run law firms.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Algerian lawyers may only enter into partnerships with other lawyers who are registered with one of the Algerian bars (article 151 of the Rules Governing the Legal Profession 1996).
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	There is nothing in the law to prevent an Algerian lawyer employing a foreign lawyer as a legal consultant, provided that foreign lawyers do not practise law in Algeria.
<i>Other useful sources or comments or links</i>	Ministry of Justice – <a href="http://arabic.mjustice.dz">arabic.mjustice.dz</a> Company Registration Office – Centre National du Registre du Commerce – <a href="http://www.cnrc.org.dz">www.cnrc.org.dz</a>



# Argentina

*Is there legislation governing the legal sector?*

Argentina is a federal country with 24 different jurisdictions. Each one of them has its own rules governing the legal profession. Law 23.187 on the Practice of the Legal Profession applies in the City of Buenos Aires, the jurisdiction with most lawyers in the whole country.

*Under what title do lawyers practise?*

Abogado/a.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

In order to practise law in Argentina, applicants must earn a law degree (a Masters) from an accredited Argentine university (or have a degree obtained from a foreign university recognised) and register with the local *colegio de abogados* (bar association) of the legal district in which they intend to practise. No renewal is necessary.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Yes, although applicants must be registered with the local bar association to practise in that jurisdiction.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Only lawyers registered with a bar association have rights of audience in court and can provide advice on the law of Argentina.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Article 10 of Law 23.187 (applicable in the City of Buenos Aires) forbids fee sharing with non-lawyers ('without a qualification to practise'). Most other Argentine jurisdictions have similar rules. This effectively rules out multidisciplinary practice. The law and other ethical rules are silent on legal forms so it is assumed that a law firm may take any form permitted to any other business provided it does not violate the fee sharing rule. However, some precedents have held that, to the extent certain types of corporate entities limit the liability of their members, those structures are not suitable for lawyers, who must always remain unlimitedly liable vis-à-vis their clients.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

A Code of Ethics. Every local bar association regulates and disciplines its members. They adopt and enforce the ethical rules that govern the practice of law in a particular jurisdiction. See, for example, for Buenos Aires: [www.cpacf.org.ar/inst\\_codigo\\_etica.php](http://www.cpacf.org.ar/inst_codigo_etica.php).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There is no explicit law firm licensing regime but lawyers must ensure that they have kept the bar informed of their latest practising address.

*Which authority issues licences? Are there different authorities for individuals and firms?*

In order to practise lawyers must register with the local *colegio de abogados* (bar association) of the jurisdiction where they intend to practise.

# Argentina

<i>Is the jurisdiction a member of the WTO?</i>	Argentina has been a member of the WTO since 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	Argentina has made full commitments in legal services in modes 1–3 (CPC 861) subject to the requirement that individual service providers must obtain recognition of their professional degree, enrol in the relevant <i>colegio</i> and establish legal domicile in Argentina, a requirement which does not require residence.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	Argentina is a party to the MERCOSUR free trade agreement and to free trade agreements between MERCOSUR and India, Israel, Egypt and the Palestinian Authority.
<i>Do these currently include legal services or are there plans to include them in future?</i>	These agreements contain no explicit commitments on legal services.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	No.
<i>Are there any foreign law firms present in this jurisdiction?</i>	In addition to a branch of Baker and McKenzie, a ‘subsidiary’ of Cleary Gottlieb Steen & Hamilton and at least one branch of a Brazilian firm, there are three or four firms associated with foreign firms.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?</i>	There is no requirement to register for activities on a fly-in, fly-out basis (see below on visas).
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	Yes, lawyers may apply for a business visa (although visiting customers, marketing and business development activities and speaking or participating at conferences are not likely to be considered business activities) or a professional visa (for giving technical advice). Many countries are exempt from any visa requirements.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	Foreign lawyers can practise in Argentina as consultants on foreign or international law, but will not be permitted to appear before the courts, file briefs or enjoy confidentiality privileges. A foreign lawyer does not need any type of licence to offer advisory services in foreign and international law. There is no category such as a foreign legal consultant.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	There are no ‘limited licences’ in Argentina. A foreign lawyer must have his or her degree validated in Argentina, enrol with the relevant <i>colegio</i> and establish a legal domicile in Argentina. For example, to enrol with the <i>Colegio de Abogados de la Capital Federal</i> a foreign lawyer must; (1) establish permanent residence in the country; (2) have his or her law degree recognised and legalised by the competent national authority; (3) report his or her place of

# Argentina

	establishment in the Federal Capital; (4) make a declaration that his or her occupation does not fall within the scope of those declared incompatible with the practice of the profession in Article 3 of Law 23,187; (5) take a professional oath (Article 10 of the Rules of Procedure); and (6) pay the fees established by the regulation.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	None specified.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	In international commercial arbitrations under the auspices of international institutions such as the ICC or LCIA, there is no obstacle to a foreign lawyer serving as an advocate as long as there is no need to file legal briefs or appear in court.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No, not without requalifying.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes, foreign lawyers may requalify in Argentina by having their law degree recognised. Ease of recognition depends on the country of their first qualification.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	No legal licence is required for a foreign law firm to set up an office. However, to the extent activities that qualify as a business will be performed, they will have to be conducted under one of the types of business entities existing in Argentina (incorporated companies, partnerships and branches of foreign businesses) and will be regulated under the same rules that apply to a local or foreign business.
<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	No.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	Not beyond the requirements on individual foreign lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	There are no additional requirements on foreign law firms beyond those imposed upon foreign companies in general.
<i>Are there rules about the name a foreign law firm can take?</i>	No, but the firm will be unable to hold itself out as a 'law firm' unless lawyers admitted in Argentina are part of it. As with all other types of business entities, the name must follow the guidelines set by the relevant registry of

# Argentina

	commerce.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Yes, to the extent the foreign lawyer is not qualified as such in Argentina, his or her ownership may be construed as an invalid 'fee sharing agreement' not permitted under local regulations.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No. Although there are no formal restrictions on partnerships with Argentine lawyers, local bars may object to such partnerships on grounds that they constitute an invalid fee sharing agreement between lawyers and non-lawyers.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	For links to professional and regulatory bodies: <i>Colegio Publico de Abogados de la Capital Federal</i> (Bar of the Federal Capital, the body admitting lawyers to practise in Buenos Aires): <a href="http://www.cpacf.org.ar/index.php">www.cpacf.org.ar/index.php</a> <i>Colegio de Abogados de la Ciudad de Buenos Aires</i> (City Bar of Buenos Aires, the representative body for lawyers in Buenos Aires): <a href="http://www.colabogados.org.ar/">www.colabogados.org.ar/</a> <i>Federacion Argentina de Colegios de Abogados</i> (Federation of Bars of Argentina): <a href="http://www.faca.org.ar/">www.faca.org.ar/</a>
<i>Verified by</i>	Negri Busso & Farina Abogados: <a href="http://www.negri.com.ar/">www.negri.com.ar/</a> (October 2013).

# Armenia

*Is there legislation governing the legal sector?*

The Law 'On Advocacy' (2004)

*Under what title do lawyers practise?*

Advocate

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

According to the Law 'On Advocacy', in order to qualify for a licence, an individual with a law degree must study in advocate school for one year, which includes six months of theoretical studies and six months of practice. If the individual has previous experience this can reduce the time spent in advocate school to six months. Afterwards, the individual must pass the Chamber of Advocates Board qualification exam to obtain a licence.

The licence is granted for an unlimited time.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Since 2004 a single unified licence has been issued for the practice of law in Armenia.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The practice of law is defined in the Law 'On Advocacy' to include: (1) consultation, including consulting clients on their rights and obligations, activities of the judicial system in respect to the rights of the client, as well as studying documents, preparing other documents of legal nature; (2) representation, including court representation; (3) defence in criminal cases; and (4) legal support to witnesses in the manner prescribed by law. Article 5 of the Law 'On Advocacy' states that 'defence in criminal cases shall be carried out solely by an advocate'.

*Do you need to hold local nationality to be eligible to practise law?*

There is no nationality restriction on the practice of law in Armenia.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

According to the Law 'On Advocacy', advocates may either work in sole practice or in a law firm (defined in the code as an advocate 'with the status of a legal person').

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Ethical requirements – Armenian lawyers must also adhere to the Code of Advocates Ethics 2012.

Regulatory requirements – in order not to lose the licence, the advocate must participate in training organised by the Chambers of Advocates and complete at least 48 hours of training every two years.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There is no licensing process for law firms.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Chamber of Advocates (*Pastabanneri Palat*).

*Is the jurisdiction a member of the WTO?*

Armenia joined the WTO on 5 February 2003.

# Armenia

*Has it made any WTO commitments on legal services?*

Armenia has made full commitments in modes 1–3 and the only limitations on market access and national treatment are in the provision on notarial services, which are reserved to the government or in the drafting of legislative documents. It has made commitments in mode 4 to allow intra corporate transferees and individual service suppliers with professional qualifications to obtain renewable working visas for up to three years.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Armenia is a member of the Commonwealth of Independent States and has bilateral trade agreements with: Georgia; Kazakhstan; the Kyrgyz Republic; Moldova; the Russian Federation; Turkmenistan; the Ukraine; Latvia; Iran; Uzbekistan; Belarus; People's Republic of China; Korea; India; and Vietnam.

*Do these currently include legal services or are there plans to include them in future?*

Armenia has bilateral agreements on legal aid in civil and criminal cases. The coverage of these agreements is limited to the provision of legal support from one party to the citizens of the other party of the agreement.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

The Law 'On Advocacy' explicitly allows for differential treatment as a result of international trade agreements, although none of Armenia's agreements currently include legal services.

*Are there any foreign law firms present in this jurisdiction?*

There is a branch of an international accountancy network in Armenia.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

The Law 'On Advocacy' suggests that a foreign lawyer should register with the Chamber of Advocates.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Armenia has made WTO commitments that have the effect of allowing foreign lawyers to obtain working visas to provide services on the condition that they hold appropriate professional qualifications.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Under article 17 of the Law 'On Advocacy', a foreign advocate is entitled to practise in Armenia on the basis of his or her home-country licence but must register with the Chamber of Advocates. A foreign advocate cannot provide legal assistance on issues related to state or official secrets of the Republic of Armenia or be elected in the bodies of the Chamber of Advocates. The rules state that: '8.3.1 A foreign advocate shall practise advocacy according to the procedure by the Law, the Charter of the Chamber of Advocates and the Code. 8.3.2 When practising within the territory of the Republic of Armenia, the rules of conduct for the RA advocates shall also apply to the foreign advocate accredited by the Chamber as much as the rules may refer to the foreign advocate.'



## Armenia

<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	Not beyond the general requirements for the issuance of work permits to foreign nationals.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	Foreign professionals are subject to an economic needs test for work permits.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	The Law 'On Commercial Arbitration' 2006 set up the Armenian arbitration court in the Chamber of Commerce, which is open to foreign lawyers.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Foreign lawyers may appear in civil cases but in order to represent a client in a criminal case, they would need to be certified by the Chamber of Advocates.
<i>Can foreign lawyers requalify as local lawyers?</i>	The Law 'On Advocacy' recognises the possibility of foreign lawyers requalifying as Armenian advocates.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no requirement for foreign law firms to obtain special licences to practice law beyond the usual company registration procedures.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	Since 2011 the Ministry of Justice has operated a one-stop shop that handles all registration and tax requirements for investors.
<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	There are no quantitative limitations on law firms.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	There are no geographical restrictions on law firms.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	Armenian Chamber of Advocates – <a href="http://www.advocates.am">www.advocates.am</a> .
<i>Verified by</i>	Ameria Legal and Tax Advisors (November 2013) <a href="http://www.ameriallegal.am">www.ameriallegal.am</a>

# Australia

*Is there legislation governing the legal sector?*

Responsibility for the regulation of lawyers in Australia rests with the states and territories. The Legal Profession Acts (adopted between 2004 and 2008 by all but one jurisdiction) were supposed to help harmonise standards and systems across Australia and lead to clear and efficient regulation of the profession. However, by the end of 2008 it became apparent that further work was required in this regard and, in 2009, the National Legal Profession Reform Taskforce was appointed to make recommendations and prepare draft national legislation by April 2010, with a view to achieving the uniform regulation the legal profession across Australia. The draft has been approved and Victoria has agreed to introduce legislation to implement the reforms that will be replicated across the participating jurisdictions. Queensland, South Australia, Western Australian, Tasmania and the Australian Capital Territory have indicated they will not be joining the National Scheme at the start. Draft legislation is currently being reviewed in consultation with the Law Council of Australia. It is anticipated that the legislation will come into effect from July 2014.

*Under what title do lawyers practise?*

Barrister; solicitor; legal practitioner; lawyer.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

In Australia, prospective lawyers must complete a law degree (Bachelor of Laws (most common), Juris Doctor, or less commonly the Diploma in Law) through the Legal Practitioners Admissions Board and complete the practical training requirement, which is met by completing an approved practical legal training (PLT) course or articles of clerkship. There is a two-step process for admission to practice. Graduates must first obtain admission as a lawyer in an Australian state/territory, which requires both possession of a recognised law degree and verification of good character, plus evidence of completion of a post-graduate PLT course. In the second stage, lawyers then apply to the applicable state organisation for practising certificates, either as a solicitor (which requires nothing further beyond the application) or as a barrister (which requires a passing score in the relevant state bar exam). In most states and territories the professions are fused. Where the distinction persists (for example, New South Wales), a solicitor who wishes to appear in court must also qualify as a barrister.

Initial admission is usually on a restricted basis, requiring supervision by a senior practitioner for up to 24 months.

A person holding a practising certificate in any Australian jurisdiction is entitled to seek admission to practise in



# Australia

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

any other Australian jurisdiction without impediment; or may practise from time to time in another Australian jurisdiction without gaining admission in that jurisdiction.

Practising certificates must be renewed annually and each practitioner must comply with the continuous education requirements that are mandatory in each state and territory.

After gaining admission and obtaining a practising certificate, lawyers admitted to practice in one state or territory are entitled to seek admission and obtain a practising certificate in another state or territory under the Mutual Recognition Scheme. However, under the National Practising Certificate Scheme, this is usually not now necessary. The National Practising Certificate Scheme provides that lawyers entitled to practise in one state or territory can practise in another without having to obtain a practising certificate in the latter jurisdiction. It negates the need to incur costs associated with registration in the latter jurisdiction under the Mutual Recognition Scheme. The National Practising Certificate Scheme operates in every state and territory.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Appearing in court or advising on the law of any of Australia's jurisdictions.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

See information for each state.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

See information for each state.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

See information for each state.

*Which authority issues licences? Are there different authorities for individuals and firms?*

See information for each state.

*Is the jurisdiction a member of the WTO?*

Australia joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Australia has scheduled commitments in legal services. It has listed no restrictions under modes 1 and 2. Under the GATS, Australia has scheduled mode 3 restrictions on partnership with Australian lawyers and employment of Australian lawyers by foreign lawyers. Mode 4 is unbound. A limited licence, rather than full admission as an Australian lawyer, is required in order to provide: (1) legal advisory services in foreign law, where licensed in

# Australia

the relevant foreign jurisdiction(s); (2) legal advisory services in international law; or (3) legal arbitration and conciliation/mediation services in relation to foreign and international law. By contrast, a full licence is required for legal advisory and representational services in domestic law. Australia's mode 3 commitments permit joint offices involving revenue sharing between foreign law firms and local law firms in: New South Wales; Victoria; Queensland; Tasmania; Western Australia; the Australian Capital Territory; and the Northern Territory, subject to the foreign law firms satisfying certain requirements, including in relation to liability, standard of conduct and professional ethics.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Australia has bilateral trade agreements in force with: ASEAN; Chile; New Zealand; Papua New Guinea; Singapore; Thailand and the USA. It has concluded but not yet ratified an agreement with Malaysia and it is negotiating agreements with the GCC, China, India, South Korea and Japan. Australia is also a party to negotiations for the Trans Pacific Partnership Agreement and the Trade in Services Agreement.

*Do these currently include legal services or are there plans to include them in future?*

Legal services have been included in the following bilateral Australian agreements: Australia-Chile FTA; Australia-Malaysia FTA; Singapore-Australia FTA; and US-Australia FTA. In the case of the Chile, US and Singapore agreements, legal services are included on the basis of potential future mutual recognition agreements. In the case of the Malaysian and Thai agreements, specific commitments were made on legal services, but these simply echoed commitments undertaken in the WTO GATS process with minor exceptions (in the case of Thailand) on business ownership.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers admitted in New Zealand are given special status in that they may qualify for mutual recognition under the Trans-Tasman Mutual Recognition Arrangement.

*Are there any foreign law firms present in this jurisdiction?*

Yes, there are a number of large UK, US and Chinese firms with offices in Australia. There has been a recent spate of mergers between large UK, US and Chinese firms with Australian firms.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

Under Legal Profession Acts enacted in all Australian states and territories (except South Australia), there is a general prohibition on the practice of foreign law in Australia unless the practitioner is an 'Australian-registered foreign lawyer' or is an 'Australian legal practitioner'.

An overseas-qualified foreign lawyer will be exempt

# Australia

from the general prohibition on practising foreign law in Australia if the lawyer: practises foreign law in Australia for one or more periods that do not in aggregate exceed 90 days in any period of 12 months; and does not maintain a legal office for the purpose of practising foreign law; or does not become a partner or director of a law practice in Australia.

Foreign lawyers are permitted to: practise 'home country' law; practise international law; provide legal services (including appearances) in relation to arbitration proceedings of a kind prescribed by legislation; to provide legal services (including appearances) in relation to proceedings before a body (other than a court) in which the body is not required to apply the rules of evidence and in which knowledge of the foreign law of a country where the foreign lawyer is registered is essential; and to provide legal services for conciliation, mediation and other forms of consensual dispute resolution of a kind prescribed by regulation.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Yes. See: [www.immi.gov.au/visawizard/](http://www.immi.gov.au/visawizard/).

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes. In all jurisdictions except South Australia. See further information for each state.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Yes. In all jurisdictions except South Australia. See further information for each state.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Yes. In all jurisdictions except South Australia. See further information for each state.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Legislation prohibits an Australian-registered foreign lawyer from appearing in any court except on his or her own behalf or in limited circumstances as prescribed by legislation.

# Australia

*Can foreign lawyers requalify as local lawyers?*

Yes. The Law Admissions Consultative Commission (LACC) is responsible for setting standards for academic and Practical Legal Training requirements for admission to the Australian legal profession, the accreditation and appraisal of academic and Practical Legal Training institutions and courses, and other matters related to admission to the Australian legal profession. LACC is a committee of the Australian Conference of Chief Justices. Uniform principles for the assessment of overseas applicants for admission have been adopted by all Australian admitting authorities.

*Can a foreign law firm obtain a licence to open an office?*

See information for each state.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

All foreign businesses must do the following, in order to set up an office: register with Australian Securities and Investments Commission (ASIC) as a foreign company; register the trading name of the company with the relevant state government office; obtain an Australian Business Number from the Australian Business Register; and have a principal place of business in Australia.

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

No.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

Foreign firms may offer advisory services in foreign and international law.

*Are there restrictions on the corporate form a foreign law firm can take?*

See information for each state.

*Are there rules about the name a foreign law firm can take?*

See information for each state.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

See information for each state.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

There are no limits on ownership or control by foreign nationals, but the acquisition of substantial interests by foreigners must be notified. Notification thresholds are AUD5m in an existing business and AUD10m for establishment of a new business.

Ownership of law firms by non-lawyers, including corporations and stock market shareholders, is permitted under strict regulation.

*May a domestic lawyer be employed by a*

Local lawyers can be employed by foreign law firms or

## Australia

*foreign lawyer or law firm?*

foreign lawyers in all Australian jurisdictions. An Australian-registered foreign lawyer is permitted to employ one or more Australian legal practitioners, but such employment does not allow the foreign lawyer to practise Australian law in Australia. In addition, the Australian legal practitioners so employed (unless employed in a law firm with an Australian-registered foreign lawyer as a partner with at least one other partner who is an Australian legal practitioner director) must not provide advice on Australian law to, or for use by, the Australian-registered foreign lawyer, or practise Australian law in Australia in the course of that employment.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

Law Council of Australia: [www.lawcouncil.asn.au/](http://www.lawcouncil.asn.au/)  
AustLii: [www.austlii.edu.au/](http://www.austlii.edu.au/)  
ComLaw: [www.comlaw.gov.au/](http://www.comlaw.gov.au/)

*Verified by*

Law Council of Australia (November 2013)  
[www.lawcouncil.asn.au](http://www.lawcouncil.asn.au)

## Australia – Australian Capital Territory

*Is there legislation governing the legal sector?*

Legal Profession Act 2006:  
[www.austlii.edu.au/au/legis/act/consol\\_act/lpa2006179/](http://www.austlii.edu.au/au/legis/act/consol_act/lpa2006179/).

*Under what title do lawyers practise?*

Barrister; solicitor; legal practitioner; lawyer.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

See information for Australia.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

See information for Australia.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Appearing in court or advising on the law of Australian Capital Territory. The Legal Profession Act 2006 (ACT)  
[www.austlii.edu.au/au/legis/act/consol\\_act/lpa2006179/](http://www.austlii.edu.au/au/legis/act/consol_act/lpa2006179/).

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary*

Sole practitioner; partnerships; incorporated legal practices; multi-disciplinary partnerships.

## Australia – Australian Capital Territory

*partnership, incorporation)*

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Solicitors Conduct Rules 2007:  
[www.legislation.act.gov.au/sl/2007-31/default.asp](http://www.legislation.act.gov.au/sl/2007-31/default.asp)

Barristers Rules 2013:  
[www.actbar.com.au](http://www.actbar.com.au).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

The ACT Law Society must be informed of a firm's intention to practise law.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Australian Capital Territory Law Society:  
[www.actlawsociety.asn.au/](http://www.actlawsociety.asn.au/); and the ACT Bar Association: [www.actbar.com.au/](http://www.actbar.com.au/)

*Is the jurisdiction a member of the WTO?*

See information for Australia.

*Has it made any WTO commitments on legal services?*

See information for Australia.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

See information for Australia.

*Do these currently include legal services or are there plans to include them in future?*

See information for Australia.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

See information for Australia.

*Are there any foreign law firms present in this jurisdiction?*

See information for Australia.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

See information for Australia.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

See information for Australia.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (ie, to become a foreign legal consultant).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Once a licence has been granted, there are ongoing requirements: the licence holder may not hold a licence to practise foreign law in any other state or territory; must notify the Law Society as soon as practicable every time practice details change; and must notify the Law Society within seven days if they are charged with a serious offence.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

In order to qualify for a limited licence, an applicant must meet a series of requirements including in relation to: educational and professional qualifications; registration in a foreign state; fitness and good character; and professional indemnity insurance.



## Australia – Australian Capital Territory

<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Yes. Under limited circumstances – see information for Australia.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes – see information for Australia.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law.  Foreign firms that employ an Australian legal practitioner director may practise Australian law, subject to conditions imposed by legislation.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	See information for Australia.
<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)</i>	No.
<i>Is there a quota on the number of licences available?</i>	No.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	Foreign firms may offer advisory services in home country and international law including arbitration and mediation.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	There are specific rules in relation to use of names by lawyers or law firms. See the Legal Profession Act 2006 for further information. Foreign lawyers and firms are treated the same as local lawyers in the application of these rules.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime that regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	See information for Australia.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.

## Australia – Australian Capital Territory

*Other useful sources or comments or links*

ACT Law Society: [www.lawsocact.asn.au/](http://www.lawsocact.asn.au/)  
ACT Bar Association: [www.actbar.com.au/](http://www.actbar.com.au/)

*Verified by*

Law Council of Australia (November 2013)  
[www.lawcouncil.asn.au](http://www.lawcouncil.asn.au)

## Australia – New South Wales

*Is there legislation governing the legal sector?*

Legal Profession Act 2004:  
[www.austlii.edu.au/au/legis/nsw/consol\\_act/lpa2004179/](http://www.austlii.edu.au/au/legis/nsw/consol_act/lpa2004179/).

*Under what title do lawyers practise?*

Barrister; solicitor; legal practitioner; lawyer.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

See information for Australia.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

See information for Australia.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Appearing in court or advising on the law of New South Wales.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Sole practitioner; partnerships; incorporated legal practices; multi-disciplinary partnerships; Chambers practices.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Revised Professional Conduct and Practice Rules 1995 (Solicitors' Rules): [www.lawsociety.com.au](http://www.lawsociety.com.au)  
New South Wales Barristers' Rules:  
[www.nswbar.asn.au/docs/professional/rules/rules080811.pdf](http://www.nswbar.asn.au/docs/professional/rules/rules080811.pdf)

*Do law firms need to receive a licence (or permission/approval) to practise law?*

The Law Society of New South Wales must be informed of a firm's intention to practise law.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Law Society of New South Wales:  
[www.lawsociety.com.au](http://www.lawsociety.com.au)  
New South Wales Bar Association:  
[www.nswbar.asn.au](http://www.nswbar.asn.au).

*Is the jurisdiction a member of the WTO?*

See information for Australia.

*Has it made any WTO commitments on legal services?*

See information for Australia.



## Australia – New South Wales

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

See information for Australia.

*Do these currently include legal services or are there plans to include them in future?*

See information for Australia.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

See information for Australia.

*Are there any foreign law firms present in this jurisdiction?*

See information for Australia.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

See information for Australia.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

See information for Australia.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (ie, to become a foreign legal consultant).

The relevant legislation is the Legal Profession Act 2004 (NSW) (Part 2.7); the Legal Profession Admission Rules 2005 (NSW); and the Legal Profession Regulation 2005 (NSW). These are available online at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Once a licence has been granted, there are ongoing requirements: the licence holder must not hold a licence to practise foreign law in any other state or territory; must notify the Law Society as soon as practicable every time practice details change; and must notify the Law Society within seven days if they are charged with a serious offence.

There are approximately 50 foreign registered lawyers in NSW (as at June 2010).

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

In order to qualify for a limited licence, an applicant must meet a series of requirements including in relation to: educational and professional qualifications; registration in a foreign state; fitness and good character; and professional indemnity insurance.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Yes. Under limited circumstances – see information for Australia.

*Can foreign lawyers requalify as local lawyers?*

Yes. See information for Australia.

*Can a foreign law firm obtain a licence to*

Foreign firms are permitted to establish a commercial

## Australia – New South Wales

<i>open an office?</i>	presence (a permanent office) to offer advisory services in foreign and international law. Foreign firms that employ an Australian legal practitioner director may practise Australian law subject to several conditions imposed by legislation.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	See information for Australia.
<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)</i>	No.
<i>Is there a quota on the number of licences available?</i>	No.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	Foreign firms may offer advisory services in home country and international law including arbitration and mediation.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	There are specific rules in relation to use of names by lawyers or law firms. See the Legal Profession Act 2004 for further information. Foreign lawyers and firms are treated the same as local lawyers in the application of these rules.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime that regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	See information for Australia.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	Law Society of New South Wales: <a href="http://www.lawsociety.com.au/">www.lawsociety.com.au/</a> New South Wales Bar Association: <a href="http://www.nswbar.asn.au/">www.nswbar.asn.au/</a>
<i>Verified by</i>	Law Council of Australia (November 2013) <a href="http://www.lawsociety.asn.au">www.lawsociety.asn.au</a>

# Australia – Northern Territory

<i>Is there legislation governing the legal sector?</i>	Legal Profession Act 2008: <a href="http://lawsocietynt.asn.au/images/stories/LPA_2009.pdf">lawsocietynt.asn.au/images/stories/LPA_2009.pdf</a>
<i>Under what title do lawyers practise?</i>	Barrister; solicitor; legal practitioner; lawyer.
<i>How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?</i>	See information for Australia.
<i>Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits</i>	See information for Australia.
<i>Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?</i>	Appearing in court or advising on the law of Northern Territory.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Sole practitioner; partnership; incorporated legal practice; or multi-disciplinary partnership.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Rules of Professional Conduct and Practice: <a href="http://lawsocietynt.asn.au/images/stories/Professional_Conduct_and_Practice.pdf">lawsocietynt.asn.au/images/stories/Professional_Conduct_and_Practice.pdf</a>
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	The Law Society Northern Territory must be informed of a firm's intention to practise law.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Law Society Northern Territory: <a href="http://lawsocietynt.asn.au">lawsocietynt.asn.au</a>
<i>Is the jurisdiction a member of the WTO?</i>	See information for Australia.
<i>Has it made any WTO commitments on legal services?</i>	See information for Australia.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	See information for Australia.
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Australia.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Australia.
<i>Are there any foreign law firms present in this jurisdiction?</i>	See information for Australia.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?</i>	See information for Australia.
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	See information for Australia.

## Australia – Northern Territory

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (ie, to become a foreign legal consultant).

The relevant legislation is the Legal Profession Act 2008 (NT) (at Part 2.7), and the Rules of Professional Conduct and Practice 2002 (NT). These are available online at [lawsocietynt.asn.au/](http://lawsocietynt.asn.au/).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Once a licence has been granted, there are ongoing requirements: the licence holder must not hold a licence to practise foreign law in any other state or territory; must notify the Law Society as soon as practicable every time practice details change; and must notify the Law Society within seven days if they are charged with a serious offence.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

In order to qualify for a limited licence, an applicant must meet a series of requirements including in relation to: educational and professional qualifications; registration in a foreign state; fitness and good character; and professional indemnity insurance.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Yes. Under limited circumstances— see information for Australia.

*Can foreign lawyers requalify as local lawyers?*

Yes —see information for Australia.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law.

Foreign firms that employ an Australian legal practitioner director may practise Australian law subject to several conditions imposed by legislation.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

See information for Australia.

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

No.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host,*

Foreign firms may offer advisory services in home country and international law including arbitration and

## Australia – Northern Territory

<i>international law) If so, what are they?</i>	mediation.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	There are specific rules in relation to use of names by lawyers or law firms. See the Legal Profession Act 2008 for further information. Foreign lawyers and firms are treated the same as local lawyers in the application of these rules.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	See information for Australia.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	Law Society NT: <a href="http://www.lawsocnt.asn.au/">www.lawsocnt.asn.au/</a> NT Bar Association: <a href="http://www.ntba.asn.au/">www.ntba.asn.au/</a>
<i>Verified by</i>	Law Council of Australia (November 2013) <a href="http://www.lawcouncil.asn.au">www.lawcouncil.asn.au</a>

# Australia – Queensland

<i>Is there legislation governing the legal sector?</i>	Legal Profession Act 2007: <a href="http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/L/LegalProA07.pdf">www.legislation.qld.gov.au/LEGISLTN/CURRENT/L/LegalProA07.pdf</a>
<i>Under what title do lawyers practise?</i>	Barrister; solicitor; legal practitioner; lawyer.
<i>How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?</i>	See information for Australia.
<i>Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits</i>	See information for Australia.
<i>Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?</i>	Appearing in court or advising on the law of Queensland. The Legal Profession Act 2007 (QLD): <a href="http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/L/LegalProA07.pdf">www.legislation.qld.gov.au/LEGISLTN/CURRENT/L/LegalProA07.pdf</a>
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Sole practitioner; partnership; incorporated legal practice; or multi-disciplinary partnership.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Australian Solicitors Conduct Rules (ASCR): <a href="http://ethics.qls.com.au/sites/all/files/u108/QLS_Australian_Solicitors_Conduct_Rules_2012.pdf">ethics.qls.com.au/sites/all/files/u108/QLS_Australian_Solicitors_Conduct_Rules_2012.pdf</a> Bar Association of Queensland Barristers' Conduct Rules: <a href="http://www.qldbar.asn.au/index.php?option=com_content&amp;task=blogcategory&amp;id=102&amp;Itemid=42">www.qldbar.asn.au/index.php?option=com_content&amp;task=blogcategory&amp;id=102&amp;Itemid=42</a>
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	The Queensland Law Society must be informed of a firm's intention to practise law.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Queensland Law Society: <a href="http://www.qls.com.au">www.qls.com.au</a> Bar Association of Queensland: <a href="http://www.qldbar.asn.au">www.qldbar.asn.au</a>
<i>Is the jurisdiction a member of the WTO?</i>	See information for Australia.
<i>Has it made any WTO commitments on legal services?</i>	See information for Australia.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	See information for Australia.
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Australia.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Australia.
<i>Are there any foreign law firms present in this jurisdiction?</i>	See information for Australia.



## Australia – Queensland

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

See information for Australia.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

See information for Australia.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (ie, to become a foreign legal consultant).

The relevant legislation is the Legal Profession Act 2007 – Part 2.8 Legal practice by foreign lawyers and the Legal Profession Regulation 2007 – Part 2.8 Legal practice by foreign lawyers.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Once a licence has been granted, there are ongoing requirements: the licence holder must not hold a licence to practise foreign law in any other state or territory; must notify the Law Society as soon as practicable every time practice details change; and must notify the Law Society within seven days if they are charged with a serious offence.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

In order to qualify for a limited licence, an applicant must meet a series of requirements including in relation to: educational and professional qualifications; registration in a foreign state; fitness and good character; and professional indemnity insurance.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Yes. Under limited circumstances. See information for Australia.

*Can foreign lawyers requalify as local lawyers?*

Yes. See information for Australia.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law.

Foreign firms which employ an Australian legal practitioner director may practise Australian law subject to several conditions imposed by legislation.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

See information for Australia.

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

No.

*Is there a quota on the number of licences available?*

No.

## Australia – Queensland

<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	Foreign firms may offer advisory services in home country and international law including arbitration and mediation.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	There are specific rules in relation to use of names by lawyers or law firms. These rules are the Legal Profession Act 2007, section 170 (Designation). Foreign lawyers and firms are treated differently from local lawyers in the application of these rules.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	See information for Australia.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	Queensland Law Society: <a href="http://www.qls.com.au/">www.qls.com.au/</a> Bar Association of Queensland: <a href="http://www.qldbarr.asn.au/">www.qldbarr.asn.au/</a>
<i>Verified by</i>	Law Council of Australia (November 2013) <a href="http://www.lawcouncil.asn.au">www.lawcouncil.asn.au</a>



# Australia – South Australia

<i>Is there legislation governing the legal sector?</i>	Legal Practitioners Act 1981: <a href="http://www.austlii.edu.au/au/legis/sa/consol_act/lpa1981207/">www.austlii.edu.au/au/legis/sa/consol_act/lpa1981207/</a>
<i>Under what title do lawyers practise?</i>	Barrister; solicitor; legal practitioner; lawyer.
<i>How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?</i>	See information for Australia.
<i>Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits</i>	See information for Australia.
<i>Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?</i>	Appearing in court or advising on the law of South Australia.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Sole practitioner; partnership; incorporated legal practice.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Australian Solicitors Conduct Rules: <a href="http://www.lawsocietysa.asn.au/PDF/Prof_Australian_Solicitors_Conduct_Rules.pdf">www.lawsocietysa.asn.au/PDF/Prof_Australian_Solicitors_Conduct_Rules.pdf</a>
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	n/a
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Law Society of South Australia: <a href="http://www.lawsocietysa.asn.au">www.lawsocietysa.asn.au</a>
<i>Is the jurisdiction a member of the WTO?</i>	See information for Australia.
<i>Has it made any WTO commitments on legal services?</i>	See information for Australia.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	See information for Australia.
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Australia.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Australia.
<i>Are there any foreign law firms present in this jurisdiction?</i>	See information for Australia.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?</i>	See information for Australia.
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	See information for Australia.

## Australia – South Australia

<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	The relevant legislation is the Legal Practitioners Act 1981 (SA). In South Australia there is no specific requirement to register as a foreign lawyer, but a foreign lawyer is permitted to provide legal services in foreign law.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	n/a
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	n/a
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Legislation prohibits an Australian-registered foreign lawyer from appearing in any court (except on his or her own behalf).
<i>Can foreign lawyers requalify as local lawyers?</i>	See information for Australia.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	Not permitted in South Australia.
<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	n/a
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	n/a

## Australia – South Australia

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

No.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

No.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

Law Society of SA: [www.lawsocietysa.asn.au/](http://www.lawsocietysa.asn.au/)  
SA Bar Association: [www.sabar.org.au/](http://www.sabar.org.au/)

*Verified by*

Law Council of Australia (November 2013)  
[www.lawcouncil.asn.au](http://www.lawcouncil.asn.au)

## Australia – Tasmania

*Is there legislation governing the legal sector?*

Legal Profession Act 2007:  
[www.thelaw.tas.gov.au/tocview/index.w3p;cond=;doc\\_id=24per cent2Bper cent2B2007per cent2BATper cent40ENper cent2B20090113120000;histon=;prompt=;rec=;term=](http://www.thelaw.tas.gov.au/tocview/index.w3p;cond=;doc_id=24per cent2Bper cent2B2007per cent2BATper cent40ENper cent2B20090113120000;histon=;prompt=;rec=;term=)

*Under what title do lawyers practise?*

Barrister; solicitor; legal practitioner.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

See information for Australia.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

See information for Australia.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Appearing in court or advising on the law of Tasmania.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Sole practitioner; partnership; incorporated legal practice; or multi-disciplinary partnership.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Rules of Practice 1994:  
[www.thelaw.tas.gov.au/tocview/content.w3p;cond=;doc\\_id=+229+1994+AT@EN+20050901000000;histon=N;prompt=;rec=0;term=](http://www.thelaw.tas.gov.au/tocview/content.w3p;cond=;doc_id=+229+1994+AT@EN+20050901000000;histon=N;prompt=;rec=0;term=)

*Do law firms need to receive a licence (or permission/approval) to practise law?*

The Law Society of Tasmania must be informed of a firm's intention to practise law.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Law Society of Tasmania:  
[www.taslawsociety.asn.au/web/en/lawsociety.html](http://www.taslawsociety.asn.au/web/en/lawsociety.html)

## Australia – Tasmania

<i>Is the jurisdiction a member of the WTO?</i>	See information for Australia.
<i>Has it made any WTO commitments on legal services?</i>	See information for Australia.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	See information for Australia.
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Australia.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Australia.
<i>Are there any foreign law firms present in this jurisdiction?</i>	See information for Australia.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?</i>	See information for Australia.
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	See information for Australia.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	<p>A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (ie, to become a foreign legal consultant).</p> <p>The relevant legislation is the Legal Profession Act 2007 (TAS) – Part 2.6, Legal practice by foreign lawyers and the Legal Profession Regulation 2008 (TAS) – Part 2, Division 4, and Legal practice: foreign lawyers.</p>
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	<p>Once a licence has been granted, there are ongoing requirements: the licence holder must not hold a licence to practise foreign law in any other state or territory; must notify the Law Society as soon as practicable every time practice details change; and must notify the Law Society within seven days if they are charged with a serious offence.</p>
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	The requirements that must be met to qualify for a limited licence are set out in sections Part 2.6 of the Legal Profession Act.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Yes. Under limited circumstances. See information for Australia.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. See information for Australia.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign firms are permitted to establish a commercial

## Australia – Tasmania

	presence (a permanent office) to offer advisory services in foreign and international law.
	Foreign firms that employ an Australian legal practitioner director may practise Australian law subject to several conditions imposed by legislation.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	See information for Australia.
<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)</i>	No.
<i>Is there a quota on the number of licences available?</i>	No.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	Foreign firms may offer advisory services in home country and international law including arbitration and mediation.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	There are specific rules in relation to use of names by lawyers or law firms. Foreign lawyers and firms are treated differently from local lawyers in the application of these rules.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime that regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	See information for Australia.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	Law Society of Tasmania: <a href="http://www.taslawsociety.asn.au/">www.taslawsociety.asn.au/</a> Tasmanian Independent Bar: <a href="http://www.tasmanianbar.com.au/">www.tasmanianbar.com.au/</a>
<i>Verified by</i>	Law Council of Australia (November 2013) <a href="http://www.lawcouncil.asn.au">www.lawcouncil.asn.au</a>

# Australia – Victoria

<i>Is there legislation governing the legal sector?</i>	Legal Profession Act 2004: <a href="http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/80472D77ED28C98ACA256F6A0022AC29/\$FILE/04-099A.pdf">www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/80472D77ED28C98ACA256F6A0022AC29/\$FILE/04-099A.pdf</a>
<i>Under what title do lawyers practise?</i>	Barrister; solicitor; legal practitioner; lawyer.
<i>How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?</i>	See information for Australia.
<i>Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits</i>	See information for Australia.
<i>Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?</i>	Appearing in court or advising on the law of Victoria.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Sole practitioner; partnership; incorporated legal practices; multi-disciplinary partnerships.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Law Institute of Victoria Professional Conduct and Practice Rules 2005: <a href="http://www.liv.asn.au/PDF/Practising/Professional-Standards/Acts/2005ConductRules.aspx">www.liv.asn.au/PDF/Practising/Professional-Standards/Acts/2005ConductRules.aspx</a>
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	The Legal Services Board of Victoria must be informed of a firm's intention to practise law.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Legal Services Board of Victoria: <a href="http://www.lsb.vic.gov.au/">www.lsb.vic.gov.au/</a>
<i>Is the jurisdiction a member of the WTO?</i>	See information for Australia.
<i>Has it made any WTO commitments on legal services?</i>	See information for Australia.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	See information for Australia.
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Australia.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Australia.
<i>Are there any foreign law firms present in this jurisdiction?</i>	See information for Australia.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of</i>	See information for Australia.



# Australia – Victoria

*law? Do you need to obtain a licence for temporary practice?*

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

*Are foreign lawyers permitted to undertake arbitration and mediation?*

*Are foreign lawyers allowed to appear in court under any circumstances?*

*Can foreign lawyers requalify as local lawyers?*

*Can a foreign law firm obtain a licence to open an office?*

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

*Is there a quota on the number of licences available?*

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to*

See information for Australia.

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (ie, to become a foreign legal consultant).

The relevant legislation is the Legal Profession Act 2004 – Part 2.8 and the Legal Profession Regulation 2005 – Part 2.4.

Once a licence has been granted, there are ongoing requirements: the licence holder must not hold a licence to practise foreign law in any other state or territory; must notify the Law Society as soon as practicable every time practice details change; and must notify the Law Society within seven days if they are charged with a serious offence.

The requirements that must be met to qualify for a limited licence are set out in sections Part 2.6 of the Legal Profession Act

Yes.

Yes. Under limited circumstances. See information for Australia.

Yes. See information for Australia.

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law.

Foreign firms that employ an Australian legal practitioner director may practise Australian law subject to several conditions imposed by legislation.

See information for Australia.

No.

No.

No.

Foreign firms may offer advisory services in home country and international law including arbitration and

## Australia – Victoria

<i>lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	mediation.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	There are specific rules in relation to use of names by lawyers or law firms. These rules are found in section 2.8.9 of the Legal Profession Act 2004 (VIC). Foreign lawyers and firms are treated differently from local lawyers in the application of the rules in that there is a specific regime for use of names and advertising 'for Australian-registered' foreign lawyers.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	See information for Australia.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	See information for Australia.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	Law Institute of Victoria: <a href="http://www.liv.asn.au/">www.liv.asn.au/</a> The Victorian Bar: <a href="http://www.vicbar.com.au/">www.vicbar.com.au/</a>
<i>Verified by</i>	Law Council of Australia (November 2013) <a href="http://www.lawcouncil.asn.au">www.lawcouncil.asn.au</a>



# Australia – Western Australia

<i>Is there legislation governing the legal sector?</i>	Legal Profession Act 2008: <a href="http://www.austlii.edu.au/au/legis/wa/consol_act/lpa2008179/">www.austlii.edu.au/au/legis/wa/consol_act/lpa2008179/</a>
<i>Under what title do lawyers practise?</i>	Barrister; solicitor; legal practitioner; lawyer.
<i>How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?</i>	See information for Australia.
<i>Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits</i>	See information for Australia.
<i>Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?</i>	Appearing in court or advising on the law of Western Australia. Legal Profession Act 2008 (WA): <a href="http://www.austlii.edu.au/au/legis/wa/consol_act/lpa2008179/">www.austlii.edu.au/au/legis/wa/consol_act/lpa2008179/</a>
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Sole practitioner; partnerships; incorporated legal practice; or multi-disciplinary partnership.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Legal Profession Conduct Rules 2010: <a href="http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:24710P/\$FILE/LegProfessionCndctRu2010-00-d0-00.pdf?OpenElement">www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:24710P/\$FILE/LegProfessionCndctRu2010-00-d0-00.pdf?OpenElement</a>
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	The Legal Services Board of Western Australia must be informed of a firm's intention to practise law.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Legal Services Board of Western Australia: <a href="http://www.lpbwa.org.au/">www.lpbwa.org.au/</a>
<i>Is the jurisdiction a member of the WTO?</i>	See information for Australia.
<i>Has it made any WTO commitments on legal services?</i>	See information for Australia.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	See information for Australia.
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Australia.

## Australia – Western Australia

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

See information for Australia.

*Are there any foreign law firms present in this jurisdiction?*

See information for Australia.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

See information for Australia.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

See information for Australia.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (ie, to become a foreign legal consultant).

The relevant legislation is the Legal Profession Act 2008 – sections 164 to 193.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Once a licence has been granted, there are ongoing requirements: the licence holder must not hold a licence to practise foreign law in any other state or territory; must notify the Law Society as soon as practicable every time practice details change; and must notify the Law Society within seven days if they are charged with a serious offence.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

The requirements that must be met in order to qualify for a limited licence are as follows: in brief, the applicant must apply for registration, demonstrating evidence of practise and good standing in the overseas jurisdiction, or must be registered in Australia (sections 169-172 of the Act).

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Yes. Under limited circumstances. See information for Australia.

*Can foreign lawyers requalify as local lawyers?*

Yes. See information for Australia.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law.

Foreign firms that employ an Australian legal practitioner director may practise Australian law subject to several conditions imposed by legislation.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

See information for Australia.

## Australia – Western Australia

<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)</i>	No.
<i>Is there a quota on the number of licences available?</i>	No.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	Foreign firms may offer advisory services in home country and international law including arbitration and mediation.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	There are specific rules in relation to use of names by lawyers or law firms. Section 14 of the Legal Profession Act and Regulation 5 state who can use what terms.  Foreign lawyers and firms are treated differently from local lawyers in the application of these rules, in that the Act has specific provisions for foreign registered lawyers. Often, the provision requires compliance with the rules applying to local lawyers, but nonetheless they are spelt out in the part of the Act dealing with foreign lawyers.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime that regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	See information for Australia.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	Law Society of WA: <a href="http://www.lawsocietywa.asn.au/">www.lawsocietywa.asn.au/</a> WA Bar Association: <a href="http://www.wabar.asn.au/">www.wabar.asn.au/</a>
<i>Verified by</i>	Law Council of Australia (November 2013) <a href="http://www.lawcouncil.asn.au">www.lawcouncil.asn.au</a>

# Austria

*Is there legislation governing the legal sector?*

*Rechtsanwaltsordnung* (RAO) (Legal Profession Act) 24 June 1996; and *Bundesgesetz über den freien Dienstleistungsverkehr und die Niederlassung von europäischen Rechtsanwältinnen und Rechtsanwälten sowie die Erbringung von Rechtsdienstleistungen durch international tätige Rechtsanwältinnen und Rechtsanwälte in Österreich* (EIRAG) (the Federal law on the free movement services and establishment of European lawyers as well as the provision of legal services by international lawyers in Austria) 23 May 2000 (as amended).

*Under what title do lawyers practise?*

*Rechtsanwalt*

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

In order to obtain a licence as a lawyer in Austria, an individual must have: (1) Austrian or EEA citizenship; (2) full civil capacity; (3) completed the required period of study of Austrian law; (4) undertaken the required training; (5) successfully completed the Austrian bar exam; (6) participated in the training courses organised by the bar; and (7) possess the required civil liability insurance. In order to qualify, a lawyer must have completed five years' legal professional work and have passed the bar examination. The bar examination can be taken after three years of training and attendance at the mandatory training courses prescribed for candidate lawyers by the Austrian Bar Association.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The Austrian Act allows lawyers to practise throughout Austria, but requires registration with a local bar.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The Austrian Act provides that lawyers are authorised to represent parties in court and out-of-court cases

*Do you need to hold local nationality to be eligible to practise law?*

A nationality requirement applies.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Austrian lawyers may work as sole practitioners, or in law firm partnerships. They can also enter into legal forms that are registered in the commercial register such as: open societies (OA); limited partnerships (KG), whose partners may include a lawyer's spouse, children or retired attorneys; or limited liability partnerships.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Guidelines for the Practice of the Lawyer's Profession (*Richtlinien für die Ausübung des Rechtsanwaltsberufes und für die Überwachung der Pflichten des Rechtsanwaltes und des Rechtsanwaltsanwärters* (RL-BA 1977)) and additional legislation and rules. Available at: [www.rechtsanwaelte.at](http://www.rechtsanwaelte.at).

# Austria

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Law firms must register on the list of law firms held at the regional bar association office in whose jurisdiction the firm has its main office. A law firm with earnings above a revenue threshold must also register in the Commercial Register.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Austrian lawyers must register with their local bar association. There is one bar association (*Rechtsanwaltskammer*) in every federal province of Austria. Details of these can be obtained through the website of the Federal Bar ([www.rechtsanwaelte.at](http://www.rechtsanwaelte.at)).

*Is the jurisdiction a member of the WTO?*

Austria joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Austria has made commitment in modes 1–3 for home country and public international law. It does, however, require that, where legal services are provided in home country law and international law, ‘foreign (non EU/EEA) legal advisors are required to be members of their national bar association; they may use their professional title only with reference to the place of registration in their home country’. However, Austria has also added that: ‘At the request of a consumer, legal advisors may temporarily move into the territory of Austria in order to supply a specific service’.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

As a member of the European Union, Austria extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein) and Switzerland. As a member of the EU, Austria is also party to the EU’s many bilateral agreements with other countries and free trade areas. A full list of these can be found at: [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participation\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&sense=s)

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include: the Establishment Directive for Lawyers (98/5/EC); the Lawyers’ Services Directive (77/249/EC); the Framework Services Directive (2006/123/EC); and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers: to provide services freely cross-border within the EEA; to establish and provide legal services in host, as well as home, country and international law; and to requalify as a host country lawyer. The Establishment Directive applies to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU’s Free Trade Agreements (FTAs) with: South Africa; Mexico; Chile; Colombia; Peru; Central America; and Korea. Of these, only the agreement with Korea contains newly

# Austria

liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs that might include provisions on legal services are ongoing with: Mercosur; Gulf Cooperation Council; India; Japan; Morocco; Ukraine; Moldova; Georgia; Armenia; Singapore; Malaysia; the US; and Vietnam. Austria has specifically indicated in the text of the EU-Korea agreement that full admission to the Austrian Bar, which is required for the practice of EU and Member State law, is subject to a nationality requirement.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from within the EEA and Switzerland are covered by the various EU directives covering legal services (the Lawyers' Establishment Directive 98/5/EC and the Lawyers Services Directive 77/249/EC). The result of these directives is that any EEA or Swiss lawyer can provide (some) legal assistance in Austrian as well as foreign and international law and can requalify as an Austrian lawyer. Foreign lawyers from outside these countries are more restricted in their scope of practise and may not requalify.

*Are there any foreign law firms present in this jurisdiction?*

There are around four or five offices of foreign (mostly US or UK) firms in Austria, including: Freshfields Bruckhaus Deringer; DLA Piper Weiss-Tessbach; CMS Reich-Rohrwig Hainz Rechtsanwälte GmbH; Baker & McKenzie Diwok Hermann Petsche Rechtsanwälte GmbH; Skadden Arps; and Eversheds.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

Temporary provision of legal services is limited to EEA and Swiss lawyers (EIRAG §2).

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Austria is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over an 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.



## Austria

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Non-EEA foreign lawyers are permitted to provide advice on foreign and international law, but legal documents pertaining to Austria must be signed by Austrian-licensed lawyers. They must clearly designate the country in which they are licensed to practise and they are not allowed to represent an Austrian consumer before Austrian courts and authorities. EEA and Swiss lawyers must register with the Austrian bar and can obtain full rights to practise.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Foreign lawyers must notify the relevant regional chamber of the Austrian Bar of the vehicle through which they are practising in Austria. In their communications with clients, non-EEA foreign lawyers must only use the professional title that they are entitled to use in their home state and refer to the vehicle that is registered in Austria and through which they practise and to their home professional body. EEA and Swiss lawyers must adhere in full to the Austrian Bar code of conduct and take out additional indemnity insurance if their home state insurance is not equivalent to that required in Austria.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Non-EEA foreign lawyers must be nationals of a Member State that is party to the General Agreement on Trade in Services (GATS) and be entitled to exercise the profession of lawyer in that Member State.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

There are no specific provisions in Austrian arbitration law regulating the qualifications of arbitrators. Any person over the age of 18 with legal capacity may sit as an arbitrator. The parties are, however, free to specify particular qualifications in their arbitration agreement, as well as to agree on the number of arbitrators and on a procedure for appointing the arbitrator(s).

*Are foreign lawyers allowed to appear in court under any circumstances?*

EEA and Swiss lawyers may all appear in court, provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.

*Can foreign lawyers requalify as local lawyers?*

An EEA or Swiss national who is qualified as an EEA or Swiss lawyer can requalify in Austria by passing an examination set by the Austrian Bar or by practising Austrian law for three years (or a combination of the two). There are no provisions for lawyers of other nationalities to requalify. Otherwise, a foreign lawyer must consult an Austrian attorney when representing a client in proceedings before Austrian courts and authorities.

*Can a foreign law firm obtain a licence to open an office?*

Austria supplemented the EU's WTO commitment with the requirement that: 'Foreign lawyers may, at the request of a consumer in Austria, temporarily move into the territory of Austria in order to render legal services, only in respect of the law of the jurisdiction where the service supplier is

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admitted to practise as a lawyer, or in respect of international law (excluding EEA/EC law).’ It is made explicit in EIRAG that this requires registration with the relevant Austrian regional bar and submission to its disciplinary provisions. The foreign law firm must notify the relevant regional bar in writing when it opens an office and must observe Austrian law and regulations in relation to the permitted form and incompatibilities with other occupations.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

The registration requirements for a foreign law firm are dealt with by the special purpose legislation governing European and International lawyers (EIRAG).

*Are there different types of foreign law firm ‘licence’? (eg, Joint Law Venture, standalone foreign licence etc)*

No.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there ‘scope of practice’ rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

*Are there restrictions on the corporate form a foreign law firm can take?*

Foreign law firms must take one of the forms permitted to Austrian lawyers (EIRAG §42).

*Are there rules about the name a foreign law firm can take?*

No.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

The relevant chamber of the Austrian bar, depending on where the foreign firm wishes to establish (see [www.rechtsanwaelte.at](http://www.rechtsanwaelte.at)).

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

The ethical requirement for Austrian lawyers to be independent means that they cannot be employed except under contracts that permit them to have their own separate clients etc.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

[www.rechtsanwaelte.at](http://www.rechtsanwaelte.at)



## Azerbaijan

*Is there legislation governing the legal sector?*

The Law 'On Advocates and Advocates' Activity' (2000); and Presidential Decree No 637 'On Confirming the List of Activities which Require Special Permission (Licenses)'.

*Under what title do lawyers?*

(1) 'Advokaty' or advocates – who can represent clients in criminal court and who are members of the Collegium of Advocates; and (2) 'Yuristy' or legal advisers – persons with legal training who can represent clients in civil proceedings only and provide general legal advice.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

In order to become an advocate, an individual must have a Master's degree in law and have completed three years' work as a legal adviser or have worked in a university department of law, and then have passed the exam of the Qualification Committee of the Collegium. To obtain a licence, an individual must present: a passport; a legal education diploma; proof of registration with the tax authorities; a work log (*trudovaya knizhka*) that demonstrates two years of legal internship work (*stazhirovka*); and the appropriate fee to the qualifications committee.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The licence to practise law in Azerbaijan is national.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The Law 'On Advocates and Advocates' Activity' (1999) (as amended) limits practice as an advocate to those who are members of the Collegium and have taken the advocate's oath. Only advocates can act as criminal defence lawyers (*zashchitniki*) in court, pre-trial investigations and inquiries in accordance with the procedural legislation of the Republic of Azerbaijan. Advocates can also: represent individuals and legal entities in governmental and non-governmental bodies and organisations, including those in foreign countries and international organisations; give oral and written consultations, clarifications and interpretations on legal questions; compile statements, appeals and documents of a legal nature; render necessary legal assistance to individuals and to legal entities; and offer other legal assistance. Article 92.1 of the Criminal Procedural Code states that: 'Only persons entitled to work as lawyers in the Azerbaijan Republic may act as defence counsel in criminal proceedings.' According to Article 66 of the Civil Procedural

# Azerbaijan

	Code, advocates shall provide representation in civil cases. However, their monopoly is limited to proceedings at the Supreme Court level only.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	There is no nationality restriction on the practice of law in Azerbaijan.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Article 5 of the Law 'On Advocates' provides that advocates may either work in sole practice or in forms otherwise stipulated in the legislation of the Republic of Azerbaijan (chambers of advocates or law firms). Article 6 requires the prior state registration of a legal structure for practice and further requires that the founders of a firm or chambers must be Azeri advocates.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Law 'On Advocates and Advocates' Activity' and the Criminal Procedure Code contain some general rights and responsibilities of advocates (for example, on attorney-client privilege). The promulgation of a more detailed code of ethics was left under the law to the Collegium of Advocates, but no such code has been published.
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	In cases where three or more advocates work together they may apply for a firm licence.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Qualification Commission of the Bar Association (formerly the Collegium of Advocates) determines, against the requirements set out in the law and upon an assessment of professional competence, the eligibility of candidates seeking to become advocates.
<i>Is the jurisdiction a member of the WTO?</i>	Azerbaijan is currently negotiating membership of the WTO.
<i>Has it made any WTO commitments on legal services?</i>	n/a
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	Azerbaijan is a member of the Commonwealth of Independent States and has bilateral trade agreements with Georgia, the Russian Federation and the Ukraine.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The coverage of Azerbaijan's bilateral agreements is limited to goods.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	No.

## Azerbaijan

*Are there any foreign law firms present in this jurisdiction?*

There are branches of a few international law firms (for example, Salans, Baker & McKenzie and PricewaterhouseCoopers Legal) present in Baku, as well as the branch of a Kazakh firm and of a Scottish firm.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

There are no explicit restrictions on the fly-in, fly-out practice of law outside the regulated area of criminal defence, provided services are not marketed directly to the public.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Business visitors may obtain a visa to visit Azerbaijan, but must have an invitation from an Azeri business.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no requirement for a foreign lawyer to obtain a licence to practise as foreign legal consultant in Azerbaijan, but they must not call themselves advocates and do not have right of audience where these are reserved to advocates.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Not beyond the general requirements for the issuance of work permits to foreign nationals.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The Law 'On International Arbitration' allows parties to choose an arbitrator of their choice for international arbitrations or those relating to investment disputes.

*Are foreign lawyers allowed to appear in court under any circumstances?*

There is no prohibition on foreign lawyers appearing in court except in criminal cases.

*Can foreign lawyers requalify as local lawyers?*

There is no mechanism for foreign lawyers to requalify or gain recognition of their qualifications in order to become advocates.

*Can a foreign law firm obtain a licence to open an office?*

There is no requirement for foreign law firms to obtain special licences to practise law beyond the usual company registration procedures.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

In order to set up a limited liability company or partnership in Azerbaijan a foreign firm must register with the Ministry of Taxes. Branches of foreign firms are not permitted.

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture,*

n/a

## Azerbaijan

*standalone foreign licence etc)*

*Is there a quota on the number of licences available?*

There are no quantitative limitations on law firms.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

There are no geographical restrictions on law firms.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

Ministry of Justice: [www.justice.gov.az/eng/index.php](http://www.justice.gov.az/eng/index.php)

# Bahrain

*Is there legislation governing the legal sector?*

The Legal Profession Act of 17 January 1981; and the Legal Practice Act 1980.

*Under what title do lawyers practise?*

Bahraini lawyers practise under a single title: 'advocate'.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

According to the Legal Profession Act 1981, a person practising the law before the Bahraini courts must have his name registered in the table of advocates. Registration requires a person: (1) to be of Bahraini nationality; (2) to have full civil capacity; (3) to hold the degree of Bachelor in Law from a recognised university – this degree must have included the study of Islamic law and if not, the applicant must pass an exam prepared by the Ministry of Justice and Islamic Affairs or must have obtained an equivalent certificate in Islamic law from one of the recognised Islamic law universities; and (4) to be of good character and conduct and to have no outstanding criminal or disciplinary ruling against them. Advocates must renew their registration annually.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The Bahraini licence entitles advocates to practise in courts throughout the country.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

According to the Legal Profession Act, only Bahraini advocates have the right to appear before courts and tribunals and in front of police, administrative and judicial committees. Non-lawyers are prohibited from giving legal advice or performing any legal act.

*Do you need to hold local nationality to be eligible to practise law?*

Only Bahraini nationals may practise law in Bahrain (subject to the exceptions outlined below).

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

There are no restrictions on the legal form in which an advocate can work.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Legal Profession Act lays out a number of ethical requirements that Bahraini lawyers must comply with.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

The requirement for the owners of law firms to register with the Ministry of Justice is, in effect, licensing for a law firm. Some local law firms have additionally chosen to register in the Bahrain Commercial Register in order to enable them to undertake certain tasks, such as company formation.

## Bahrain

*Which authority issues licences? Are there different authorities for individuals and firms?*

Bahraini advocates must be licensed by the Ministry of Justice if they are sole practitioners or head up a partnership of law firm. Other lawyers working for them do not need to be individually licensed by the Ministry of Justice, but must have a licence from the MOIC instead.

*Is the jurisdiction a member of the WTO?*

Bahrain joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Bahrain has not scheduled any commitments on legal services under the GATS.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Bahrain is a party to the trade agreement of the Gulf Cooperation Council and signed a bilateral trade agreement with the USA in 2006.

*Do these currently include legal services or are there plans to include them in future?*

No.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No, apart from the exemption on visa requirements for GCC lawyers.

*Are there any foreign law firms present in this jurisdiction?*

There are at least eight foreign law firms, from the US, UK and Canada, with offices in Bahrain.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

There are no rules on temporary practice.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Business visas can be obtained for varying periods. Visas are not required by citizens of the Gulf Cooperation Council (Kuwait; Oman; Qatar; Saudi Arabia; and United Arab Emirates).

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

The 2007 amendment of the Legal Practice Act 1980 allows foreign law firms to open branches in Bahrain. However, the role of foreign firms is limited to consulting in international law, and in fields not adequately available locally, thus protecting Bahraini advocates from competition by such firms. The law requires that no opinion or advice by a foreign law firm on a matter directly related to the laws of the Kingdom of Bahrain may be upheld unless reviewed by a Bahraini advocate licensed to practice before the Court of Appeals.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

There are no special provisions applying to lawyers.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Foreign lawyers must be licensed by the Ministry of Industry and Commerce.

## Bahrain

<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	There are no restrictions on the participation of foreign lawyers in arbitration and mediation proceedings.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No.
<i>Can foreign lawyers requalify as local lawyers?</i>	Requalification is not possible due to the nationality provision in the law.
<i>Can a foreign law firm obtain a licence to open an office?</i>	The Director General of Legal Affairs in the Bahrain Ministry of Justice issues licences to foreign law firms to establish offices.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	In addition to its legal licence, a foreign legal consultancy will need to comply with the general requirements governing foreign investment in Bahrain.
<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)</i>	Law firms may choose an appropriate vehicle for investment in Bahrain.
<i>Is there a quota on the number of licences available?</i>	No.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	Foreign law firms are limited to the practice of international and foreign law and areas of law not adequately covered locally.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Foreign law firms may form partnerships or companies as provided for under the Law on Commercial Registration (1961), the Commercial Companies Law (2001) and the Commercial Law (1987).
<i>Are there rules about the name a foreign law firm can take?</i>	Law firms are subject to the general requirements on company names.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	The Ministry of Justice is the licensing authority: <a href="http://www.moj.gov.bh">www.moj.gov.bh</a>
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Bahrain permits 100 per cent foreign ownership of a law firm but that law firm is then limited in its practice areas and may not conduct litigation or appear before the courts.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	No.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No.



## Bahrain

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Non-Bahraini and non-GCC lawyers resident in Bahrain may be employed by a lawyer licensed to practise law in Bahrain and may supply legal services in the territory of Bahrain, other than representing clients before law courts and administrative commissions or tribunals of a judicial nature.

*Other useful sources or comments or links*

Ministry of Justice: [www.moj.gov.bh](http://www.moj.gov.bh)



## Belarus

*Is there legislation governing the legal sector?*

The Law 'On the Bar and Legal Practice in the Republic of Belarus' of 6 April 2012, No 334-Z, amending the Law 'On Advocates' of 15 June 1993, No 2406-X; and the Decree of the President of the Republic of Belarus 'On Licensing of Certain Types of Activities', No 17 of 14 July 2003.

*Under what title do lawyers practise?*

The profession is divided into two categories: (1) advocates; and (2) legal advisers.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

In order to become an advocate, an individual must have received the necessary licence and be a member of the lawyers' collegium. In order to obtain an advocate's licence, the individual concerned must: be a citizen of the Republic of Belarus; have a Master's degree in law; have completed the training required by law; and passed the qualification examination. The required training is at least three years of professional legal experience or six-to-twelve months' apprenticeship in the legal consultation office of the bar association. In order to become a legal adviser, an individual must have been granted a licence by the Ministry of Justice. Licence applications must include: (1) the completed application form; (2) a legal adviser's certificate; (3) an employment record book showing that required training has been completed; (4) a receipt confirming the payment of the state fee; and (5) passport information. Individuals with criminal convictions or who have been found guilty of misconduct may not be admitted to the profession. Advocates and legal advisers may start accumulating the required professional legal experience after completing their degree in law, or upon the completion of the second year of university. Licences are issued for five years and may be renewed upon application, subject to the good history of compliance, payment of a fee and proof of maintenance of professional competence. Following the 2012 reforms, legal advisers with at least five years' experience may apply to be 'grandfathered' into the advocacy profession and legal advisers with less than five years' experience may sit a simplified bar examination.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The licence to practise law in Belarus is national.

## Belarus

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Advocates are entitled to provide any kind of legal assistance, including representation in any court, to any physical or legal person on any legal matter. Legal advisers are limited to the 'provision of paid services of legal nature on issues related to the establishment, operation and closure of corporations and on issues related to business activities of physical persons, including the provision of advice and preparation and examination of documents'. Until 2012, legal advisers were also able to represent their clients in commercial courts but the new Law 'On Advocacy' (2012) restricts appearance in any Belarusian court to advocates and state employees.

*Do you need to hold local nationality to be eligible to practise law?*

Only citizens of the Republic of Belarus can become advocates or legal advisers.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

The law permits advocates to practise law only through the legal consultation offices (LCOs) established by local bar associations or through 'other organisational forms', which may be created by specific decisions of the bar association. Since 2012 the new Law 'On Advocacy' has permitted advocates to practise law as sole practitioners or in law offices.

Legal advisers remain free to practise as sole practitioners (individual entrepreneur) or in law firms (legal entities).

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The profession of advocate is subject to the ethical requirements contained in the Law 'On Advocates' and the regulations issued by the national bar association. The seven municipal bar associations set ethical standards, discipline advocates and regulate the number of bar members. Advocates are also subject to tight regulation of fees as clients pay for legal services through the LCOs of the various branches of the bar association. These offices retain 30 per cent and pay advocates the remainder of their monthly income. Taxes and other fees are deductible separately. (See Resolution of the Ministry of Justice No 37 of 8 June 2007 'On Rules of Professional Ethics for Persons Providing Legal Services'). Advocates must also comply with legal requirements to provide a certain amount of free legal advice to certain groups in Society. Legal advisers must register the prices of their services with the Ministry of Justice.

## Belarus

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Legal advisers who wish to operate through an office/corporation must do so through a resident company of Belarus, in which all staff, including the director and deputy directors (excluding technical and support staff), possess university degrees in law, and at least two of them are certified to practise as legal advisers. Advocates must seek the approval of the LCOs of the bar associations for their form of practice, whether as a sole practitioner or in a chamber with other advocates.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Both legal professions are licensed and regulated by the Ministry of Justice. The Ministry of Justice designs the content of qualifying examinations and appoints the Advocates Qualification Commission (AQC), chaired by the Deputy Minister of Justice, which issues, extends and revokes licences. Advocates must then also become a member of one of the seven local bar associations. Legal advisers are licensed by a separate Commission appointed by the Ministry of Justice, which also contains Ministry representatives. (See: Instruction 'Concerning the procedure of issuance of lawyer's qualification certificates' adopted by the Resolution of the Ministry of Justice No26 of 29 October 2003).

*Is the jurisdiction a member of the WTO?*

Belarus is currently negotiating membership of the WTO.

*Has it made any WTO commitments on legal services?*

n/a

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Today Belarus has only one bilateral agreement related to legal services, which is with Lithuania. It provides foreign advocates with the same rights that Belarusian advocates have. Belarus is a member of the Commonwealth of Independent States and the Common Economic Space agreement with the Russian Federation and Kazakhstan, including the Agreement on Service Trade and Investment in Member States of Common Economic Space and the agreement between Russia and Belarus on equal civil rights. It is also negotiating a bilateral agreement with New Zealand.

*Do these currently include legal services or are there plans to include them in future?*

The Agreement on Service Trade and Investment in Member States of Common Economic Space explicitly includes legal services.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Under the Agreement on Service Trade and Investment in Member States of Common Economic Space, Russian and Kazakh lawyers can provide legal assistance within Belarus only on private international law, international public law and the law of the country in which jurisdiction the personnel of the services supplier is qualified. However, Lithuanian lawyers can provide legal services on an equal basis with Belarusian lawyers.

*Are there any foreign law firms present in*

There are a number of foreign firms with offices in Belarus

# Belarus

*this jurisdiction?*

including: Russian; German; Austrian; Baltic; and Scandinavian firms.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

There are no explicit restrictions on the fly-in, fly-out practice of law provided services are not marketed directly to the public.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Business visitors may obtain a visa to visit Belarus, but must have an invitation from a Belarussian business. Citizens of the CIS do not require a visa.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no requirement for a foreign lawyer to obtain a licence to practise as foreign legal consultant in Belarus, but they must not call themselves advocates and do not have right of audience where these are reserved to advocates. Any legal services including consultations can be provided through law firms, established in a prescribed procedure.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Not beyond the general requirements for the issuance of work permits to foreign nationals.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The Law 'On International Arbitration' of 9 July 1999 covers both international economic disputes (in which at least one party is foreign) and wholly Belarussian disputes. Article 5 of the Rules of the International Arbitration Court at the Belarus Chamber of Commerce requires that: 'Only a capable natural person possessing appropriate professional knowledge and the necessary personal qualities may be elected as an arbitrator, a reserve arbitrator as well as a main presiding arbitrator or a reserve presiding arbitrator.' There are no nationality restrictions.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Only Belarussian advocates may appear in court.

The only exception is made for Lithuanian lawyers, who can appear in court in order to provide legal services for foreign citizens or legal entities in civil litigation.

However, apart from appearance in courts, there is no restriction for legal assistance or drafting documents.

*Can foreign lawyers requalify as local lawyers?*

Despite the statutory possibility for reciprocal recognition, Belarus specified under the Agreement on Service Trade and Investment in Member States of Common Economic Space that only citizens of the Republic of Belarus could receive the status of advocate, notary and patent attorney.

*Can a foreign law firm obtain a licence to open an office?*

There is no requirement for foreign law firms to obtain special licences to practise law beyond the usual company registration procedures.

## Belarus

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Branches are not allowed so foreign companies must set up new legal entities in Belarus, which requires registration with the State Registry. Foreign representative offices require the permission of the Ministry of Foreign Affairs, but do not need to be established as legal entities.

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

n/a

*Is there a quota on the number of licences available?*

There are no quantitative limitations on law firms.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

There are no geographical restrictions on law firms.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

Ministry of Justice – [www.minjust.by/en](http://www.minjust.by/en)

*Verified by*

# Belgium

*Is there legislation governing the legal sector?*

The Belgian Judicial Code Act of 4 July 2001 on the Structure of the Bar

*Under what title do lawyers practise?*

*Avocat; avocaat; rechtsanwalt.*

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

In order to hold the title of Belgian '*avocat*', '*avocaat*' or '*rechtsanwalt*', a lawyer must be a citizen of Belgium or of another Member State of the European Union (article 428 of the L 02-07-1975). Becoming a lawyer requires the completion of five years of university study and registration with the relevant local bar in order to become a trainee lawyer. Trainee lawyers are then required to undertake three years of supervised practice, a number of training courses and pass professional examinations before they can be registered as full lawyers in their own right. Registration with the relevant bar requires candidates to submit to their local Court of Appeal: their original degree certificate; proof of nationality; and a certificate of good conduct, along with details of their trainee supervisor. They are then required to swear an oath.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The licence to practise in Belgium is a national one, but requires registration with a local bar.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Pleading and filing briefs of arguments before any court is an activity reserved for fully qualified Belgian lawyers.

*Do you need to hold local nationality to be eligible to practise law?*

Article 428 of the Belgian Judicial Code stipulates that nobody can use the title of lawyer or practise as a lawyer if he or she is not Belgian or a citizen of an EU Member State. The nationality requirement is derived from Royal Decree of 24 August 1970 (Belgian Official Journal of 8 September 1970). Foreign lawyers may practise in Belgium as legal consultants.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Lawyers can use the following forms: a civil company taking the form of commercial company (*sociétés civiles empruntant la forme des sociétés commerciales* – s.c.r.l.); a limited liability cooperative company (*société coopérative à responsabilité limitée* – s.p.r.l.); or a private limited liability company (*société privée à responsabilité limitée*). An individual lawyer may organise his or her practice as a civil company taking the form of a single shareholder private limited liability company (*société civile empruntant la forme d'une société privée à responsabilité limitée unipersonnelle*).

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*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Lawyers must comply with a body of additional ethical rules and requirements. The Brussels Bar Association publishes a collection of these rules every year at [www.barreaudebruxelles.be/index.php?option=com\\_content&view=article&id=84&Itemid=106](http://www.barreaudebruxelles.be/index.php?option=com_content&view=article&id=84&Itemid=106).

In addition, the CCBE Code of Conduct for European lawyers applies in cross-border dealings with lawyers in other Member States of the European Union or from countries whose bars are associate members of the Council of European Bars and Law Societies (CCBE).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There is no requirement for a law firm licence, but the different bar associations have their own requirements for notification by lawyers of the establishment of a firm and/or its authorisation.

*Which authority issues licences? Are there different authorities for individuals and firms?*

All lawyers must be members of their local bar. The *Ordre des Barreaux Francophones et Germanophones* (OBFG) groups together all the local bars of the French-speaking and German-speaking communities in the country. The *Orde van Vlaamse Balies* (OVb) is the umbrella organisation for the local bars of the country's Dutch-speaking community.

*Is the jurisdiction a member of the WTO?*

Belgium joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Belgium has signed up to the European Union's GATS commitment of modes 1–3 in home country and public international law, without qualification.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

As a member of the European Union, Belgium extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). As a member of the EU, Belgium is also party to the EU's many bilateral agreements with other countries and free trade areas. A full list of these can be found at [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participation\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&sense=s).

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include: the Establishment Directive for Lawyers (98/5/EC); the Lawyers' Services Directive (77/249/EC); the Framework Services Directive (2006/123/EC); and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross-border within the EEA, to establish and provide legal services in host as well as home country and international law, and to requalify as a host country lawyer. There are limitations on the



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applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's Free Trade Agreements (FTAs) with: South Africa; Mexico; Chile; Colombia; Peru; Central America; and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs that might include provisions on legal services are ongoing with: Mercosur; Gulf Cooperation Council; India; Japan; Morocco; Ukraine; Moldova; Georgia; Armenia; Singapore; Malaysia; the US; and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Nationals of EU and EFTA Member States and Switzerland receive different treatment from other foreign nationals. EU/EFTA/Swiss nationals who are authorised to use one of the professional lawyer titles set down in Directive 98/5/EC may practise in Belgium on a permanent basis under their home title. In order to do so, they must register with a Belgian bar on the list of European lawyers ('E-list') and remain registered with the bar of his or her home country. A lawyer registered with a Belgian bar under his or her home country title may carry on the same professional activities in Belgium as fully qualified members of Belgian bars. He or she may, in particular, give legal advice on the law of his or her home Member State, on community law, on international law, and on Belgian law.

*Are there any foreign law firms present in this jurisdiction?*

There are over 100 foreign law firms established in Belgium, mainly in Brussels.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

EU, EEA and Swiss lawyers who hold recognised professional titles and European nationality may provide temporary services in Belgium on an unrestricted basis. Unregistered third country citizens may also provide services in areas other than Belgian law.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Belgium is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of



# Belgium

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

occasions over an 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

Qualified lawyers with European nationality and a professional title recognised in 98/5/EC must register with the Belgian bar if they intend to establish in Belgium. Lawyers pursuing their activities on a full-time basis who are not nationals of a Member State of the European Union may (but do not have to) request registration on the list of associated members of the Brussels Bar (*liste des membres associés du barreau de Bruxelles*, sometimes referred to as 'B-list'). Registration is necessary for lawyers who wish to enter into agreements of partnerships or cooperation with fully qualified lawyers, European lawyers or practise Belgian law indirectly. The practice of Belgian law is subject to limitations for associated members of the Brussels Bar: they must solicit the advice of a Belgian lawyer registered on the list of fully qualified lawyers; or of a trainee lawyer with a seniority of at least one year and who has passed the professional education courses; or of a lawyer having the same qualifications and who is a member of another Belgian bar. There are no restrictions on the professional activity of an associated member of the Brussels Bar when practising European or foreign law. There is a specific agreement between the Brussels Bar and the American Bar Association of 6 August 1994 (Annex 9 to the Recueil), which applies specific rules to American lawyers. This agreement requires an American lawyer to register with the French or Dutch Bar of Brussels within six months of his or her establishment.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Foreign lawyers may use the denomination 'associate member of the Brussels bar' (*membre associé du barreau de Bruxelles*) if this is immediately followed by the origin of the foreign bar membership. The English version can only be added to the French, Dutch or German one and cannot stand alone.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Maintenance of a local presence is required for regular practice. Non-EEA licensed professionals are subject to a labour market test and their employer must apply for a work permit. In order for a non-EU national to work as a self-employed person, he or she must apply for a Professional Card and the application process can take up to a year.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Rules on mediation can be found in the seventh part of the Judicial Code. Nothing in the statute prevents

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	foreign lawyers from undertaking mediation. However, mediators are required to be well-versed in the field in which they are mediating and be able to show that they have a qualification or experience in mediation (article 1726 of the Code). They must be accredited (article 1727).
	Rules on arbitration can be found in the sixth part of the Judicial Code. Nothing prevents foreign lawyers from undertaking arbitration.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	European Union/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.
<i>Can foreign lawyers requalify as local lawyers?</i>	Nationals of EU or EEA Member States or Switzerland may requalify either by undertaking an aptitude test or following three years of continuous and effective practice in Belgium in association with a Belgian lawyer. In the case of non-EU nationals, requalification is dealt with on a case-by-case basis and reciprocity is applied. Lawyers from other countries who wish to requalify are required to have been domiciled in Belgium for at least three to six years and their applications are examined by a committee of the bar.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Law firms are not licensed separately from individuals, so if a foreign firm is setting up in Belgium and has lawyers who are registered with the bar, it must also inform the bar of the intended place of establishment.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	In order to set up a company in Belgium, a firm needs a registered office, as well as a bank account at a Belgian bank and a local accountant. Companies may be branches or subsidiaries.
<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)</i>	No.
<i>Is there a quota on the number of licences available?</i>	No.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	There are no scope of practice rules that apply to firms as opposed to individual lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Article 477 of the Judicial Code provides that the establishment of a grouping of lawyers may be refused if it includes persons who are not members of the profession. This is assumed to be the case if at least one

# Belgium

of the following conditions is satisfied : (1) the capital of the grouping is held entirely or partly by persons who do not have the status of lawyer within the meaning of the provisions of the Judicial Code ; (2) the name under which it practices is used by persons referred to in (1); and (3) the decision-making power in that grouping is exercised, as a matter of law or practice, by persons referred to in (1).

*Are there rules about the name a foreign law firm can take?*

No.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

Licensing is not required for firms, but foreign lawyers will be expected to register with the bar association in the place in which they wish to establish. See:

[www.barreaudebruxelles.be/](http://www.barreaudebruxelles.be/)

[www.advocaat.be/](http://www.advocaat.be/)

[www.avocat.be/](http://www.avocat.be/)

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Employment is not permitted, but Belgian lawyers who are not partners in foreign law firms may work as independent contractors under contracts that guarantee their independence (for example, the Flemish Bar Council decision of 8 June 2005: 'A lawyer must practice his profession as an independent practitioner, to the exclusion of any subordinate relationship').

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

[www.barreaudebruxelles.be/index.php?option=com\\_content&view=article&id=85&Itemid=131](http://www.barreaudebruxelles.be/index.php?option=com_content&view=article&id=85&Itemid=131)

## Brazil

*Is there legislation governing the legal sector?*

The practice of law in Brazil is regulated by means of a federal statute and enacting legislation: (1) the Brazilian Bar Association and Advocacy Statute, law number 8906, 4 July 1994; and (2) the Brazilian Bar Association's Code of Ethics and Discipline, which is also expressly sanctioned by law number 8906. The federal statute delegates regulatory powers to the various bar associations and to the Brazilian Bar Association.

*Under what title do lawyers practise?*

*Advogado* – lawyer.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

In Brazil, law is taught as an undergraduate degree. It is normally structured as a five-year course of study. Upon successful completion of the law degree students are awarded a Bachelor of Laws (*Bacharel em Direito*). A Bachelor of Laws graduate must pass the Brazilian Bar Examination in order to be admitted to the Brazilian Bar Association (*Ordem dos Advogados do Brasil* – OAB) and be licensed to practise. The lawyer should then register with a State Chapter of the OAB.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Yes, the lawyer must be registered at the OAB State Chapter in the state where s/he resides and may have supplementary registration at other State Chapter, with an allowance of up to five legal cases per year in these supplementary states without any supplementary registration.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Only lawyers registered with OAB have rights of audience in court and can provide advice on Brazilian law.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Multi-disciplinary partnerships are not allowed. Brazilian law firms are organised as limited liability entities (but with unlimited liability of the partners with respect to losses attributed to the practice of law). The association of lawyers with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Brazilian lawyers are also expected to observe a set of ethical and disciplinary rules imposed by the OAB Code of Ethics and Discipline.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Law firms need to register with the OAB in the relevant state.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The body responsible for licensing Brazilian lawyers is the *Ordem dos Advogados do Brasil* – the Brazilian Bar Association (OAB).

# Brazil

*Is the jurisdiction a member of the WTO?*

Brazil has been a member of the WTO since 1 January 1995.

*Has it made any WTO commitments on legal services?*

Brazil has not made any commitments on legal services under the GATS.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Brazil is a party to the MERCOSUR free trade agreement and to free trade agreements between MERCOSUR and India, Israel, Egypt and the Palestinian Authority.

*Do these currently include legal services or are there plans to include them in future?*

Brazil's bilateral agreements contain no commitments on legal services.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No, but the Brazilian Bar Association has an agreement (Administrative Act no 129/2008) with the Portuguese Bar Association, which establishes that any Portuguese lawyer may register at the Brazilian Bar Association without going through the common qualification route, having only to present the required list of personal documents. See: [www.oab.org.br/msProvimentoPrint.asp?id=129/2008&str=per cent20&oper=AND](http://www.oab.org.br/msProvimentoPrint.asp?id=129/2008&str=per cent20&oper=AND).

*Are there any foreign law firms present in this jurisdiction?*

There are between 25–30 foreign firms present in this jurisdiction, including a number of international US, UK and Spanish firms. However, they can only advise on international and home country law. Some foreign firms have cooperation arrangements with local firms, but both the foreign and local firms have to maintain their own independence.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

There is no requirement to register for activities permitted on a fly-in, fly-out basis, insofar as there is no list defining these activities.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

People wishing to visit Brazil for a short period for the purpose of making or meeting with business contacts, attending trade fairs, speaking at conferences, or representing a foreign client, etc, are required to apply for a short-stay business visa, which is also valid for a stay of up to 90 days. Some countries are exempt from having to obtain a visa.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers not requalified with OAB may work in Brazil, but only as foreign legal consultants (*consultor de direito estrangeiro*) following authorisation granted by the OAB. The consultant has very limited powers, being entitled solely to consultancy referring to the law from his original jurisdiction and international law. In order to apply for this authorisation, the foreign national must present evidence of: (1) being regularly entitled to practise as a lawyer in his or her country; (2) having a Brazilian resident visa; (3) not having been convicted of a serious criminal offence nor having incurred a penalty applied by the respective Bar Association; and (4)

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	having good reputation according to a certificate issued by the respective bar association and signed by three Brazilian lawyers. Additionally a proof of reciprocal treatment to Brazilian lawyers is mandatory. The licence to practise consultancy on foreign law is valid for three years and is renewable for successive three-year terms.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	Must have residency visa.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	Requirements can differ from state to state – the OAB can request to see additional documents, such as your career history record.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Foreign lawyers are allowed to serve as advocates in arbitral proceedings in Brazil. There is no need for a local lawyer to serve as co-counsel.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No, not without requalifying.
<i>Can foreign lawyers requalify as local lawyers?</i>	Requalification is possible in Brazil. Foreign law graduates must meet all the requirements prescribed to Brazilian lawyers, including having passed the OAB Exam. A validation of the foreign degree is necessary prior to the admission to the OAB. It might be necessary to take some exams so that the candidate is considered able to receive a Brazilian Bachelor of Laws degree. Some courses might also be prescribed by the university as a requirement for the validation of the diploma.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no explicit foreign law firm licensing regime that regulates these arrangements.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	Foreign law firms need to undergo the usual legal registration procedures, either with the State Board of Commerce ( <i>Junta Comercial</i> ) or the National Companies Registry Office ( <i>Cartório de Registro de Pessoa Jurídica</i> ). A foreign law firm should also register its firm's office with the OAB.
<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	Not beyond the requirements on individual foreign lawyers.

## Brazil

*Are there restrictions on the corporate form a foreign law firm can take?*

There are no additional requirements on law firms beyond those imposed on foreign companies in general.

*Are there rules about the name a foreign law firm can take?*

There are no additional limitations on names for foreign law firms beyond those imposed on companies in general.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Not permitted.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

No – not if the domestic lawyer wants to practise Brazilian law.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

No – not if the domestic lawyer wants to practise Brazilian law.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

No – not if the domestic lawyer wants to practise Brazilian law.

*Other useful sources or comments or links*

Brazilian Bar: [www.oab.org.br](http://www.oab.org.br)

*Verified by*

Tozzini Freire Advogados (October 2013)  
[www.tozzinifreire.com.br/](http://www.tozzinifreire.com.br/)



# Brunei Darussalam

*Is there legislation governing the legal sector?*

Brunei Darussalam Legal Profession Act (CAP 132 of Laws of Brunei).

*Under what title do lawyers practise?*

Advocate and solicitor.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

Section 4 of the Act provides that the Chief Justice may admit as an advocate and solicitor any qualified person who has attained the age of 21 years, is of good character and has served satisfactorily in such manner and period of pupillage as may be prescribed for qualified persons. By virtue of section 3(1) of the Act, a person shall be qualified if she/he:

- is a barrister-at-law of England or Northern Ireland or a member of the Faculty of Advocates of Scotland;
- is a solicitor in England or Northern Ireland or a writer to the Signet, law agent or solicitor in Scotland;
- has been active as an advocate and solicitor in Singapore or any part of Malaysia; or
- is a barrister/solicitor of a Supreme Court of any Australian state or territory.

In addition to that, section 3(3) further entails that a person who is not either a Brunei Darussalam citizen or a permanent resident shall apply for admission only if he or she had been in active practice in any part of the UK, Singapore, Malaysia or Australia or another Commonwealth country or territory designated by the Attorney-General or notice in the Gazette for at least seven years immediately preceding such application.

These requirements are the same as the rules applicable to a local applicant except that section 3(3) of the Act is only applicable to foreign lawyers.

An application by a qualified person for admission is made by letter addressed to the Chief Justice at the office of the Chief Registrar. The Chief Registrar issues the licence and maintains the advocate and solicitor's name on the roll.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Practising certificates cover the entire territory of Brunei Darussalam.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Practising certificates grant sole rights to appear before and plead in all courts. Unauthorised practice is defined to be when an individual:

(1) acts as an advocate and solicitor or an agent for any party to proceedings or who, as such advocate and solicitor or agent or in any other capacity (other than as a party to an action in which he is himself a party), issues out any writ,

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summons or process, or commences, carries on, solicits or defends any action, suit or other proceeding in the name of any other person or in his own name in any of the Courts in Brunei Darussalam or draws or prepares any instrument relating to any proceeding in the Courts in Brunei Darussalam; or

(2) wilfully or falsely pretends to be, or takes or uses any name, title, addition or description implying that he is duly qualified or authorised to act as an advocate and solicitor, or that he is recognised by law as so qualified or authorised; or

(3) draws or prepares any document or instrument relating to any immovable or movable property or to any legal proceeding; or

(4) takes instructions for or draws or prepares any document or instrument on which to found or oppose a grant of probate or letters of administration; or

(5) draws or prepares any document or instrument relating to the incorporation or formation of a limited company; or

(6) on behalf of a claimant or person alleging himself to have a claim to a legal right, writes, publishes or sends a letter or notice threatening legal proceedings other than a letter or notice that the matter will be handed to an advocate and solicitor for legal proceedings; or

(7) solicits the right to negotiate, or negotiates in any way for the settlement of, or settles, any claim arising out of personal injury or death founded upon a legal right or otherwise.

They are subject under the Act to a residency requirement; lawyers must have been resident for nine months of the previous year in order to obtain a certificate.

*Do you need to hold local nationality to be eligible to practise law?*

Under the provisions of the Act, the Chief Justice can decide that the number of advocates practising in Brunei Darussalam is sufficiently adequate to serve the needs of the community. He shall by notice in the Government Gazette so declare that: (1) no person other than a national of Brunei Darussalam shall be entitled to be admitted as an advocate or to obtain a provisional licence under section 8; and (2) the Sultan may direct that the name of any advocate on the roll who is not ordinarily resident in Brunei six months after the publication of such a declaration shall be struck from the roll.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Practising certificates are only granted where an advocate or solicitor: (1) is practising or intends to practise in Brunei Darussalam either on his own account or in partnership; or (2) is or is about to be employed in his or their practice in Brunei Darussalam by an advocate and solicitor or a firm of

# Brunei Darussalam

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

advocates or solicitors in practice in Brunei Darussalam; and (3) is or is about to be ordinarily resident in Brunei Darussalam.

The law empowers the Law Society of Brunei to make rules in relation to the regulation of practice and disciplinary rules. There are specific rules in relation to advertising. These rules are found in Rule 43 of the Advocates and Solicitors (Practice and Etiquette) Rules, which prohibit certain advertising and soliciting practices.

There are also specific rules in relation to use of names. These rules are found in the Business Names Act (CAP 92). Section 21 of the Act lists names and words that are prohibited to be used by any firm, individual or corporation required to be registered under that Act. Foreign lawyers and firms are treated the same as local lawyers in the application of these rules.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Law firms do not need to obtain a separate licence to practise.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Attorney General  
The Law Building Bandar Seri Begawan  
BA 1910, Brunei Darussalam  
Telephone: (673) 223 1200 or (673) 224 4872.  
[www.agc.gov.bn/](http://www.agc.gov.bn/)

*Is the jurisdiction a member of the WTO?*

Brunei Darussalam joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Brunei has made no commitments in legal services under the GATS.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Brunei is party to free trade agreements between ASEAN and Australia and New Zealand, India, Japan and Korea, as well as the ASEAN free trade area agreement itself. It has a separate bilateral trade agreement in force with Japan.

*Do these currently include legal services or are there plans to include them in future?*

Legal services are not included in Brunei's bilateral agreements.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Distinctions are made between lawyers depending on their country of origin, but these arise from historic links rather than trade agreements.

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*Are there any foreign law firms present in this jurisdiction?*

There are no foreign firms present, though a number of international firms carry out work for Brunei government agencies from Singapore. One Brunei firm is a member of a South East Asian network of law firms.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

Temporary practice is not permitted; foreign lawyers must obtain a full licence to practice in Brunei

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Visitors may obtain visas for professional/visit visas for 14, 30 or 90 days depending on country of origin and citizenship.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no limited licence scheme for foreign lawyers.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The Arbitration Association Brunei Darussalam (AABD) is the sole arbitral body in Brunei and the default for arbitration where no election has been made by the parties. The AABD maintains a panel of international lawyers.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Ad hoc admission is possible according to the Act for:

(1) a person who holds Her Britannic Majesty's Patent as Queen's Counsel; and who:

- (i) does not ordinarily reside in Brunei Darussalam, but has come, or intends to come, to Brunei Darussalam for the purpose of appearing in the case on instructions of an advocate and solicitor; and
- (ii) possesses special skill and qualifications for the purpose of the case whether or not such special skill and qualifications are available in Brunei Darussalam;

(2) a person who is entitled to practise before the High Court in Malaysia, Singapore or Hong Kong or in such other Commonwealth country as the Chief Justice may specify; and who:

- (i) does not ordinarily reside in Brunei Darussalam but has come, or intends to come, to Brunei Darussalam for the purpose of appearing in the case on instructions of an advocate and solicitor; and
- (ii) has not been admitted under this section in respect of more than two other cases in the current

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calendar year; and

(iii) possesses special skill and qualifications for the purpose of the case that are not otherwise available in Brunei Darussalam

*Can foreign lawyers requalify as local lawyers?*

By virtue of section 3(1) of the Act, a person shall be qualified if he:

- (1) as a barrister-at-law of England or Northern Ireland or a member of the Faculty of Advocates of Scotland;
- (2) is a solicitor in England or Northern Ireland or a writer to the Signet, law agent or solicitor in Scotland;
- (3) has been active as an advocate and solicitor in Singapore or any part of Malaysia; or
- (4) is a barrister/solicitor of a Supreme Court of any Australian state or territory.

In addition to that, section 3(3) further entails that a person who is not either a Brunei Darussalam citizen or a permanent resident shall apply for admission only if he or she had been in active practice in any part of the UK, Singapore, Malaysia or Australia or another Commonwealth country or territory designated by the Attorney-General or notice in the Gazette for at least seven years immediately preceding such application.

*Can a foreign law firm obtain a licence to open an office?*

Foreign law firms cannot open offices in Brunei to provide legal services.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

n/a

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

n/a

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet,*

n/a

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*please provide the URL*

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Foreign law firms may not establish in Brunei, but there is no prohibition on Brunei lawyers being employed by foreign firms

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Commercial association is not permitted.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

[bruneilawsociety.wordpress.com/](http://bruneilawsociety.wordpress.com/)

# Bulgaria

*Is there legislation governing the legal sector?*

The Bulgarian Bar Act 2004

*Under what title do lawyers practise?*

Адвокати or advocate.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

According to article 4(1) of the Bar Act 2004, any Bulgarian national with civil capacity may become an attorney-at-law, provided he or she satisfies the following conditions: (1) has a higher degree in law; (2) has competency to practise law; (3) has at least two years of legal practice experience; (4) has passed the Bulgarian Bar exam, except for the special cases listed under article 6, paragraph 3 of the Act; and (5) exhibits the required ethical and professional qualities to exercise the legal profession.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The licence to practise in Bulgaria is a national one.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The practice of law in Bulgaria is defined in article 24 of the Bulgarian Bar Act:

'(1) The exercise of the legal profession shall include: 1. oral or written consultations and opinions on legal issues; 2. drafting of all types of papers – petitions, complaints, applications, appeals, etc., in relation to the assignment made by the client; 3. Representation of clients and protection of their rights and legal interests before bodies of the judiciary, administrative authorities and services, as well as before individuals and legal entities.'

Practice before the Supreme Administrative Court or Court of Cassation requires five years' experience as a Bulgarian attorney.

*Do you need to hold local nationality to be eligible to practise law?*

Full rights of practice require Bulgarian or EU nationality. Other nationalities may obtain limited rights.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

The legal profession may only be exercised by an attorney-at-law, practising alone or as a member of a partnership. An attorney-at-law may only be an individual who has taken oath and is inscribed in the register of the Bar Association.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Етичен кодекс на адвоката (the ethical code for lawyers). Available at: [www.vas.bg](http://www.vas.bg) (the website of the Supreme Bar Council).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Law firms must register the 'contract' between an attorney-at-law and a law firm with the bar. Article 58 sets out that: 'A law firm shall be established by virtue of a contract between two or more attorneys-at-law. The contract shall be made in writing and set out:



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1. The name of the firm; 2. The names and addresses of the offices of associate attorneys-at-law; 3. The seat and address of the firm; 4. Objects; 5. The type and amount of contributions of each associate and an assessment of non-monetary contributions; 6. The manner of distributing income and expenses; 7. The manner of managing and representing the firm; 8. The conditions of admission of new associates; 9. The conditions in compliance with which associates may leave; 10. Grounds for the exclusion of an associate; 11. Grounds for termination of the firm; 12. The manner of liquidation of the firm.'

Article 61(1) states that a law firm shall be inscribed at the Bar Council, in a special register, by virtue of a decision, based on an application, signed by all attorneys-at-law who have executed the Articles of Association. The Articles of Association shall be attached to the application for inscription.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Supreme Bar Council has the power to admit, strike off and maintain the list of all practising lawyers in Bulgaria. It also maintains the register of offices in which attorneys work ([www.vas.bg](http://www.vas.bg)).

*Is the jurisdiction a member of the WTO?*

Bulgaria joined the WTO on 1 December 1996.

*Has it made any WTO commitments on legal services?*

Bulgaria has made commitments in modes 1–3 to permit foreign legal consultants to provide advice in their home country law and in public international law. This excludes legal representation in front of judicial, non-judicial and administrative bodies, as well as preparation of legal documents for such procedures; drafting of legal opinions concerning laws other than the law of the jurisdiction where the service supplier is qualified as a lawyer; and out-of-court legal representation related to the rights and obligations of Bulgarian nationals. The establishment of foreign service suppliers, joint ventures included, may only take the form of a limited liability company or joint stock company with at least two shareholders. Establishment of branches is subject to authorisation. Unbound for representative offices. Representative offices may not engage in economic activity. Temporary presence of business visitors is permitted where sales are not being made directly to the public.

## Bulgaria

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

As a member of the European Union, Bulgaria extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Moreover, Bulgaria is also party to the EU's many bilateral agreements with other countries and free trade areas.

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include: the Establishment Directive for Lawyers (98/5/EC); the Lawyers' Services Directive (77/249/EC); the Framework Services Directive (2006/123/EC); and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross-border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's Free Trade Agreements (FTAs) with: South Africa; Mexico; Chile; Colombia; Peru; Central America; and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs that might include provisions on legal services are ongoing with: Mercosur; Gulf Cooperation Council; India; Japan; Morocco; Ukraine; Moldova; Georgia; Armenia; Singapore; Malaysia; the US; and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (the Lawyers' Establishment Directive 98/5/EC; the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Bulgarian as well as foreign and international law and can requalify as a Bulgarian advocate. Foreign lawyers from outside these countries are more restricted in their scope of practice and may not requalify.

*Are there any foreign law firms present in*

There are around ten or so foreign law firms established

# Bulgaria

*this jurisdiction?*

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

*Are foreign lawyers permitted to undertake arbitration and mediation?*

*Are foreign lawyers allowed to appear in court under any circumstances?*

in Bulgaria from other EU Member States: UK; Italy; Greece; Germany; and Austria.

EU, EEA and Swiss lawyers who hold recognised professional titles and European nationality may provide temporary services in Bulgaria on an unrestricted basis without registering with the bar (though in order to appear in court they must be introduced by a Bulgarian lawyer). Lawyers from other countries must open an office if they want to provide services in Bulgaria, but they may appear in court on specific cases.

Bulgaria grants business visas to foreign lawyers, but these visas do not permit direct sales to the public.

Non-EEA and Swiss foreign lawyers can register with the Supreme Council of the Bar to practise as a foreign attorney. This status permits them to practise the law of the country in which they are qualified and international law. EEA and Swiss lawyers may additionally practise European law and Bulgarian law in association with a Bulgarian lawyer.

A foreign lawyer must use his home professional title and register his office with the Supreme Bar Council.

A foreign lawyer must provide evidence from their home licensing authority that they are suitably qualified and have a clean disciplinary record.

Mediation is governed by the Mediation Act (State Gazette No 110/17 December 2004, amended and supplemented, SG No. 86/24 December 2007) and permits any natural person to be a mediator, other than a judge or individual involved in the administration of justice. Arbitration is governed by the Law on International Commercial Arbitration (published in the State Gazette (SG) No 60 of 5 August 1988, amended in SG No 93 of 2 November 1993; amended in SG No 59 of 26 May 1998; amended in SG No 38 of 17 April 2001; amended in SG No 46 of 29 April 2002; amended in SG No 59 of 20 July 2007, in effect from 1 March 2008). Many foreign lawyers are registered with the Bulgarian Chamber of Commerce and Industry as arbitrators.

Only those holding Bulgarian nationality or registered European lawyers may appear in court. Lawyers from other countries may appear on specific cases following article 10 of the Bulgarian Bar Act:

‘(1) A foreign country national who has competency to practise law in accordance with the legislation of his or her own country, may appeal before judicial bodies of

# Bulgaria

	the Republic of Bulgaria as defence-counsel of a national of his or her own country, acting on a specific case, together with a Bulgarian attorney-at-law, in cases where this has been envisaged in an agreement between the Bulgarian and the respective foreign state, or on the basis of mutuality, making a preliminary request to this effect to the Chairperson of the Supreme Bar Council.'
<i>Can foreign lawyers requalify as local lawyers?</i>	European lawyers who wish to requalify as Bulgarian lawyers may requalify under article 10 of Directive 98/5/EC, but must have been established as a Registered European Lawyer in Bulgaria for a minimum of three years and have obtained experience in local law. Alternatively, lawyers from other than the EU, EFTA or Switzerland without three years' experience and residency in Bulgaria may sit an aptitude test.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign firms must register all their partners in Bulgaria and they must also continue to be licensed and qualified in their home countries. Foreign law firms are not entered on the unified register of law firms.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	n/a
<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)</i>	Foreign law firms can only practise in the forms provided by the Bulgarian Bar Act. In effect, given that all partners must be registered in Bulgaria, a foreign law firm can only establish a Bulgarian subsidiary and cannot open a branch office.
<i>Is there a quota on the number of licences available?</i>	No – a law firm may open offices in more than one location in Bulgaria provided they are all registered with the bar.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	There are no scope of practice rules that apply to firms as opposed to individual lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	EEA law firms would need to adhere to the provisions governing Bulgarian law firms contained in article 59 of the Bar Act: (1) the name of the firm shall include the words 'law firm' and the names of one or more partners. All papers of the firm, including powers of attorney for the court, shall mandatorily read the names of all partners; (2) no other words or names shall be used in the name of a law firm other than the names of the partners; and (3) where the firm name indicates the

## Bulgaria

<i>Are there rules about the name a foreign law firm can take?</i>	<p>name of a partner who is about to leave, it may be kept with his or her consent. Where a partner has died, the name may be kept with consent of his or her heirs.</p> <p>The name of a law firm can only include the names of the partners, so a foreign firm would not be able to use its name unless the names of the partners were registered in Bulgaria as well.</p>
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	Only individual foreign lawyers are registered by the Supreme Bar Council ( <a href="http://www.vas.bg">www.vas.bg</a> ).
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Yes – unless they are EEA or Swiss lawyers, a foreign lawyer may not be a partner in a law firm registered in Bulgaria.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Bulgarian lawyers may be employed by EEA or Swiss law firms – see article 77 of the Bulgarian Bar Act.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No – all partners must be Bulgarian lawyers.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	Supreme Council of the Bar: <a href="http://www.vas.bg">www.vas.bg</a>

## Canada

*Is there legislation governing the legal sector?*

Governance of the legal profession in Canada is a matter of provincial and territorial responsibility. Every lawyer in Canada and notary in Quebec is required by law to be a member of one of Canada's 14 provincial and territorial law societies and to be governed by its rules. All law societies are members of the Federation of Law Societies of Canada (FLSC), the national coordinating body of the regulators. Each law society in Canada has its own legislation governing the regulation of its members; however, with national mobility of the profession, the law societies recognise the benefit of moving toward a harmonised national standard of rules of conduct.

*Under what title do lawyers practise?*

See provincial information.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

Admission is undertaken at provincial level and requirements may vary.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Licensing by a provincial or territorial law society entitles a lawyer to practise in that jurisdiction. The law societies have also entered into two National Mobility Agreements that provide broad permanent and temporary mobility rights to members of the legal profession. Lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the *Barreau du Québec* under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: British Columbia; Alberta; Saskatchewan; Manitoba; Ontario; Nova Scotia; Newfoundland; New Brunswick; and Prince Edward Island.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The scope of reserved practice varies according to provincial and territorial legislation.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

The legal forms permissible to lawyers are determined at provincial level.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Ethical rules are determined at provincial level, but the Federation of Law Societies of Canada (FLSC) has approved a Model Code of Professional Conduct that is in the process of being implemented by the Canadian law societies. Over time, it is expected that any significant differences in rules of conduct across Canada will be eliminated. See: [www.flsc.ca/\\_documents/ModelcodeWTCrevdec2012FI.pdf](http://www.flsc.ca/_documents/ModelcodeWTCrevdec2012FI.pdf)



## Canada

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Licensing is undertaken at provincial level – see relevant body under each province.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licensing is undertaken at provincial level – see relevant body under each province.

*Is the jurisdiction a member of the WTO?*

Canada joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Canada has made GATS commitments in relation to foreign legal consultants (advisory services on foreign and public international law only).

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Canada is party to the North American Free Trade Agreement (NAFTA) and also has bilateral trade agreements with: Chile; Costa Rica; Israel; Colombia; Peru; and the EU.

*Do these currently include legal services or are there plans to include them in future?*

NAFTA includes a chapter on legal services, which sets out a process for moving towards the establishment of mutual foreign legal consultancy regimes.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA includes a chapter on legal services, which sets out a process for moving towards the establishment of mutual foreign legal consultancy regimes. But this has not yet been implemented.

*Are there any foreign law firms present in this jurisdiction?*

See responses by province. A number of Canadian firms have recently merged with UK and US firms and, therefore, become part of larger internationalverein structures.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

Foreign lawyers who are practising in a Canadian province are required to register as foreign legal consultants. Only the province of British Columbia permits foreign layers to ‘fly-in, fly-out’ without a permit. Lawyers who intend to stay for less than six months, do not plan to enter the Canadian labour market and who can demonstrate that their main place of business and source of income is located outside Canada and the profits from their business will accrue outside Canada, may obtain visas for business purposes. US and Mexican lawyers have more flexibility to market their services under NAFTA.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Yes.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

See provincial information.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

See provincial information.

*Are there any conditions that must be*

See provincial information.



## Canada

*fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes.

*Are foreign lawyers allowed to appear in court under any circumstances?*

No.

*Can foreign lawyers requalify as local lawyers?*

Yes. In order to obtain a full licence to practise law in any province or territory other than Quebec, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to any of the law societies. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates. There is a similar process in Quebec administered by the *Barreau du Québec*.

*Can a foreign law firm obtain a licence to open an office?*

See provincial information.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

See provincial information.

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

n/a

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

There is no firm-based licensing so the scope of practice is dictated by the licence of the individual lawyers in the firm. If they are Canadian licensed they have unrestricted scope, but if they are FLCs they may only advise on their home country law

*Are there restrictions on the corporate form a foreign law firm can take?*

See provincial information.

*Are there rules about the name a foreign law firm can take?*

See provincial information.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

See provincial information.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

See provincial information.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

See provincial information.

## Canada

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

See provincial information.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

See provincial information.

*Other useful sources or comments or links*

Federation of Law Societies of Canada:  
[www.flsc.ca/en/](http://www.flsc.ca/en/)  
Canadian Bar Association:  
[www.cba.org/](http://www.cba.org/)

*Verified by*

Federation of Law Societies of Canada (August 2014)

## Canada – Alberta

*Is there legislation governing the legal sector?*

The Legal Profession Act:  
[www.lawsociety.ab.ca/lawyers/regulations/lpa.aspx](http://www.lawsociety.ab.ca/lawyers/regulations/lpa.aspx)

*Under what title do lawyers practise?*

Barrister; solicitor.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

To become a lawyer for the first time, a person must: have a minimum Bachelor of Laws from a Canadian Common Law university (LLB or Juris Doctorate (JD)); or a certificate of qualification from the National Committee on Accreditation of the Federation of Law Societies of Canada certifying that the applicant's academic credentials are at least equivalent to a Canadian common law LLB. Applicants must complete a one-year apprenticeship (articling) with a practitioner of the Bar of Alberta, successfully complete the Canadian Centre for Professional Legal Education (CPLED) training programme. This is an eight-month programme that includes class sessions and online training that must be completed successfully while articling. Upon successful completion of all these steps lawyers must register with the Alberta Law Society.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The holder can practise in the territory of Alberta and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the *Barreau du Québec* under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: British Columbia; Saskatchewan; Manitoba; Ontario; Nova Scotia; Newfoundland; New Brunswick; and Prince Edward Island.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Appearing in court and advising on the law of Alberta is reserved to Alberta-licensed lawyers and other Canadian lawyers pursuant to the national mobility agreements.

## Canada – Alberta

<i>Do you need to hold local nationality to be eligible to practise law?</i>	No.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Self-employment; partnerships; limited liability; professional corporation.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Rules of the Law Society of Alberta: <a href="http://www.lawsociety.ab.ca/files/regulations/Rules.pdf">www.lawsociety.ab.ca/files/regulations/Rules.pdf</a> and a Code of Conduct: <a href="http://www.lawsociety.ab.ca/lawyers/regulations/code.aspx">www.lawsociety.ab.ca/lawyers/regulations/code.aspx</a>
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	If they wish to form an LLP or a professional corporation they need to apply to the Law Society of Alberta for a permit.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Law Society of Alberta.
<i>Is the jurisdiction a member of the WTO?</i>	See information for Canada.
<i>Has it made any WTO commitments on legal services?</i>	See information for Canada.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada.
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada.
<i>Are there any foreign law firms present in this jurisdiction?</i>	No.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers are required to obtain a permit as a foreign legal consultant. Fly-in, fly-out practice is not permitted without a permit.
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	See information for Canada.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (ie, to become a foreign legal consultant). The foreign lawyer should contact the Alberta Law Society for the applicable forms.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	For detailed information on foreign legal consultants see 'Part 2, Division 5' of the Rules of the Law Society of Alberta.

## Canada – Alberta

<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	They must have practised in their own jurisdiction for at least three years.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No – not without becoming licensed in a Canadian jurisdiction.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime that regulates these arrangements.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	Foreign investment in Canada by non-Canadians is subject to a regulated review process governed by the Investment Canada Act (ICA), a federal department called Industry Canada and a federal agency called Investment Canada. The ICA provides that every foreign investor (defined by the ICA as a ‘non-Canadian’) must file a Notification with Industry Canada (unless the investment is specifically exempt under the ICA) every time a non-Canadian begins a new business activity in Canada or acquires control of an existing business in Canada.
<i>Are there different types of foreign law firm ‘licence’? (eg, Joint Law Venture, standalone foreign licence etc)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there ‘scope of practice’ rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	They can advise on home and international law.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	
<i>Are there rules about the name a foreign law firm can take?</i>	The Rules of the Law Society of Alberta, rule 78(2) provides that a licensed foreign legal consultant, when engaging in

## Canada – Alberta

	advertising or other form of marketing activity in Alberta, must use the designation ‘licensed foreign legal consultant’, state the country where they are qualified to give legal advice and shall not use any designation that might lead a reasonable person to conclude that the consultant is a member of the Law Society.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime that regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Foreign legal consultants who are not also licensed to practise law in Alberta may not be a partner in a limited liability partnership in Alberta, and foreign legal consultants may not own shares in a professional corporation that is carrying on the practice of law in Alberta.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	The Law Society of Alberta: <a href="http://www.lawsociety.ab.ca/">www.lawsociety.ab.ca/</a>
<i>Verified by</i>	Federation of Law Societies of Canada (August 2014)

## Canada – British Columbia

<i>Is there legislation governing the legal sector?</i>	Legal Profession Act: <a href="http://www.lawsociety.bc.ca/page.cfm?cid=694&amp;t=Legal-Profession-Act-Contents">www.lawsociety.bc.ca/page.cfm?cid=694&amp;t=Legal-Profession-Act-Contents</a>
<i>Under what title do lawyers practise?</i>	Barrister; solicitor.
<i>How does an individual lawyer obtain a ‘licence’ to practise law? How often must this be renewed?</i>	To become a lawyer for the first time, a person must: (1) complete a Bachelor of Laws degree from a Canadian common law university; and (2) complete the 12-month Law Society’s Admission Program, which includes articles and the Professional Legal Training Course (PLTC). See: <a href="http://www.lawsociety.bc.ca/page.cfm?cid=29&amp;t=Law-Students">www.lawsociety.bc.ca/page.cfm?cid=29&amp;t=Law-Students</a>
<i>Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits</i>	The holder can practise in the territory of British Columbia and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the <i>Barreau du Québec</i> under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following:

## Canada – British Columbia

	Alberta; Saskatchewan; Manitoba; Ontario; Nova Scotia; Newfoundland; New Brunswick; and Prince Edward Island.
<i>Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?</i>	Appearing in court and advising on the law of British Columbia is reserved to British Columbia licensed lawyers and other Canadian lawyers pursuant to the national mobility agreements.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Self-employment; partnership; limited liability; law corporation; multi-disciplinary partnership.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Rules of the Law Society of British Columbia: <a href="http://www.lawsociety.mb.ca/lawyer-regulation/law-society-rules/english-version">www.lawsociety.mb.ca/lawyer-regulation/law-society-rules/english-version</a> ; and the Code of Professional Conduct for British Columbia (the BC Code): <a href="http://www.lawsociety.bc.ca/page.cfm?cid=2578&amp;t=BC-Code-Table-of-Contents">www.lawsociety.bc.ca/page.cfm?cid=2578&amp;t=BC-Code-Table-of-Contents</a>
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	The Law Society of British Columbia must approve multi-disciplinary practices and must also approve the name of a 'law corporation'.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Law Society of British Columbia.
<i>Is the jurisdiction a member of the WTO?</i>	See information for Canada.
<i>Has it made any WTO commitments on legal services?</i>	See information for Canada.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada.
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada.
<i>Are there any foreign law firms present in this jurisdiction?</i>	No.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers may provide foreign legal services without a permit for a maximum of 30 days in any calendar year (rule 2-19.1)



## Canada – British Columbia

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

See information for Canada.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (ie, to become a foreign legal consultant). The lawyer should contact the Law Society of British Columbia to apply for a permit: [www.lawsociety.bc.ca/page.cfm?cid=22&t=Practitioners-of-Foreign-Law](http://www.lawsociety.bc.ca/page.cfm?cid=22&t=Practitioners-of-Foreign-Law).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

The relevant legislation is the Legal Profession Act S.B.C. 1998, c.9, section 17 and the Law Society Rules passed under the authority of the Act. These rules are available online at [www.lawsociety.bc.ca](http://www.lawsociety.bc.ca).

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

They must provide proof that they have practised the law of a foreign jurisdiction for at least three of the last five years.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes.

*Are foreign lawyers allowed to appear in court under any circumstances?*

No – not without becoming licensed in a Canadian jurisdiction.

*Can foreign lawyers requalify as local lawyers?*

Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime that regulates these arrangements.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Foreign investment in Canada by non-Canadians is subject to a regulated review process governed by the Investment Canada Act (ICA), a federal department called Industry Canada and a federal agency called Investment Canada. The ICA provides that every foreign investor (defined by the ICA as a 'non-Canadian') must file a Notification with Industry Canada (unless the investment is specifically exempt under the ICA) every time a non-Canadian begins a new business activity in Canada or acquires control of an existing business in Canada.



## Canada – British Columbia

<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	They can advise on home and international law.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	
<i>Are there rules about the name a foreign law firm can take?</i>	There are specific rules in relation to use of names by lawyers or law firms. These rules provide that, insofar as firm names are a 'marketing activity', the provisions of Chapter 14 of the Professional Conduct Handbook apply. Foreign lawyers and firms are treated the same as local lawyers in the application of these rules.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime that regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	The Law Society of British Columbia: <a href="http://www.lawsociety.bc.ca">www.lawsociety.bc.ca</a>
<i>Verified by</i>	Federation of Law Societies of Canada (August 2014)

## Canada – Manitoba

*Is there legislation governing the legal sector?*

Legal Profession Act:  
[web2.gov.mb.ca/laws/statutes/ccsm/l107e.php](http://web2.gov.mb.ca/laws/statutes/ccsm/l107e.php)

*Under what title do lawyers practise?*

Barrister; solicitor.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

To become a lawyer the following are required: a Bachelor of Laws degree (LLB); or a Juris Doctor degree (JD) from a faculty of common law at a Canadian university; or a Certificate of Equivalency issued by the National Committee on Accreditation (NCA); and the successful completion of the CPLED Bar Admissions Programs and completion of a 12-month articling period.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The holder can practise in the territory of Manitoba and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the *Barreau du Québec* under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: British Columbia; Alberta; Saskatchewan; Ontario; Nova Scotia; Newfoundland; New Brunswick; and Prince Edward Island.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Appearing in court and advising on the law of Manitoba is reserved to Manitoba-licensed lawyers and other Canadian lawyers pursuant to the national mobility agreements.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Self-employment; partnership; limited liability; law corporations.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Rules of the Law Society of Manitoba:  
[www.lawsociety.mb.ca/lawyer-regulation/law-society-rules/english-version](http://www.lawsociety.mb.ca/lawyer-regulation/law-society-rules/english-version); and the Code of Professional Conduct:  
[www.lawsociety.mb.ca/lawyer-regulation/code-of-professional-conduct](http://www.lawsociety.mb.ca/lawyer-regulation/code-of-professional-conduct).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

If they wish to form an LLP or legal corporation they must apply to the Law Society: [www.lawsociety.mb.ca/member-resources/law-corporations](http://www.lawsociety.mb.ca/member-resources/law-corporations); and [www.lawsociety.mb.ca/member-resources/limited-liability-partnerships](http://www.lawsociety.mb.ca/member-resources/limited-liability-partnerships).

*Which authority issues licences? Are there different authorities for individuals and firms?*

Law Society of Manitoba.

*Is the jurisdiction a member of the WTO?*

See information for Canada.

## Canada – Manitoba

<i>Has it made any WTO commitments on legal services?</i>	See information for Canada.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada.
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada.
<i>Are there any foreign law firms present in this jurisdiction?</i>	No.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers are required to obtain a permit as a foreign legal consultant. Fly-in, fly-out practice is not permitted without a permit.
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	See information for Canada.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (ie, to become a foreign legal consultant). A foreign lawyer must apply to the Law Society for a permit to act as a Foreign Legal Consultant: <a href="http://www.lawsociety.mb.ca/for-lawyers/information-for-foreign-trained-lawyers/foreign-legal-consultant">www.lawsociety.mb.ca/for-lawyers/information-for-foreign-trained-lawyers/foreign-legal-consultant</a> .
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	The relevant legislation is the Law Society Rules, rules 3-32 to 3-44.1, and the Legal Profession Act, sections 20(2) to 20(4), 22.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	The person: must be a member in good standing of the legal profession of a foreign jurisdiction; must be of good character and repute; must have practised the law of his or her home jurisdiction for at least three complete years; provide written undertaking that he or she will not handle trust funds; will submit to the jurisdiction of the Law Society; comply with the Act, the Law Society Rules and the Code of Professional Conduct; and must carry professional liability insurance.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No – not without becoming licensed in a Canadian jurisdiction.

## Canada – Manitoba

*Can foreign lawyers requalify as local lawyers?*

Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime that regulates these arrangements.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Foreign investment in Canada by non-Canadians is subject to a regulated review process governed by the Investment Canada Act (ICA), a federal department called Industry Canada and a federal agency called Investment Canada. The ICA provides that every foreign investor (defined by the ICA as a 'non-Canadian') must file a Notification with Industry Canada (unless the investment is specifically exempt under the ICA) every time a non-Canadian begins a new business activity in Canada or acquires control of an existing business in Canada.

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

n/a

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

They can advise on home and international law.

*Are there restrictions on the corporate form a foreign law firm can take?*

*Are there rules about the name a foreign law firm can take?*

A foreign legal consultant when engaging in advertising or another form of marketing activity in Manitoba must use the term 'foreign legal consultant' and state the country or general jurisdiction in respect of which he or she is qualified to practise law and the professional title used in that country or general jurisdiction.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

There is no explicit foreign law firm licensing regime that regulates these arrangements.

## Canada – Manitoba

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Yes.

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Yes.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes.

*Other useful sources or comments or links* The Law Society of Manitoba: [www.lawsociety.mb.ca/](http://www.lawsociety.mb.ca/)

*Verified by* Federation of Law Societies of Canada (August 2014)

## Canada – New Brunswick

*Is there legislation governing the legal sector?*

Law Society Act 1996:  
[www.lawsociety-barreau.nb.ca/emain.asp?128](http://www.lawsociety-barreau.nb.ca/emain.asp?128)

*Under what title do lawyers practise?*

Barrister; solicitor.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

To become a lawyer for the first time, a person must: have a minimum Bachelor of Laws from a Canadian Common Law university (LLB); or a certificate of qualification from the National Committee on Accreditation of the Federation of Law Societies of Canada certifying that the applicant's academic credentials are at least equivalent to a Canadian common law LLB. Applicants must then complete a 48-week articling period, four weeks full-time attendance at the Bar Admission course, and take Law Society of New Brunswick bar examinations on the Rules of New Brunswick and the examination on the statutes of New Brunswick.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The holder can practise in the territory of New Brunswick and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the *Barreau du Québec* under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: British Columbia; Alberta; Saskatchewan; Manitoba; Ontario; Nova Scotia; Newfoundland; and Prince Edward Island.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Appearing in court and advising on the law of New Brunswick is reserved to New Brunswick-licensed lawyers and other Canadian lawyers pursuant to the national mobility agreements.

## Canada – New Brunswick

<i>Do you need to hold local nationality to be eligible to practise law?</i>	No.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Professional corporations; self-employment; partnerships; professional corporation; limited liability partnerships.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Law Society of New Brunswick General Rules: <a href="http://lawsociety-barreau.nb.ca/uploads/forms/General_Rules_under_the_Law_Society_Actper%20C_1996_-_Rper%20C3per%20A8gles_gper%20C3per%20A9nper%20C3per%20A9rales_prises_sous_le_rper%20C3per%20A9gime_de_la_loi_de_1996_sur_le_Barreau.pdf">lawsociety-barreau.nb.ca/uploads/forms/General_Rules_under_the_Law_Society_Actper cent2C_1996_- _Rper centC3per centA8gles_gper centC3per centA9nper centC3per centA9rales_prises_sous_le_rper centC3per centA9gime_de_la_loi_de_1996_sur_le_Barreau.pdf</a> Code of Professional Conduct: <a href="http://www.lawsociety-barreau.nb.ca/assets/documents/CODEOFPROFESSIONALCONDUCT_February_2009.pdf">www.lawsociety-barreau.nb.ca/assets/documents/CODEOFPROFESSIONALCONDUCT_February_2009.pdf</a>
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	A permit for a professional corporation must be obtained from the Law Society.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Law Society of New Brunswick.
<i>Is the jurisdiction a member of the WTO?</i>	See information for Canada.
<i>Has it made any WTO commitments on legal services?</i>	See information for Canada.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada.
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada.
<i>Are there any foreign law firms present in this jurisdiction?</i>	No.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers are required to obtain a permit as a foreign legal consultant. Fly-in, fly-out practice is not permitted without a permit.
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	See information for Canada.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (ie, to become a foreign legal consultant). A foreign lawyer must apply to the Law Society for a permit to act as a Foreign Legal Consultant: <a href="http://www.lawsociety-barreau.nb.ca/emain.asp?722">www.lawsociety-barreau.nb.ca/emain.asp?722</a> .
<i>Are there any conditions that must be</i>	The relevant legislation is the Foreign Legal Consultants



## Canada – New Brunswick

*fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Rules and the Law Society Act 1996.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

They must have practised in their own jurisdiction for at least three years. Foreign legal consultants may only practise the law of their home jurisdiction, and are prohibited from handling trust moneys.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes.

*Are foreign lawyers allowed to appear in court under any circumstances?*

No – not without becoming licensed in a Canadian jurisdiction.

*Can foreign lawyers requalify as local lawyers?*

Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime that regulates these arrangements.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Foreign investment in Canada by non-Canadians is subject to a regulated review process governed by the Investment Canada Act (ICA), a federal department called Industry Canada and a federal agency called Investment Canada. The ICA provides that every foreign investor (defined by the ICA as a 'non-Canadian') must file a Notification with Industry Canada (unless the investment is specifically exempt under the ICA) every time a non-Canadian begins a new business activity in Canada or acquires control of an existing business in Canada.

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

n/a

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

They can advise on home and international law.



## Canada – New Brunswick

*Are there restrictions on the corporate form a foreign law firm can take?*

*Are there rules about the name a foreign law firm can take?*

The Foreign Legal Consultants Rules state that when advertising or otherwise marketing a foreign legal consultant must use the term 'foreign legal consultant', state the jurisdiction in respect of the law of which he or she is qualified to give legal advice and state the professional title applicable to him or her in that jurisdiction.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

There is no explicit foreign law firm licensing regime which regulates these arrangements.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

The Law Society of New Brunswick:  
[www.lawsociety-barreau.nb.ca/](http://www.lawsociety-barreau.nb.ca/)

*Verified by*

Federation of Law Societies of Canada (August 2014)

## Canada – Newfoundland and Labrador

*Is there legislation governing the legal sector?*

Law Society Act 1999: [www.lawsociety.nf.ca/act.asp](http://www.lawsociety.nf.ca/act.asp)

*Under what title do lawyers practise?*

Barrister; solicitor.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

To become a lawyer for the first time, a person must: have a minimum Bachelor of Laws from a Canadian Common Law university (LLB or JD)); or a certificate of qualification from the National Committee on Accreditation of the Federation of Law Societies of Canada certifying that the applicant's academic credentials are at least equivalent to a Canadian common law LLB. Applicants must also complete a one-year articling term and successfully complete the law society bar admission programme.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The holder can practise in the territory of Newfoundland and Labrador, pursuant to two national mobility agreements. Lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be

## Canada – Newfoundland and Labrador

	extended to mobility to and from the <i>Barreau du Québec</i> under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: British Columbia; Alberta; Saskatchewan; Manitoba; Ontario; Nova Scotia; New Brunswick; and Prince Edward Island.
<i>Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?</i>	Appearing in court and advising on the law of Newfoundland and Labrador is reserved to lawyers licensed by the Law Society of Newfoundland and Labrador or, pursuant to the national mobility agreements, another Canadian jurisdiction.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Self-employment; partnerships; professional law corporation.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Law Society Rules: <a href="http://www.lawsociety.nf.ca/lawyers/lawyer-regulation/law-society-rules/">www.lawsociety.nf.ca/lawyers/lawyer-regulation/law-society-rules/</a> ; and Code of Professional Conduct: <a href="http://www.lawsociety.nf.ca/code/code.asp">www.lawsociety.nf.ca/code/code.asp</a> .
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	If they wish to form a professional legal corporation they need to apply to the Law Society of Newfoundland & Labrador for a permit.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Law Society of Newfoundland & Labrador.
<i>Is the jurisdiction a member of the WTO?</i>	See information for Canada.
<i>Has it made any WTO commitments on legal services?</i>	See information for Canada.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada.
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada.
<i>Are there any foreign law firms present in this jurisdiction?</i>	No.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers are required to obtain a permit as a foreign legal consultant. Fly-in, fly-out practice is not permitted without a permit.

## Canada – Newfoundland and Labrador

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

See information for Canada.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (ie, to become a foreign legal consultant). The foreign lawyer should contact the Law Society for a permit: [www.lawsociety.nf.ca/part1.asp?partid=7#Foreign legal consultants](http://www.lawsociety.nf.ca/part1.asp?partid=7#Foreign%20legal%20consultants).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

The relevant legislation is the Law Society Act 1999.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes.

*Are foreign lawyers allowed to appear in court under any circumstances?*

No – not without becoming licensed in a Canadian jurisdiction.

*Can foreign lawyers requalify as local lawyers?*

Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime that regulates these arrangements.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Foreign investment in Canada by non-Canadians is subject to a regulated review process governed by the Investment Canada Act (ICA), a federal department called Industry Canada and a federal agency called Investment Canada. The ICA provides that every foreign investor (defined by the ICA as a 'non-Canadian') must file a Notification with Industry Canada (unless the investment is specifically exempt under the ICA) every time a non-Canadian begins a new business activity in Canada or acquires control of an existing business in Canada.

## Canada – Newfoundland and Labrador

<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	They can advise on home and international law.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	
<i>Are there rules about the name a foreign law firm can take?</i>	
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime that regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	The Law Society of Newfoundland & Labrador: <a href="http://www.lawsociety.nf.ca/">www.lawsociety.nf.ca/</a>
<i>Verified by</i>	Federation of Law Societies of Canada (August 2014)

## Canada – Northwest Territories

<i>Is there legislation governing the legal sector?</i>	The Legal Profession Act: <a href="http://www.justice.gov.nt.ca/Legislation/.per%20cent5CPDFper%20cent5CACTSp%20cent5CLegalper%20cent20Profession.pdf">www.justice.gov.nt.ca/Legislation/.per cent5CPDFper cent5CACTSp%20cent5CLegalper cent20Profession.pdf</a>
<i>Under what title do lawyers practise?</i>	Barrister; solicitor.
<i>How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?</i>	To become a lawyer for the first time, a person must: have a minimum Bachelor of Laws from a Canadian Common Law university (LLB or JD)); or a certificate of qualification from the National Committee on Accreditation of the Federation of Law Societies of Canada certifying that the applicant's academic credentials are at least equivalent to a Canadian common law LLB. Applicants must also complete a bar admissions programme in a neighbouring jurisdiction (preferably the CPLED programme in Alberta), pass a

## Canada – Northwest Territories

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Northwest Territories bar exam and complete a 12-month articling period.

The holder can practise in the Northwest Territories and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the *Barreau du Québec* under a new National Mobility Agreement expected to come into force before the end of 2014. Members of the Law Society of the Northwest Territories may also obtain a special appearance certificate to practice temporarily in another Canadian jurisdiction.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Appearing in court and advising on the law of the Northwest Territories.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Self-employed; partnership; limited liability partnership; professional corporation.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Code of professional conduct of the CBA and the Law Society Rules: [www.lawsociety.nt.ca/society/publications.html](http://www.lawsociety.nt.ca/society/publications.html)

*Do law firms need to receive a licence (or permission/approval) to practise law?*

If they wish to form an LLP or a professional corporation they need to apply to the Law Society for a permit.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Law Society of the Northwest Territories.

*Is the jurisdiction a member of the WTO?*

See information for Canada.

*Has it made any WTO commitments on legal services?*

See information for Canada.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

See information for Canada.

*Do these currently include legal services or are there plans to include them in future?*

See information for Canada.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

See information for Canada.

*Are there any foreign law firms present in this jurisdiction?*

No.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to*

Foreign lawyers are not permitted to practise in the Northwest Territories unless they become licensed.

## Canada – Northwest Territories

*obtain a licence for temporary practice?*

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

See information for Canada.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer cannot obtain a limited licence entitling them to offer advisory services in foreign and international law (ie, to become a foreign legal consultant).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes.

*Are foreign lawyers allowed to appear in court under any circumstances?*

No – not without becoming licensed.

*Can foreign lawyers requalify as local lawyers?*

Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are not permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

n/a

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

n/a



## Canada – Northwest Territories

<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Foreign lawyers may not provide services in commercial association with local lawyers.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	Law Society of the Northwest Territories: <a href="http://www.lawsociety.nt.ca/society/">www.lawsociety.nt.ca/society/</a>
<i>Verified by</i>	Federation of Law Societies of Canada (August 2014)

## Canada – Nova Scotia

<i>Is there legislation governing the legal sector?</i>	Legal Profession Act: <a href="http://nsbs.org/sites/default/files/cms/menu-pdf/legalprofessionact.pdf">nsbs.org/sites/default/files/cms/menu-pdf/legalprofessionact.pdf</a>
<i>Under what title do lawyers practise?</i>	Lawyer
<i>How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?</i>	To become a lawyer for the first time, a person must: have a minimum Bachelor of Laws from a Canadian Common Law university (LLB or JD)); or a certificate of qualification from the National Committee on Accreditation of the Federation of Law Societies of Canada certifying that the applicant's academic credentials are at least equivalent to a Canadian common law LLB. Applicants must also complete a skills course, bar exam and 12-month articling period.
<i>Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits</i>	The holder can practise in the territory of Nova Scotia and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the <i>Barreau du Québec</i> under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: British Columbia; Alberta; Saskatchewan; Manitoba; Ontario; Newfoundland; New Brunswick; and Prince Edward Island.
<i>Are there certain activities that are</i>	Appearing in court and advising on the law of Nova Scotia is



## Canada – Nova Scotia

<i>'reserved' to those who are licensed to practise law in the jurisdiction?</i>	reserved to Nova Scotia-licensed lawyers and, pursuant to the national mobility agreements, other Canadian lawyers.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Self-employed; partnership; law corporation; limited liability partnership.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Nova Scotia Barristers' Society regulations: <a href="http://nsbs.org/sites/default/files/cms/menu-pdf/currentregs.pdf">nsbs.org/sites/default/files/cms/menu-pdf/currentregs.pdf</a> ; and Code of Professional Conduct: <a href="http://nsbs.org/sites/default/files/cms/menu-pdf/2012-09-07_codeofconduct.pdf">nsbs.org/sites/default/files/cms/menu-pdf/2012-09-07_codeofconduct.pdf</a> .
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	To form an LLP or law corporation an application for a permit must be submitted to the Law Society.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Nova Scotia Barristers' Society.
<i>Is the jurisdiction a member of the WTO?</i>	See information for Canada.
<i>Has it made any WTO commitments on legal services?</i>	See information for Canada.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada.
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada.
<i>Are there any foreign law firms present in this jurisdiction?</i>	No.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers are required to obtain a permit as a foreign legal consultant. Fly-in, fly-out practice is not permitted without a permit.
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	See information for Canada.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (ie, to become a foreign legal consultant). A foreign lawyer must apply to the Law Society for a permit: <a href="http://nsbs.org/sites/default/files/cms/forms/foreignlegalconsultant.pdf">nsbs.org/sites/default/files/cms/forms/foreignlegalconsultant.pdf</a> .

## Canada – Nova Scotia

<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	The relevant legislation is regulations made under the Legal Profession Act and the Legal Profession Regulations.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	They must have practised in their own jurisdiction for at least three years. Foreign legal consultants may only practise the law of their home jurisdiction, and are prohibited from handling trust moneys.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No – not without obtaining a licence from a Canadian jurisdiction.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates. Dependent on experience, the requalifying lawyer may not need to undertake a period of articling.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime that regulates these arrangements.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	n/a
<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	They can advise on home and international law.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a</i>	n/a

## Canada – Nova Scotia

*foreign law firm can take?*

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

There is no explicit foreign law firm licensing regime that regulates these arrangements.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Foreign firms are not permitted to enter into commercial association with local lawyers or law firms.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

No.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

*Other useful sources or comments or links*

The Nova Scotia Barristers' Society: [nsbs.org/](http://nsbs.org/)

*Verified by*

Federation of Law Societies of Canada (August 2014)

## Canada – Nunavut

*Is there legislation governing the legal sector?*

The Legal Profession Act of Nunavut:  
[www.canlii.org/en/nu/laws/stat/rsnwt-nu-1988-c-l-2/latest/rsnwt-nu-1988-c-l-2.html](http://www.canlii.org/en/nu/laws/stat/rsnwt-nu-1988-c-l-2/latest/rsnwt-nu-1988-c-l-2.html)

*Under what title do lawyers practise?*

Barrister; solicitor.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

To become a lawyer for the first time, a person must: have a minimum Bachelor of Laws from a Canadian Common Law university (LLB or JD)); or a certificate of qualification from the National Committee on Accreditation of the Federation of Law Societies of Canada certifying that the applicant's academic credentials are at least equivalent to a Canadian common law LLB. Applicants must also complete a bar admissions programme in a neighbouring jurisdiction and a Nunavut bar exam. Applicants must also complete 12-months of articling.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The holder can practise in Nunavut and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the *Barreau du Québec* under a new National Mobility Agreement expected to come into force before the end of 2014. Members of the Law Society of Nunavut may also obtain a special appearance certificate to practise temporarily in another Canadian jurisdiction.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Appearing in court and advising on the law of Nunavut.

## Canada – Nunavut

<i>Do you need to hold local nationality to be eligible to practise law?</i>	No.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Self-employment; partnership.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Code of professional conduct of the CBA and the Law Society Rules: <a href="http://lawsociety.nu.ca/wp-content/uploads/2014/06/LSN-Consolidated-Rules-May-31-2014.pdf">lawsociety.nu.ca/wp-content/uploads/2014/06/LSN-Consolidated-Rules-May-31-2014.pdf</a>
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Law Society of Nunavut.
<i>Is the jurisdiction a member of the WTO?</i>	See information for Canada.
<i>Has it made any WTO commitments on legal services?</i>	See information for Canada.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada.
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada.
<i>Are there any foreign law firms present in this jurisdiction?</i>	No.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers are not permitted to practise in Nunavut unless they become licensed.
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	See information for Canada.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer cannot obtain a limited licence entitling them to offer advisory services in foreign and international law (ie, to become a foreign legal consultant).
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	n/a
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	n/a
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes.

## Canada – Nunavut

<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No – not without becoming licensed.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign firms are not permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	n/a
<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	n/a
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Foreign lawyers may not provide services in commercial association with local lawyers.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	No.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	
<i>Other useful sources or comments or links</i>	Law Society of Nunavut: <a href="http://lawsociety.nu.ca/">lawsociety.nu.ca/</a>

## Canada – Nunavut

Verified by

Federation of Law Societies of Canada (August 2014)

## Canada – Prince Edward

*Is there legislation governing the legal sector?*

Legal Profession Act: [www.gov.pe.ca/law/statutes/pdf/l-06\\_1.pdf](http://www.gov.pe.ca/law/statutes/pdf/l-06_1.pdf)

*Under what title do lawyers practise?*

Barrister; solicitor; attorney.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

To become a lawyer for the first time, a person must: have a minimum Bachelor of Laws from a Canadian Common Law university (LLB or JD)); or a certificate of qualification from the National Committee on Accreditation of the Federation of Law Societies of Canada certifying that the applicant's academic credentials are at least equivalent to a Canadian common law LLB. Applicants must also complete a 12-month articling programme that includes an in-province bar-admission course and the Nova Scotia Barristers' Society skills training course.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The holder can practise in the territory of Prince Edward Island and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the *Barreau du Québec* under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: British Columbia; Alberta; Saskatchewan; Manitoba; Ontario; Nova Scotia; Newfoundland; and New Brunswick.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Appearing in court and advising on the law of Prince Edward Island is reserved to lawyers licensed in Prince Edward Island or another Canadian jurisdiction.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Self-employed; partnership; law corporation.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Regulations of the Law Society of Prince Edward Island: [www.lspei.pe.ca/pdf/regulations.pdf](http://www.lspei.pe.ca/pdf/regulations.pdf); and Ethics and Code of Conduct: [www.lspei.pe.ca/ethics\\_and\\_code.php](http://www.lspei.pe.ca/ethics_and_code.php)

*Do law firms need to receive a licence (or permission/approval) to practise law?*

To form a law corporation an application for a permit must be submitted to the Law Society.

*Which authority issues licences? Are there*

The Law Society of Prince Edward Island.



## Canada – Prince Edward

*different authorities for individuals and firms?*

*Is the jurisdiction a member of the WTO?*

*Has it made any WTO commitments on legal services?*

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

See information for Canada.

*Do these currently include legal services or are there plans to include them in future?*

See information for Canada.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

See information for Canada.

*Are there any foreign law firms present in this jurisdiction?*

No.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

Foreign lawyers are required to obtain a permit as a foreign legal consultant. Fly-in, fly-out practice is not permitted without a permit.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

See information for Canada.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (ie, to become a foreign legal consultant). A foreign lawyer must apply to the Law Society for a permit: [www.lspei.pe.ca/foreign\\_legal\\_consultants.php](http://www.lspei.pe.ca/foreign_legal_consultants.php)

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

The relevant legislation is the Regulations of the Law Society of Prince Edward Island – regulation 21.12, and the Legal Profession Act.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

They must have practised in their own jurisdiction for at least three years. Foreign legal consultants may only practise the law of their home jurisdiction, and are prohibited from handling trust moneys.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes.

*Are foreign lawyers allowed to appear in court under any circumstances?*

No – not without becoming licensed by a Canadian jurisdiction.



## Canada – Prince Edward

*Can foreign lawyers requalify as local lawyers?*

Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime that regulates these arrangements.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Foreign investment in Canada by non-Canadians is subject to a regulated review process governed by the Investment Canada Act (ICA), a federal department called Industry Canada and a federal agency called Investment Canada. The ICA provides that every foreign investor (defined by the ICA as a 'non-Canadian') must file a Notification with Industry Canada (unless the investment is specifically exempt under the ICA) every time a non-Canadian begins a new business activity in Canada or acquires control of an existing business in Canada.

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

n/a

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

They can advise on home and international law.

*Are there restrictions on the corporate form a foreign law firm can take?*

*Are there rules about the name a foreign law firm can take?*

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

There is no explicit foreign law firm licensing regime that regulates these arrangements.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes.

## Canada – Prince Edward

<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	The Law Society of Prince Edward Island: <a href="http://www.lspei.pe.ca/">www.lspei.pe.ca/</a>
<i>Verified by</i>	Federation of Law Societies of Canada (August 2014)

## Canada – Québec

<i>Is there legislation governing the legal sector?</i>	Act of the Bar of Quebec: <a href="http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&amp;file=per%20per%20FB_1per%20FB1_A.htm">www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&amp;file=per cent2Fper cent2FB_1per cent2FB1_A.htm</a>
<i>Under what title do lawyers practise?</i>	Lawyer; <i>avocat</i> .
<i>How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?</i>	To become a lawyer for the first time, a person must: complete a two-year college programme in the subject of their choice; obtain a civil law degree (three years ) from one of six specified universities; complete the <i>École du Barreau</i> – Professional training and practice programme (four or eight months); and complete a six-month workplace training programme (articling).
<i>Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits</i>	The holder can practise as a lawyer in Quebec and, under two national mobility agreements, can practise federal and Quebec law in all other Canadian provinces and territories as a Canadian Legal Advisor. A new National Mobility Agreement that will come into force late in 2014 will extend full mobility rights for lawyers to and from Quebec on the same terms as currently exists between other Canadian jurisdictions.
<i>Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?</i>	Appearing in court and advising on the law of Quebec is reserved to lawyers licensed in Quebec, except for certain activities that are reserved to Quebec notaries under the Quebec Notaries Act: <a href="http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&amp;file=/N_3/N3_A.HTM">www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&amp;file=/N_3/N3_A.HTM</a>
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Limited liability partnership (LLP); multi-disciplinary partnership (MDP); joint stock company (JSC).
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Code of Ethics of Advocates: <a href="http://www.barreau.qc.ca/en/avocats/deontologie/lois-reglements/">www.barreau.qc.ca/en/avocats/deontologie/lois-reglements/</a>
<i>Do law firms need to receive a licence (or</i>	Applications to form an LLP, JSC or and MDP must be made

## Canada – Québec

*permission/approval) to practise law?*

to the bar.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Bar of Quebec.

*Is the jurisdiction a member of the WTO?*

*Has it made any WTO commitments on legal services?*

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

See information for Canada.

*Do these currently include legal services or are there plans to include them in future?*

See information for Canada.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

See information for Canada.

*Are there any foreign law firms present in this jurisdiction?*

No.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

Foreign lawyers are required to obtain a permit as a foreign legal consultant. Fly-in, fly-out practice is not permitted without a permit.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

See information for Canada.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer may obtain a limited licence entitling them to offer advisory services in foreign and international law (ie, to become a foreign legal consultant). A foreign lawyer must apply to the Bar for a permit: [www.barreau.qc.ca/en/avocats/hors-quebec/](http://www.barreau.qc.ca/en/avocats/hors-quebec/).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Provide evidence that they are proficient in French.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes.

*Are foreign lawyers allowed to appear in court under any circumstances?*

No – not without obtaining a licence in Quebec.

*Can foreign lawyers requalify as local lawyers?*

Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the *Barreau du Québec's* Equivalences Committee, which will assess the applicant's credentials and determine what conditions must be met for admission. Applicants must also demonstrate proficiency in French.

## Canada – Québec

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime that regulates these arrangements.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Foreign investment in Canada by non-Canadians is subject to a regulated review process governed by the Investment Canada Act (ICA), a federal department called Industry Canada and a federal agency called Investment Canada. The ICA provides that every foreign investor (defined by the ICA as a 'non-Canadian') must file a Notification with Industry Canada (unless the investment is specifically exempt under the ICA) every time a non-Canadian begins a new business activity in Canada or acquires control of an existing business in Canada.

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

n/a

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

They can advise on home and international law.

*Are there restrictions on the corporate form a foreign law firm can take?*

*Are there rules about the name a foreign law firm can take?*

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

There is no explicit foreign law firm licensing regime that regulates these arrangements.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

The Bar of Quebec: [www.barreau.qc.ca/en/](http://www.barreau.qc.ca/en/)

*Verified by*

Federation of Law Societies of Canada (August 2014)

## Canada – Ontario

*Is there legislation governing the legal sector*

Law Society Act: [http://www.elaws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90l08\\_e.htm](http://www.elaws.gov.on.ca/html/statutes/english/elaws_statutes_90l08_e.htm)

*Under what title do lawyers practise?*

Barrister and Solicitor

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To become a lawyer the following are required: A Bachelor of Laws degree (L.L.B.) or a Juris Doctor degree (J.D.) from a faculty of common law at a Canadian university or Certificate of Equivalency issued by the National Committee on Accreditation (NCA). The candidate must successfully complete the Licensing Examinations (both solicitor and barrister examinations) and a 10 month articling period.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

The holder can practise in the territory of Ontario and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the Barreau du Québec under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: British Columbia, Alberta, Saskatchewan, Manitoba, Nova Scotia, Newfoundland, New Brunswick, and Prince Edward Island.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Appearing in court and advising on the law of Ontario is reserved to lawyers licensed in Ontario or another Canadian jurisdiction.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Self-employment, partnerships, Professional Corporations, Multi-Disciplinary Partnerships, Affiliations, Limited Liability Partnerships

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Law Society By Laws: <http://www.lsuc.on.ca/with.aspx?id=1070> and Rules of Professional Conduct: <http://www.lsuc.on.ca/with.aspx?id=671>

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Applications to form an LLP, Professional Corporation,

## Canada – Ontario

	MDP, or an Affiliation must be made to the Law Society of Upper Canada
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Law Society of Upper Canada
<i>Is the jurisdiction a member of the WTO?</i>	
<i>Has it made any WTO commitments on legal services?</i>	
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	A couple of large US firms have a presence in Toronto
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers are required to obtain a permit as a foreign legal consultant. Fly-in-fly-out practice is not permitted without a permit.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	See information for Canada
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (ie become a foreign legal consultant). A foreign lawyer must apply to the Law Society for a permit to act as a Foreign Legal Consultant: <a href="http://www.lsuc.on.ca/with.aspx?id=2147490490&amp;langtype=1033">http://www.lsuc.on.ca/with.aspx?id=2147490490&amp;langtype=1033</a>

## Canada – Ontario

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

The Rules applicable to foreign legal consultants are contained in Bylaw 14:  
<http://www.lsuc.on.ca/WorkArea/DownloadAsset.aspx?id=2147485814>

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

A supervisor may be required depending on the applicant's experience.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes

*Are foreign lawyers allowed to appear in court under any circumstances?*

No - not without becoming licensed by a Canadian jurisdiction.

*Can foreign lawyers requalify as local lawyers?*

Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime which regulates these arrangements.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Foreign investment in Canada by non-Canadians is subject to a regulated review process governed by the Investment Canada Act (ICA), a federal department called Industry Canada and a federal agency called Investment Canada. The ICA provides that every foreign investor (defined by the ICA as a "non-Canadian") must file a Notification with Industry Canada (unless the investment is specifically exempt under the ICA), every time a non-Canadian begins a new business activity in Canada or acquires control of an existing business in Canada.



## Canada – Ontario

<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	They can advise on home and international law.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	
<i>Are there rules about the name a foreign law firm can take?</i>	
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	The Law Society of Upper Canada: <a href="http://www.lsuc.com/">http://www.lsuc.com/</a>
<i>Verified by</i>	Federation of Law Societies of Canada (August 2014)

## Canada – Saskatchewan

*Is there legislation governing the legal sector?*

Legal Profession Act:  
[www.qp.gov.sk.ca/documents/English/Statutes/Statutes/L10-1.pdf](http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/L10-1.pdf)

*Under what title do lawyers practise?*

Lawyer.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

To become a lawyer for the first time, a person must: have a minimum Bachelor of Laws from a Canadian Common Law university (LLB or JD)); or a certificate of qualification from the National Committee on Accreditation of the Federation of Law Societies of Canada certifying that the applicant's academic credentials are at least equivalent to a Canadian common law LLB. Applicants must also complete a 12-month articling period and successfully complete the Saskatchewan CPLED bar admission programme.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The holder can practise in the territory of Saskatchewan and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the *Barreau du Québec* under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: British Columbia; Alberta; Manitoba; Ontario; Nova Scotia; Newfoundland; New Brunswick; and Prince Edward Island.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Appearing in court and advising on the law of Saskatchewan is reserved to lawyers licensed in Saskatchewan or another Canadian jurisdiction.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Self-employed; partnership; limited liability partnership; professional corporation.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Code of Professional Conduct: [www.lawsociety.sk.ca/lawyer-regulation/code-of-professional-conduct/](http://www.lawsociety.sk.ca/lawyer-regulation/code-of-professional-conduct/); and the Law Society Rules: [www.lawsociety.sk.ca/lawyer-regulation/law-society-rules/](http://www.lawsociety.sk.ca/lawyer-regulation/law-society-rules/)

*Do law firms need to receive a licence (or permission/approval) to practise law?*

If they wish to form an LLP or a professional corporation they need to apply to the Law Society: [www.lawsociety.sk.ca/for-lawyers-and-students/practice-resources/incorporation-of-lawyers/](http://www.lawsociety.sk.ca/for-lawyers-and-students/practice-resources/incorporation-of-lawyers/).

*Which authority issues licences? Are there different authorities for individuals and firms?*

Law Society of Saskatchewan.

*Is the jurisdiction a member of the WTO?*

## Canada – Saskatchewan

*Has it made any WTO commitments on legal services?*

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

See information for Canada.

*Do these currently include legal services or are there plans to include them in future?*

See information for Canada.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

See information for Canada.

*Are there any foreign law firms present in this jurisdiction?*

No.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

Foreign lawyers are required to obtain a permit as a foreign legal consultant. Fly-in, fly-out practice is not permitted without a permit.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

See information for Canada.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (ie, to become a foreign legal consultant). A lawyer seeking to act as a foreign legal consultant in Saskatchewan must complete an Application to Act as Foreign Legal Consultant (Form A-16).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

The relevant legislation is the Legal Profession Act, section 10(i), and the Rules of the Law Society of Saskatchewan, rule 220.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes.

*Are foreign lawyers allowed to appear in court under any circumstances?*

No – not without becoming licensed by a Canadian jurisdiction.

## Canada – Saskatchewan

*Can foreign lawyers requalify as local lawyers?*

Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime that regulates these arrangements.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Foreign investment in Canada by non-Canadians is subject to a regulated review process governed by the Investment Canada Act (ICA), a federal department called Industry Canada and a federal agency called Investment Canada. The ICA provides that every foreign investor (defined by the ICA as a 'non-Canadian') must file a Notification with Industry Canada (unless the investment is specifically exempt under the ICA) every time a non-Canadian begins a new business activity in Canada or acquires control of an existing business in Canada.

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

n/a

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

They can advise on home and international law.

*Are there restrictions on the corporate form a foreign law firm can take?*

*Are there rules about the name a foreign law firm can take?*

Yes – rule 1606 prohibits law firm names that are misleading or undignified. When engaging in advertising or another form of marketing activity in Saskatchewan a foreign legal consultant must use the term 'foreign legal consultant' and state the country or general jurisdiction in respect of which he or she is qualified to practise law and the professional title used in that country or general jurisdiction.

## Canada – Saskatchewan

<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime that regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Foreign legal consultants must not be directors of or own the voting shares of a professional corporation.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	The Law Society of Saskatchewan: <a href="http://www.lawsociety.sk.ca">www.lawsociety.sk.ca</a>
<i>Verified by</i>	Federation of Law Societies of Canada (August 2014)

## Canada – Upper Canada

<i>Is there legislation governing the legal sector?</i>	Law Society Act: <a href="http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90l08_e.htm">www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90l08_e.htm</a>
<i>Under what title do lawyers practise?</i>	Barrister; solicitor.
<i>How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?</i>	To become a lawyer the following are required: a Bachelor of Laws degree (LLB); or a Juris Doctor degree (JD) from a faculty of common law at a Canadian university; or a Certificate of Equivalency issued by the National Committee on Accreditation (NCA). The candidate must successfully complete the licensing examinations (both solicitor and barrister examinations) and a ten-month articling period.
<i>Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits</i>	The holder can practise in the territory of Ontario and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the <i>Barreau du Québec</i> under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: British Columbia; Alberta; Saskatchewan; Manitoba; Nova Scotia; Newfoundland; New Brunswick; and Prince Edward Island.
<i>Are there certain activities that are 'reserved' to those who are licensed to</i>	Appearing in court and advising on the law of Ontario is reserved to lawyers licensed in Ontario or another Canadian

## Canada – Yukon

*'reserved' to those who are licensed to practise law in the jurisdiction?*

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Self-employment; partnerships; professional corporation.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Rules of the Law Society of Yukon: [www.lawsocietyyukon.com/pdf/RULESper cent20-per cent20Mayper cent202013.pdf](http://www.lawsocietyyukon.com/pdf/RULESper cent20-per cent20Mayper cent202013.pdf); and the Code of Professional Conduct: [www.lawsocietyyukon.com/code.php](http://www.lawsocietyyukon.com/code.php).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

If they wish to form a professional corporation they need to apply to the Law Society for a permit.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Law Society of Yukon.

*Is the jurisdiction a member of the WTO?*

*Has it made any WTO commitments on legal services?*

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

See information for Canada.

*Do these currently include legal services or are there plans to include them in future?*

See information for Canada.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

See information for Canada.

*Are there any foreign law firms present in this jurisdiction?*

No.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to practise in the Northwest Territories unless they become licensed.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

See information for Canada.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer cannot obtain a limited licence entitling them to offer advisory services in foreign and international law (ie, to become a foreign legal consultant).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify*

n/a



## Canada – Yukon

*for a limited licence? (eg, prior practice)*

*Are foreign lawyers permitted to undertake arbitration and mediation?*

*Are foreign lawyers allowed to appear in court under any circumstances?*

No – not without requalifying.

*Can foreign lawyers requalify as local lawyers?*

Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are not permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

n/a

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

n/a

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Foreign lawyers may not provide services in commercial association with local lawyers.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

No.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

No.



## Canada – Yukon

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

*Other useful sources or comments or links* Law Society of Yukon: [www.lawsocietyyukon.com/](http://www.lawsocietyyukon.com/)

*Verified by* Federation of Law Societies of Canada (August 2014)

# Chile

*Is there legislation governing the legal sector?*

In Chile, the Constitution, '*El Código Orgánico de Tribunales*' (the Organic Code) and the '*El Código Penal*' (the Criminal Code of Chile) serve as the baseline for all attorneys. The old '*Colegios Profesionales*' (professional associations), which acted as the sole ethical regulators of professions under the 1925 Constitution, became '*Asociaciones Gremiales*' (trade associations) that people could join on a voluntary basis following the provisions of the 1980 Political Constitution.

*Under what title do lawyers practise?*

*Abogado/a* – may be translated as attorney or lawyer.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

The *Corte Suprema* (Supreme Court) is charged with granting licences to practise law in Chile. To obtain a licence to practise, a candidate must: have graduated from a Chilean university with a degree of Bachelor of Law; be no less than twenty years of age; have no criminal record or pending criminal prosecutions; be able to present evidence of good moral character; be a Chilean national or have permanent residence; and have completed a period (six months) of internship in a *Corporación de Asistencia Judicial*, which is a government pro bono entity, doing pro bono legal work. There are no ongoing education requirements for an attorney to maintain their licence; in fact, a 'licence' is only required for Chilean lawyers who wish to appear in court – many do not.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

No limits on practice within the country. There are regional bar associations, but they do not have regulatory powers.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Only lawyers with a licence to practise law in Chile have rights of audience in court and can provide advice on the law of Chile.

*Do you need to hold local nationality to be eligible to practise law?*

The nationality requirement was removed in 2007.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

There are no limitations on the legal form for law firms in Chile. Many are incorporated as companies.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Chilean lawyers are guided for the ethical conduct by the ethical code and the criminal code (*El Código Penal*). The ethical code, in section 1, regulates the lawyer-client relationship and, in section 2, regulates the conflict of roles/functions and the conflicts of interests.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There is no explicit law firm licensing regime that regulates these arrangements.

*Which authority issues licences? Are there different authorities for individuals and*

The *Corte Suprema* (Supreme Court) is charged with granting licences to practise law in Chile.

# Chile

firms?

*Is the jurisdiction a member of the WTO?*

Chile has been a member of the WTO since 1 January 1995.

*Has it made any WTO commitments on legal services?*

Chile has made commitments on public international and international commercial law for the establishment of foreign lawyers, but not for fly-in, fly-out work. Appearing before a Chilean court of justice or administrative body must be undertaken by a lawyer authorised to practise in Chile who is also a Chilean national or has permanent residence. Foreign lawyers do not have the right to use the title of attorney.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Chile has bilateral trade agreements with: Australia; Canada; China; Colombia; Costa Rica; El Salvador; Guatemala; Honduras; India; Japan; Mexico; Republic of Korea; Panama; Peru; Turkey; US; EFTA; and the EU. Chile is an associate member of Mercosur.

*Do these currently include legal services or are there plans to include them in future?*

None of its bilateral agreements include legal services.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No.

*Are there any foreign law firms present in this jurisdiction?*

The only foreign firms present in the Chilean legal market, apart from Baker & McKenzie, are the legal branches of the large accounting networks. These are all locally established entities.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

There is no requirement to register for activities permitted on a fly-in, fly-out basis.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Yes, lawyers can apply for a business visa.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer does not need to obtain a limited licence entitling him/her to offer advisory services in foreign and international law (ie, to become a foreign legal consultant).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

There are no additional requirements.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes, the parties may be represented or advised during the arbitration/mediation procedure by persons of their choice, without any restriction on nationality or professional title.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Only lawyers licensed by the Supreme Court as a Chilean *abogado* can appear in court and provide advice on Chilean

# Chile

*Can foreign lawyers requalify as local lawyers?*

law.

Yes. Foreigners who have not studied in Chile can qualify as lawyers before the *Universidad de Chile* or the *Ministerio de Relaciones Exteriores* (Ministry of Foreign Affairs). If an agreement exists between Chile and the country where the candidate has obtained his/her degree:

- In those cases where a convention has been signed, the Ministry of Foreign Affairs has competence. The candidate must fill in a form to which he/she has to attach his/her: (1) diploma; (2) grades; (3) evidence of the existence of the university that awarded the degree; and (4) a proof of citizenship, as the candidate has to be national of Chile or of the other signatory country. This is the case for: Brazil; Colombia; Ecuador; Spain; Peru; Uruguay; and those countries that signed the Mexico City Convention in 1902, which are: Bolivia; Costa Rica; El Salvador; Guatemala; Honduras; Nicaragua; and Peru.
- When no convention has been signed, the University of Chile will certify the equivalence between the diploma awarded by a foreign university, and the diploma awarded by local universities; and it will examine the candidate's aptitude to obtain the title, according to their studies.

In both cases, the Supreme Court will grant the qualification if the candidate fulfils the legal requirements to practise law in Chile.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

The process is the same as for local businesses and will depend on the form the business takes (joint venture/limited liability partnership/branch etc).

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

n/a

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

Not beyond the requirements on individual foreign lawyers.

*Are there restrictions on the corporate*

There are no additional requirements on law firms beyond

## Chile

<i>form a foreign law firm can take?</i>	those imposed on foreign companies in general.
<i>Are there rules about the name a foreign law firm can take?</i>	There are no additional limitations on names for foreign law firms beyond those imposed on companies in general.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	<p>Links to licensing and representative bodies:</p> <p>Supreme Court (registration authority for lawyers) – <a href="http://www.poderjudicial.cl/index.php">www.poderjudicial.cl/index.php</a></p> <p>Chilean Bar Association (voluntary representative bar association) – <a href="http://www.colegiodeabogados.cl/">www.colegiodeabogados.cl/</a></p>
<i>Verified by</i>	Alessandri Attorneys at Law (January 2014) <a href="http://www.alessandri.cl">www.alessandri.cl</a>

# Colombia

*Is there legislation governing the legal sector?*

Decree 196 of 1971 (Statute for the Practice of Law)  
Decree 1137 of 1971 (This Decree regulates some provisions of Decree 196 of 1971)  
Law 1123 of 2007 (Disciplinary Code of the Legal Profession)

*Under what title do lawyers practise?*

*Abogado/a* (attorney)

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

Under Colombian law an individual must meet the following requirements in order to obtain the professional licence:

(1) have a law degree from a Colombian School of Law duly recognised by the government.

Foreign lawyers can apply to obtain the professional licence by homologating his/her law degree. For that purpose the academic title obtained in a foreign university must be subject to an administrative proceeding carried out before the Colombian Ministry of Education in order to obtain recognition. In addition, the applicant must take several tests on local law;

2) have legal residence in Colombia.

When requirements (1) and (2) are met, the applicant will be eligible for the registration before the National Registry of Attorneys (held by the *Consejo Superior de la Judicatura*).

The applicant must provide a copy of his/her ID and pay the official fees – currently approximately US\$27.

There is no expiry date for a lawyer professional licence.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Holders of a professional licence are entitled to practise throughout the country.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Under Article 24 of the Statute for the Practice of Law, the exercise of the legal profession is reserved to licensed lawyers. However, there are some exceptions to this general rule, for instance: (1) arbitrators in international arbitration proceedings conducted in Colombia; (2) arbitrators ruling on local arbitration proceedings related to disputes that not involve the use and interpretation of law (technical disputes; *ex aequo et bono* decisions); (3) individuals litigating their own causes as long as the claim's value does not exceed the amount permitted by law (US\$12 approximately); and (4) Judges of Peace (*Jueces de Paz*).

*Do you need to hold local nationality to be eligible to practise law?*

The Colombian legal system does not provide the requirement to hold local nationality to be eligible to practise law, but legal residence in Colombia is required.

Arbitrators dealing with local arbitration proceedings must hold local nationality.

# Colombia

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Lawyers in Colombia are not subject to restrictions on the legal form in which they can exercise the legal profession.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Articles 71, 72, 73 and 74 of the Colombian Code of Civil Procedure (duties of the attorneys; liability of the attorneys before their clients; general prohibition to act in bad faith – *mala fe o temeridad*).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Colombian law firms are not deemed to obtain a licence, permission or approval in order to 'practise law'.

Partnerships constituted by licensed lawyers to practise law must comply with the pertinent legal local requirements according to its nature, as any other commercial partnership.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The *Consejo Superior de la Judicatura* is the national authority in charge of issuing licences for individual lawyers. Firms are not required to obtain a licence to practise law.

*Is the jurisdiction a member of the WTO?*

Colombia joined the WTO on 30 April 1995.

*Has it made any WTO commitments on legal services?*

Colombia entered on the General Agreement on Trade in Services.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

In addition to the customs union with the CAN-MERCOSUR, Colombia has executed free trade agreements with: EFTA; Mexico; El Salvador; Guatemala; Honduras; Chile; Canada; and USA.

Free trade agreements with Israel, South Korea and Costa Rica are pending for the pertinent approval in the Colombian Congress.

Furthermore, Colombia has signed different Special Commercial Agreements with Venezuela, Nicaragua, Peru and the EU (pending approval before the Constitutional Court of Colombia), and CARICOM.

*Do these currently include legal services or are there plans to include them in future?*

Colombia's bilateral agreement with Mexico covers services in general. The parties of this agreement committed to recognise mutually professional licences issued in their countries without any administrative procedure; however, this commitment is not yet in force.

Agreements executed with EFTA, EU, Chile, Canada, USA, Cuba, Honduras, Salvador and Guatemala also cover services in general, but they do not eliminate the administrative proceeding necessary for the recognition of professional law licences.

CARICOM does not include direct commitments on trade on services, but the parties of the agreement commit to negotiate on this regard.

*Are foreign lawyers from different*

No.



## Colombia

*jurisdictions treated differently as a result of any such agreements?*

*Are there any foreign law firms present in this jurisdiction?*

The Colombian legal market is only open to local firms and licensed lawyers that comply with the requirements indicated above. However, international law firms may carry out business in Colombia throughout the establishment of local partnerships or subsidiaries duly constituted and recognised by local authorities (Norton Rose; Holland & Knight; Garrigues; Baker & McKenzie; and Cremades & Calvo Sotelo are examples of foreign law firms that currently carry out business in Colombia).

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

Foreign lawyers are allowed to practise law in Colombia only if they obtain their professional licence before the *Consejo Superior de la Judicatura*.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Yes. The foreign lawyer will need to apply for a 'Permission to Enter and Remain PIP-6' before the Special Administrative Unit *Migración Colombia*, according to article 21 of the Decree 834 of 2013.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Under Colombian law there is no requirement for a limited licence to establish and practise as a foreign legal consultant.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Colombia has an International Arbitration Law based on the UNCITRAL model, which entered into force on 12 October 2012. Regarding mediation proceedings, Colombia has not adopted a special law on that regard.

Foreign lawyers are entitled to act (as counsel or arbitrators) in international arbitration proceedings conducted in Colombia.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Foreign lawyers are able to practise law in Colombia only if they obtain their professional licence before the *Consejo Superior de la Judicatura*.

## Colombia

*Can foreign lawyers requalify as local lawyers?*

Foreign lawyers can requalify as local lawyers.

*Can a foreign law firm obtain a licence to open an office?*

Under Colombian law, firms do not require a 'licence'. The Colombian legal market is permitted only for local firms and licensed lawyers that comply with the requirements set forth by local law. International law firms may carry out business in Colombia throughout the establishment of local partnerships or subsidiaries duly constituted and recognised by local authorities. Lawyers, who are members of those local partnerships or subsidiaries, and intending to practise law in Colombia, must hold a local professional licence.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

In order to establish a legal business in Colombia foreign law firms must establish a local partnership or subsidiary in the country. This subsidiary or local company must comply with all the legal requirements set forth by local law according to the nature of the partnership intended.

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

n/a

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

n/a

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No. However, foreign investments in the legal sector in Colombia would need to comply with local regulations.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes. But if the foreign lawyer intends to practise law in Colombia, he/she must hold a local professional licence.

*Other useful sources or comments or links*

National Registry of Attorneys website:  
[gacetadelforo.ramajudicial.gov.co/gaceta\\_del\\_foro/](http://gacetadelforo.ramajudicial.gov.co/gaceta_del_foro/)

## Colombia

Ministry of Commerce, Industry and Tourism; section of bilateral and multilateral agreements that offer special treatment in Colombia to businesses or individuals from particular countries:

[www.mincit.gov.co/tlc/publicaciones.php?id=5398](http://www.mincit.gov.co/tlc/publicaciones.php?id=5398)

*Verified by*

Prieto Carrizosa (October 2013)

[www.prietocarrizosa.com](http://www.prietocarrizosa.com)

## Costa Rica

*Is there legislation governing the legal sector?*

Ley Orgánica del Colegio de Abogados No 13 de 28 de Octubre de 1941

*Under what title do lawyers practice?*

*Abogado/a* – lawyer

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

In Costa Rica, lawyers must: obtain a law degree from a recognised university; complete supervised work experience of not less than 150 hours; and pass the bar association's legal ethics course and exam. The candidate can then apply to the Bar Association of Costa Rica for a licence.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Yes.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Only Costa Rican lawyers have rights of audience in court and can provide advice on Costa Rican law.

*Do you need to hold local nationality to be eligible to practise law?*

No, but a certificate of residence issued by the Immigration Department is required as part of the registration process

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Costa Rican lawyers may work as sole practitioners or in: corporations (*sociedad anónima* –SA); limited liability companies (*sociedad de responsabilidad limitada* – SRL or LLC); or general (*sociedad en nombre colectivo*) and limited partnerships (*sociedad en comandita*).

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Costa Rican lawyers must also follow the Professional Duties Code promulgated by the Bar Association of Costa Rica.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There is no explicit law firm licensing regime that regulates these arrangements.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Bar Association of Costa Rica issues licences to individuals.

*Is the jurisdiction a member of the WTO?*

Costa Rica joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Costa Rica has not scheduled any commitments on legal services under the GATS.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Costa Rica has bilateral trade agreements with Canada, China, Mexico, Peru, and is a member of the Central American Common Market. Costa Rica has also signed the plurilateral Central America Treaty and through this has trade agreements with Panama, the Dominican Republic, Chile, the US and the EU.

*Do these currently include legal services or are there plans to include them in future?*

Costa Rica has made no specific legal services commitments under its bilateral agreements.

## Costa Rica

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No.

*Are there any foreign law firms present in this jurisdiction?*

Yes, mainly branches of firms from other Central American countries.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

There are no regulatory restrictions on foreign lawyers working on 'fly-in, fly-out' transactions.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Yes.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers can advise in Costa Rica only on international law and the laws of the jurisdiction in which the foreign attorney is qualified. A foreign lawyer does not need to obtain a limited licence entitling him/her to offer advisory services in foreign and international law (ie, to become a foreign legal consultant).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Foreign lawyers can serve as advocates only for international arbitrations; there is no need for a local lawyer to serve as co-counsel. On the other hand, for domestic arbitration, only Costa Rican lawyers are to serve as advocates in the arbitral proceedings.

*Are foreign lawyers allowed to appear in court under any circumstances?*

No.

*Can foreign lawyers requalify as local lawyers?*

Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the University of Costa Rica to have their law degree assessed as being equivalent to a Costa Rican law degree. Foreign lawyers also need to sit the bar association's legal ethics exam. Once in receipt of all this documentation (including proof of residency), the foreign lawyer can apply for a licence from the bar association.

*Can a foreign law firm obtain a licence to open an office?*

There is no explicit foreign law firm licensing regime and foreign law firms will need only to comply with the standard requirements for foreign investors.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Regardless of the method of operation, any business requiring a legal representative in Costa Rica must register with the Commercial Section of the National Registry (*Registro Nacional*), thus becoming a national enterprise and taxpayer for Costa Rican purposes, regardless of the

## Costa Rica

	nationality of its owners or officers. Foreigners may: (1) act as officers, directors, partners or trustees in local companies; (2) make use of negotiable commercial documents; and (3) execute any kind of legal contract. Foreign companies may register branch offices, which are only liable for income tax on Costa Rican source income.
<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	Not beyond the requirements on individual foreign lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	There are no additional requirements on law firms beyond those imposed on foreign companies in general.
<i>Are there rules about the name a foreign law firm can take?</i>	There are no additional limitations on names for foreign law firms beyond those imposed on companies in general.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	Link to Costa Rican law on lawyers: <a href="http://www.abogados.or.cr/index.php?option=com_content&amp;view=article&amp;id=56&amp;Itemid=66">www.abogados.or.cr/index.php?option=com_content&amp;view=article&amp;id=56&amp;Itemid=66</a>

# Croatia

*Is there legislation governing the legal sector?*

Law on the Legal Profession ( *Zakon o odvjetništvu*), Official Gazette 'Narodne Novine', No 9/94, dated 27 January 1994 and No 117 dated 13 October 2008.

*Under what title do lawyers practise?*

*Odvjetnik/odvjetnica*, which translates as lawyer or attorney.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

Article 48 of the Lawyers Act states that:

'The right to be enrolled in the list of attorneys shall be given to the person fulfilling the following conditions: 1. that the person is of Croatian citizenship; 2. that the person possesses business capacity; 3. that the person's health conditions are such as to allow the performance of law practice activities; 4. that the person has graduated from a Faculty of Law of the Republic of Croatia; 5. that upon graduation the person has completed at least three years of apprenticeship in a law office or has had legal jobs in judicial bodies or has worked for at least five years on other legal jobs; 6. that the person has an active knowledge of the Croatian language; 7. that the person has passed the Bar Examination in the Republic of Croatia; 8. that no investigation and criminal procedure are conducted against the person as ex officio prosecution; 9. that the person is not employed; 10. that the person is worthy of carrying out the legal profession; 11. that the person does not perform other jobs which are incompatible with the legal profession.'

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The licence to practise in Croatia is a national one.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Article 3 of the Lawyers Act defines 'legal assistance' as the work of lawyers that allows them to do the following: give legal advice; draft documents (contracts, wills, statements, etc); draw up claims, complaints, motions, requests, extraordinary legal remedies and other pleadings; and represent their clients. Article 6 of the Act gives the Croatian Bar Association the right to initiate proceedings against non-lawyers rendering legal assistance.

*Do you need to hold local nationality to be eligible to practise law?*

The Lawyers Act requires Croatian citizenship for enrolment as a lawyer. Since joining the EU in July 2013 Croatia must now allow other EU nationals the possibility to qualify as Croatian lawyers.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Croatian lawyers can use the following forms: (1) sole practice – the principal can employ as many trainees or other personnel without limits. The only restriction is that he or she cannot employ other attorneys-at-law. He or



# Croatia

	<p>she can have only one office; (2) joint offices or partnerships made up of two or more lawyers enrolled with the Croatian Bar Association. These partnerships are regulated by the Law on the Legal Profession (<i>Zakon o Odvjetnistvu</i>) and the Law on Obligations (<i>Zakon o Zbveznim Zdnosima</i>) – the Official Gazette ‘<i>Narodne Novine</i>’, No 53/91, 73/91, 3/94; and (3) as a law firm with separate legal personality.</p>
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	<p>The Attorneys’ Code of Ethics was passed at the Assembly of the Croatian Bar Association on 18 February 1995 and amended on 12 June 1999. It is available at the Croatian Bar website: <a href="http://www.hok-cba.hr/Default.aspx?sec=91">www.hok-cba.hr/Default.aspx?sec=91</a>.</p>
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	<p>Partnership or law firm agreements must be registered with the bar. Law firms and partnerships are governed by the rules of the Company Law – <i>Zakon o Trgovackim Drustvima</i>; the Official Gazette ‘<i>Narodne Novine</i>’, No 111/93, and by the Law on Obligations.</p>
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	<p>Both lists of individual lawyers admitted to practise in Croatia and legally established law firms are maintained by the Croatian Bar Association.</p>
<i>Is the jurisdiction a member of the WTO?</i>	<p>Croatia joined the WTO on 30 November 2000.</p>
<i>Has it made any WTO commitments on legal services?</i>	<p>Croatia has made commitments in modes 1–3 in home country, foreign and international law. It is unbound for Croatian legal services.</p>
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	<p>As a member of the European Union, Croatia extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Moreover, Bulgaria is also party to the EU’s many bilateral agreements with other countries and free trade areas. A full list of these can be found at: <a href="http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&amp;sense=s">www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&amp;sense=s</a>.</p>
<i>Do these currently include legal services or are there plans to include them in future?</i>	<p>The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include: the Establishment Directive for Lawyers (98/5/EC); the Lawyers’ Services Directive (77/249/EC); the Framework Services Directive (2006/123/EC); and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross-border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or</p>

## Croatia

Swiss) nationality. Provisions covering trade in services are included in the EU's free trade agreements (FTAs) with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea covers legal services explicitly and on the EU side offers no concessions beyond those offered to other members of the WTO. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs that might include provisions on legal services are ongoing with: Mercosur; Gulf Cooperation Council; Canada; India; Morocco; Ukraine; Moldova; Georgia; Armenia; Singapore; Malaysia; and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

As a member of the European Union, Croatia extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Moreover, Bulgaria is also party to the EU's many bilateral agreements with other countries and free trade areas. A full list of these can be found at: [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participation\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&sense=s).

*Are there any foreign law firms present in this jurisdiction?*

There are a few Austrian firms present in Croatia (Schönherr and Wolf Theiss) and offices of international networks, such as CMS. A number of local firms are in close alliance with international firms, such as DLA Piper.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

Under the terms of Croatia's accession to the EU, lawyers from other EU, other EEA countries and Switzerland will in future be permitted to practise law on a fly-in, fly-out basis in Croatia without restriction. Lawyers of other nationalities are not permitted to practise law, unless they are Croatian citizens and enrolled in the register of attorneys held by the Croatian Bar Association.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Croatia grants business visas to natural persons who stay temporarily in Croatia without acquiring remuneration from or within Croatia and without seeking employment in Croatia. This includes natural persons who stay temporarily in Croatia in order to conclude the contract for the sale of a service on behalf of the enterprise they are employed or mandated for or to participate in business meetings, fairs and other similar activities; and persons not based in Croatia and receiving no remuneration from a source located in Croatia, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier. Those representatives cannot be engaged in making direct sales to the general public or in supplying services themselves. Some non-EEA countries

# Croatia

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

(for example, the US) are exempt from business visa requirements.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Only EU, EEA and Swiss nationals are permitted under the terms of Croatia's accession to the EU to practise as registered European lawyers. They may practise their home country law, European law and Croatian law in association with a Croatian lawyer.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

A European lawyer registering with the Croatian Bar Association once its new rules are in place will be required to practice under his or her home professional title and abide by the Croatian Bar's code of ethics.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Under its WTO commitments, Croatia has committed that in proceedings involving international elements, parties can be represented before arbitration courts by lawyers who are members of bar associations of other countries.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Article 47 of the Lawyers' Act states that: 'In the procedures before the Permanent Arbitration Courts in legal matters with a foreign element, parties may be represented by attorneys enrolled in the lists of associations of other countries.'

*Can foreign lawyers requalify as local lawyers?*

Representation of parties before courts can be practised only by the members of the Bar Council of Croatia. Under the terms of Croatia's accession to the EU, lawyers from other EU states will now be permitted to appear in court provided they do so in association with a local lawyer.

*Can a foreign law firm obtain a licence to open an office?*

Not at present, although under the terms of Croatia's accession to the EU, EU, EEA and Swiss lawyers will be able to requalify either by way of an aptitude test or assimilation into the local profession.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

To date, the only possible way for a foreign law firm to operate in Croatia is through a written contract with other domestic or foreign law offices in order to carry out activities of common interest and to provide mutual service. Following its accession to the EU, however, EU, EEA and Swiss law firms will be permitted to establish offices in Croatia.

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

Croatian law offices that enter into affiliation arrangements with foreign law firms must submit a copy of the contract on affiliation to the bar association.

*Is there a quota on the number of licences available?*

n/a

n/a

## Croatia

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

n/a

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

n/a

*Are there restrictions on the corporate form a foreign law firm can take?*

EEA and Swiss law firms establishing in Croatia under the rules that Croatia will introduce in order to implement the EU Establishment Directive will need to follow local rules on permitted forms of practice. Croatian lawyers may practise as sole practitioners or in partnerships.

*Are there rules about the name a foreign law firm can take?*

Once the relevant legislation is enacted, EEA and Swiss law firms would be expected to conform to the local rules on the names of law firms.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

The Croatian Bar Association ([www.hok-cba.hr](http://www.hok-cba.hr)) will approve all applications from EU and EEA law firms once the expected provisions implementing Croatia's accession commitments are implemented.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Foreign lawyers are not permitted to have ownership interests in Croatian law firms. Once the Establishment Directive is implemented in Croatia EEA lawyers will be able to own law firms outright and to enter freely into partnerships with Croatian lawyers.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

No.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

No.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes, but not as a lawyer.

*Other useful sources or comments or links*

## Cyprus

*Is there legislation governing the legal sector?*

The Advocates Law 1961 (as amended)

*Under what title do lawyers practise?*

Advocate or *Dikigoros* (Δικηγόρος).

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

According to the Advocates Act, a Cypriot lawyer must: (1) be at least 21; (2) be of a good character and not be an unsuitable person due to any kind of behaviour that would justify the Disciplinary Board taking measures against him; and (3) be a citizen of the Republic with permanent residence in Cyprus or a non-Cypriot citizen who is a spouse or a child of a citizen of the Republic with permanent residence in Cyprus. Enrolment requires the individual to be: (1) a holder of a Law degree or diploma from a university or institution recognised by the Legal Council; (2) have completed a training period of not less than 12 months at the office of an advocate practising for at least five years; (3) have passed an examination managed by the Legal Council; and (4) paid a fee and been entered on the register maintained by the Chief Registrar of the Supreme Court. On entry into the Supreme Court's register the advocate must then apply for a licence from the Cyprus Bar Association. This licence must be renewed annually and requires confirmation from the local bar association in the district in which the advocate practises their ongoing practice of law, and confirmation from the Department of Social Assurance that they are an advocate contributor to the Social Insurance Fund.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The licence to practise covers the Republic of Cyprus.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

'Practising as an advocate' is defined in the Advocates Law as: (1) appearing before any Court to conduct any proceedings on behalf of any person or the Republic; (2) preparing or perusing any pleading on behalf of a client. For the purposes of this paragraph, 'pleading' includes any document filed in court and forms part of the pleadings but does not include an expert's report or a witness attestation including a statement of facts; (3) the act of registering trademarks or patents and appearing before any administrative authority for the aforementioned purposes; (3) drawing, reviewing, amending any memorandum or articles of association of a company of any form or any application, report, statement, affidavit, decision or other document pertaining to the incorporation, registration, organisation, reorganisation or dissolution of any legal entity; (5) registering ships and drawing all documents referring to

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	the incorporation, transfer, alteration or abolition of all rights on a ship as well as appearing before the competent authority for this purpose; (6) giving opinions on all legal matters submitted to the advocate; and (7) drawing or perusing any document filed in Court for administration purposes under the Administration of Estates Law.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	The Advocates Law requires that Cypriot lawyers are either Cypriot nationals or the spouses or children of Cypriot nationals. Since Cyprus' accession to the EU in 2004, EU nationals may also become Cypriot lawyers.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Cypriot lawyers may practise as sole practitioners, in general or limited liability partnerships or in limited liability companies.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Cyprus Bar Association has issued a code of conduct: <a href="http://www.cyprusbarassociation.org/v1/files/disciplinary/New_code_of_counduct_eng.pdf">www.cyprusbarassociation.org/v1/files/disciplinary/New_code_of_counduct_eng.pdf</a> .
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	A separate approval, in addition to company formation requirements, is required from the Legal Council for partnerships and companies consisting of advocates. The Bar Council must then enter firms onto its firm register.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Both the Legal Council and the Bar Council are involved in issuing licences to individuals and law firms. The Legal Council is a regulatory body chaired by the Attorney-General and comprising representatives of the Bar Council and other practising attorneys.
<i>Is the jurisdiction a member of the WTO?</i>	Cyprus joined the WTO on 30 July 1995.
<i>Has it made any WTO commitments on legal services?</i>	Cyprus made no specific commitments in legal services on joining the WTO, but on joining the EU has signed up to the commitments made by the EU in the Uruguay Round. It now offers access in modes 1–3 for home country and international law.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	As a member of the European Union, Cyprus extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Moreover, Bulgaria is also party to the EU's many bilateral agreements with other countries and free trade areas. A full list of these can be found at: <a href="http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&amp;sense=s">www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&amp;sense=s</a> .
<i>Do these currently include legal services or are there plans to include them in future?</i>	The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include: the Establishment Directive for Lawyers (98/5/EC); the Lawyers' Services Directive (77/249/EC);



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the Framework Services Directive (2006/123/EC); and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross-border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's free trade agreements (FTAs) with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea covers legal services explicitly and on the EU side offers no concessions beyond those offered to other members of the WTO. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur; Gulf Cooperation Council; Canada; India; Morocco; Ukraine; Moldova; Georgia; Armenia; Singapore; Malaysia; and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

As a member of the European Union, Cyprus extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Moreover, Bulgaria is also party to the EU's many bilateral agreements with other countries and free trade areas. A full list of these can be found at: [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participation\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&sense=s).

*Are there any foreign law firms present in this jurisdiction?*

There are no foreign firms with offices in Cyprus.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

EU, EEA and Swiss lawyers who hold recognised professional titles and European nationality may provide temporary services in Cyprus on an unrestricted basis. Lawyers of other nationalities are not permitted to practise law in Cyprus.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

All EEA nationals may work in Cyprus without restrictions; non-EEA nationals may obtain business visas on the basis of an invitation from a local company.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Only EEA or Swiss lawyers may provide legal services in Cyprus as registered European lawyers. They may provide services on their home country law, European law and international law and may additionally practise Cypriot law provided they do so in association with a Cypriot lawyer.



## Cyprus

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

An EEA lawyer establishing in Cyprus must use his home professional title and register with the Cypriot Bar.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

An EEA lawyer establishing in Cyprus must provide evidence from their home licensing authority that they are suitably qualified and have a clean disciplinary record.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The Cyprus Arbitration and Mediation Centre runs arbitration proceedings in Cyprus on the basis of the UNCITRAL model. Parties are free to appoint arbitrators and the CAMC maintains a list that includes a number of foreign (EU) lawyers.

*Are foreign lawyers allowed to appear in court under any circumstances?*

In addition to the rights of EU and EEA lawyers to appear before Cypriot courts, the Legal Council may, at its discretion, upon application by an established advocate from abroad, grant a special licence to such advocate to appear before any Court of the Republic in order to practise law in the Republic in relation to any specific proceedings or any specific case or matter.

*Can foreign lawyers requalify as local lawyers?*

EEA lawyers who wish to requalify as Cypriot lawyers may requalify under article 10 of Directive 98/5/EC, but must have been established as a Registered European Lawyer in Cyprus for a minimum of three years and have obtained experience in local law. Alternatively EEA lawyers without three years' experience in practising law in Cyprus may sit an aptitude test.

*Can a foreign law firm obtain a licence to open an office?*

The Cypriot legislation only deals with the case of an EEA firm that may open an office and is required only to register with the Cypriot Bar Association.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

No.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

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*Are there restrictions on the corporate form a foreign law firm can take?*

EEA firms establishing in Cyprus may only take the forms permitted to local lawyers.

*Are there rules about the name a foreign law firm can take?*

An EEA law firm may use its own name in Cyprus, but must add the name of a local partner.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

EEA law firms must register with the Cypriot Bar Association.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

There are no restrictions on the ownership share of EEA lawyers in Cypriot law firms.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Cypriot lawyers may be employed by EEA lawyers or law firms.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Cypriot lawyers may enter partnerships with EEA lawyers.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Cypriot lawyers may employ EEA lawyers.

*Other useful sources or comments or links*

Cyprus Bar Association:  
[www.cyprusbarassociation.org/](http://www.cyprusbarassociation.org/)

# Czech Republic

*Is there legislation governing the legal sector?*

Act No. 85/1996 Sb of 13 March 1996 on the Legal Profession (English version available at [www.cak.cz/scripts/detail.php?id=1993](http://www.cak.cz/scripts/detail.php?id=1993)).

*Under what title do lawyers practise?*

Advokát

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

In order to become a lawyer in the Czech Republic a candidate must: (1) have a university degree in law; (2) have undertaken professional training as a legal trainee for a minimum of three years; (3) have passed the professional examination of the Czech Bar Association; and (4) have been registered in the Register of Czech Bar Association.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The licence to practise in the Czech Republic is a national one.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The provision of legal services is defined in Act No 85/1996 as: 'representing clients in proceedings before courts and other bodies, acting as a defence lawyer in criminal cases, giving legal advice, preparing documents, legal analyses and other forms of legal aid where these are provided on a permanent basis and for a fee.'

*Do you need to hold local nationality to be eligible to practise law?*

Legal services in the territory of the Czech Republic may be provided, under conditions and in the manner stipulated by the Act on the Legal Profession, by: natural persons who are citizens and qualified lawyers of the EU Member State, State Parties to the European Economic Area Agreement or the Swiss Confederation (hereinafter referred to as 'home country'); or citizens of other states who are permanently established in a 'home country' and have obtained the entitlement to provide legal services under the 'home country' professional title.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Czech lawyers may practice as sole practitioners, in a consortium or, under the Commercial Code, as members of an unlimited company, limited partnership company or limited liability company, provided that the object of business of any of these companies is solely the practice of legal profession and that only lawyers establish its membership.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The professional ethics governing Czech lawyers is set down in a Resolution of the Board of Directors of the Czech Bar Association No 1/1997 (Bulletin of 31 October 1996).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

According to the Czech Commercial Code, law firms have to be registered in the Commercial Register maintained by the court.

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*Which authority issues licences? Are there different authorities for individuals and firms?*

The Czech Bar Association registers both individual lawyers and firms ([www.cak.cz](http://www.cak.cz)).

*Is the jurisdiction a member of the WTO?*

The Czech Republic joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

The Czech Republic has made commitments in mode 1-3. There are no restrictions on modes 1 and 2. In mode 3, there is no limitation on activities involving foreign law. For activities involving national law, membership of the Czech Bar Association is required. Lawyers carrying out representational or transactional work in Czech law are required to be graduates of Czech universities or a foreign university, if its degrees are recognised in the Czech Republic as equivalent to a degree from a Czech University, based on an international treaty binding on the Czech Republic, or if such education was recognised pursuant to special legislation and, simultaneously, it corresponds, in its content and extent, to the general education that may be acquired within a Master's programme in law at a university in the Czech Republic.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

As a member of the European Union, the Czech Republic extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Moreover, the Czech Republic is also party to the EU's many bilateral agreements with other countries and free trade areas. A full list of these can be found at:

[www.wto.org/english/tratop\\_e/region\\_e/rta\\_participati\\_on\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participati_on_map_e.htm?country_selected=none&sense=s).

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include: the Establishment Directive for Lawyers (98/5/EC); the Lawyers' Services Directive (77/249/EC); the Framework Services Directive (2006/123/EC); and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross-border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's free trade agreements (FTAs) with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no

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	<p>concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur; Gulf Cooperation Council; India; Japan; Morocco; Ukraine; Moldova; Georgia; Armenia; Singapore; Malaysia; the US; and Vietnam.</p>
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	<p>Lawyers from the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (the Lawyers' Establishment Directive 98/5/EC; the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Czech, as well as foreign and international, law and can requalify as a Czech <i>advokát</i>. Foreign lawyers from outside these countries are more restricted in their scope of practice and may not requalify.</p>
<i>Are there any foreign law firms present in this jurisdiction?</i>	<p>The Czech Bar has a record of eight branches of foreign firms, including firms from the US, UK, Germany, Austria and the CIS.</p>
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?</i>	<p>Only European lawyers are entitled to provide legal services on a temporary basis without being registered. Foreign lawyers must register with the Czech Bar Association. A visiting European lawyer is not authorised to make contracts for the transfer of real estate, mortgage contracts relating to the property, and contracts for the transfer or lease of an enterprise; they are also not authorised to authenticate signatures.</p>
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	<p>The Czech Republic is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over an 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.</p>
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	<p>A lawyer who has been admitted to the Czech Bar as a 'foreign lawyer' (ie, not from the EU, the European Economic Area Agreement, Swiss Confederation nor permanently established in a home country), according to Article 5a of the Act on the Legal Profession, shall be entitled to provide legal services only in the law of the</p>

## Czech Republic

country in which he/she obtained his/her entitlement to provide legal services and in the area of international law. European lawyers may also provide services in EU law and Czech law. When a European lawyer provides legal services involving the representation of clients before courts and other bodies, including defence in criminal proceedings, and where legislation stipulates that a party must be represented by a lawyer, or that only a lawyer may be the representative of a party, the European lawyer must appoint a Czech lawyer, upon agreement with his client, as a consultant for the proceedings.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

All foreign lawyers (EU and otherwise) must comply with local codes of ethics and only act under their home title. Foreign lawyers (and foreign law firms) must take out indemnity insurance or submit a copy of their existing insurance policy to the Czech Bar for approval.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Foreign lawyers must hold a professional title in their home country and must prove that they are entitled to provide legal services in a foreign country. European lawyers must: hold EU nationality; or be citizens of an EU Member State, State Party to the European Economic Area Agreement or the Swiss Confederation (hereinafter referred to as 'home country'); or citizens of other states being permanently established in a home country and hold a qualification (ie, to obtain in their home country entitlement to provide legal services under their home country professional title).

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Foreign lawyers can register and undertake arbitration at the Czech arbitration court.

*Are foreign lawyers allowed to appear in court under any circumstances?*

European lawyers (citizens of the EU Member State, State Party to the European Economic Area Agreement or the Swiss Confederation (hereinafter referred to as 'home country ') or citizens of other states being permanently established in a home country) Union/EFTA and Swiss lawyers may appear in court provided they do so in association with a local lawyer.

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*Can foreign lawyers requalify as local lawyers?*

European lawyers who wish to requalify as Czech lawyers may requalify under article 10 of Directive 98/5/EC, but must have been providing legal services in the Czech Republic for three years as established European lawyers and have obtained experience in the law of the Czech Republic. Alternatively European lawyers from other the EU, EFTA or Switzerland without three years' experience and residency in the Czech Republic may sit an aptitude test; all other applicants must have a Master's degree in law and three years of professional training and pass the Bar exam in the Czech republic. Both the aptitude test and the bar exam may be taken only in the Czech or Slovak language.

*Can a foreign law firm obtain a licence to open an office?*

A foreign law firm may establish in the Czech Republic to provide legal services under section 35 of the Act on the Legal Profession, if it:

- (1) has a registered office or a branch of his business in the law firm's home country;
- (2) its members are only lawyers or other individuals who are authorised to provide legal services in their home countries;
- (3) its business is exclusively the provision of legal services;
- (4) a foreign company or a branch of his business is entered in the Commercial Register;
- (5) legal services are provided only by lawyers and established European lawyers. A foreign law firm shall be obliged to submit to the bar a counterpart or an officially verified copy of its contract of insurance of its members or of the foreign company itself, or a document issued by the insurance company or a foreign insurance company or another competent person certifying the existence of insurance.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Foreign law firms must also register in the Commercial Register.

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

No.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host,*

There are no scope of practice rules that apply to firms as opposed to individual lawyers.



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*international law) If so, what are they?*

*Are there restrictions on the corporate form a foreign law firm can take?*

A foreign law firm can take one of the forms permitted by the Commercial Register. Regardless of whether it takes on limited or unlimited liability form, it must take out adequate professional indemnity insurance to cover its practice in the Czech Republic.

*Are there rules about the name a foreign law firm can take?*

A lawyer providing legal services on behalf of a foreign law firm should use the business name or the name of the foreign law firm or its appropriate organisational unit, according to the entry in the Commercial Register.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

Only individual foreign lawyers are registered in the Register maintained by the Czech Bar Association.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No, there are no limits on foreign participation in a law firm in the Czech Republic.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes, this is expressly provided for in section 15a of the Act on the Legal Profession.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes, but a Czech lawyer may only be a partner (or 'cooperate') in only one law firm.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes,

*Other useful sources or comments or links*

Czech Bar Association: [www.cak.cz/](http://www.cak.cz/)

*Verified by*

The Czech Bar Association (December 2013)

## Democratic Republic of the Congo

*Is there legislation governing the legal sector?*

*Ordonnance-loi No 79-028 du 26/09/1979 portant organisation du Barreau, du corps des défenseurs judiciaires et du corps des mandataires de l'Etat* (Law on the Organisation of the Bar, Judicial Defenders and State Representatives).

*Under what title do lawyers practise?*

'Avocat' or 'défenseur judiciaire'.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

Unlike some civil law countries, where there is separate legal education for judges and lawyers, the Congolese basic law degree (licence) entitles its holders to practise either as judges or advocates. Requirements for a 'licence' to practise law as an avocat (lawyer) or as a *défenseur judiciaire* (judicial defender) are different because the scope of practice they are entitled to is different. A *défenseur judiciaire* has a limited scope of practice and may only plead before local courts. Requirements for a qualification as an avocat are given in article 7 of the Act. To access the legal profession one needs to: (1) hold DRC nationality; (2) hold a degree in law or a doctorate in law issued by the National university of Zaire (or the former National school for legal and administrative studies) or an equivalent diploma issued by a foreign university (the applicant must in this case justify that he or she has knowledge in DCR law); (3) complete a two-year internship (stage) with a registered local lawyer (section II of the Act); and (4) pass the final exam after completion of the internship (*certificat d'aptitude professionnelle*).

Lawyers must be registered in the list of the bar association of their place of establishment (article 3 of the Act).

Conditions for admission as a *défenseur judiciaire*: (1) hold DRC nationality; (2) to have graduated in law at the National University of DRC; or (3) hold an equivalent degree.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Avocats can automatically practise before all jurisdictions in DRC (except for the Supreme Court see below) according to Article 5 of Law No 79-028. There is no jurisdictional limit. However, before pleading in a court outside the area covered by his or her bar association, lawyers must introduce themselves to the judge heading the trial (*président de l'audience*), to the public prosecutor, to the head of the local bar association (*bâtonnier*), and to the lawyer of the opposite party (article 78 of the Act).

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

According to article 6 of the Act, only lawyers (*avocats*) are allowed to assist and represent clients, to make procedural acts on the behalf of clients, to file conclusions and plead before courts.

Judicial defenders have the same rights, but their activity is

## Democratic Republic of the Congo

	limited to local bars ( <i>tribunal de paix</i> and <i>tribunal de grade instance</i> ); they may not appear in courts of appeal.
	Only lawyers admitted to the Supreme Court ( <i>avocats à la Cour suprême de justice</i> ) may plead before it and need to have practised for ten years and have published several legal articles in order to be eligible to do so (article 105).
<i>Do you need to hold local nationality to be eligible to practise law?</i>	Local nationality is a requirement; however, there is the possibility of reciprocal access for foreign lawyers (article 7).
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	<p>Lawyers may practise in several legal forms, which are laid down in article 64 of the Act.</p> <p>They may be self-employed (<i>exercice à titre individuel</i>), in an association of lawyers, a collaborator of another lawyer, or in a group of lawyers.</p> <p>The contract of collaboration is the contract by which a lawyer commits himself to work for another lawyer in exchange of a salary.</p> <p>An association is a contract between two or more lawyers who decide to practise together in the same law firm (<i>cabinet</i>) or different law firms and share benefits and losses.</p>
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The National Bar Association ( <i>Conseil National de l'Ordre</i> ) has issued the <i>Règlement Intérieur du Barreau</i> , which elaborates on the basic ethical requirements contained in the law.
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	There is no licensing procedure for law firms; however, article 70 of the Act says that copies of contracts between lawyers (association and collaboration) must be sent to the <i>Conseil de l'Ordre</i> not more than fifteen days after they are entered into.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	<i>Conseil de l'Ordre</i> of each local bar association is the authority in charge of contracts between lawyers, as well as the register of individual lawyers ( <i>tableau de l'ordre</i> ).
<i>Is the jurisdiction a member of the WTO?</i>	DRC joined the WTO on 1 January 1997.
<i>Has it made any WTO commitments on legal services?</i>	DRC has made no commitments in the WTO on legal services .
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	DRC is a member of the Common Market for Eastern and Southern Africa (COMESA), which is currently discussing deeper integration of the region, including in professional services.
<i>Do these currently include legal services or are there plans to include them in future?</i>	COMESA is currently negotiating deeper regional integration, including of professional services.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	No.

## Democratic Republic of the Congo

<i>Are there any foreign law firms present in this jurisdiction?</i>	There are a few Belgian nationals who have established permanently in DRC, but they are also dual-qualified.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?</i>	There are no explicit rules on fly-in, fly-out practice.
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	Business invitations require prior approval by the Ministry of Foreign Affairs.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no foreign legal consultancy regime.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	n/a
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	n/a
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	DRC has recently acceded both to OHADA and to the New York Convention and foreign lawyers are permitted to act as arbitrators in DRC.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Exceptionally, a foreign lawyer may appear in a specific case without first being registered in the DRC. However, this requires prior authorisation from the president of the local bar and assistance from a local lawyer.
<i>Can foreign lawyers requalify as local lawyers?</i>	Registration is subject to reciprocity. Foreign degrees may be recognised if deemed equivalent to a DRC diploma. Candidates must also pass an examination to show proof of sufficient knowledge of Congolese law.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no licensing regime for foreign law firms.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	Foreign law firms are not permitted in DRC.
<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg,</i>	n/a

## Democratic Republic of the Congo

*home, host, international law) If so, what are they?*

*Are there restrictions on the corporate form a foreign law firm can take?* n/a

*Are there rules about the name a foreign law firm can take?* The name of a law firm in the DRC may consist only of the names of its local partners; however, it is acceptable for a local firm to mention that it is an affiliate or member of an international firm/network.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL* n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?* n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?* n/a

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* There is a limit on the percentage of foreign employees (25 per cent) who may be employed depending on the type of position.

*Other useful sources or comments or links* Gombe Bar Association: [www.barreaudelagombe.cd/](http://www.barreaudelagombe.cd/)

# Denmark

*Is there legislation governing the legal sector?*

Danish Administration of Justice Act; cf. Consolidated Act No 1261 of 23 October 2007.

*Under what title do lawyers practise?*

*advokat*

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

According to article 119 of the Administration of Justice Act, in order to have the right to practise as a lawyer, an individual must: be legally competent; not bankrupt; have a Danish Bachelors and Master's degree in law; have completed three years of practical experience; and have passed an examination and a practical test in litigation.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

There is a single national licence to practise in Denmark.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

According to the Danish Administration of Justice Act, licensed lawyers (*advokater*) have an exclusive right to conduct cases for others before the courts. The title *advokat* is also protected and it is illegal for anyone to practise law who does not hold this title.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Danish lawyers may work as sole practitioners, in a grouping of lawyers, or in public limited, private limited or limited partnership companies. Such companies must have as their only permitted object the practice of law and they must be owned solely by lawyers. Professional corporations of lawyers are required and have exclusive right to use the words: '*advokataktieselskab*', '*advokatanpartsselskab*' or '*advokatkommanditaktieselskab*' or abbreviations of such words in their names.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Danish Bar and Law Society has issued a code of conduct, bylaws and various other rules, which can be found at:  
[www.advokatsamfundet.dk/Service/English/Rules.aspx](http://www.advokatsamfundet.dk/Service/English/Rules.aspx).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

All law firms must register with the Danish Bar and Law Society. Firms registering as corporations must supply the following information: the members' names; the members' civil registration or Central Business Register numbers; the members' nominal ownership interest; the members' voting share and the corporation's total nominal capital; the total number of votes; and, if the shares are divided into classes, the basis of such division and the distribution of the capital among classes.

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*Which authority issues licences? Are there different authorities for individuals and firms?*

Lawyers are licensed by the Ministry of Justice, Civil and Police Department:

[www.justitsministeriet.dk/civilogpolitiafdelingen.html](http://www.justitsministeriet.dk/civilogpolitiafdelingen.html).

The Danish Bar and Law Society ('Advokatsamfundet') is then responsible for the ongoing supervision of licensed lawyers: [www.advokatsamfundet.dk](http://www.advokatsamfundet.dk).

*Is the jurisdiction a member of the WTO?*

Denmark joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Denmark has signed up to the European Union's GATS commitment of modes 1–3 in home country and public international law, subject to the following qualification: marketing of legal advice activities is restricted to lawyers with a Danish licence to practise and law firms registered in Denmark. Only lawyers with a Danish licence to practise and law firms registered in Denmark may own shares in a Danish law firm. Only lawyers with a Danish licence to practise may sit on the board or be part of the management of a Danish law firm.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

As a member of the European Union, Denmark extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Moreover, Denmark is also party to the EU's many bilateral agreements with other countries and free trade areas. A full list of these can be found at: [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participati\\_on\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participati_on_map_e.htm?country_selected=none&sense=s).

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross-border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's Free Trade Agreements (FTAs) with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the



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EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur; Gulf Cooperation Council; India; Japan; Morocco; Ukraine; Moldova; Georgia; Armenia; Singapore; Malaysia; the US; and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from the EEA or Switzerland are covered by the various EU directives covering legal services (the Lawyers' Establishment Directive 98/5/EC; the Lawyers Services Directive 77/249/EC). The result of these directives is that any EEA or Swiss lawyer can provide legal assistance in Danish as well as foreign and international law and can requalify as a Danish *advokat*. Foreign lawyers from outside these countries are more restricted in their scope of practice and may not requalify.

*Are there any foreign law firms present in this jurisdiction?*

There are a few foreign law firms present in Denmark, notably the English firm Eversheds and the Finnish firm Hannes Snellman. There is one non-EU law firm, from Pakistan, registered in the Danish register of foreign service providers.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

Only EU lawyers are entitled to provide legal services on a temporary basis without being registered. Non-EU foreign lawyers and non-EU law firms wishing to send employees to Denmark must register with the Danish Business Authority Register of Foreign Service Providers: [www.virk.dk](http://www.virk.dk), regardless of the length of time that they are conducting business in Denmark.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Denmark is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over an 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers must register as providers of legal services with the Danish Business Authority Register of Foreign Service Providers. They are entitled to provide legal services only in the laws of the country in which they are qualified and in international law. They are not registered by the bar and are not recognised as lawyers. EU lawyers must register with the Danish Bar and Law

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*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Society, as well as with the Danish Business Authority.

Although foreign lawyers must be registered to provide services in Denmark, residency is not required.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

An EU lawyer must hold EU nationality and qualification. A non-EU foreign legal consultant must be qualified in the laws of the country in which he/she wishes to offer legal services.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Danish arbitration is modelled on UNCITRAL's model law. Foreign lawyers may conduct international arbitration and mediation proceedings, but must register with the Danish Business Authority before providing services in Denmark.

*Are foreign lawyers allowed to appear in court under any circumstances?*

EEA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.

*Can foreign lawyers requalify as local lawyers?*

European lawyers who wish to requalify as Danish lawyers may requalify under article 10 of Directive 98/5/EC, but must have been established as a Registered European Lawyer in Denmark for a minimum of three years and have obtained experience in local law. Alternatively, lawyers from the EU, EFTA or Switzerland without three years' experience and residency in Denmark may sit an aptitude test. It is not possible for lawyers from outside the EU to requalify as a Danish *advokat* on the basis of his foreign degree and/or title. He/she must take the Danish law degree, although some of his/her prior education may be transformed into credits at a Danish law school.

*Can a foreign law firm obtain a licence to open an office?*

A foreign law firm may establish in Denmark, but only to conduct home country and international law. Foreign firms are not permitted to market their services. EU law firms are permitted to establish under the same conditions as Danish law firms (see Danish Bar and Law Society Order No 1431 of 11 December 2007).

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Foreign firms must register with the Danish Business Authority at [www.virk.dk](http://www.virk.dk).

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

No.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a*

No.

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*foreign firm can have?*

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

There are no scope of practice rules that apply to foreign firms as opposed to individual lawyers – both are limited in scope of practice to home country and international law.

*Are there restrictions on the corporate form a foreign law firm can take?*

*Are there rules about the name a foreign law firm can take?*

Foreign law firms are not permitted to use any of the following forms in their names: 'advokataktieselskab', 'advokatanpartsselskab' or 'advokatkommanditaktieselskab', as these are restricted to Danish *advokater*.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

European law firms should apply to the Danish Bar and Law Society as well as to the Danish Business Authority: [www.virk.dk](http://www.virk.dk). Non-European firms should apply to the Danish Business Authority.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

According to the EU's WTO commitments on legal services, only lawyers with a Danish licence to practise and law firms registered in Denmark may own shares in a Danish law firm. Only lawyers with a Danish licence to practise may sit on the board or be part of the management of a Danish law firm.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

A Danish lawyer may only practise law in a professional corporation of lawyers or as an in house lawyer providing services only to his or her client.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

No, since law firms may only be owned by 'lawyers' (*advokater* and EU lawyers).

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

[www.advokatsamfundet.dk](http://www.advokatsamfundet.dk)

# Egypt

*Is there legislation governing the legal sector?*

The Advocates Law 197/2008 (amending Law No 17/1983).

*Under what title do lawyers practise?*

Egyptian lawyers practise under the title '*mohamy*', which may be translated as 'avocat' or 'lawyer'.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

Egyptian lawyers can only practise law after registering in the table of lawyers regulated by Law no 197, although lawyers employed by the state are exempt from registration. In order to register, the individual concerned must: (1) have Egyptian nationality; (2) have full civil capacity; (3) possess a law degree from an Egyptian university or hold a certificate from a foreign university which is considered equivalent under Egyptian law; (4) not have any outstanding disciplinary findings against them; (5) be of good conduct and reputation, worthy of the respect required for the profession; (6) pass a medical examination at a hospital determined by the Bar Council to make sure of his fitness for the practice of the profession; and (7) pay the registration fees and annual subscriptions required by law. After obtaining a law degree, an Egyptian lawyer must undertake two years of training as an *Avocat-Stagiaire* and plead a minimum of 25 cases during this period. The lawyer will be fully admitted to practise in the lower courts on the recommendation of the president of the lowest court and members of the local bar association.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Licensed Egyptian lawyers are entitled to practise throughout the country

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

According to the Advocates Law, only registered lawyers are allowed to practise law and call themselves lawyers.

*Do you need to hold local nationality to be eligible to practise law?*

Only Egyptian nationals may practise law in Egypt as of right (subject to the exceptions outlined below).

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Further to article 4 of Law no 197, a lawyer can practise the legal profession on his own account, in partnership with other lawyers, or in a law firm. A lawyer may also practise law in social bodies, public and private sector companies, press institutions, private banks and companies and associations in accordance with the provisions of Law no 197.

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*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Advocates Law 197 contains a number of provisions relating to ethical conduct, including, inter alia: the need for a lawyer to take an oath to carry out his/her duties 'with honour and integrity'; 'to protect the ethics of the profession and its traditions and to respect the Constitution and the Law'; to provide legal aid; to avoid conflicts of interest and maintain client confidentiality. There is no separate code of conduct promulgated by the bar association.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Article No 5 of Law no 197 states that: lawyers admitted before the Court of Cassation and the Courts of Appeal may establish between them a civil law firm with separate legal personality. The name of the law firm should include the name of one of the firm's original partners and this name may continue to be used even when that partner is deceased. The law firm must be registered with the Egyptian Bar in a special register. Egyptian law firms may participate before the initial courts.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Lawyers and law firms must be registered with the Egyptian Bar.

*Is the jurisdiction a member of the WTO?*

Egypt joined the WTO on 30 June 1995.

*Has it made any WTO commitments on legal services?*

Egypt has scheduled no legal services commitments under the GATS.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Egypt is a party to the Pan-Arab Free Trade Area and COMESA. It has bilateral free trade agreements with EFTA and Turkey. It also has an Association Agreement with the EU.

*Do these currently include legal services or are there plans to include them in future?*

No.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No.

*Are there any foreign law firms present in this jurisdiction?*

There are a few international law firms with a presence in Egypt, mostly in association with local law firms, but Trowers & Hamlins has an office that is fully integrated into the international firm's network of offices.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

The Advocates Law sets out in article 13 that the Minister of Justice, in coordination with the bar, could license a foreign lawyer to work in a particular case or a particular topic in Egypt, provided reciprocal conditions exist.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Business visas are available to foreign nationals for up to 90 days with a letter of invitation giving the purpose of the visit. Resident nationals in a number of Arab states do not require visas.

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<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no foreign legal consultant regime.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	n/a
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	n/a
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	There are no restrictions on the participation of foreign lawyers in arbitration and mediation proceedings.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	There is a provision in the Advocates Law that would permit the Minister of Justice, in coordination with the bar, to give a licence to a foreign lawyer to work in a particular case or a particular topic in Egypt, provided that reciprocal arrangements exist in the foreign lawyer's home jurisdiction.
<i>Can foreign lawyers requalify as local lawyers?</i>	Requalification is not possible due to the nationality provision in the law.
<i>Can a foreign law firm obtain a licence to open an office?</i>	A foreign firm can only open an office in association with local partners. There is no formal licensing regime for foreign law firms to regulate these arrangements.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	n/a
<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	n/a
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a

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<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	n/a
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	n/a
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	A domestic lawyer or law firm may employ a foreign lawyer, but they cannot hold themselves out as a lawyer given the nationality restrictions on the practice of law in Egypt. They may, therefore, be described as a legal consultant.
<i>Other useful sources or comments or links</i>	Egyptian Government Portal – <a href="http://www.egypt.gov.eg">www.egypt.gov.eg</a>



# Estonia

*Is there legislation governing the legal sector*

The Bar Association Act March 21 2001

*Under what title do lawyers practise?*

*Vandeadvokaat* translated as 'sworn advocate'.

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

In order to become a sworn advocate in Estonia, an individual must comply with all the requirements specified in the Act and have passed the attorney's examination in order to become a member of the bar (chapter 3, article 22, (2)). Requirements for attorneys are laid down in article 23 of the Act: (1) oral and written proficiency in Estonian; and (2) at least two years' practice experience as an assistant of a sworn advocate, or one year's experience as a senior assistant of a sworn advocate. On admission, sworn advocates must take an oath. The internal rules of the Estonian Bar Association provide that there is no need for renewal of registration.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

There is a single national licence to practise in Estonia.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Chapter 3, section 22 (3) of the Bar Association Act prescribes that: 'In Estonia, only members of the Estonian Bar Association may provide legal services as attorneys, unless otherwise provided in this Act.' Legal services are defined in the Act (chapter 4, section 40, (1)) as: 'providing legal counselling, representing or defending a person in court or in pre-trial proceedings or elsewhere, preparing a document for a person or performing other legal acts in the interests of a person as professional activity.' In addition, chapter 4, section 40, (3) mentions that: 'legal service[s] cannot be provided by persons, who are not members of the Bar Association, except the patent attorneys under [certain] conditions [...]'. Section 41 mentions that: '(1) A sworn advocate is competent to: 1) represent and defend a client in court, in pre-trial proceedings and elsewhere in Estonia and in foreign states; 2) collect evidence; 3) in the provision of legal services, freely choose and use the means and methods which are in conformity with law; 4) receive information necessary for provision of legal services from state and local government agencies, have access to documents, receive copies of and extracts from such documents, unless the receipt of the information or documents by the attorney is prohibited by law; 4(1) process the personal data of a person other than the client obtained under a contract or law, among others delicate personal data without consent of those persons, if that is necessary to provide the legal service; 5) in the framework of provision

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of legal services to a client, to verify for the client transcripts of and signatures on documents to be submitted to the court and other state offices; 6) act as an arbitrator or conciliator under the procedure specified in the Conciliation Act; 7) act as a trustee in bankruptcy, if he or she is member of the Chamber.'

*Do you need to hold local nationality to be eligible to practise law?*

Local nationality is not a requirement. But according to paragraph 23 (2) of the Act, to be admitted to the Bar Association a person must reside in Estonia or be a citizen of the Republic of Estonia or of a Member State of the European Union. However, having oral and written proficiency in Estonian is also required.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Chapter 4, paragraph 49 of the Act permits sworn advocates to provide their services through a law office, which may be a company of advocates or a single advocate operating as a sole proprietor. Sworn advocates and law firms may have one or more law offices. Individual sworn advocates may enter into association contracts in order to operate secondary law offices and law firms may operate as a general partnership, limited partnership, private limited company or public limited company. An advocate may be a shareholder of only one company of attorneys.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Additional requirements for lawyers are found in the Internal Rules of the Bar Association.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Section 50 (3) of the Bar Association Act provides that the provisions of law concerning a particular type of company apply to a company of attorneys unless otherwise provided by law. Law firms are not required to obtain a specific law firm licence, but must comply with the same requirements as other companies.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Estonian Bar Association licenses individual lawyers. There is no separate licensing process for law firms.

*Is the jurisdiction a member of the WTO?*

Estonia joined the WTO on 13 November 1999.

*Has it made any WTO commitments on legal services?*

Estonia has made full commitments in modes 1–3 for foreign and international law. In Estonian law it has made limited commitments in mode 3 and if practising Estonian law commercial presence is restricted to sole proprietorships or to law firms with limited liability, in which cases permission is needed from the Bar Association (*Advokatuur*). Temporary entry is committed for professionals.

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*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

As a member of the European Union, Estonia extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Moreover, Estonia is also party to the EU's many bilateral agreements with other countries and free trade areas. A full list of these can be found at: [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participation\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&sense=s).

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include: the Establishment Directive for Lawyers (98/5/EC); the Lawyers' Services Directive (77/249/EC); the Framework Services Directive (2006/123/EC); and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross-border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's free trade agreements (FTAs) with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur; Gulf Cooperation Council; India; Japan; Morocco; Ukraine; Moldova; Georgia; Armenia; Singapore; Malaysia; the US; and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (the Lawyers' Establishment Directive 98/5/EC; the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Estonian as well as foreign and international law and can requalify as an Estonian sworn advocate. Foreign lawyers from outside these countries are more restricted in their scope of practice.

*Are there any foreign law firms present in*

There are a few foreign law firms present in Estonia,

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*this jurisdiction?*

notably the English firm Eversheds and the German firm Rödl & Partner.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practice?*

Only EEA lawyers are entitled to provide legal services on a temporary basis.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Estonia is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over an 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There are two ways for foreign lawyers to practise in Estonia. They can practise as associate members (see chapter 5 of the Act) or as attorney of a foreign state (see chapter 6 of the Act). In both cases, foreign lawyers must be nationals of an EU Member State.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

An EEA lawyer (associate member) must register with the bar, use his or her home professional title when practising, comply with the Estonian Bar code of conduct and maintain adequate professional indemnity insurance.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

A foreign lawyer (associate member) must hold EEA nationality and qualification.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Nothing in legislation prohibits foreign lawyers from undertaking arbitration in Estonia.

*Are foreign lawyers allowed to appear in court under any circumstances?*

An associate (EEA lawyer) member has the right to represent or defend a client in court only together with an Estonian lawyer.

*Can foreign lawyers requalify as local lawyers?*

The Bar Association Act provides for associate members of the bar association (see section 73 of the Bar Association Act: Granting the professional title of an attorney-at-law to an associate member). This states that: (1) if the associate member has practised Estonian law on a permanent basis for at least three years in Estonia, he or she has the right to a professional title of an attorney-at-law; and (2) if an associated member has practised in Estonia on a permanent basis for at least three years, but has practised Estonian law for less than three years, he or she may be granted a professional title of an attorney-at-law subject to consideration of the nature of his or her professional activities, knowledge and experience of Estonian law and his or her individual development activities. The board of the bar association is responsible

# Estonia

*Can a foreign law firm obtain a licence to open an office?*

for receiving applications and granting titles.

A foreign law firm must have shareholders who are European lawyers.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

A foreign (EEA) law firm establishing in Estonia must register with the commercial register (depending on form of business) and with the VAT and other authorities.

*Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, standalone foreign licence etc)*

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

*Are there restrictions on the corporate form a foreign law firm can take?*

Section 49 (6) of the Estonian Bar Act states that branches or equivalent of foreign law firms are not permitted. A separate law firm must, therefore, be established in Estonia.

*Are there rules about the name a foreign law firm can take?*

The general provision on business names of companies of attorneys or pf an attorney operating as a sole proprietor mentions that they shall contain the words 'law office' or 'attorney' (section 52 of the Act).

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

The Estonian Bar Association licenses individual lawyers. There is no separate licensing process for law firms.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

There are no restrictions on the ownership share of EEA lawyers in an Estonian law firm.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

An Estonian lawyer may be employed by an EEA lawyer or law firm.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

An Estonian lawyer may enter into partnership with an EEA lawyer.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

An Estonian lawyer may employ an EEA lawyer

*Other useful sources or comments or links*

Estonian Bar:  
[www.advokatuur.ee/?id=4&PHPSESSID=ffc39a7305609f56d053c7565bddff9a](http://www.advokatuur.ee/?id=4&PHPSESSID=ffc39a7305609f56d053c7565bddff9a)  
[www.legaltext.ee/indexen.htm](http://www.legaltext.ee/indexen.htm) for translation of acts and other texts in English

# Finland

*Is there legislation governing the legal sector?*

Advocates Act (*laki asianajajista*) 12 December 1958.

*Under what title do lawyers practise?*

*Advokat* or *asianajaja*.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

Only members of the Bar Association are entitled to use the professional titles of '*asianajaja*' or '*advokat*'. Membership of the Bar Association requires the candidate: (1) to be more than 25 years' old; (2) to have Finnish or EU nationality; (3) to have completed a Master of Laws degree (LL.M), which entitles the holder to take up judicial office; (4) to be known as a person of integrity; (5) to have four years' experience in the legal profession and other judicial activities; (6) to pass an examination; (7) to be independent from government and any other influences apart from his or her client; and (8) not to be bankrupt and to have full civil capacity.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

There is a single national licence to practise in Finland.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

Legal practice is unreserved. Only the use of the titles of '*asianajaja*' and '*advokat*' are reserved.

*Do you need to hold local nationality to be eligible to practise law?*

There is no nationality requirement on the giving of legal advice in Finland, and the law has recently changed to allow lawyers of any nationality to become members of the Bar Association.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Lawyers may practise as sole practitioners, in partnerships or in limited companies. According to the Advocates Act, the practise of legal profession in a company is not allowed, except with another lawyer, unless the Board of the Association grants a permit based upon specific grounds. A decision in principle has been made according to which the Board may not grant such a permit; hence MDPs are not allowed. Lawyers bear unlimited liability, even when practising in a corporate structure.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Finnish Bar Association rules 29 October 2004/934 updated by 10 June 2010/487.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

New law firms must be registered and subject to inspection to ensure compliance with issues such as audit and accounting requirements, confidentiality and security arrangements, client resource management, and liability insurance. Each year a proportion of Finnish firms are subject to inspections by the Finnish Bar.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Finnish Bar Association: [www.asianajajat.fi/english](http://www.asianajajat.fi/english).



## Finland

*Is the jurisdiction a member of the WTO?*

Finland joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Finland has gone beyond the EU's GATS commitment of modes 1–3 in home country and public international law, and has made full commitments in modes 1–3, subject only to the qualification that when practising legal services as a member of the Finnish Bar Association, Finnish citizenship and residency in Finland are required. Business visitors can enter for up to 90 days without a work permit.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

As a member of the EU, Finland extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). As a member of the EU, Finland is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participation\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&sense=s)).

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely, cross-border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's FTAs with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.



# Finland

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (The Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Finnish as well as foreign and international law and can requalify as a Finnish *asianajaja*. Foreign lawyers from outside these countries are more restricted in their scope of practice.

*Are there any foreign law firms present in this jurisdiction?*

There are a handful of foreign firms in Finland including UK and US firms

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

As there is no monopoly on legal services other than membership of the Finnish Bar and the use of the title 'advocate', there are no additional requirements on fly-in, fly-out practice.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Finland is one of 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There are no restrictions on foreign lawyers practising law in Finland on a temporary basis.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

An EEA lawyer must register with the Bar, use his or her home professional title when practising, comply with the Finnish Bar code of conduct and maintain adequate professional indemnity insurance. There are no rules applying to lawyers from other countries.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Not for non-EEA lawyers. An EEA lawyer must hold EEA nationality and an EEA legal qualification.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes.

*Are foreign lawyers allowed to appear in court under any circumstances?*

EU/EFTA and Swiss lawyers may all appear in court and do not need to do so in association with a local lawyer. Lawyers from other jurisdictions may not appear in court.

*Can foreign lawyers requalify as local lawyers?*

European lawyers who wish to requalify as Finnish lawyers may requalify under Article 10 of Directive 98/5/EC but must have been established as a Registered European Lawyer in Finland for a minimum of three years. Alternatively, lawyers from other EU and EFTA Member States or from Switzerland without three years' experience

# Finland

	and residency in Finland may sit an aptitude test.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Yes.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	Any foreign business establishing in Finland would need to submit a single start-up notification form to the National Board of Patents and Registration (NBPR) and the Tax Administration.
<i>Are there different types of foreign law firm 'licence' (eg joint law venture, standalone foreign licence etc?)</i>	No.
<i>Is there a quota on the number of licences available?</i>	No.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	There are no 'scope of practice' rules that apply to firms as opposed to individual lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	No – although, if foreign law firms wished to enter partnership with Finnish advocates they would be prohibited from taking the forms disallowed to advocates.
<i>Are there rules about the name a foreign law firm can take?</i>	No.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	EEA law firms must register with the Finnish Bar. Law firms from other countries do not need to register.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Finnish advocates may form partnerships with EEA lawyers.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes, but only under their home title.
<i>Other useful sources or comments or links</i>	Suomen Asianajaliitto (Finnish Bar Association): <a href="http://www.asianajaliitto.fi">www.asianajaliitto.fi</a> Invest in Finland: <a href="http://www.investinfinland.fi/services/setting-up-a-business/36">www.investinfinland.fi/services/setting-up-a-business/36</a>
<i>Verified by</i>	The Finnish Bar Association (December 2013).

# France

*Is there legislation governing the legal sector?*

Law No 2011-94 of 25 January 2011 and Law No 2011-331 of 28 March 2011 modify Law No 71-1130 of 31 December 1971 and Decree No 91-1197 of 27 November 1991. New legislation came into force on 1 January 2012 merging of the professions of *avocat* and *avoué*.

*Under what title do lawyers practise?*

*Avocat*. A recent change in the law has ended the distinction between '*avocat*', '*avoué*' (lawyers for courts of appeal) and '*conseil juridique*' (legal counsellors).

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

In order to become an *avocat*, an individual needs to: have a *maîtrise* (English and French LL.B) in law (four-year law degree); hold the *certificat d'aptitude à la profession d'avocat* (certificate of aptitude for lawyers – CAPA), which is granted on passing the bar exam (*examen du barreau*); and have completed a two-year internship with a fully qualified lawyer. Nationals of a EU or a EEA Member State who are fully qualified lawyers in their own jurisdictions do not need to hold the CAPA certificate but must pass an exam on French law (Article 11 of the Act).

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Article 5 of the Act states that lawyers may practise law without territorial limitation in the country. However, they must establish their professional residency and register in one of the bar associations (*barreau*) of the country. When lawyers plead before Courts or disciplinary bodies with which their *barreau* is not registered they must introduce themselves to the judge, public prosecutor, and lawyers of the opposite party. There are 180 *barreaux* in France. Article 8-1 allows lawyers to register with one or more secondary *barreau(x)*. To do so, the lawyer must seek the permission of the council of order of the bar association (Le Conseil de l'Ordre du Barreau) where he or she wants to establish. In any case, this permission will only be given where the lawyer has an actual professional activity.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

Article 4 of the Act mentions that only lawyers may represent clients, plead before jurisdictions or disciplinary bodies (there are exceptions for disputes on labour laws and for proceedings before the Conseil d'Etat and the Cour de Cassation French Supreme courts). Only lawyers may assist parties in the 'participative procedure' addressed by the Civil Code and carry out assistance and representation of clients in courts of justice.

*Do you need to hold local nationality to be eligible to practise law?*

Local nationality is not a requirement for practice.

*What legal forms can lawyers work in? (eg,*

The legal forms in which lawyers may work are set out in

# France

*self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Article 7 of the Act. Lawyers may be self-employed (Entreprise individuelle EI), or practise in an association of lawyers (association) in which liability may be limited. They may also practise in a 'professional civil company' (*société civile professionnelle* – SCP) which is the equivalent of a partnership; a 'liberal labour company' (*société d'exercice libéral* – SEL), either as a collaborator or as a salaried lawyer. Lastly lawyers may be members of an 'economic interest grouping' and of a 'European economic interest grouping' (*groupement d'intérêt économique and groupement européen d'intérêt économique*), which provides a vehicle for sharing overheads.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Lawyers must also comply with 'Règlement Intérieur National de la profession d'avocat' (issued by the National Bar) and the Code of Conduct for European Lawyers.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

No.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences to practice in France are issued by local bar associations (see the Conseil National des Barreaux for details at [www.CNB.avocat.fr](http://www.CNB.avocat.fr)). Law firms do not need separate licensing.

*Is the jurisdiction a member of the WTO?*

France joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

France has signed up to the EU's General Agreement on Trade in Services commitment of modes 1–3 in home country and public international law, subject to the following qualifications: unbound in mode 1 for the drafting of legal documents and subject in mode 3 to the qualification that provision must be through the company structure SEL (*anonyme, à responsabilité limitée ou en commandite par actions*) or SCP only.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

As a member of the EU, France extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). France is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participati\\_on\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participati_on_map_e.htm?country_selected=none&sense=s)).

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the

## France

Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross-border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's FTAs with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (the Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in French as well as foreign and international law and can requalify as a French *avocat*. Foreign lawyers from outside these countries are more restricted in their scope of practice and may not requalify.

*Are there any foreign law firms present in this jurisdiction?*

There are over 60 foreign firms in France, mostly based in Paris and including US, UK, German, Spanish, Canadian, Indian and others.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Fly-in, fly-out practice is only allowed for nationals of States which have concluded bilateral conventions with France covering this issue.

For nationals of an EU, EFTA Member State or the Swiss confederation, the temporary practice of law is permitted for all holders of any title listed in the Décret No 91-1197 of 27 November 1991 (Article 201). All activities reserved to lawyers are open to them. There is no particular formality to comply with, except in relation to appearing in court when they must be introduced by

## France

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

a licensed French lawyer (Article 202-1 Décret No 91-1197 of 27 November 1991: in civil matters when representation by an *avocat* is required). They must comply with the French professional rules in addition to the rules of their home bar.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

France is one of 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

There is no such thing as a 'limited licence' in France. An EU lawyer practising under his home title or under the French title of '*avocat*' after registering with a French Bar can practice fully in French law. The same goes for a Foreign lawyer practicing under the French title of '*avocat*' after registering with a French bar.

An EU and a EEA lawyer (associate member) must register with the local Bar for a permanent practice under the French title of '*avocat*' (Article 99 Décret No 91-1197 of 27 November 1991) or under his or her home title within the framework of the 1998 Directive. When practicing on a permanent basis or on a temporary basis under his or her home professional title, he or she must use this professional title, comply with the French lawyers' code of conduct and maintain adequate professional indemnity insurance. Foreign lawyers may establish to provide legal services in their home country law and in international law. EEA and Swiss lawyers may additionally provide services in EU law and in French law, provided this is in association with a member of the French bar.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Services must be provided from a lawyer's office, whether in France or in the country of origin.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

No conditions are formally laid down but registration is dependent on each local bar.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

A new *décret* on arbitration came into force in 2011 (Décret No 2011-48); nothing in the legislation prevents foreign lawyers to undertake arbitration.

On mediation: the legislation on mediation is integrated in the Civil Procedure Code (Titre VI bis); nothing prohibits a foreign lawyer from undertaking mediation



# France

*Are foreign lawyers allowed to appear in court under any circumstances?*

(Article 131-5 of the CPC)

EEA lawyers who practise in France on a temporary basis may appear in civil courts but must first give an address or elect a domicile with a local lawyer who is a member of the bar association (*barreau*) of the jurisdiction in which the foreign lawyer will appear (Article 202-1 section 3 of the Décret No 91-1197 of 27 November 1991).

*Can foreign lawyers requalify as local lawyers?*

EU-, EEA- and Swiss-qualified lawyers seeking to requalify in France can do so in two ways:

- through Article 10 of the Establishment Directive 98/5/EC, under conditions of nationality and after three years of regular and effective practice of French law in France. Applicants need to submit a 'dossier d'assimilation' along with relevant documents (listed in the form) and send it to their *barreau* of registration;
- through the Diplomas Directive 89/48/EEC, now incorporated into the Recognition of Professional Qualifications Directive 2005/36/EC, by sitting the relevant equivalence examination administered by the Conseil National des Barreaux.

Other foreign lawyers can requalify in France, under conditions of reciprocity, by sitting the relevant equivalence examination administered by the Conseil National des Barreaux. Applicants must become members of the French bar. They must meet certain conditions, as follows: (1) A university law degree plus a CAPA course are required. Not all foreign university degrees may be recognised. (2) Passing a local examination is necessary, but foreign lawyers are offered the possibility of passing a reduced examination. There is no residency requirement, but a professional address where files are held and kept must be provided for registration.

Full details are set out at [www.cnb.avocat.fr](http://www.cnb.avocat.fr). Pursuant to an agreement between the Bars of France and the Quebec Bar, both France and Quebec recognise each other's lawyers. A Quebec lawyer may become fully licensed in France and a French lawyer may do the same in Quebec, upon completing a single exam (oral) on legal ethics.

*Can a foreign law firm obtain a licence to open an office?*

There are no separate rules on licensing of law firms.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

The Conseil de l'Ordre of the bar association where the foreign lawyer is registered must be informed of his or her establishment. A full list of local bars can be found at [www.cnb-avocat.fr](http://www.cnb-avocat.fr).



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<i>Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	No.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	There are no 'scope of practice' rules that apply to firms as opposed to individual lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Foreign lawyers established in France may work under any of the legal forms provided for in articles 7 and 8 of the Law. If they wish to work under the legal entity of their country of origin they may do so but under certain conditions: capital and voting rights must only be held by persons who hold any of the titles provided for in Article 83 of the Act (EU, EEA and Swiss confederation); more than 50 per cent of the capital and voting rights must in addition be held by people who practice in or for this legal entity. They also need to inform the council of Ordre of their bar association (Conseil de l'Ordre du Barreau).
<i>Are there rules about the name a foreign law firm can take?</i>	Non-EU firms are not permitted to establish branch offices in France under their own names. EU, EEA or Swiss lawyers may mention the name of the legal entity in which he or she practises in the country of origin, even though this entity could not meet the requirements set forth in Article 87 to be admitted to register as a local legal entity. Non-EU firms are not permitted to establish branch offices in France under their own names.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	A licence is not required for a law firm but any legal form of practice for lawyers must be registered with the bar association ( <i>barreau</i> ) together with notification of their intended place of establishment.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	In a SEL or SCP providing legal services on French or EC law, at least 75 per cent of the partners holding at least 75 per cent of the shares shall be lawyers fully admitted to the bar in France. Also, depending on the form of establishment, majority ownership/control may be required to be held by professionals active in the firm.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	There are no restrictions for EU, EEA and Swiss confederation nationals beyond those required by the self-employed status of <i>avocats</i> . Lawyers from other jurisdictions may not employ French <i>avocats</i> .

## France

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

There is no restriction on the creation of partnerships (as well as other legal entities) between French lawyers and lawyers registered in another EU or EEA member State as well as in the Swiss confederation (see Article 87 Loi n° 71-1130 of 31 December 1971). Non-EU lawyers and firms are not permitted to form partnerships with or hire French lawyers.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

There are no restrictions on French *avocats* hiring lawyers from EU or EEA member States or Switzerland. Other foreign lawyers must be admitted to practise law in France before they could be employed as lawyers.

*Other useful sources or comments or links*

Legislation on Legal Sector available at [www.legifrance.gouv.fr/affichTexte.do;jsessionid=912B3B9A363C26F7D8F04E7302244A1B.tpdjo08v\\_2?cidTexte=LEGITEXT000006078311&dateTexte=20120712](http://www.legifrance.gouv.fr/affichTexte.do;jsessionid=912B3B9A363C26F7D8F04E7302244A1B.tpdjo08v_2?cidTexte=LEGITEXT000006078311&dateTexte=20120712).

Useful information on registration as an *avocat* [www.apce.com/cid96134/avocat.html?pid=803](http://www.apce.com/cid96134/avocat.html?pid=803).

*Verified by*

Confederation Nationale des Barreaux (CNB) January 2014

# Georgia

*Is there legislation governing the legal sector?*

The Law on Advocates adopted on 20 June 2001

*Under what title do lawyers practise?*

‘Adwokati’ or advocate

*Does a lawyer need a licence to practise, if so how does he/she obtain a licence and how often must this be renewed?*

According to the Law on Advocates, In order to obtain a licence to practise as an advocate in Georgia, an individual must hold Georgian citizenship; possess a university degree in law; have passed the bar exam; have at least one year work experience as a legal expert or a lawyer’s trainee; be a member of the Georgian Bar Association; and adhere to Georgian Laws and ethical requirements.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The licence to practise law in Georgia is national.

*Are there certain activities that are ‘reserved’ for those who are licensed to practise law in the jurisdiction?*

Advocates enjoy a full monopoly over court representation in criminal matters. In civil matters, Article 94 of the Civil Procedural Code states that all persons have a right to provide court representation at first instance. Article 440 of the CPC however reserves appearance in the Appeal or Supreme court level to licensed advocates.

*Do you need to hold local nationality to be eligible to practise law?*

Only citizens of Georgia may become advocates.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

The Law on Advocates permits advocates to work either in sole practice or in law firms. In the latter case, the law firm can be organised as a partnership or a legal entity established in accordance with the Law of Georgia on Entrepreneurs (limited liability company, limited partnership, etc) (Article 18 of the Law on Advocates).

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

In addition to a number of provisions in the Georgian Law On Advocates governing conflict of interest and other obligations of lawyers, the Georgian Bar Association has adopted a Code of Ethics for its members.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There is no requirement to receive a ‘licence’ as such. However, under Article 18 of the Law on Advocates, once the law office is set up, a respective notification must be sent to the Georgian Bar Association. The notification must include the details of the law office, as well as the list of advocates working in the law office. The notification must be submitted to the Bar Association within ten days from the date of establishment of the law office.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Individuals are licensed by the Georgian Bar Association.

*Is the jurisdiction a member of the WTO?*

Georgia joined the WTO on 14 June 2000.

*Has it made any WTO commitments*

Georgia has made full commitments in modes 1–3 for legal

# Georgia

*on legal services?*

consultancy in home country law and international law.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Georgia has bilateral FTAs with various states, including Armenia, Azerbaijan, Kazakhstan, the Russian Federation, Turkmenistan, Ukraine and Turkey.

*Do these currently include legal services or are there plans to include them in future?*

The coverage of Georgia's bilateral agreements is limited to goods.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No.

*Are there any foreign law firms present in this jurisdiction?*

There are several law firms with foreign interest. These include DLA Piper, Ernst & Young and Dechert.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Currently Georgian laws do not permit issuance of the temporary licenses for legal practice. Georgia maintains no express restrictions on the fly-in, fly-out consulting outside the regulated area of criminal defence (and civil representation, partially). However, foreign advocates may not engage in 'advocate activities' on the territory of Georgia, within the meaning of the Law On Advocates.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

There are no restrictions on the right of foreign lawyers to obtain visas to visit clients in Georgia. As for marketing, such activities would be subject to general rules and requirements applicable to the activities of advocates in Georgia.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers may practise outside of the areas of law reserved to advocates and there is no specific foreign legal consultant licensing process.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)?*

Currently there is no notion of a 'limited licence' for foreign lawyers.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The Law on Arbitration, which came into force on 1 January 2010, does not establish any restrictions on the nationality and profession of arbitrators.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Foreign lawyers may only appear in civil courts at first instance in the capacity of 'representatives' of the clients, not as advocates.

*Can foreign lawyers requalify as local lawyers?*

The nationality requirement for advocates makes it impossible for non-Georgian citizens to requalify as local advocates.

## Georgia

*Can a foreign law firm obtain a licence to open an office?*

There is no requirement for foreign law firms to obtain special licences to practise law beyond the usual company registration procedures.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Foreign firms may use any of the allowed legal forms (general partnership, limited partnership, limited liability company, representative office, etc) to organise their business in Georgia. Registration is required with the National Agency of Public Registry.

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc?)*

n/a

*Is there a quota on the number of licences available?*

There are no quantitative limitations on law firms.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

There are no geographical restrictions on law firms.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

No.

*Are there restrictions on the corporate form a foreign law firm can take?*

No, general rules and procedures apply.

*Are there rules about the name a foreign law firm can take?*

No, general rules and procedures apply.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

There are no such restrictions.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Such partnership is not prohibited. However, the general advocacy requirements shall apply to the activities of such partnership.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Such employment is not prohibited. However, the general advocacy requirements and restrictions shall apply to the activities of the foreign lawyer.

## Georgia

*Other useful sources or comments or links*

We have indicated that foreign lawyers may not engage in activities subject to Law On Advocates. At the same time, currently there are no administrative or criminal sanctions for the breach of the requirements of the said Law. There is one line of interpretation, which equates such activities to 'entrepreneurial activities without a special license (permit)', which is an action punishable under both General Administrative Misdemeanours Code and the Criminal Code of Georgia. However, we believe that such interpretation of the existing legal framework might be far-fetched. Overall, even though there is a restriction on activities of foreign lawyers in Georgia in the capacity of advocates, the current legislation does not prohibit engagement of foreign lawyers in consultancy activities.

*Verified by*

BGI Legal: [www.bgi.ge](http://www.bgi.ge), January 2014

# Germany

*Is there legislation governing the legal sector?*

Federal Lawyers' Ordinance ('Bundesrechtsanwaltsordnung' – BRAO) Rechtsdienstleistungsgesetz (RDG) vom 12 December 2007.

*Under what title do lawyers practise?*

Rechtsanwalt.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

Admission to the bar without annual renewal, but with ongoing supervision of lawyers, is conducted by 27 regional bars and the bar at the Federal Supreme Court of Justice. In order to become a lawyer in Germany an individual must have completed around nine semesters of university education in Law or related subjects, leading to the first state exam ('Erstes Staatsexamen') which is administered by the Ministry of Justice. This is followed by a two-year period of legal clerkship ('Referendarzeit'), followed by the second state exam ('Zweites Staatsexamen').

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Every lawyer becomes a member of his or her bar (Rechtsanwaltskammer) by act of law when he or she is accredited as a lawyer. In the Federal Republic of Germany there are 28 such lawyer chambers. The Federal Bar is a statutory body for self-administration of the legal profession and as such guarantees the independence of the legal profession and protects it from the influence of the state and at the same time accentuates the status of the lawyer as an independent organ of justice. Lawyers are obliged to be members of their local bar. The Federal Bar (Bundesrechtsanwaltskammer – BRAK) safeguards, advances and represents the interests of its members. The local bars accredit new lawyers, deal with misconduct and other professional issues.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

German Rechtsanwälte have exclusive rights to represent clients in German courts and provide all purpose general legal advice. These rights are shared with various other legal professionals in relation to specific areas such as tax, pension advice, insurance, claims collection, patent matters and certain areas of legal aid. Bankruptcy administration is an unreserved activity.

*Do you need to hold local nationality to be eligible to practise law?*

German nationality is not required for the practice of law.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Lawyers are permitted to practise as sole practitioners, in partnerships and in corporate bodies. In the case of sole practice or partnerships (general or limited) no additional licensing is required. In the case of corporate entities, separate registration is required with the court



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*What other ethical or regulatory requirements must a licensed lawyer comply with?*

register and law firms taking these forms must include the term '*Rechtsanwaltsgesellschaft*' (law firm) in their name. The treatment of foreign companies raises still some legal uncertainty and should be discussed in individual cases with the relevant local bar and court.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Lawyers are subject to the statutory provisions of the German Federal Lawyers' Act (*Bundesrechtsanwaltsordnung*) and to the Lawyers Professional Code of Conduct (*Berufsordnung der Rechtsanwälte*).

*Which authority issues licences? Are there different authorities for individuals and firms?*

Law firms, apart from those taking corporate forms, do not require separate licences to practise but lawyers must obtain prior authorisation in order to be able to practise in certain forms.

Authorisation to practise is given by the 27 regional bars (RAK) or the *Bundesgerichtshof* (BGH – Supreme Court Bar). Individual regional bars can be accessed via [www.brak.de/die-brak/regionale-kammern/](http://www.brak.de/die-brak/regionale-kammern/). Authorisation is required both for individuals and for corporate forms of law firm.

*Is the jurisdiction a member of the WTO?*

Germany joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Germany has signed up to a GATS commitment of modes 1–3 in home country and public international law (excluding EU law). It has also made commitments in mode 4 to allow temporary presence for those holding a university degree and professional qualifications and three years' professional experience in the sector although this access does not cover activities reserved to *Rechtsanwalt*.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

As a member of the EU, Germany extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). As a member of the EU, Germany is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participati\\_on\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participati_on_map_e.htm?country_selected=none&sense=s))

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to

## Germany

establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's FTAs with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from within the EU, EFTA and Switzerland are covered by the various EU directives covering legal services (the Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in German as well as foreign and international law and under certain conditions can requalify as a German *Rechtsanwalt*. Foreign lawyers who are from countries that are WTO members may practise international and their home country law (see BRAO section 206).

*Are there any foreign law firms present in this jurisdiction?*

There are around 50–60 foreign law firms in Germany including US, UK, Canadian, Dutch and Chinese firms.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

The provision of temporary services in Germany by a lawyer from a non-EU Member State under his or her home title is not permitted. EU lawyers may practise temporarily as a result of the Lawyers Services Directive (77/249/EEC).

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Germany is one of 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180-day period, provided none of these

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*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

A foreign lawyer from a state that is a signatory to the GATS agreement may establish in Germany under his home title and can practise home country law and international public law provided that the foreign lawyer exercises a profession in his home country which in education, competencies and legal position is comparable to the position of a *Rechtsanwalt* in Germany. The Federal Ministry of Justice determines which legal professions which are acceptable. Licences for foreign lawyers are granted by local bars.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

There are no nationality, residency or reciprocity requirements imposed on a foreign lawyer once he/she has registered with his/her local bar as a foreign lawyer under the Regulation on the Implementation of section 206 BRAO for lawyers from non-European countries. The activities of European lawyers in Germany are governed by a separate regulation (EuRAG).

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

The granting of a limited licence to a foreign lawyer requires membership of the local bar.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes.

*Are foreign lawyers allowed to appear in court under any circumstances?*

EU/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.

*Can foreign lawyers requalify as local lawyers?*

EEA lawyers may fully requalify as German lawyers following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three year period of continuous and effective practice in Germany. Non-EEA lawyers must undertake the full national process of qualification in Germany.

*Can a foreign law firm obtain a licence to open an office?*

Yes – although foreign law firms must be authorised by the relevant local bar association in accordance with the provisions of the Federal Lawyers Act.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Foreign law firms must register with the local court register if they have a corporate or limited liability form.

*Are there different types of foreign law firm 'licence' (eg joint law venture, standalone foreign licence etc?)*

n/a

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a*

No.

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*foreign firm can have?*

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

There are no 'scope of practice' rules that apply to firms as opposed to individual lawyers.

*Are there restrictions on the corporate form a foreign law firm can take?*

Foreign (non-EU) lawyers may only establish as sole practitioners or partnerships.

*Are there rules about the name a foreign law firm can take?*

No.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

Regional bars admit individual foreign lawyers according to their qualifications and will then also authorise them to open offices. There is no licensing procedure as such.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Not in the permitted forms.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Under BRAO section 59a, *Rechtsanwälte* may also enter into any form of professional association with members of the legal professions from Member States of the EEA and parties to the WTO.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

German Federal Bar Association: [ww.brak.de](http://ww.brak.de); German Bar Association: [www.anwaltverein.de/](http://www.anwaltverein.de/)

*Verified by*

Hengeler Mueller, October 2013

# Greece

*Is there legislation governing the legal sector?*

Law No 3026/54 (Lawyers Code) as amended by Law No 3919/2011 Special Section B on lawyers and law firms.

*Under what title do lawyers practise?*

*Dikigoros* (Δικηγόρος).

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

Licensing as a lawyer in Greece requires a degree from a relevant Greek or other recognised tertiary level education institution, 18 months of practical training in a lawyer's office, followed by a bar examination and registration with the local bar association.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Prior to Law 3919/2011, Greek lawyers were limited to practice within their local district. Now lawyers may practice throughout Greece although they must still be registered in one of the local bar associations.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

Lawyers have the exclusive right to: (1) represent citizens in civil and criminal courts and in authorities of the region in which the lawyer is member of the respective bar association (Article 39 of code) (Law 3919/2011 revised the earlier legislation allowing for lawyers members of all bar associations to represent citizens in civil courts); (2) required presence and signature of a lawyer representing each of the parties in the case of contracts for any transaction concerning real estate property or ships over €29,347 for the regions of Athens and Piraeus or €11,738 for the remaining part of Greece (the presence of a lawyer is not required in the case of transfer of property from parents to their children or between husband and wife or for transfer to the public sector and charity organisations) (Article 42 of the Code); (3) compiling or changing statutes of companies with capital of over €29,347 for the regions of Athens and Piraeus or €11,738 for the remaining part of Greece (Article 42); (4) compilation and submission of the necessary documents related to the (trademarks, patents etc) (Article 39 replaced by Article 14 of 1366/1983); (5) provision of legal advice concerning tax customs and administrative related cases of citizens (Article 39 replaced by Article 14 of 1366/1983); (6) mandatory presence in mediation procedures (not arbitration) (Article 8 of Law 3989/2010); and (7) research in land registries concerning mortgages, foreclosures, registration (Article 41).

*Do you need to hold local nationality to be eligible to practise law?*

Greek nationality is not a requirement for legal practise.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Lawyers may practise as sole practitioners, in partnerships or as professional companies.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Lawyers must abide by the Greek bar's code of conduct (see: [www.ccbe.eu/fileadmin/user\\_upload/NTCdocument/code\\_grece\\_elpdf12\\_1187786105.pdf](http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/code_grece_elpdf12_1187786105.pdf))

# Greece

*Do law firms need to receive a licence (or permission/approval) to practise law?*

A law firm must register its addresses, including branches, with the bar where its headquarters is registered.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The local Greek bar associations issue licences to lawyers and register law firms. A full list can be found at the Athens Bar website: [www.dsa.gr](http://www.dsa.gr).

*Is the jurisdiction a member of the WTO?*

Greece joined the WTO on 1 January 1995.

*Has it made any commitments under GATS in legal services?*

Greece has signed up to the EU's GATS commitment of modes 1–3 in home country and public international law.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

As a member of the EU, Greece extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Greece is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participation\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&sense=s))

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's FTAs with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.



## Greece

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (the Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Greek as well as foreign and international law and can requalify as a Greek *digikoros*. Foreign lawyers from outside these countries are more restricted in their scope of practice.

*Are there any foreign law firms present in this jurisdiction?*

There are around six foreign firms in Greece, mostly based in Piraeus and mostly UK shipping firms. One US shipping firm is established but has done so through its UK LLP.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Temporary practice by foreign lawyers under home country title is not permitted in Greece. EU lawyers may practise temporarily as a result of the Lawyers Services Directive (77/249/EEC).

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Greece is one of 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers may practise in Greece under their home country title in the law of their home country or public international law. EEA lawyers may establish under their home title and additionally practise local law in association with a Greek lawyer.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)?*

An EEA lawyer must register with the local bar, practise under his or her home title, comply with the Greek lawyers' code of conduct and maintain adequate professional indemnity insurance.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)?*

In order to register a foreign lawyer must hold an EEA nationality and legal qualification and be in good standing with their home bar association.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Arbitration in Greece is generally conducted under the rules of one of the two major arbitral bodies: the Athens Chamber of Commerce and Industry or the Hellenic Chamber of Shipping. Greek legislation on arbitration allows the parties to choose the arbitrators they wish. Mediation is reserved to Greek lawyers.

*Are foreign lawyers allowed to appear in court under any circumstances?*

EU/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.



## Greece

*Can foreign lawyers requalify as local lawyers?*

EEA lawyers may fully requalify as Greek lawyers following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three year period of continuous and effective practice in Greece. Requalification is not open to non-EEA nationals.

*Can a foreign law firm obtain a licence to open an office?*

Foreign law firms may establish in Greece to provide legal advisory services in home country law and international law but do not require a licence to do so. EEA law firms may additionally provide legal advisory services in Greek law provided they work in association with Greek-qualified lawyers and must register with the local bar.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Foreign businesses must file company documents with the Athens Bar and complete a number of other formalities.

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)*

No.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

There are no 'scope of practice' rules that apply to firms as opposed to individual lawyers.

*Are there restrictions on the corporate form a foreign law firm can take?*

Foreign (European) law firms are subject to the same restrictions as local firms for example, no limited liability forms or MDPs. In addition, branch offices are not permitted.

*Are there rules about the name a foreign law firm can take?*

The Establishment Directive (98/5/EC) makes it clear that EU law firms may use the name of their law firm they use in their home country. The host Member State may require that, in addition mention is made of the legal form of the grouping in the home Member State and/or of the names of any members of the grouping practising in the host Member State.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

EEA lawyers must register with the local bar and give their practising address details.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

There are no restrictions on the ownership share of EEA lawyers in a Greek law firm.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

There is no prohibition on employment of a Greek lawyer by an EEA lawyer or law firm.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

A Greek lawyer may enter a partnership with a lawyer from

## Greece

an EEA state.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes, but only under their home title.

*Other useful sources or comments or links*

Athens Bar: Dikigorikos Sylogos Athinon [www.dsa.gr/](http://www.dsa.gr/)

# Hong Kong (China)

*Is there legislation governing the legal sector?*

Legal Practitioners Ordinance (Cap 159, Laws of Hong Kong)

*Under what title do lawyers practise?*

Solicitor or barrister

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

Admission to both professions requires a qualifying law degree (either the LL.B, which requires four years of study, or the Juris Doctor, which lasts two years) followed by the nine-month Postgraduate Certificate in Laws; followed by completion of a two-year training contract for admission as a solicitor and one-year pupillage for a barrister.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Yes.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

Only those persons who have been admitted as barristers of solicitors in Hong Kong may practise or give advice on Hong Kong law.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Hong Kong lawyers may work as sole practitioners, or in general partnerships or in group practices which involve the sharing of premises and overheads between solicitors with separate practices.

The Legal Practitioners (Amendment) Ordinance 2012 was enacted in July 2012. It has not yet come into operation, and when it does it will enable law firms in Hong Kong to operate in the form of a limited liability partnership.

The Legal Services (Miscellaneous Amendment) Ordinance passed in June 1997 (as amended by the Statute Law (Miscellaneous Provisions) Ordinance 2012, provides the legal basis to enable solicitors to incorporate as companies. The Ordinance is not yet operational, and when it does, it will allow solicitors in Hong Kong to operate their practice as limited companies.

Barristers practise independently or in chambers. Two or more practising barristers may share professional expenses in accordance with an agreement or in proportion to their receipts but they may not share professional receipts or agree that any one or more of them shall assume responsibility for the professional work of the others.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Solicitors must comply with the principles of the Hong Kong Solicitors Guide to Professional Conduct issued by the Law Society of Hong Kong and barristers must comply with the Hong Kong Bar Association's Code of Conduct. Both solicitors and barristers must also observe the relevant provisions in the Legal Practitioners Ordinance (Cap 159) and its subsidiary legislation.

## Hong Kong (China)

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Local law firms do not need a licence to practise but must complete a number of formalities before commencing trading. The Hong Kong Law Society must be informed within 14 days of a solicitor commencing practice. Further details may be found at the website of the Hong Kong Law Society ([www.hklawsoc.org.hk/pub\\_e/admission/LocalLawFirm/pdf/lf-commencement-inf.pdf](http://www.hklawsoc.org.hk/pub_e/admission/LocalLawFirm/pdf/lf-commencement-inf.pdf)).

*Which authority issues licences? Are there different authorities for individuals and firms?*

Law Society of Hong Kong for solicitors ([www.hklawsoc.org.hk](http://www.hklawsoc.org.hk)) and the Bar Council of Hong Kong for barristers ([www.hkbar.org.hk](http://www.hkbar.org.hk)).

*Is the jurisdiction a member of the WTO?*

Hong Kong SAR joined the WTO on 1 January 1995.

*Has it made any commitments under GATS in legal services?*

Hong Kong has not scheduled any commitments on legal services under the GATS.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Hong Kong is party to bilateral FTAs with New Zealand, EFTA and Chile and has concluded the Closer Economic Partnership agreement (CEPA) with PR China.

*Do these currently include legal services or are there plans to include them in future?*

The CEPA agreement with China ('Mainland') includes legal services and the commitments include allowing Hong Kong law firms that have set up representative offices in the Mainland to operate in association with Mainland law firms and share operational costs, premises, facilities and staff, although the association cannot operate in the form of a partnership or a legal person. Hong Kong lawyers participating in such associations cannot handle matters of Mainland law. Since January 2013, Hong Kong law firms have been able to form associations with up to three mainland law firms.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

All Hong Kong-registered law firms and practitioners are granted special privileges in China regardless of whether they are native to Hong Kong or are foreign law firms that have set up offices in Hong Kong.

*Are there any foreign law firms present in this jurisdiction?*

There were over 70 registered foreign law firms in Hong Kong China in January 2014.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

A person who is qualified to practise foreign law and who is from within a foreign firm but not a foreign lawyer, or from within a Hong Kong firm but not a foreign lawyer, or from within a Hong Kong firm but not a solicitor or foreign lawyer may offer their services to the public as a practitioner of foreign law so long as he does not so offer his services in any 12-month period for more than three continuous months or more than 90 days. See section 50B(2) of the Legal Practitioners Ordinance (Cap 159.)

*Can a foreign lawyer obtain a visa to visit clients or to market but not to*

Yes, lawyers can apply for a business visa.

## Hong Kong (China)

*practise?*

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

If the foreign lawyer provides services to the public as a practitioner of foreign law, he must register as a foreign lawyer with the Law Society of Hong Kong (Foreign Lawyer Registration Rules (see [www.hklawsoc.org.hk](http://www.hklawsoc.org.hk))) and provide such services from within a Hong Kong firm or a foreign firm. Please see section 50B of the Legal Practitioners Ordinance (Cap 159, Laws of Hong Kong).

The scope of practice of a foreign legal consultant prohibits the giving of advice on Hong Kong law. A foreign legal consultant may give advice on or handle any matter in which: (1) it is expected that the matter will be subject to the law of a jurisdiction other than Hong Kong; or (2) involves private or public international law or conflict of laws. In order to offer advisory services in foreign and international law, a foreign legal consultant must enter a commercial association with local lawyers.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Foreign lawyers are required to register as foreign lawyers with the Law Society of Hong Kong in order to practise foreign law in Hong Kong: section 39A of the Legal Practitioners Ordinance (Cap 159). In order to qualify for registration a foreign lawyer must show that he has the required indemnity insurance cover.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

In order to qualify for a limited licence, a foreign lawyer must show that: (1) he or she is a person of good standing in the foreign jurisdiction in which he or she is qualified to practise law, and produce a certificate of registration showing at least two years of post-qualification experience in the full-time practice of foreign law; (2) he or she has satisfied the Law Society that he or she is a fit and proper person to be registered; and (3) he or she is covered by professional indemnity insurance.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The parties in an arbitration proceeding have the right to select advisers and legal representatives of their choice whether or not they are legally qualified and whether or not they are local or from overseas jurisdictions. Section 63 of the Arbitration Ordinance (Cap 609) expressly provides that the restrictions to practise as a barrister, notary public or solicitor as stipulated by sections 44, 45 and 47 of the Legal Practitioners Ordinance (Cap 159) do not apply to arbitration proceedings, the giving of advice and the preparation of documents for the purposes of arbitral proceedings, or any other thing done in relation to arbitral proceedings. However, court proceedings that may arise out of an arbitration agreement or arise in the course of, or resulting from, arbitral proceedings are not exempted from section 63 of the Arbitration Ordinance. A party who wishes to instruct a

## Hong Kong (China)

*Are foreign lawyers allowed to appear in court under any circumstances?*

foreign lawyer who has been involved in arbitration proceedings to appear for it at any of these court proceedings will have to obtain admission from the Court of First Instance.

Yes, under the Hong Kong ordinance, ad hoc admission is possible. Where the court considers that an applicant is fit and proper person to be a barrister and is satisfied that he has: (1) the qualification acquired outside Hong Kong to engage in work that would, if undertaken in Hong Kong, be similar to that undertaken by a barrister in the course of ordinary practice as a barrister in the High Court or Court of Final Appeal; and (2) substantial experience in advocacy in a court.

The court may admit such person as a barrister for the purpose of any particular case or cases and may impose such restrictions and conditions on him as it may see fit.

*Can foreign lawyers requalify as local lawyers?*

Foreign lawyers may be admitted as full Hong Kong lawyers either through the domestic 'trainee solicitor route' or by the 'overseas qualified lawyer route'. The overseas qualified lawyer route, by examination, is open to lawyers from both common law and non-common law jurisdictions and is open to foreign qualified lawyers who fulfil certain conditions on residence, legal qualifications and practice experience, who are in good standing in their home jurisdictions and who have successfully completed or been exempted from all or part of the Overseas Lawyers Qualification Examination (OLQE). The court shall not admit a person under this section unless it has received from the Society a certificate to the effect that the Society is satisfied that the person: (1) has resided in Hong Kong for at least three months immediately before their admission; (2) intends to reside in Hong Kong for at least three months immediately after his admission; (3) has been ordinarily resident in Hong Kong for at least seven years; or (d) has been present in Hong Kong for at least 180 days of each of at least seven years.

The requirements for admission of barristers with overseas qualifications are laid down in the *Barristers (Qualification for Admission and Pupillage) Rules* (Cap 159 AC).

A person is qualified for admission to the Hong Kong Bar if he is an overseas lawyer who: (1) holds a certificate of admission as a legal practitioner from the appropriate authority in his jurisdiction of admission and such certificate of admission is valid and currently in force; (2) has practised for at least three years in his or her jurisdiction of admission; (3) is a person of good standing in his jurisdiction of admission; and (4) has passed the Barristers Qualification Examination

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A person who applies for admission as a barrister needs to satisfy the following residency requirements: (1) he or she has resided in Hong Kong for at least three consecutive months immediately before the date of their application for admission; (2) he or she has been ordinarily resident in Hong Kong for at least seven years; (3) he or she has physically present in Hong Kong for at least 180 days of each of at least seven years within the ten years immediately preceding the date of their application for admission.

In addition a person who seeks qualification as a barrister shall enter into pupillage for a period of not less than one year in the chambers of a practising barrister of not less than five years' standing in Hong Kong.

*Can a foreign law firm obtain a licence to open an office?*

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

A foreign law firm is not required to obtain a licence to set up in Hong Kong.

All foreign law firms must register with the Law Society before they may practise foreign law in Hong Kong. Pursuant to section 39B(1) of the Legal Practitioners Ordinance (Cap 159) a foreign law firm may apply to the Hong Kong Law Society for a registration as a foreign law firm if all partners who intend to practise in Hong Kong are foreign lawyers or the sole proprietor is a foreign lawyer and the firm intends to have, within two months after registration, a place of business in Hong Kong for the purpose of practising or advising on foreign law.

A firm to which section 39B(1) of the Legal Practitioners Ordinance (Cap 159) applies may be registered as a foreign law firm if it satisfied the qualifications set out in section 7 of the *Foreign Lawyers Registration Rules* (Cap 159S).

In the case of a firm that is a branch of an overseas firm, it is qualified to be registered as a foreign law firm if the overseas firm: (1) lawfully carries on the practice of law in its foreign jurisdiction; (2) has satisfied the Law Society that it is of good standing in every jurisdiction in which it has at any time within the previous five years carried on its practice; and (3) at least one of the partners of the firm who intends to practise in Hong Kong is a partner of the overseas firm, has at the date of the application for registration been associated on a full-time basis with the overseas firm for the immediately preceding period of twelve months and had, during the four years immediately preceding the commencement of that period, been so associated with the overseas firm for an additional period of not less than 12 months.

In any other cases, a firm is qualified to be registered as a foreign law firm if: (1) each of the partners of the firm who



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intends to practise in Hong Kong has satisfied the Society that he or she is of good standing in the foreign jurisdiction in which they are qualified to practise the law and in every jurisdiction in which he or she has at any time within the past five years practised the law; (2) one of the partners who intends to practise in Hong Kong is of substantial reputation in the foreign jurisdiction the law of which he or she is qualified to practise, or in a jurisdiction in which he has practised that law during the preceding five years; and (3) each of the partners who intends to practise in Hong Kong has been in practice of the law of a foreign jurisdiction in which he or she is qualified to practise for not less than three years.

The Law Society may waive any of the above requirements for registration as a foreign law firm as it considers appropriate in a particular case.

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc?)*

A foreign law firm and a Hong Kong law firm may be registered by the Law Society as an association: Section 39C of the Legal Practitioners Ordinance (Cap 159). The two firms may not only share profits but also premises, management and non-lawyer employees. Both the foreign law firm and the Hong Kong law firm must register such an association with the Law Society. The association must come into effect within two months of registration or may be cancelled. The effect of registration is that whilst the two firms may share profits, staff, management etc. only the Hong Kong firm may practise Hong Kong law. No foreign law firm may be in association with more than one Hong Kong solicitors' firm without the consent of the Council of the Law Society. The number of foreign lawyers to local lawyers in the association must not exceed the ratio of 1:1 (see rule 13(1)) of the *Foreign Lawyers Registration Rules* (Cap 159s).

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

A registered foreign law firm may practice the law of the jurisdiction(s) in which their partners and associates are qualified, and third jurisdictions in which they are competent to practice. Registered foreign law firms are prohibited from practising Hong Kong law (*Foreign Lawyers Registration Rules* (Cap 159S), section 12(1)).

*Are there restrictions on the corporate form a foreign law firm can take?*

Hong Kong practice requirements provide that foreign lawyers can only practise as sole practitioners or in partnerships.

## Hong Kong (China)

*Are there rules about the name a foreign law firm can take?*

There are provisions governing the name of foreign firms in section 4 of the *Foreign Lawyers Practice Rules* (Cap 159 R, Laws of Hong Kong) and section 2A of the *Solicitors Practice Rules* (Cap 159H, Laws of Hong Kong). The name of a foreign firm shall consist solely of the name or names of one or more foreign lawyers who are principals of the firm. This does not preclude: (1) the use of the name of a predecessor or former partner in that practice; (2) the use of the name of an overseas firm of which the foreign firm is a branch; or (3) the use of a style or firm name in at the date of the coming into operation of the rules.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

Hong Kong Law Society ([www.hklawsoc.org](http://www.hklawsoc.org)).

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Foreign lawyers are prohibited from becoming partners in a local firm. Foreign lawyers may practise as a sole proprietor or partner in a foreign law firm.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Foreign law firms are precluded from taking a Hong Kong solicitor into partnership: Legal Practitioners Ordinance (Cap 159), section 50B(4).

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Foreign law firms established as foreign law firms are not allowed to take Hong Kong solicitors into their partnership however, foreign firms that choose to establish as local law firms may do so, with the consent of the Hong Kong Law Society Council. A principal of a Hong Kong firm shall not permit the number of foreign lawyers associated with the firm to exceed the number of resident principals and solicitors employed in the firm or such greater number as the Council may approve in any particular case where it considers there are special circumstances.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Section 39D of the Legal Practitioners' Ordinance allows Hong Kong solicitors to employ foreign lawyers.

*Other useful sources or comments or links*

Hong Kong Law Society: [www.hklawsoc.org.hk](http://www.hklawsoc.org.hk); Hong Kong Bar Association: [www.hkba.org](http://www.hkba.org).

*Verified by*

Hong Kong Economic Trade Office (February 2014).

# Hungary

*Is there legislation governing the legal sector?*

Act XI of 1998 on Attorneys at Law.

*Under what title do lawyers practise?*

*Ügyvéd*, translated as 'Attorney-at-law' in the English-language version of the Act.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

In order to practise as a lawyer in Hungary, an individual must be a member of the bar association and have taken an oath (section 13(1) of the Act). Section 13(3) provides for the conditions to be admitted as a member of the bar: 'The bar association must, upon request, admit as an attorney anyone who: a) is a national of any State that is a party to the Agreement on the EEA; b) has a law school degree; c) has taken the Hungarian bar examination; d) who has been engaged in legal practice for at least one year as an attorney, articulated clerk or assistant attorney; e) is a member of the Hungarian Attorney's Insurance and Assistance Association or has other liability insurance that is accepted by the bar association; f) has office space suitable for conducting a full-time legal practice in an area in which the bar association operates; g) is not excluded for any of the reasons specified in Subsection (4). Lawyers must take an oath' (section 16).

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

There are jurisdictional limits for lawyers within Hungary. They correspond to the jurisdiction of the different Hungarian bar associations. This is explained in section 19 of the Act (Territorial Scope of Membership in the Bar Association) which mentions that: (1) an attorney may be a member of a bar association in Hungary, and he or she may maintain offices and branch offices in the territory of this bar association; and (2) if an attorney would like to relocate his or her office in the area of another bar association, he or she must request re-registration at the other bar association. The attorney shall remain a member of the previous bar association until such registration takes place. Section 15 shall be applied to the evaluation of the request for re-registration. Section 102(2) provides more detailed information on those limits. It states that 'the operational areas of the regional bar associations shall be the same as the jurisdictions of the Budapest Metropolitan Court and the county courts'.

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*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

The activities of attorneys are covered in section 5 of the Act (Legal Practice), which states that: (1) an attorney represents his client, provides the defence in criminal cases, provides legal counsel, prepares contracts, petitions and other documents, and holds valuables deposited with him; (2) unless otherwise stipulated by law, only attorneys are entitled to regularly provide the services listed in subsection 1 in return for consideration; (3) attorneys may provide the following services in addition to those specified in subsection 1: tax consultancy, social security consultancy, financial and other business consultancy, real estate agency, patent agency, activities authorised by legal regulation (with the exception of local government bylaw), mediator activities in mediation proceedings regulated in specific other legislation, and in criminal cases, converting the instrument of constitution of a company – that he has prepared – and the additional appendices of the company's application for registration (notification of amendments) into electronic format; arbitration in public procurement procedures as governed in specific other legislation, and counselling services related to public procurement procedures, provision of corporate headquarters (headquarters services).

*Do you need to hold local nationality to be eligible to practise law?*

According to section 13(3)(a) of Act XI, Hungarian nationality or EEA Member State nationality is required.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

There is no mention in the Act of the different forms a lawyer may work in. However, Chapter VII on law firms mentions that 'the attorney who causes the damage bears unlimited liability with his own assets' (Article 69(3) of the Act), which suggests that limited liability legal entities are not possible for lawyers.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Additional requirements are found in the Rules and Regulations of the Hungarian Bar Association.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There is no licence for law firms but a lawyer's place of practice must be registered in the regional bar association's register of law firms (section 68 of the Act). Foreign law firms must also register with the local bar association (section 12(e)).

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Hungarian Bar Association – [www.magyarugyvedikamara.hu/tart/index/130/1](http://www.magyarugyvedikamara.hu/tart/index/130/1).

*Is the jurisdiction a member of the WTO?*

Hungary joined the WTO on 1 January 1995.

*Has it made any commitments under GATS in legal services?*

Hungary has signed up to the EU's GATS commitment of modes 1–3 in home country and public international law. It however requires that 'Commercial presence should take the form of representative office '.

*Is the jurisdiction party to bilateral agreements that offer special*

As a member of the EU, Hungary extends special treatment to individuals and businesses from other EEA states (EU plus

# Hungary

*treatment to businesses or individuals from particular countries?*

Norway, Iceland and Liechtenstein. Hungary is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participation\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&sense=s))

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. The Establishment Directive only applies to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's FTAs with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs that might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (The Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Hungarian law as well as foreign and international, and can requalify as a Hungarian attorney. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice.

*Are there any foreign law firms present in this jurisdiction?*

There are around 15–20 foreign law firms established in Hungary, including UK, US, German, Italian, Austrian and French firms.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary*

Temporary practice is mentioned under the Chapter of the Attorneys Act concerning services provided by 'EC jurists'. Section 89/J(1) mentions that: a EC jurist who practises law on

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*practise?*

an occasional basis, without being admitted into the register, shall be required to notify the Hungarian Bar Association in writing of his intention to take up the activities in advance, before his first assignment. By way of derogation from the provisions of the Act on the General Provisions Relating to the Taking Up and Pursuit of the Business of Service Activities, where services are provided on an occasional basis over a period of one year, the notification shall be renewed without delay. See also Act on the General Provisions Relating to the Taking Up and Pursuit of the Business of Service Activities. Foreign lawyers may act as foreign legal counsel or register as foreign lawyers with the bar.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Hungary is one of 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Under Hungary's WTO commitments, foreign lawyers from outside the EEA may provide services under the title of 'Foreign Legal Counsel'. The scope of practice is given by Section 92 (1) of the Attorneys Act which states: A foreign legal counsel may provide legal advice concerning the law in the country in which he is a registered attorney, international law, and legal practice in connection with these'. A foreign legal counsel may only pursue those activities and is not a member of the bar association (Section 92 (2) and (3)).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

An EEA lawyer must register with the Bar, practise under his home title, comply with the Hungarian lawyers' code of conduct and maintain adequate professional indemnity insurance.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

A foreign legal counsel must be a member of the Hungarian Attorney's Insurance and Assistance Association or have other liability insurance that is accepted by the bar association. He/she must also have concluded a collaboration contract with a Hungarian attorney or law firm or a foreign law firm established in Hungary. They must also have proved that they are authorised to practise law abroad, have proved that they have a good reputation in the country in which they are a registered attorney and that they are not the subject of criminal or disciplinary proceedings, practise law in a Hungarian law firm or in a common firm with a Hungarian attorney. All those conditions are set forth in section 91 of the Act. An EEA lawyer must hold EEA nationality and an EEA legal qualification.



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*Are foreign lawyers permitted to undertake arbitration and mediation?*

Arbitration and mediation are mentioned in section 5 of the Act (g and i) as activities that lawyers may undertake. Section 89/I of the Act states that a EC lawyer may pursue any of the legal activities specified in section 5.

*Are foreign lawyers allowed to appear in court under any circumstances?*

EU/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court

*Can foreign lawyers requalify as local lawyers?*

Foreign lawyers from an EC Member State may requalify as local advocates under the provisions 89/F of the Act. They must be registered with the Hungarian Bar Association which requires them to comply with the requirements for establishing on a permanent basis in Hungary under home-country title set forth in Article 89/F(1): proof that he has continuously conducted his or her practice in connection with Hungarian law for three years in the territory of the Republic of Hungary (including practice in connection with the application of EU law in Hungary) (b); and proof of sufficient proficiency in the Hungarian language to practice the law (c). Other requirements relate to insurance and physical ownership of a place of practice. A registered EC jurist may, at his or her request, be admitted to the bar association as an attorney if he or she has continuously practiced the law in Hungary although their legal practice in connection with Hungarian law (including practice in connection with the application of EU law in Hungary) is less than three years, and he or she otherwise satisfies the conditions stipulated in subsection 1 (Article 89/F(2)).

*Can a foreign law firm obtain a licence to open an office?*

There is no separate licensing arrangement for law firms but all foreign lawyers providing legal services in Hungary must be registered as foreign legal consultants.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Foreign law firms (individual foreign lawyers acting as agents for foreign law firms) as defined in section 89/N(1) must register with the regional bar association of the place of practice (section 12(e)).

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)*

No.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.



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*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

There are no 'scope of practice' rules that apply to firms as opposed to individual lawyers.

*Are there restrictions on the corporate form a foreign law firm can take?*

Foreign law firms are subject to the same restrictions as local firms: for example, no limited liability forms or MDPs. In addition, branch offices are not permitted.

*Are there rules about the name a foreign law firm can take?*

Section 89/ N(2) of the Act states that If a law firm has only EC jurists as members or if none of the members' surnames appears in the name of the law firm, the expression 'office ' rather than 'law firm ' must be used in designating the firm. The designation 'law firm ' or 'office ' may contain the foreign-language designation of the attorneys association registered in any EEA Member State of which the EC jurist is a member. Non-EU law firms must include the surname of a member in their names.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

A licence is not required for a law firm but law firms must be registered with the bar association.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

There are no restrictions on the ownership share of EEA lawyers in a Hungarian law firm.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

There is no prohibition on employment of a Hungarian lawyer by an EEA lawyer or law firm.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Section 92(5) of the Attorneys Act states that: 'A Hungarian attorney may join a foreign law firm as a co-owner (partner) without authorization from the bar association'.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Section 89/M(1) of the Attorneys Act states that EC jurists are authorised to function as assistant attorneys. Since assistant attorneys can only practice as employees, it means that EC jurists may be employed in Hungary. Foreign legal counsels may only work as employees of a local or foreign law firm according to section 90 of the Act: 'A foreign legal counsel is any person who is engaged in the legal activities specified in Subsection (1) of Section 92 on the basis of a collaboration contract concluded with a Hungarian attorney or law firm. A foreign legal counsel may conduct his activities on the basis of an agency provided to an attorney or law firm with which he has concluded a collaboration contract. If the collaboration contract so provides, the foreign legal counsel may accept agencies in his own right within the realm of his activities.'

*Other useful sources or comments or links*

Magyar Ügyvédi Kamara (Hungarian Bar Association): [www.magyarugyvedikamara.hu/](http://www.magyarugyvedikamara.hu/)

## Iceland

*Is there legislation governing the legal sector?*

Lawyers Profession Act No 77/1999.

*Under what title do lawyers practise?*

*Lögmaður* (translated as lawyer or attorney).

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

Rules on licences for legal practice are set forth in Chapter 3 of the 1999 Act. According to Article 6 of the Act, lawyers must fulfil the following requirements to practise law at the district court level: (1) possess legal competency and be mentally capable of practising law; (2) have never been declared bankrupt; (3) have an untainted reputation, as required for parliamentary elections; (4) have completed legal studies with a final examination or a master's examination from the legal faculty of a university recognised in Iceland in accordance with the Act on Universities; (5) have completed the test provided for in Article 7 (theoretical as well as practical test relating to the theoretical and practical fields that are most relevant for law offices, including the lawyers' code of ethics, a test conducted by a three member test committee appointed by the Minister of Justice.

Conditions for obtaining a licence to practise law as a Supreme Court lawyer are set forth in Article 9 of the Act. They are as follows: (1) have been licensed as a district court lawyer for a period of five years; (2) have fulfilled the requirements made in Article 6, the first paragraph, subparagraphs (1)–(3); (3) have represented litigants in oral hearings in at least 30 cases in the district courts or any special courts, of which at least ten shall have been private cases that fulfilled the requirements for appeal to the Supreme Court, or on which the Supreme Court permitted appeal; and (4) demonstrate his/her fitness for such licence by a test comprising the oral presentation of four cases in the Supreme Court of which at least two shall be private cases. Exemptions may be granted by the Minister of Justice for persons who have practiced as judicial officer or prosecutor for a period of ten years. The Minister of Justice may also grant exemptions for the benefit of persons who have been granted similar licences in other states (see Article 9, last paragraph).

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

There is a single national jurisdiction in Iceland following legislation amending the 1998 Judiciary Act.

## Iceland

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

According to Article 2 of the 1999 act, a lawyer 'refers to any person who is licensed as a representative in litigation before the Supreme Court or the district courts representation' which suggests that the reservation of practice is limited to the title and to representation in court.

*Do you need to hold local nationality to be eligible to practise law?*

Icelandic nationality is not a requirement for qualification as a lawyer; however, a period of residency of one year is required for non-nationals who wish to sit the Icelandic Bar exam.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Article 19 of the 1999 Act mentions that '[l]awyers may form companies in the form of their choice for the provision of their services, including limited liability companies. Such limited liability shall not affect a lawyer's personal liability for any loss he or his employee may cause others in the course of his functions'. The code of ethics adds that lawyers should only conduct legal work unless an exemption has been granted under Article 12 of the Act and that the law office business name must not imply that it provides any other services than the attorney and real estate services. Article 19 of the Act on the Lawyers Profession states that: 'participation in a company operating a law office, or ownership of such company, is prohibited for others than lawyers'.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Additional requirements may be found in the Code of Ethics of Icelandic Attorneys adopted by the bar association, available at [www.lmf.is/logmenn-og-thjonusta/log-og-reglur-um-logmenn/sidareglur-logmanna](http://www.lmf.is/logmenn-og-thjonusta/log-og-reglur-um-logmenn/sidareglur-logmanna).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There is no mention of licensing arrangements for law firms in the relevant acts but a lawyer must inform the board of the bar association of the identities of the owners of a business law firm, and fulfil requirements in relation to trust accounts and indemnity insurance.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Ministry of the Interior issues licences to individuals for the right to appear in the District or Supreme Court on fulfilment of the requirements of Article 6 of the Act.

*Is the jurisdiction a member of the WTO?*

Iceland joined the WTO on 1 January 1995.

*Has it made any commitments under GATS in legal services?*

Iceland has scheduled no limitations on foreign lawyers providing legal consultancy services in foreign or international law in modes 1–3. Foreign lawyers may also provide services in Icelandic law in modes 1–3 by requalifying with the Icelandic Bar.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Iceland is a member of EFTA through which it is a party to the EEA Agreement with the EU. Through EFTA it is also party to 24 FTAs (covering 33 countries) with the following partners: Albania, Canada, Chile, Colombia, Croatia, Egypt,

## Iceland

	Gulf Cooperation Council (GCC), Hong Kong, Israel, Jordan, Korea, Lebanon, Macedonia, Mexico, Montenegro, Morocco, Palestinian Authority, Peru, Serbia, Singapore, Southern African Customs Union (SACU), Tunisia, Turkey, Ukraine
<i>Do these currently include legal services or are there plans to include them in future?</i>	Legal services are included by Iceland in agreements with Chile, Colombia, Korea, Singapore and Ukraine, and, in these, Iceland has reiterated the commitments it has made in the GATS. In the EFTA agreement with Hong Kong, both parties committed to develop disciplines in the area of professional services. In the agreement with Peru both parties agreed to follow an approach of mutual recognition of qualifications in order to promote trade in services.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (The Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU or EFTA lawyer can provide legal assistance in Icelandic as well as foreign and international law and can requalify as an Icelandic lawyer. Foreign lawyers from outside the EU or EFTA are more restricted in their scope of practice and may not requalify.
<i>Are there any foreign law firms present in this jurisdiction?</i>	There are no foreign law firms established in Iceland given the small size of the local market
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?</i>	Lawyers from other EFTA or EU jurisdictions may provide services in the district court by applying to the Ministry of the Interior. There is no other requirement or restriction on foreign lawyers practising outside the courts on a temporary basis in Iceland.
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	Iceland is one of 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements. Iceland has also committed in the GATS to permit entry to 'persons who as representatives of a service provider covered by the agreement are seeking temporary entry for purposes of negotiation for the sale of services or entering into agreements to sell services for that service provider, where this selling activity is not directed to the general public.'
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this</i>	There is no licensing requirement as practice outside of the courts is not regulated for non-Icelandic and non-EEA

## Iceland

*limited licence?*

lawyers.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

There are no specific requirements for foreign lawyers beyond any normal residency formalities. EEA lawyers are treated as Icelandic lawyers.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Rules on arbitration and mediation can be found on the Icelandic Chamber of Commerce website. On arbitration: requirements for arbitrators are set forth in Article 10 of the Rules for the Court of Arbitration; there is no nationality requirement. Arbitrators must however 'fulfil the special requirements made upon municipal court judges for ruling on individual cases.' On mediation: requirements for mediators are mentioned in Article 3 of the Statutes of the Court of Arbitration of the Iceland Chamber of Commerce on Mediation. There is nothing preventing foreign lawyers from taking part in mediation. Note that unless the parties jointly ask for a specific mediator, the board of the Court of Arbitration of the Iceland Chamber of Commerce appoints a mediator after having consulted with the parties.

*Are foreign lawyers allowed to appear in court under any circumstances?*

A party may entrust any person practising as a lawyer in any other Member State of the EEA, who has the right to represent litigants in court, with his representation in a corresponding Icelandic court, provided that person is, during court sessions, assisted by a lawyer practising in Iceland (3rd paragraph of Article 2). Other nationals are not permitted to appear in court.

*Can foreign lawyers requalify as local lawyers?*

EEA lawyers may fully requalify as Icelandic lawyers following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three year period of continuous and effective practice in Iceland. Non EEA lawyers must requalify through the full domestic route sitting the Icelandic bar exam and fulfilling other requirements made on domestic applicants.

*Can a foreign law firm obtain a licence to open an office?*

n/a – there is no requirement for foreign law firms. Firms from EEA countries will need to follow the same notification procedures as Icelandic firms. Article 12 of the 2004 Regulations on EEA lawyers, recognises that registered lawyers 'coming from the self-same group of Attorneys may [in Iceland]' work at a representative firm or branch of that group of attorneys. Icelandic rules take precedence in cases where there is a conflict of rules to ensure the protection of customers and third parties.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office?*

n/a – there is no requirement.

## Iceland

(eg, with a ministry of company affairs etc)

Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?) n/a

Is there a quota on the number of licences available? n/a

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have? n/a

Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they? n/a

Are there restrictions on the corporate form a foreign law firm can take? There is a specific provision regarding limitations on EEA law firms in the 2004 regulation in relation to MDPs.

Are there rules about the name a foreign law firm can take? There are specific rules on the mention of the home country title and names of law firms for EEA lawyers working in Iceland, which are derived from the EU Establishment Directive. Article 6 of the 2004 Regulations mentions that 'in the course of his work under the professional title of his home country an Attorney shall specify in a clear manner his professional title in his home country in the official language of the home country. He shall also specify of which professional association in his home country he is a member and with which judicial authority there he is registered. An Attorney who specifies the name of a group of Attorneys in his home country of which he is a member shall specify the form of firm of that group of Attorneys. He shall also specify the names of the persons belonging to the group of Attorneys who serve in this Country.'

Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL Foreign firms do not need licences. An EEA firm will need to notify the Icelandic Bar of its owners and complete indemnity and trust account formalities as an Icelandic firm would need to do.

Are there restrictions on the ownership share of foreign lawyers in a law firm? Iceland does not permit EEA law firms to establish if they have any non-lawyer ownership. Article 11 of the 2004 Regulations states that the activities of groups of attorneys are also subject to Article 19. Article 13 of the 2004 Regulations on EEA lawyers gives further information: 'Permission according to Art. 11 and 12 to render service in this Country does not extend to Attorneys working in this Country as associates in a group of Attorneys if there are parties in the group who are not Attorneys. A group of Attorneys comes under para. 1 if it includes parties not coming under the definitions of Art. 1 and:-1. Own the entire capital and reserves (equity) of the group of



## Iceland

Attorneys or part thereof; 2. Use the name under which the group of Attorneys work; or 3. Are in control of the direction of the group.'

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

There is no mention of a prohibition on employment by a foreign lawyer however the implications of Article 12 of the Act are that any lawyer who is not employed by an Icelandic or EEA lawyer who has an office trust account and indemnity insurance registered with the Icelandic Bar will need to fulfil these requirements. There is therefore a de facto prohibition on employment by a foreign lawyer.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Icelandic lawyers and lawyers from the EEA may enter into a partnership according to Article 11 of the 2004 regulations, which provide that: 'Attorneys who are registered in accordance with Art. 2 may render Attorneys service in co-operation with other Attorneys or in a group of Attorneys. Attorney service may be granted in association with Attorneys from the self-same group of Attorneys or from the self-same home country, in association with Attorneys from different Member States or Attorneys from other Member States and with Icelandic Attorneys. The activities of groups of Attorneys are subject to the provisions of Art. 19 of the Act on Attorneys as applicable.'

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Article 11 of the 1999 Act mentions the possibility for a lawyer to employ another lawyer ('A lawyer may engage another lawyer to work for his office. The employer shall be responsible for the employed lawyer's management of client's finances, and shall be financially responsible for his functions in other respects').

*Other useful sources or comments or links*

Copy of Icelandic Rules and Regulations in English: [eng.innanrikisraduneyti.is/laws-and-regulations/english/lawyers/](http://eng.innanrikisraduneyti.is/laws-and-regulations/english/lawyers/); Website of the Icelandic Bar Association – [www.lmfi.is/english/](http://www.lmfi.is/english/)



# India

*Is there legislation governing the legal sector?*

The Advocates Act 1961, Act No 25 of 1961 (19 May 1961)

*Under what title do lawyers practise?*

There are two classes of lawyer in India: 'advocate' and 'senior advocate' (Advocates Act 1961). Senior advocates are lawyers with a significant number of years of experience and standing who are recognised by one of the High Courts of India or by the Supreme Court (Advocates Act, Article 16). Senior advocates are subject to some additional requirements laid down by the Bar Council (Part VI of the Bar Council rules). A limited number of advocates also carry the designation, solicitor and must pass an examination set by the Bombay Incorporated Law Society in order to be able to use this title. It is however, in effect, a quality mark and all Bombay solicitors must also be enrolled as advocates with their home state bar associations.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

A lawyer must be: a citizen of India; over 21 years of age; and a graduate from a Bar Council-approved university with a degree in law. In 2010 the Bar Council of India introduced the All India Bar Exam (AIBE), which those graduating in 2009–2010 or after must take in order to be able to practise law in India. Advocates can only take the examination once they have been enrolled by a State Bar Council. The Advocates Act 1961 empowers State Bar Councils to make their own rules regarding enrolment of advocates and the further character and reference checks they wish to undertake. Once a state bar council has issued a Certificate of Enrolment, applicants must pay a fee of 600 Rupees to the respective State Bar Council and 150 Rupees to the Bar Council of India. These payments are fixed by the Advocates Act 1961. There is no requirement for renewal of licenses after initial enrolment.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The licence to practise law in India is a national one but advocates must be registered with the bar association in the state in which they practise.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

The Advocates Act 1961 states that: 'Advocates (are) to be the only recognised class of persons entitled to practise law' (Article 28).

*Do you need to hold local nationality to be eligible to practise law?*

Although the Advocates Act requires an advocate to be a Citizen of India, it also states in Article 47(2) that 'the Bar Council of India may prescribe the conditions, if any, subject to which foreign qualifications in law obtained by persons other than citizens of India shall be recognised for the purpose of admission as an advocate under this Act'. This provision has only been used for a few special, individual cases.

# India

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Chapter III of the Bar Council of India's rules state that an advocate cannot share remuneration or enter partnership with a lawyer who is not an advocate or a non-lawyer. Indian advocates practise mostly as sole practitioners. Law firms are usually established as general partnerships (under the Indian Partnership Act 1932) and the Companies Act 1956 imposes a limit of 20 on the number of partners in a general partnership. The Limited Liability Partnership Act 2008 now offers Indian law firms the opportunity to adopt LLP status with benefits such as unlimited partner numbers. However the take up to date has been limited because of lack of clarity on the capital gains tax treatment of assets to be transferred into an LLP.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Advocates are generally prohibited by their Code of Conduct from any form of advertising.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Law firms are not subject to any special registration or licensing procedures beyond those registration procedures required of businesses more generally by the Partnership Act 1932 and the Companies Act 1956.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Advocates are enrolled by the state bar in which they practise. If an advocate moves from one state to another, he must apply to transfer his enrolment.

*Is the jurisdiction a member of the WTO?*

India joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

India has not scheduled any commitments on legal services under the GATS.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

India has bilateral FTAs with Afghanistan, ASEAN, Bhutan, Chile, Japan, Korea, Malaysia, Mercosur, Nepal, and Singapore and is a party to the regional free trade agreement with South Asian Free Trade Area (SAFTA). It is in the process of negotiating further bilateral FTAs with EFTA, EU and the Southern African Customs Union (SACU).

*Do these currently include legal services or are there plans to include them in future?*

India has no scheduled commitments on legal services under any FTA. However, in a number of agreements the other party has included the sector (for example Korea). The EU has made a request for the inclusion of legal services in its FTA negotiations with India.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

India does have the provision in its own legislation for the differential treatment of foreign lawyers where reciprocal recognition arrangements exist. The Advocates Act 1961 Article 47 states: 'The Bar Council of India may prescribe the conditions, if any, subject to which foreign qualifications in law obtained by persons other than citizens of India shall be recognised for the purpose of admission as an advocate under this Act.'

## India

*Are there any foreign law firms present in this jurisdiction?*

Foreign law firms are not permitted to establish in India. This issue was considered by the Bombay High Court in a judgment delivered in 2009 reviewing the judgment delivered on the so-called 'Lawyers Collective Case' (WP 1526/1995) at the direction of the Supreme Court. In 2009, the Court ruled that the correct interpretation of the Advocates Act 1961 was that the 'profession of law' must be interpreted to include non-litigious as well as litigious areas of work and consequently both would be reserved to Indian advocates. The Court therefore upheld the original 1995 judgement that the licences granted to three foreign law firms in 1991 by the Reserve Bank of India to establish representative offices were unlawful.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Fly-in fly-out practice in India was the subject of a court case at the High Court of Madras (WP 5614/2010). In its judgment on 21 February 2012, the High Court stated 'there is no bar either in the Act or the Rules for the foreign law firms or foreign lawyers to visit India for a temporary period on a fly in and fly out basis, for the purpose of giving legal advice to their clients in India regarding foreign law or their own system of law and on diverse international legal issues.'

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Yes, foreign lawyers can obtain visas but need also to be aware of potential tax issues if visiting India frequently.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No. The practice of any law in India is reserved to Indian advocates. A foreign lawyer could only practise in India by qualifying as an Indian advocate.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The High Court of Madras has recently confirmed (WP 5614/2010) that 'foreign lawyers cannot be debarred to come to India and conduct arbitration proceedings in respect of disputes arising out of a contract relating to international commercial arbitration'.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Article 32 of the Advocates Act 1961 gives the court the power to permit appearances of non-advocates, which includes foreign lawyers: 'Notwithstanding anything contained in this Chapter, any court, authority, or person may permit any person, not enrolled as an advocate under this Act, to appear before it or him in any particular case.' This has very occasionally happened.

# India

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer could only requalify as an Indian advocate if he or she were able to fulfil any conditions laid down by the Bar Council following Article 47 of the Advocates Act: 'The Bar Council of India may prescribe the conditions, if any, subject to which foreign qualifications in law obtained by persons other than citizens of India shall be recognised for the purpose of admission as an advocate under this Act.'

*Can a foreign law firm obtain a licence to open an office?*

No.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

No. Non-legal practice licences were issued by the Reserve Bank of India in 1991 to three foreign law firms, but this led to a court case in the Bombay High Court challenging the RBI's right to issue such licences and in 1995 to the decision to annul the licences.

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

n/a

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

n/a

*Are there restrictions on the corporate form a foreign law firm can take?*

There are specific rules in relation to use of names by lawyers or law firms. The name of a foreign firm shall consist solely of the name or names of one or more foreign lawyers who are principals of the firm. These rules are the Solicitors Practice Rules and the Foreign Lawyers Practice Rules.

*Are there rules about the name a foreign law firm can take?*

n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

In accordance with the rules of the Bar Council of India 'An advocate shall not be a full-time salaried employee of any person, government, firm, corporation or concern, so long as he continues to practise, and shall, on taking up any such employment, intimate the fact to the Bar Council on whose roll his name appears and shall thereupon cease to practise as an advocate so long as he continues in such employment'. This therefore means that Indian advocates cannot be employed by either individual foreign lawyers or

## India

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

foreign law firms.

An Indian advocate may not share fees with a non-advocate and therefore not with a foreign lawyer. However, some state bars permit their advocates to enter into partnerships outside India (for example the Bar of Maharashtra and Goa has given a general permission to its advocates to enter partnerships with English Solicitors and the Bar Council of Delhi approves applications to enter partnerships with English solicitors on an individual basis).

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

A foreign lawyer could be employed by an Indian lawyer or law firm but not as a lawyer and they would not be able to practise law in India.

*Other useful sources or comments or links*

[www.barcouncilofindia.org](http://www.barcouncilofindia.org).

## Ireland

*Is there legislation governing the legal sector?*

Solicitors Act, 1954 as amended by subsequent Acts (1960, 1994, 2002) and Civil Law (Miscellaneous Provisions) Act 2008.

*Under what title do lawyers practise?*

Solicitor or barrister.

*How does an individual lawyer obtain a 'license' to practise law? How often must this be renewed?*

### *Solicitors*

In order to become a solicitor in Ireland, it is necessary to serve a period of apprenticeship for three years and complete courses of study organised by the Law Society of Ireland. To be admitted to the courses of study, it is necessary to have a university degree or its equivalent or be a barrister or equivalent – this is known as the Preliminary Examination requirement. On meeting these requirements, it is necessary to complete the Society's Final Examination and completion of the professional course, which consists of 14 weeks of intensive lectures followed by examination and 18 months in-house training as part of the apprenticeship of a student. Finally there is a further requirement to complete an Advanced Course, which consists of seven weeks of intensive lectures followed by examination. Once this section is completed and competency has been demonstrated in the Irish language, a person is entitled to be admitted to the roll of solicitors.

### *Barristers*

The Honourable Society of King's Inns provides post-graduate legal training, leading to the award of the degree of barrister-at-law. The King's Inns operates as a voluntary society under the control of the Benchers of the Honourable Society of King's Inns who are members of the judiciary and senior barristers. Entrance to the degree course is by means of an entrance examination for graduates of the King's Inns Diploma in Legal Studies or law graduates. The length of the Diploma in Legal Studies course was and remains two years but the Barrister-at Law Course, which was for two years, became from October 2004 a more intensive one-year course. In addition to completing the course of studies prescribed, students of the King's Inns must demonstrate their competency in the Irish language and attend ten dinners for each of the two years of the barrister-at-law course. On successful completion of the degree course, students are called to the Bar in the Supreme Court by the Chief Justice. There are further requirements before barristers can engage in paid legal work.

## Ireland

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

There is a single national licence to practise as a solicitor or barrister in Ireland.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

The following acts are reserved to solicitors under the Solicitors Act 1954: (1) the drawing or preparing of a document relating to real or personal estate or any legal proceeding; (2) the procuring or attempting to procure the execution by an Irish citizen of a document relating to (i) real or personal estate, or movable or immovable property, situate or being outside the state and the United Kingdom, or (ii) any legal proceeding, actual or in contemplation, of which the subject-matter is any such estate or property; (3) the making of an application, or the lodging of a document for registration, under the Registration of Title Act, 1891, or any Act amending that Act, at the Land Registry or to or with a local registering authority; (4) the taking of instructions for, or drawing or preparing of, documents on which to found or oppose a grant of probate or letters of administration. Barristers have reserved rights to appear in the Irish courts.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Solicitors may practise as sole practitioners, in general or limited liability partnerships. Barristers may only work as sole practitioners.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Law Society of Ireland maintains a code of conduct for solicitors and the Bar Council of Ireland has set out the code of conduct for barristers.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Law firms do not require a separate licence in Ireland but there are specific firm related rules in relation to solicitors' accounts and compensation fund.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Law Society of Ireland ([www.lawsociety.ie](http://www.lawsociety.ie)) issues licences to solicitors and the Bar Council licences barristers.

*Is the jurisdiction a member of the WTO?*

Ireland joined the WTO on 1 January 1995.

*Has it made any commitments under GATS in legal services?*

Ireland has signed up to the EU's GATS commitment of modes 1–3 in home country and public international law.



## Ireland

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

As a member of the EU, Ireland extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Ireland is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participation\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&sense=s)).

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's FTAs with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (the Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Irish as well as foreign and international law and can requalify as an Irish solicitor or barrister. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice.

*Are there any foreign law firms present in this jurisdiction?*

There are a small number of foreign firms in the Irish

# Ireland

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

market, mostly English firms but the financial centre in Dublin has attracted a couple of offshore firms.

EEA lawyers are permitted to practise in Ireland on a temporary basis without needing to register.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Lawyers visiting Ireland may obtain a business visa which permits a service supplier to visit but not to make direct sales to the public.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers may practise in Ireland under their home country title in the law of their home country or public international law. EEA lawyers may establish under their home title and additionally practise local law in association with an Irish lawyer.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

An EEA lawyer must practise under his home title, comply with the Irish solicitors' or barristers' code of conduct (depending on which body he/she has registered with) and must maintain adequate professional indemnity insurance.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Not for non-EEA lawyers. An EEA lawyer must hold EEA nationality and an EEA legal qualification.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The 2010 Arbitration Act in Ireland is based on the UNCITRAL model. The law provides for the parties to agree to appoint a single arbitrator and there are no prohibitions on this being a foreign lawyer.

*Are foreign lawyers allowed to appear in court under any circumstances?*

EU/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer on a purely ad hoc and very occasional basis, in accordance with expertise. Other nationals are not permitted to appear in court.

*Can foreign lawyers requalify as local lawyers?*

EU lawyers may fully requalify as Irish lawyers following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three-year period of continuous and effective practice. Certain non-EU qualified lawyers may be able to sit the transfer test if their jurisdictions have reciprocal arrangements (New South Wales, New Zealand, Pennsylvania, New York and California), lawyers from elsewhere will need to undertake the full qualification process.

*Can a foreign law firm obtain a licence to open an office?*

Foreign law firms may establish in Ireland to provide legal advisory services in home country law and international law and do not need a licence to do so. EEA law firms may additionally provide legal advisory services in Irish law provided they work in association with Irish qualified lawyers and must register with the Law Society.

*Even if a foreign law firm does not*

A foreign business establishing in Ireland would need to

## Ireland

<i>require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	complete the relevant registration, tax and employment formalities.
<i>Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)</i>	No.
<i>Is there a quota on the number of licences available?</i>	No.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	There are no 'scope of practice' rules that apply to firms as opposed to individual lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	EEA law firms are subject to the same rules on corporate form as local law firms.
<i>Are there rules about the name a foreign law firm can take?</i>	The Establishment Directive (98/5/EC) makes it clear that EU law firms may use the name of their law firm they use in their home country. The host Member State may require that, in addition, mention is made of the legal form of the grouping in the home Member State and/or of the names of any members of the grouping practising in the host Member State.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	Law firms from EEA jurisdictions must register with the Law Society of Ireland.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	There are no restrictions on the ownership share of EEA lawyers in an Irish law firm.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	There is no prohibition on employment of an Irish lawyer by an EEA lawyer or law firm.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	An Irish solicitor may enter a partnership with a lawyer from an EEA state.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes, but only under their home title.
<i>Other useful sources or comments or links</i>	Bar Council of Ireland: <a href="http://www.lawlibrary.ie">www.lawlibrary.ie</a> . Law Society of Ireland: <a href="http://www.lawsociety.ie">www.lawsociety.ie</a> .
<i>Verified by</i>	The Law Society of Ireland (December 2013).

# Israel

*Is there legislation governing the legal sector?*

BAR ASSOCIATION LAW, 5721 – 19611

*Under what title do lawyers practise?*

'Orech Din (attorney)

*How does an individual lawyer obtain a 'license' to practise law? How often must this be renewed?*

A person is qualified to be an attorney if –

He has higher legal education and is a graduate of a law faculty of an institution or of a college in Israel, recognised under the Council for Higher Education Law, 5718– 1958, as an institution of higher education; and (2) He has passed a qualifying period as a legal intern; and (3) He has passed the Bar examinations.

The following may also be recognised:

- A law graduate of an institution abroad recognised by the Hebrew University in Jerusalem, as an institution of higher education; or a person who has studied at such an institution and has passed examinations to an extent that, in the opinion of the Hebrew University in Jerusalem, he may suitably be regarded as granting him a higher legal education.
- A law graduate of an institution in Israel that is recognised and licensed under Section 25D or section 25I of the Council of Higher Education Law, 5718– 1958.
- A person qualified abroad as an attorney, and who has practised as an attorney or in a judicial function abroad, for at least two years, and a person who has served abroad, for at least two years, in a judicial function for which only a person with a legal education is qualified.
- A person who completed his studies at a Law College that for these purposes was recognised as per section 25B

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Yes, although a lawyer must be registered in the district either in which they live or in which their practice is based and can only be registered in one district. The Districts are: (1) Jerusalem district court jurisdiction; (2) Tel Aviv district Court jurisdiction; (3) Haifa District Court jurisdiction; (4) Northern district, the area of jurisdiction of the Nazareth District Court; (5) Southern area, the area of jurisdiction of the Be'er Sheva District Court

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

'According to section 20 of the Bar Act, the following acts are reserved to attorneys: (1) The representation of another person, and any pleading or other act on behalf of another person, before the courts, tribunals or arbitrators or before any person or body having judicial or quasi-judicial authority; (2) The execution of documents of a legal nature for another person, including but not limited to the representation of another person in legal negotiations leading to the execution

# Israel

of such a document; (3) Giving legal advice or a legal opinion; (4) Representation in front of various public offices or registration agencies. ‘

*Do you need to hold local nationality to be eligible to practise law?*

Residency in Israel is required for membership of the Israel Bar

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Under section 59A of the Bar Act (a) An attorney shall not practice his profession as a member of a company of attorneys unless the following are satisfied: (1) The company is registered in Israel under the Companies Ordinance and the liability of its members is not limited. (2) The purposes of the company, according to its memorandum of association, are the incorporation of attorneys; activities ancillary to advocacy; activities pertaining to the management of the company and its property or to the investment of its profits and the necessary associated activities. In addition, the memorandum of association provides that the company shall not have the powers specified in the second addendum to the Companies Ordinance; (3) All the company’s members and managers are members of the Bar. (b) An attorney shall not practice his profession as a member of more than one company of attorneys. Under section 58 an Israeli attorney may not practise in partnership with non-lawyers.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

In addition to provisions in the Bar Act, the ethical requirements on Israeli lawyers may be found in the Bar Association Rules (Professional Ethics), 5746-1986 ([www.israelbar.org.il/uploadFiles/Bar\\_Association\\_Rules\\_Professional\\_Ethics\\_\\_nov\\_2008.pdf](http://www.israelbar.org.il/uploadFiles/Bar_Association_Rules_Professional_Ethics__nov_2008.pdf))

*Do law firms need to receive a licence (or permission/approval) to practise law?*

A law firm per se doesn’t need a licence, however, most law firms in Israel operate as incorporated partnerships and therefore they are obliged to register as partnerships and to comply with the partnership ordinance of 1975. In addition, the law firm ensures that the lawyers will adhere to requirements under Article 59A of the Act:

(a) An attorney shall not practice his profession as a member of a company of attorneys unless the following are satisfied: (1) The company is registered in Israel under the Companies Ordinance and the liability of its members is not limited. (2) The purposes of the company, according to its memorandum of association, are the incorporation of attorneys; activities ancillary to advocacy; activities pertaining to the management of the company and its property or to the investment of its profits and the necessary associated activities. In addition, the memorandum of association provides that the company shall not have the powers specified in the second addendum to the Companies Ordinance; (3) All the company’s members and managers are members of the Bar.

(b) An attorney shall not practice his profession as a member

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*Which authority issues licences? Are there different authorities for individuals and firms?*

of more than one company of attorneys.

Unlike an individual lawyer, a law firm does not need a licence from the bar to operate. The Israeli Bar admits lawyers and may refuse to do so if the applicant has been convicted of an offense involving moral turpitude, or if certain facts are revealed while providing a basis to deem the candidate as an unfit lawyer. Such decision is also subject to scrutiny by the Supreme Court.

*Is the jurisdiction a member of the WTO?*

Israel joined the WTO on 21 April 1995

*Has it made any commitments under GATS in legal services?*

No

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Israel has bilateral trade agreements with Canada, the EU, EFTA, Mexico, Turkey and the US.

*Do these currently include legal services or are there plans to include them in future?*

Israel's agreements predominantly deal with trade in goods. However, the agreement with the EU reaffirms the commitment to MFN status and states that the agreement will be widened to include more explicit coverage of services.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No

*Are there any foreign law firms present in this jurisdiction?*

Three foreign law firms have taken advantage of the recent relaxation of Israel's rules- Berwin Leighton Paisner, ALO-Asserson and Greenberg Traurig and DLA Piper.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

In order to practise law in Israel a foreign lawyer must be registered with the Israeli Bar. However Article 98D of the Bar Act provides that 'an individual licensed to practise law overseas, is entitled, if he received permission to do so from the Central Committee or from whoever the Central Committee authorised to do so in this respect, to render a legal service pertaining to the foreign law in Israel despite the fact that he is not an attorney or foreign attorney, provided that the centre of his activities within the framework of his business practicing law is overseas and the legal service pertaining to the foreign law is rendered other than through his business '. The Central Committee is the Central Committee of the Bar Association.

(b) The Central Committee will inform the permit applicant of its decision within 30 days of the date the application was received; whereupon the said date has passed and the Central Committee's decision has yet to be rendered, it will be deemed to have granted permission.



# Israel

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Lawyers may visit under a B/2 visitor's visa which allows the holder to enter for periods of up to three months and includes permission to hold business meetings etc. He can't practise law in full range unless he address to the requirement of amendment to 33 specified here under.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Amendment No. 33 of the Bar Association Law, 5721- 1961 allows foreign lawyers and foreign law firms to Provide legal services concerning foreign law. 'Legal services ' under the law includes 1. Legal advice regarding the law applicable to the country in which the foreign lawyer accredited

2. Preparation of legal documents under the foreign law. 'Legal Service ' under this law does not include representation in court

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Foreign lawyers must register and pay a fee every year and every three years must submit documentation confirming that they are still registered as lawyers in their home jurisdictions. (See the Rules of the Bar Association (Registration and Supervision over Foreign Attorneys and Fees), 5772 – 2012)

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

In order to register as a Foreign Lawyer one must meet the following basic requirements:

In order to register as a foreign lawyer in Israel, an individual must have: a) a valid license to practise law in a foreign country, b) Five years of professional experience as a lawyer in the same foreign country.

c) a passing grade on the Israeli Ethics Exam for Foreign Lawyers; d) Professional liability insurance in Israel compliant with the Israeli Bar Association Order (Securities for a Foreign Lawyer), 5772 – 2012. Or a deposit of \$50,000.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

A foreign lawyer may participate in an arbitration proceeding involving foreign law. The parties have to agree that the arbitration will be conducted according to foreign law. Foreign lawyers are not permitted to advise or provide representation on issues relating to the Israeli Arbitration Law.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Under section 23 of the Bar Act a foreign lawyer may obtain special permission to appear in court to defend a non-Israeli citizen accused under the Genocide Law (1950) or the Nazis and Nazi Collaborators Law (1950)

*Can foreign lawyers requalify as local lawyers?*

Only citizens or residents of Israel may requalify as Israeli lawyers.

*Can a foreign law firm obtain a licence to open an office?*

A foreign law firm planning to open a branch in Israel is required to notify the Israel Bar Association within 30 days of opening. The branch must employ at least one lawyer who is already registered with the Israel Bar Association as an Israeli Lawyer or as a Foreign Lawyer.

*Even if a foreign law firm does not*

Foreign firms establishing will also need to comply with



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*require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

business, tax and employment registration requirements.

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)*

Foreign law firms may establish in different forms, including as corporations, provided that this corporation was established outside Israel and its purpose is the provision of legal services.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

The permitted practice for a foreign lawyer is limited to providing legal opinion and counselling regarding the foreign laws which apply in the foreign country in which the lawyer is certified, and the drafting of legal documents which the foreign law (non-Israeli) apply to them, including the representation of a client in a negotiation towards such drafting of legal documents. A foreign law firm may comprise Israeli qualified as well as foreign lawyers and the former are permitted to conduct a practice in Israeli law.

*Are there restrictions on the corporate form a foreign law firm can take?*

A 'Foreign Attorneys Firm ' must be: (1) A corporation incorporated overseas and all of the following must apply: (a) Its purpose is to render legal services; (b) All or some of the members or partners therein are licensed to practise law overseas; (c) The centre of its activities is overseas. In addition it must not take a corporate form, including limited liability forms and all the partners or members must be lawyers.

*Are there rules about the name a foreign law firm can take?*

Article 98J of amendment 33 provides that 'The name of an Israeli branch of a foreign attorney's office can be the same as the foreign attorneys firm provided that everywhere that mentions the branch's name also states that it is a branch of a foreign attorneys firm and the name of the country in which its primary activities are executed.'

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

The Israel Bar Association – [www.israelbar.org.il](http://www.israelbar.org.il)

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

There must be at least one foreign partner or member in the foreign firm and it must have its seat of operations overseas.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes although only in a foreign firm and an Israeli lawyer may only be a partner in one foreign firm.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

A foreign lawyer may not work in a local firm as a lawyer but may only be employed as a consultant.

*Other useful sources or comments or*

Israel Bar Association:

# Israel

## *links*

[www.israelbar.org.il/english.asp?catid=372](http://www.israelbar.org.il/english.asp?catid=372).

## *Verified by*

Levitan, Sharon & Co, Advocates and Notaries  
[www.levitansharon.co.il](http://www.levitansharon.co.il)  
(January 2014).

# Italy

*Is there legislation governing the legal sector?*

Royal Decree of 22 January 1934, no.3 and Royal Decree of 27 November 1933, no. 1578 on the organisation of the legal profession as amended by decrees of 24 February 1997, 13 September 1999, 21 May 2003 (enacted into law 18 July 2003).

*Under what title do lawyers practise?*

*Avvocato*

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

In order to become a lawyer in Italy, the candidate must be a member of an Italian bar association. Membership of an Italian bar associations requires 1) completion of an undergraduate law degree (Laurea in Scienze Giuridiche, three years) and a graduate law degree (Laurea Specialistica in Giurisprudenza (a two year programme which confers the title of Dottore Magistrale in Giurisprudenza), or a five year masters degree (Laurea a ciclo unico Magistrale in Giurisprudenza)); 2) the completion of an 18 month training period; 3) Passing the professional examination. Supreme Court lawyers must in addition have completed 12 years of continuous professional experience as an Avvocato or completed five years of continuous professional experience and passed a special State examination.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The licence to practise in Italy is national but registration is carried out locally.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

Italian lawyers have the right to provide representation, assistance and defence of different actors within the judicial processes. Supreme Court lawyers have exclusive right to undertake representation before special courts, Court of Cassation, Council of State, Court of Audit, Military Tribunal, and Supreme Tribunal for Public Waters.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Italian lawyers may work as sole practitioners, in partnerships and in various forms that permit cooperation with other professions.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Consiglio Nazionale Forense has set out the Ethical Code for Lawyers in Italy.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Law firms do not require separate licences to practise in Italy.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by local bar councils but a national register is maintained by the Consiglio Nazionale Forense ([www.consiglionazionaleforense.it](http://www.consiglionazionaleforense.it))

*Is the jurisdiction a member of the WTO?*

Italy joined the WTO on 1 January 1995

# Italy

*Has it made any WTO commitments on legal services?*

Italy has signed up in full to the EU's GATS commitment of modes 1–3 in home country and public international law.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

As a member of the EU, Italy extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Italy is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participation\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&sense=s))

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's FTAs with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (The Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Italian as well as foreign and international law and can requalify as an Italian *avvocato*. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice.

*Are there any foreign law firms present*

There are over 20 foreign firms established in Italy – notably

# Italy

*in this jurisdiction?*

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

*Are foreign lawyers permitted to undertake arbitration and mediation?*

*Are foreign lawyers allowed to appear in court under any circumstances?*

*Can foreign lawyers requalify as local lawyers?*

UK, US and German firms.

A non-EEA national who wishes to work in Italy on the basis of his or her professional legal qualification must apply to the Ministry of Justice for approval before applying for a business visa (Articles 39-49 DPR 394/1999).

Italy is one of 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

Foreign lawyers may practise in Italy under their home country title in the law of their home country or public international law. EEA lawyers may establish under their home title and additionally practise local law in association with an Italian lawyer.

An EEA lawyer must register with the appropriate local bar, practise under his or her home title, comply with the Italian code of conduct and must maintain adequate professional indemnity insurance. In addition, the lawyer must obtain a resident's permit from the local police authority. (Law DPR 31 August 1999 Nr 394)

There are no prior conditions for foreign lawyers. An EEA lawyer must hold EEA nationality and an EEA legal qualification.

Arbitration in Italy is governed by the Civil Procedure Code and there is no explicit international arbitration regime. However, nothing prevents foreign lawyers from participating in the conduct of arbitrations in Italy.

EU/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.

EU lawyers may fully requalify as Italian lawyers following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three year period of continuous and effective practice in Italy. Non-EEA nationals must sit the full bar exam before a special Commission of the Italian National Bar Council. There is a reduced examination for those who have passed examinations in Italian universities or have practised the legal profession in Italy for a significant period; for those who have an Italian law degree, requalification only requires a much reduced examination on Italian ethical and professional rules. The recognition of professional qualifications obtained in non-EU countries

# Italy

	takes place in accordance with the combined provisions of Articles 37 D. Decree 25/07/98 n 286 and 39 and 49 of Presidential Decree 394 of 31 August 1999 on the basis of which the registration is admitted to the bar.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no separate law firm licensing regime for foreign law firms. Those US law firms that are established in Italy have done so through their London LLPs.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	A foreign law firm would need to complete the same registration formalities as any other foreign business establishing (for example execute a public deed of incorporation and company bylaws before a public notary; pay registration tax, register the company and inform the local labour office).
<i>Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)</i>	No.
<i>Is there a quota on the number of licences available?</i>	No.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	There are no 'scope of practice' rules that apply to firms as opposed to individual lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Foreign (European) law firms are subject to the same rules as local firms.
<i>Are there rules about the name a foreign law firm can take?</i>	The Establishment Directive (98/5/EC) makes it clear that EU law firms may use the name of their law firm they use in their home country. The host Member State may require that, in addition mention is made of the legal form of the grouping in the home Member State and/or of the names of any members of the grouping practising in the host Member State.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	Law firms from EEA jurisdictions must register with each local bar in the districts where they have offices.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	There are no restrictions on the ownership share of EEA lawyers in an Italian law firm.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	There is no prohibition on employment of an Italian lawyer by an EEA lawyer or law firm provided that the independence of that lawyer is protected.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	An Italian lawyer may enter a partnership with an EEA lawyer.
<i>Can a domestic lawyer or domestic law</i>	Yes, but only under their home title.

# Italy

*firm employ a foreign lawyer?*

*Other useful sources or comments or links*

Consiglio Nazionale Forense  
[www.consigionazionaleforense.it](http://www.consigionazionaleforense.it).



# Jamaica

*Is there legislation governing the legal sector?*

The Legal Profession Act 1972

[www.moj.gov.jm/sites/default/files/laws/Legal%20profession%20Act.pdf](http://www.moj.gov.jm/sites/default/files/laws/Legal%20profession%20Act.pdf).

*Under what title do lawyers practise?*

Attorney-at-law

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

In order to practise law in Jamaica, an individual needs to undertake a recognised law degree and two years of professional training. A Legal Education Certificate is granted by the Council of Legal Education upon satisfactory completion of the course of study at one of the three law schools in the Commonwealth Caribbean – the Norman Manley Law School in Jamaica, the Hugh Wooding Law School in Trinidad & Tobago or the Eugene Dupuch Law School in The Bahamas. In order to be called to the Jamaican Bar, an attorney who has practised at the Jamaican Bar for at least five years must apply to the court on behalf of the individual concerned and must also make a statutory declaration that he/she is of sound character.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Yes, and also in: Antigua, Bahamas, Barbados, Belize, The British Virgin Islands, The Cayman Islands, Dominica, Grenada, Guyana, Montserrat, St Kitts-Nevis-Anguilla, St Lucia, St Vincent, Trinidad and Tobago and The Turks and Caicos Islands.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

Representation in court is reserved to Jamaican and other English-speaking Caribbean qualified lawyers.

*Do you need to hold local nationality to be eligible to practise law?*

You must originate from one of the countries in the Commonwealth of Nations.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Partnerships are permitted.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

n/a

*Do law firms need to receive a licence (or permission/approval) to practise law?*

In Jamaica attorneys from other jurisdictions cannot practise without acceptance by the Jamaica Bar Association.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Council of Legal Education awards licences to individuals.

*Is the jurisdiction a member of the WTO?*

Jamaica joined the WTO on 9 March 1995.

*Has it made any WTO commitments on legal services?*

Jamaica has made full modes 1–2 commitments for legal advice in international law and home-country law under the GATS. Lawyers wishing to establish (Mode 3) need to be admitted locally in order to practice.

# Jamaica

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Jamaica is party to the Caribbean Community and Common Market (CARICOM) agreement. CARICOM has preferential trade agreements with Colombia and Venezuela. Jamaica is also a signatory to the treaty agreement establishing the Council of Legal Education.

*Do these currently include legal services or are there plans to include them in future?*

Legal services are covered in the CARICOM agreement.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Signatories of the Council of Legal Education Treaty benefit from being able to practise in all of the represented jurisdictions in the Caribbean without needing to requalify.

*Are there any foreign law firms present in this jurisdiction?*

No. But due to the fact that many firms based in Jamaica are 'regional' and employ lawyers that are admitted to practise across the Caribbean, and also because it is a relatively straightforward process for foreign lawyers from common law jurisdictions to requalify, there are a number of dual-qualified foreign lawyers working in firms in Jamaica on international matters.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

n/a

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

A visa may not be required. Foreign nationals entering the country to conduct short-term business (such as consultations, meetings, inspections, repairs, technical advice) are admissible as 'visitors' in accordance with the entry requirements applicable to the visitors from their respective countries: [www.jhcuk.org/visitors/visa-requirements/do-i-need-a-visa-to-enter-jamaica](http://www.jhcuk.org/visitors/visa-requirements/do-i-need-a-visa-to-enter-jamaica).

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer does not need to obtain a limited licence entitling him/her to offer advisory services in foreign and international law (become a foreign legal consultant).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

There are no restrictions on foreign lawyers participating in international arbitration in Jamaica.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Not unless they are qualified in another English-speaking Caribbean jurisdiction or requalify as Jamaican attorneys.

*Can foreign lawyers requalify as local lawyers?*

Yes, lawyers from a common law jurisdiction can undertake a six-month conversion course at the Norman Manley Law

# Jamaica

	school.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no explicit foreign law firm licensing regime that regulates these arrangements.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	All Jamaican businesses are required to be registered with the Registrar of Companies, with the Ministry of Labour and Social Security as a part of the national insurance scheme and with the Collector of Taxes to obtain a Taxpayer Registration Number (TRN).
<i>Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	No.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	No.
<i>Are there rules about the name a foreign law firm can take?</i>	No.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	<a href="http://www.clecaribbean.com/about.php">www.clecaribbean.com/about.php</a>

# Japan

*Is there legislation governing the legal sector?*

Attorneys Act of 1949.

*Under what title do lawyers practise?*

*Bengoshi.*

*How does an individual lawyer obtain a 'license' to practise law? How often must this be renewed?*

In order to qualify as a *Bengoshi*, an individual must: complete an undergraduate degree in any field (which requires four years of study); complete a Juris Doctor (which lasts two or three years); pass the national bar exam; and undertake a 12-month apprenticeship that incorporates additional coursework and passing the graduation examination of apprenticeship.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Yes.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

By the Attorneys Act, lawyers (*Bengoshi*) are granted the exclusive right to provide legal services unless explicitly stated to the contrary. This includes the unrestricted right to appear in all courts in Japan. The law also defines unauthorised practice of law as a criminal activity. In addition to *Bengoshi* there are a number of other types of legal practitioners: judicial scriveners (*shihoshoshi*) handle registration and cash deposit matters with the Legal Affairs Bureau, and prepare documents to be filed with the court and the Public Prosecutor's Office; tax attorneys (*zeirishi*) prepare tax returns, represent clients before the tax authority and provide consultation services on tax matters; patent attorneys (*benrishi*) represent clients concerning all matters relating to patents, utility model rights, design rights and trademarks at the Japan Patent Office (JPO) and before the Ministry of Economy, Trade and Industry (METI) (The JPO comes within the control of METI); and administrative scriveners (*gyoseishoshi*) handle documents to be lodged with administrative agencies.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

*Bengoshi* may work as sole practitioners or in legal professional corporations.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The current rules governing the conduct of attorneys are *The Basic Rules on the Duties of Practicing Attorneys* (2005).

# Japan

*Do law firms need to receive a licence (or permission/approval) to practise law?*

An attorney must only establish an office in the district of the country in which he or she is registered, they cannot have more than one office and must notify the relevant district bar association and the Japanese Federation of Bar Associations (JFBA) when establishing such an office. A legal professional corporation may have more than one office but each office must have a designated attorney who is registered in that bar district.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The JFBA maintains the roll of individual attorneys admitted to practice and their places of work but attorneys and law firms must also register with their local bar associations.

*Is the jurisdiction a member of the WTO?*

Japan joined the WTO on 1 January 1995.

*Has it made any commitments under GATS in legal services?*

Japan has made commitments under the GATS in modes 1–3. However services must be supplied by a natural person and commercial presence is required. Where person is qualified as a *Bengoshi* there are no restrictions. Where services are provided as a foreign lawyer on the law of the jurisdiction where the service supplier is a qualified lawyer the following limitations apply: Under modes 1–3, individuals must be resident for 180 days and have a commercial presence. *Note:* consultancy on foreign law does not include: (1) legal representation for juridical procedures in courts and other government agencies as well as preparation of legal documents for such procedures; (2) expression of legal opinions concerning laws other than laws of the jurisdiction where the service supplier is qualified as a lawyer; (3) legal representation for the entrustment of the preparation of notarial deeds; and (4) those activities concerning a legal case whose primary objective is the acquisition or loss or change of rights concerning real property in Japan or of industrial property rights, mining rights or other rights arising upon registration thereof with government agencies in Japan. ii) A service supplier shall be required to cooperate with *Bengoshi* or to ask for his or her advice in a legal case concerning family relations or inheritance, in which a Japanese national is involved as a party, or in a legal case whose objective is the acquisition or loss or change of rights concerning real property in Japan or of industrial property rights, mining rights or other rights arising upon registration thereof with government agencies in Japan, as long as the above objective is not the primary one. The practice of international law is permitted, provided that the international law is or was in force in the jurisdiction of the foreign lawyer. Practice of third country law and Japanese law is not permitted. In addition, association with *Bengoshi* is permitted but employment of *Bengoshi* is not permitted. The use of a foreign firm name is unrestricted, provided that it is followed with reference to '*Gaikoku-Ho-Jimu-Bengoshi Jimusho*'. Finally,

# Japan

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

representation in arbitration is permitted, provided that the applicable law in the arbitration is the law which the service supplier is qualified to practice in Japan

Japan has bilateral trade agreements with the Association of Southeast Asian Nations (ASEAN), Brunei, Chile, India, Indonesia, Malaysia, Mexico, Peru, Philippines, Singapore, Switzerland, Thailand, and Vietnam. It is negotiating bilateral agreements with Australia, the Gulf Cooperation Council and Korea.

*Do these currently include legal services or are there plans to include them in future?*

In its agreements with Brunei, India, Indonesia, Malaysia, Peru, Philippines, Singapore, Thailand and Vietnam, Japan reiterates its WTO commitments on legal services in full. Legal services are not covered in the agreements with Mexico and Chile and the agreement with Switzerland covers legal services through a mutual recognition of qualifications provision.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No.

*Are there any foreign law firms present in this jurisdiction?*

There are around 40–50 foreign law firms in Japan from the US, UK, China, Norway, Ireland, France, Italy, Switzerland, the Netherlands and Australia

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There is no express rule allowing temporary practice by foreign lawyers and the import of Japan's GATS commitments is that a commercial presence is required for the conduct of legal practice in Japan unless through a local lawyer.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Most Organisation of Economic Co-operation and Development (OECD) countries have reciprocal visa exemptions with Japan for visits up to 90 days. Lawyers from other countries may obtain a visa for the purpose of visiting contacts but not to obtain remuneration or to make profits or accept payment in Japan.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer may register with the Japan Federation of Bar Associations as a *Gaikoku-Ho-Jimu-Bengoshi* (GJB). Their scope of practice is limited to the law in which service supplier is qualified and to international law, provided that the relevant international law is or was in force in the jurisdiction. The practice of third-country law and Japanese law is not permitted. This also excludes juridical procedures in courts and other government agencies as well as preparation of legal documents for such procedures (unless undertaken in conjunction with a *Bengoshi*), notarial acts, advice on transactions relating to land or property rights and advice on any third-country law in which the supplier is not qualified.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

A foreign lawyer must be resident in Japan for 180 days a year. In addition, once GJB registration has been obtained, the foreign qualification to practise must be maintained, otherwise



# Japan

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

the registration will be withdrawn.

In order to register as a GJB a lawyer must: (1) have practised for at least three years (at least two of which must have been in their home jurisdiction); (2) not be subject to disqualification; intend to undertake the profession in good faith; (3) plan to perform his or her functions properly and reliably; and (4) possess the capability to compensate for damages caused to a client, if any. Any individual applying for registration must not have any prior criminal conviction. Scope of practice is limited to the law of the lawyer's home country.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Representation in arbitration is permitted, provided that the applicable law in the arbitration is the law which the service supplier is qualified to practice in Japan (source: WTO Commitments).

*Are foreign lawyers allowed to appear in court under any circumstances?*

No.

*Can foreign lawyers requalify as local lawyers?*

There is no special requalification route for foreign lawyers who must follow the domestic qualification route to be admitted in Japan.

*Can a foreign law firm obtain a licence to open an office?*

Yes.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Foreign firms establishing will also need to comply with the relevant business, tax and employment registration requirements.

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)*

A foreign law firm may establish either as a stand-alone foreign law firm or as a joint enterprise in partnership with *Bengoshi*.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

A foreign law firm may only open one office in Japan.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

Foreign law firms are covered by the same scope of practice rules that apply to individual foreign lawyers.

*Are there restrictions on the corporate form a foreign law firm can take?*

Foreign law firms may only have one office and may not take limited liability forms.

*Are there rules about the name a foreign law firm can take?*

Use of firm name is unrestricted, provided that it is followed with reference to GJB (WTO Commitments).

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

The Japanese Federation of Bar Associations:  
[www.nichibenren.or.jp](http://www.nichibenren.or.jp)



## Japan

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Following the Act on Special Measures Concerning the Handling of Legal Services by Foreign Lawyers, registered foreign lawyers, acting through the foreign law firm of which they are a member, if applicable, are permitted to employ Japanese-qualified lawyers (*Bengoshi*).

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

Japanese Federation of Bar Associations: [www.nichibenren.or.jp](http://www.nichibenren.or.jp); Japanese Ministry of Justice (Judicial System Department): [www.moj.go.jp](http://www.moj.go.jp)

## Jordan

*Is there legislation governing the legal sector?*

Jordanian Bar Association Law No 11/1972 as amended by Law No 51/1985.

*Under what title do lawyers practise?*

Lawyers in Jordan practise under a single title, 'mohamy', which may be translated as 'lawyer' or 'advocate'.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

According to Article 7 of Law No 11/1972 anyone who wants to practise as a lawyer in Jordan must be registered in the table of lawyers and, in order to be registered, the individuals concerned must: (1) have held Jordanian nationality for at least ten years, unless the applicant was a national of an Arab country before acquiring Jordanian nationality, in which case the cumulative period of holding the two nationalities must not be less than ten years; (2) be at least 23 years of age; (3) enjoy full civil capacity; (4) be a permanent and current resident of the Kingdom of Jordan; (5) be of good character and conduct and not have been convicted or sentenced of a criminal or disciplinary offence; (6) hold a Certificate in Law from a recognised university or law college; (7) have completed the required training period (usually two years but a candidate with a Master's degree or PhD in law may only be required to complete one year of training)(8) not be an employee with the government or municipalities.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Jordanian lawyers are entitled to practise law throughout the country.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

According to Article 38 of the Jordanian Bar Association law, the practice of law is reserved for lawyers registered with the Bar.

*Do you need to hold local nationality to be eligible to practise law?*

The practice of law in Jordan is reserved to Jordanian nationals. Article 10 of the Jordanian Bar Association law however provides that an Arabic Lawyer (a legally qualified national of one of the member countries of the Union of Arab States) has the right to plead in Jordanian courts in conjunction with a Jordanian lawyer in a particular case. Permission must be granted by the Chair of the Bar Association after verifying the status of the lawyer who has asked to plead and given that reciprocal conditions apply in the applicant lawyer's home country.

## Jordan

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Jordanian lawyers may work as sole practitioners or establish a law firm with other Jordanian lawyers (Article 53).

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

In addition to some further requirements on conduct (for example, 'to behave with dignity and honour', maintain client confidentiality etc) contained in the Bar Association law, a licensed lawyer must comply with the 1980 Code of Conduct issued by the Jordanian Bar. The Bar Code of Conduct sets out in more detail requirements on confidentiality and the handling of conflicts of interest.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

A Jordanian law firm must send written notification to the Bar Association within a month of its formation.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Both law firms and individuals must be registered with the Jordanian Bar association.

*Is the jurisdiction a member of the WTO?*

Jordan joined the WTO on 11 April 2000.

*Has it made any WTO commitments on legal services?*

Jordan has scheduled full GATS commitments (no restrictions in modes 1–3) on advisory services in foreign law (excluding Jordanian law). Representation in Jordanian courts is reserved to Jordanian nationals.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Jordan is a party to the Pan Arab Free Trade Area and has bilateral or regional FTAs with the following countries: the EU, EFTA, Turkey, Singapore and the US. Negotiations on a free trade agreement with Canada are underway.

*Do these currently include legal services or are there plans to include them in future?*

The text of the agreement with Singapore reiterates Jordan's GATS commitments. Its agreement with the EU contains a negative list of sectors in which investment in either direction is restricted or prohibited – legal services are not included on this negative list.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

As Jordan's commitments in the WTO are quite comprehensive there are no major differences in the treatment of foreign lawyers arising from bilateral trade treaties.

*Are there any foreign law firms present in this jurisdiction?*

A number of foreign firms from the UK and the UAE have a presence in Jordan through associations with local firms.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Jordan permits fly-in, fly-out legal consultancy as a result of its GATS commitments but has no special licensing arrangements for temporary practice.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Any non-Arab visitor to Jordan entering for business requires an entry visa.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers are permitted by Jordan's commitments under the WTO to establish and offer foreign legal advisory services. However, no specific licensing arrangements

## Jordan

	appear to exist.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	There are no explicit conditions laid down for foreign lawyers beyond those that would apply to any business person establishing in Jordan.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	n/a
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	There are no restrictions on the participation of foreign lawyers in arbitration and mediation proceedings.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	An Arab lawyer, who is a national of a member country of the Arab Union, has the right to plead before the Jordanian courts in conjunction with a registered Jordanian lawyer. Permission must be granted by the President of the Bar Association after verification of the status of the lawyer that has asked to plead and under the condition that reciprocal rights exist in the Arab lawyer's home jurisdiction.
<i>Can foreign lawyers requalify as local lawyers?</i>	Requalification is not possible due to the nationality provision in the law.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign law firms are permitted by Jordan's GATS commitments to establish offices although there is no explicit licensing regime for foreign law firms.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	The Jordanian Investment Board's website sets out the requirements for foreign investors: <a href="http://www.jordaninvestment.com">www.jordaninvestment.com</a>
<i>Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	Foreign law firms are limited to legal advisory work outside of Jordanian law.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not beyond the rules that apply to any foreign business.
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	Legal licences are not specifically issued, so foreign law firms should contact the Jordanian Investment Board for details of general foreign business licensing requirements: <a href="http://www.jordaninvestment.com">www.jordaninvestment.com</a>

## Jordan

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Law firms can only be owned by registered Jordanian lawyers, there are no restrictions on the ownership of legal consultancies.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

According to the lawyers' Code of Conduct, Jordanian lawyers are not permitted to hold any other employment or conduct any other business other than their legal practice. This would suggest that a Jordanian lawyer could not be employed by a foreign firm.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Domestic and foreign lawyers may form associations.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

A Jordanian lawyer could employ a foreign lawyer but that individual would only be able to practise as a legal consultant.

*Other useful sources or comments or links*

Ministry of Justice – [www.moj.gov.jo](http://www.moj.gov.jo), Jordanian Bar Association – [www.jba.org.jo](http://www.jba.org.jo)

# Kazakhstan

*Is there legislation governing the legal sector or the practise of law? (Please give title eg Legal Practice Act)*

Republic of Kazakhstan Law 'On Advocate Practice' of 5 December 1997 and Republic of Kazakhstan Law 'On Notary Practice' of 14 July 1997.

*Under what title do lawyers practise?*

Lawyer, advocate, notary.

*Does a lawyer need a licence to practise, if so how does he/she obtain a licence and how often must this be renewed?*

Legal assistance may be provided in Kazakhstan by (1) advocates, (2) law firms, (3) privately practising lawyers, and (4) by persons with no legal education.

1. Lawyers may work in enterprises, institutions or organisations and provide services to their employer according to their official duties within the powers granted to them by legislation.

2. Lawyers may practise privately and provide legal services to individuals and legal entities independently or via law firms and companies.

3. Lawyers may work as advocates, provided they meet the qualification requirements. Article 1 of the RK Law 'On Advocate Practice' defines such practice as 'advocate activities for the defence in criminal cases, representation in civil, administrative, criminal and other cases, and for the provision of other types of legal aid in order to defend and assist in the exercise of the rights, freedoms and legitimate interests of individuals and the rights and legitimate interests of legal entities.'

According to Article 7 of the Law 'On Advocate Practice', an advocate must be a citizen of the Republic of Kazakhstan, possess a Master's degree in law and a licence from the Ministry of Justice and be a member of the Bar. In order to obtain a licence, a prospective advocate must have no criminal or disciplinary record and must have full civil legal capacity.

4. Lawyers may work as notaries, provided they meet qualification requirements. Pursuant to Article 6 of the RK Law 'On Notary Practice', a notary must be a citizen of the Republic of Kazakhstan 25 or more years of age, possessing a higher legal education and at least two years of work experience in the legal profession, having completed at least one year internship with a notary, and having passed attestation with a justice attestation commission and licensed to practice as a notary.

*Does this licence entitle the holder to practise throughout the country? Please explain the jurisdictional limits (eg state limitations etc.)*

An advocate may work in any administrative-territorial unit of the country, provided that he/she duly complies with his/her obligations with respect to the bar to which he/she belongs and meets tax requirements.

A notary cannot conduct activities outside the place of his/her recorded registration, except for the cases provided for by legislation. A notary cannot be employed within a

# Kazakhstan

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

commercial entity.

Only licensed Kazakh advocates may represent individuals and legal entities in criminal defence cases. Lawyers who wish to practise outside the area of criminal defence do not require a licence. Notarial activities may be conducted by state (public) or private notaries.

*Do you need to hold local nationality to be eligible to practise law?*

Foreign lawyers may provide legal services unrelated to advocate activities and notarial services.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Legal services are provided in accordance with the provisions of the current civil, tax and other legislation governing legal relations in the business sphere. Private lawyers can choose to practise as sole practitioners or organise themselves into a legal entity (firm, company, etc). An advocate may independently choose the form of advocate activities. According to the law, an advocate may work through a legal advice bureau, independently or together with other lawyers, a law firm, or work on an individual basis without registering a legal entity. A privately practising notary can engage in notarial activities without forming a legal entity, by being a member of a notary chamber and registering with the territorial justice authority.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Advocates must adhere to the statutory requirements and Professional Ethics Code.

Notaries must adhere to the statutory requirements and Notary Honour Code.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Advocates who exercise their professional activities through a legal entity must provide the relevant constituent documents, including the Charter, to the Bar and register with the tax authorities as prescribed by the Kazakhstan legislation. They must report on their activities as prescribed by the Charter.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Ministry of Justice. Only individuals can be issued advocate and notary licenses.

*Is the jurisdiction a member of the WTO?*

Kazakhstan is currently negotiating membership of the WTO.

*Has it made any WTO commitments on legal services?*

n/a

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Kazakhstan is a member of the Commonwealth of Independent States, the Common Economic Space and Customs Union and has bilateral agreements with Armenia, Georgia, Kyrgyz Republic, Russian Federation and Ukraine.

*Do these currently include legal services or are there plans to include them in future?*

The Common Economic Space Agreement explicitly includes legal services.



# Kazakhstan

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

There are no restrictions, except for notarial services and services related to criminal law.

*Are there any foreign law firms present in this jurisdiction?*

There are about eight large international US and UK firms with offices in Almaty, as well as a couple of offices of regional CIS firms.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There are no explicit restrictions on the fly-in, fly-out practice of law outside the regulated area of criminal defence. The license is required only for advocate and notary practice (please see answers above).

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Business visitors can obtain a visa to visit Kazakhstan, but must have a contact in Kazakhstan (must receive an invitation from a local firm of individual before they apply for visas). Citizens of other CIS countries do not require visas.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no requirement for foreign lawyers to obtain licences to practise as foreign legal consultants in Kazakhstan, given that practice outside of the area of criminal defence and notary services is unregulated.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Not beyond the general requirements for the issuance of work permits to foreign nationals. Residents from the Customs Union do not need work permits.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

There are no conditions, given that practice outside the area of criminal defence and notary services is unregulated.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The 2004 Law on International Commercial Arbitration allows free choice of arbitrators, provided they are independent.

*Are foreign lawyers allowed to appear in court under any circumstances?*

There is no prohibition on foreign lawyers appearing in courts in Kazakhstan, except for in criminal cases.

*Can foreign lawyers requalify as local lawyers?*

The nationality requirement for advocates makes it impossible for non-Kazakh citizens to requalify as local advocates or notaries. At the same time, foreign lawyers may provide legal services unrelated to advocate activities and notary services.

*Can a foreign law firm obtain a licence to open an office?*

There is no requirement for foreign law firms to obtain special licences to practise law beyond the usual company registration procedures.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

In order to set up a limited liability company in Kazakhstan (the most extensively used legal form), a company must register with the Ministry of Justice.

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)*

n/a

## Kazakhstan

*Is there a quota on the number of licences available?*

There are no quantitative limitations on law firms.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

There are no geographical restrictions on law firms.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

Official websites:

RK President [akorda.kz/en/mainpage](http://akorda.kz/en/mainpage)

RK Government [en.government.kz](http://en.government.kz)

RK Ministry of Justice – [www.adilet.gov.kz/en](http://www.adilet.gov.kz/en)

*Verified by*

# Kuwait

*Is there legislation governing the legal sector?*

Law on the Organization of the Legal Profession before the Courts No 42 of 1964.

*Under what title do lawyers practise?*

In Kuwait, lawyers practise under a single title, *mohamy*, which may be translated as 'lawyer' or 'advocate'.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

Law 42/64 stipulates that in order to practise as a lawyer in Kuwait, an individual must be registered in the table of practising lawyers. In order to be registered, an individual must comply with the following conditions: (1) be of Kuwaiti nationality; (2) have full civil capacity; (3) be of good conduct, have a good reputation and have no judicial or disciplinary convictions; 4) have obtained a law degree from the University of Kuwait, from a recognised university, or have a licence from a college of Islamic law in one of the Arab League countries. Kuwaiti lawyers who are registered in the table under Law No 21 of 1960 are exempt from this requirement. A newly qualified lawyer will need to demonstrate that he has completed the prescribed two years of training.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Kuwaiti lawyers are entitled to practise throughout the country.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

According to Article 17 of Law No 42 on the Organisation of the Legal Profession before the courts, only registered lawyers have the right to plead in front of the courts, although it is possible for litigants to appoint a relative to plead on their behalf. The Law further sets down that working as a lawyer without proper authorisation is a criminal offence under the penal code.

*Do you need to hold local nationality to be eligible to practise law?*

The practice of law in Kuwait is reserved to Kuwaiti nationals, in accordance with Article 2 of the Law on the Organisation of the Legal Profession before the Courts.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Kuwaiti lawyers are not restricted in the legal form in which they can work but can only have one office

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Law on the Organisation of the Profession before the courts contains some further ethical requirements on Kuwaiti lawyers relating in particular to client relations and fees.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Lawyers must inform the Lawyers Association of the address from which they practice.

# Kuwait

*Which authority issues licences? Are there different authorities for individuals and firms?*

Both individuals and lawyers wishing to open law firms must register with the Kuwaiti Lawyers Association – [www.kls.org.kw](http://www.kls.org.kw).

*Is the jurisdiction a member of the WTO?*

Kuwait joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Kuwait has made no legal services commitments in the WTO.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Kuwait is a party to the Gulf Cooperation Council and the Pan Arab Free Trade Area.

*Do these currently include legal services or are there plans to include them in future?*

Kuwait has not included legal services in any of its bilateral trade agreements.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Not apart from concessions to GCC Member States on visas.

*Are there any foreign law firms present in this jurisdiction?*

There are around four UK, US and UAE firms with a presence in Kuwait through associations with local firms.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There are no rules on temporary practice for foreign lawyers outside of the courts.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Business visit visas are very straightforward to obtain. Citizens of GCC countries do not require visas.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers do practice in Kuwait as legal consultants but this is unregulated. An Arab lawyer may, however, register in the list of Kuwaiti lawyers if he/she fulfils the following conditions: first, he/she holds Arab nationality; secondly, he/she is fully competent and has neither disciplinary findings against him/her nor has been found guilty of moral turpitude; thirdly, he/she must have law degree from a law school in one of the States of the Arab League; fourthly, he/she must have worked as a lawyer or in a judicial office for at least ten years; fifthly, he/she has permanent residence in Kuwait for as long as he/she is registered.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Arab lawyers whose names appear on the lawyers' register must be permanent residents in Kuwait.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Arab lawyers who are eligible to join the register of lawyers must have ten years of prior practice as a lawyer or judge.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Kuwait makes no distinction between domestic and international arbitration law and there are no restrictions on the participation of foreign lawyers in

# Kuwait

	arbitration and mediation proceedings.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Lawyers from Arab League countries may appear in court in particular cases and at the discretion of the Minister of Justice. Reciprocal rights in the foreign lawyer's home country must exist for Kuwaiti lawyers.
<i>Can foreign lawyers requalify as local lawyers?</i>	Requalification is not possible due to the nationality provision in the law.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign law firms may only open offices in Kuwait in association with local law firms. There is no formal licensing regime which regulates these arrangements.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	Foreign law firms wishing to invest in Kuwait will need to conform to the requirements of the commercial law 68/1980.
<i>Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	n/a as there is no formal licensing system for foreign lawyers. In effect, foreign lawyers practise transactional law outside of Kuwaiti law and litigation and advocacy before the courts.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a – foreign firms are not established in their own right but practice in association with local firms and so use the local name.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Articles 23 and 24 of the Commercial Law (68/1980) lay down the basic requirements for a foreign individual or company wishing to do business in Kuwait. Article 23 states that a non-Kuwaiti cannot practise any commercial activity in Kuwait unless he/she has one or more Kuwaiti partners who own at least 51 per cent of the total capital invested in the business.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Article 12 of the Law on the Organisation of the Legal Profession prohibits a lawyer from being employed anywhere other than in the office of another registered lawyer.
<i>Can a domestic lawyer enter into partnership</i>	There is nothing in the law that prohibits partnership

## Kuwait

*with a foreign lawyer?*

between Kuwaiti and foreign lawyers provided that the rule on majority ownership by Kuwaiti nationals is observed.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

There is nothing in the law to prohibit Kuwaiti lawyers from employing foreign lawyers to work as legal consultants.

*Other useful sources or comments or links*

Ministry of Justice – [www.moj.gov.kw](http://www.moj.gov.kw); Kuwaiti Lawyers Association – [www.kls.org.kw](http://www.kls.org.kw)

## Kyrgyzstan

*Is there legislation governing the legal sector or the practise of law? (Please give title eg Legal Practice Act)*

The Law 'On Advocacy' (the 'Law on Advocacy ') adopted on 21 October 1999 (last revised on 12 October 2013) governs the activity of advocates in the territory of the Kyrgyz Republic.

*Under what title do lawyers practise?*

Lawyer, legal counsel, attorney, advocate.

*Does a lawyer need a licence to practise, if so how does he/she obtain a licence and how often must this be renewed?*

A licence to practise law in the Kyrgyz Republic is not required for the provision of legal counselling services and representation in courts under civil law cases (where only a valid power of attorney is required). An advocate's licence is only required by lawyers who act as advocates in criminal cases in the courts of the Kyrgyz Republic. The Law on Advocacy therefore only regulates the procedure for obtaining the Advocate's Licence.

The Qualifications Commission of the Ministry of Justice of the Kyrgyz Republic sets the examination procedure for prospective advocates. In order to be admitted and pass the examination an individual must be a citizen of the Kyrgyz Republic, hold a higher law degree, have at least one year of legal experience (or have experience of working as an assistant of an advocate for at least one year) and should not have been convicted of any deliberate crime. Once the Advocate's licence has been granted, there is no need to renew it (unless it was revoked in accordance with Law on Advocacy).

Individuals with five or more years of work experience working at the Department of the President of the Kyrgyz Republic, Prosecutor's Office, investigation divisions of law enforcement bodies, courts, the Parliament of the Kyrgyz Republic, the Government of the Kyrgyz Republic and, the Parliament of the Kyrgyz Republic, where the character of their work requires a mandatory legal education, as well as deputies of the Parliament of the Republic with law degrees, are exempted from the advocate's examination.

*Does this licence entitle the holder to practise throughout the country? Please explain the jurisdictional limits (eg state limitations etc.)*

The advocate's licence to practise law as an advocate in the Kyrgyz Republic is limited to the territory of the Kyrgyz Republic.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

Acting as an advocate and providing representation in criminal cases is strictly reserved to those lawyers who are licensed in the Kyrgyz Republic. Other lawyers wishing to practise civil law are not required to obtain an advocate's licence.

*Do you need to hold local nationality to be eligible to practise law?*

Local nationality is not required for practising law except for being an advocate and conducting legal representation in criminal cases, which is generally reserved only to the citizens of the Kyrgyz Republic.

*What legal forms can lawyers work in?*

There is no particular limitation in the legal forms through



# Kyrgyzstan

*(eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

which lawyers may conduct their professional activities. Individual entrepreneurship, employment contract, incorporation in a form of a partnership, a limited liability or joint stock company are among the legal forms commonly used by lawyers in the Kyrgyz Republic.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

A licensed lawyer must follow the general requirements of the legislation of the Kyrgyz Republic and the lawyer's professional ethics. The Rules of Professional Ethics of Lawyers were adopted by the Order of the Ministry of Justice of the Kyrgyz Republic (repealed in 2009).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There is no separate requirement for a law firm to receive a license in addition to individual Advocate's Licences.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Advocate's licences are issued by the Ministry of Justice of the Kyrgyz Republic.

*Is the jurisdiction a member of the WTO?*

The Kyrgyz Republic joined WTO on December 20, 1998.

*Has it made any WTO commitments on legal services?*

The Kyrgyz Republic has made full commitments in modes 1–3 'cross-border provision of services', 'consumption abroad' and 'commercial presence' which allows foreign lawyers to render legal services in their home country law and on public international law (excluding Kyrgyz law). The commitment on 'commercial presence' is subject to the qualification that advocacy services may only be provided by Kyrgyz citizens and only an advocate has the right to provide legal services in connection with criminal matters.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The Kyrgyz Republic is a member of the Commonwealth of Independent States and has bilateral trade agreements with Armenia, Kazakhstan, Moldova, the Russian Federation, Ukraine and Uzbekistan.

*Do these currently include legal services or are there plans to include them in future?*

The coverage of the Kyrgyz's Republic's bilateral agreements is limited to goods.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No.

*Are there any foreign law firms present in this jurisdiction?*

There are several law firms in the Kyrgyz Republic that are part of wider regional networks.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There are no explicit rules or restrictions (other than visas and work permit) on the fly-in, fly-out practice of law. Foreign lawyers cannot act as advocates in criminal cases in the courts of the Kyrgyz Republic unless the Kyrgyz Republic and the respective foreign country are parties to an international (bilateral) agreement which provides a mutual recognition of advocates' licences.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are*

Foreign lawyers may obtain visas to visit clients in the Kyrgyz Republic. However, they should not be engaged in direct

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*not permitted to practise law?*

sale of legal services in the Kyrgyz Republic without obtaining a work permit.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no requirement for a foreign lawyer to obtain a licence to practise law as a foreign legal consultant in Kyrgyz Republic. Foreign lawyers cannot act as advocates and provide representation in criminal cases in the courts of the Kyrgyz Republic unless the Kyrgyz Republic and the respective foreign country are parties to an international (bilateral) agreement which provides a mutual recognition of advocates' licences.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Not beyond the general requirements with respect to visas and work permits for foreign nationals.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

There is a quota on work permits for foreign-licensed professionals.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes, foreign lawyers are permitted to undertake arbitration and mediation in the territory of the Kyrgyz Republic.

*Are foreign lawyers allowed to appear in court under any circumstances?*

There is no restriction on foreign lawyers appearing in civil courts. As for the criminal courts, foreign lawyers may appear as experts but cannot provide advocacy services unless the Kyrgyz Republic and the respective foreign country are parties to an international (bilateral) agreement which provides a mutual recognition of advocates' licences.

*Can foreign lawyers requalify as local lawyers?*

The nationality requirement for local advocates makes it impossible for non-Kyrgyz citizens to requalify as local advocates.

*Can a foreign law firm obtain a licence to open an office?*

There is no requirement for foreign law firms to obtain licences.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

In order to set up an office in the Kyrgyz Republic a foreign law firm may either set up a representative office/ branch or incorporate itself in the form of a local company (partnership, limited liability company, joint stock company or any other legal form permitted by Kyrgyz law). In both cases a local registration in the relevant public authorities of the Kyrgyz Republic is required.

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No.

## Kyrgyzstan

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Yes.

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Yes.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes.

*Other useful sources or comments or links* Information with respect to the advocate's activities – the website of the Ministry of Justice of the Kyrgyz Republic: [minjust.gov.kg/?page\\_id=2631](http://minjust.gov.kg/?page_id=2631).

*Verified by* Kalikova & Associates Law Firm [www.k-a.kg](http://www.k-a.kg) (October 2013)

# Latvia

*Is there legislation governing the legal sector?*

The Law On the Bar of the Republic of Latvia 27 April 1993.

*Under what title do lawyers practise?*

*Zvērināts advokāts* translated 'sworn advocate '

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

According to Article 14 of the Act, in order to become a sworn advocate one must: be a citizen of the Republic of Latvia or another EU Member State; have a faultless reputation; have reached the age of 25; have acquired advanced legal education of law recognised by the state, and have received qualification of a lawyer; be fluent in the official state language; have acquired working experience in one of the following posts: (1) judge; (2) at least two years as a prosecutor, sworn law enforcement officer, the sworn notary; (3) at least three years as the assistant of sworn advocate; (4) at least three years as a lecturer on any of the subjects of law in the university; (5) at least five years in any other position of juridical specialty; and have passed the examination of sworn advocate. Doctors of law are not required to take the examination of sworn advocate. All sworn advocates must however take an oath (Article 46 of the Act).

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

There is no mention of sub-national limits for lawyers in the Act. However, Article 45 mentions that 'upon admittance into the sworn advocates, the Latvian Council of Sworn Advocates determines in which regional court these sworn advocates shall work and in which court district these sworn advocates shall practice'.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

Chapter 1, Article 3 of the Law on the Bar describes the activities of advocates: 'An advocate is independent and professional lawyer who provides legal assistance by defending and representing the lawful interests of the persons in court proceedings and preliminary investigation, gives legal advice, prepares legal documents and performs other legal actions'. Criminal cases may be handled by foreign lawyers admitted to practice in Latvia only jointly with an advocate of the Latvian Council of Sworn Advocates.

*Do you need to hold local nationality to be eligible to practise law?*

Latvian nationality is required to be admitted as a sworn advocate. However, foreign lawyers may practice in Latvia under their country of origin if they are citizens of EU Member States who have obtained the qualification of a lawyer in one of the EU Member States or if there is an international agreement on legal assistance binding between the Republic of Latvia and their home country (Article 4 of the Act). To receive recognition that their professional qualifications are adequate for permanent activity in Latvia, a foreign lawyer must obtain certification of his or her knowledge of the Latvian language and Latvian laws and professional qualifications in order to have the same right to

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	professional activity and duties as a sworn advocate of Latvia and to be admitted to provide legal services in Latvia (Article 130 of the Act).
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	The only provisions on the legal form for lawyers is Article 116 of the Act, which states that 'sworn advocates practise individually or also in cooperation only with other sworn advocates. Sworn advocates may create offices of sworn advocates, which are registered by the Latvian Council of Sworn Advocates.' Article 117 states that 'sworn advocates practice directly and personally', which implies that they may not be employed by another advocate.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Code of advocate ethics published by the Latvian Collegium of Sworn Advocates.
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	There is no mention of licence for law firm in the Act. However, sworn advocates must inform the State Revenue Agency permanent address of their law office (Article 109). According the Statutes of the Latvian Council of Sworn Advocates, offices of sworn advocates are registered with the Latvian Council of Sworn Advocates (rule 2.3.6).
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Latvian Council of Sworn Advocates is the competent authority for the registration of individual sworn advocates as well as their practising addresses.
<i>Is the jurisdiction a member of the WTO?</i>	Latvia joined the WTO on 10 February 1999.
<i>Has it made any WTO commitments on legal services?</i>	Latvia is party to the EU's WTO commitments on legal services but has made the following qualifications: In Mode 3 for commercial presence and the presence of natural persons, Latvia requires licensing by the Ministry of Justice and knowledge of Latvian language. Licensed lawyers can provide all legal services, except representation in criminal proceedings which is reserved to sworn advocates. There is also a nationality requirement for sworn advocates and sworn notaries.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	As a member of the EU, Latvia extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Latvia is also a party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at <a href="http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&amp;sense=s">www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&amp;sense=s</a> ).
<i>Do these currently include legal services or are there plans to include them in future?</i>	The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications

## Latvia

Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's FTAs with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (the Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Latvian as well as foreign and international law and can requalify as a Latvian sworn advocate. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice.

*Are there any foreign law firms present in this jurisdiction?*

There are a small number of foreign law firms present in Latvia including Swedish, Finnish, UK, other Baltic and CIS firms.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There is no mention of temporary practice in the Act as far as foreign lawyers are concerned. However lawyers from the EU, EFTA and Switzerland are covered by the provisions of the Lawyers Services Directive, which permits fly in-fly out practice without any formal registration requirements.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Latvia is one of 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.



## Latvia

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign advocates may practice in Latvia in accordance with Latvia's international agreements on legal assistance and according to the requirements prescribed in those agreements (Article 4 of the Act). Persons allowed to practise law in Latvia (advocates) are listed in Article 4 of the Act. They are: sworn advocates; assistants of sworn advocates; citizens of the Member States of the EU who have acquired the qualification of an advocate in any of the Member States of the EU. Foreign lawyers from outside the EU can practise in Latvia in accordance with international agreements.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

A European lawyer must register with the Latvian bar, practise under his home title, comply with the Latvian code of conduct and must maintain adequate professional indemnity insurance.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Foreign advocates may practice in Latvia in accordance with the international agreements on legal assistance binding to the Republic of Latvia and according to the requirements prescribed in those agreements. An EEA lawyer must hold EEA nationality and an EEA legal qualification.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Nothing in the Rules of Arbitration of the Latvian Chamber of Commerce and Industry forbids foreign lawyers from undertaking arbitration. Mediation is still at an early stage of development in Latvia, there are no specific regulations or codes of conduct governing the activities of mediators.

*Are foreign lawyers allowed to appear in court under any circumstances?*

A lawyer from an EU Member State who practices under their home-country professional title is entitled to participate in court proceedings in criminal cases only together with an advocate of the Latvian Collegium of Sworn Advocates. Other nationals are not permitted to appear in court.

*Can foreign lawyers requalify as local lawyers?*

Foreign lawyers may practice in Latvia but they may not requalify as sworn advocates because there is a nationality requirement. EU lawyers who have operated in Latvia under the professional title of their home country qualification for at least three years may be admitted on the basis of an application demonstrating evidence of their professional qualification and experience gained in Latvia. EU lawyers may also sit a qualifying examination organised by the Council of Sworn Advocates. Upon successful passing of the examination, the advocate shall be issued a professional qualification admission certificate (Article 133 of the Act).

*Can a foreign law firm obtain a licence to open an office?*

Law firms from EEA countries are permitted to establish commercial presence in Latvia. Article 126 of the Act mentions that: 'The advocates of the EU member countries shall be entitled to form branches of advocates' unions of their countries of residence in Latvia as well as use names of advocates' unions of their countries of residence, if full-



# Latvia

	fledged advocates of the EU member countries are joined into the advocates' union of the country of residence.'
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	A foreign (EEA) law firm would need to register with the company register and complete the necessary tax and employment formalities.
<i>Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)</i>	No.
<i>Is there a quota on the number of licences available?</i>	No.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	There are no 'scope of practice' rules that apply to firms as opposed to individual lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	EEA law firms are subject to the same rules on corporate form as local law firms.
<i>Are there rules about the name a foreign law firm can take?</i>	The Establishment Directive (98/5/EC) makes it clear that EU law firms may use the name of their law firm they use in their home country. The host Member State may require that, in addition mention is made of the legal form of the grouping in the home Member State and/or of the names of any members of the grouping practising in the host Member State.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	Law firms from EEA jurisdictions must register with the Latvian Bar.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	There are no restrictions on the ownership share of EEA lawyers in a Latvian law firm.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Article 117 of the Law on the Bar states that 'sworn advocates practice directly and personally', implying that as advocates must be self-employed the condition of employment is not permitted.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes, Article 125 of the Act mentions that: 'The advocates of the EU Member States practicing in Latvia under profession name of their country of residence shall be entitled to form a joint practice under the same conditions as sworn advocates of Latvia'.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	The employment of lawyers is not allowed in Latvia. Articles 118 of the Law on the Bar states: 'On the basis of an employment contract, sworn advocates may employ technical, managing or advisory personnel for the activity of which the advocate shall be responsible and who shall be

## Latvia

forbidden to be involved in providing legal assistance’.

*Other useful sources or comments or links*

Latvian Bar  
[www.advokatura.lv/](http://www.advokatura.lv/)

*Verified by*

Latvian Council of Sworn Advocates (January 2014)

# Lebanon

*Is there legislation governing the legal sector?*

Law no.8/70 on Regulating the Lawyer's Profession of 11 March 1970

*Under what title do lawyers practise?*

Lebanese lawyers practise under a single title, 'mohamy', which may be translated as 'avocat' or 'lawyer'

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

According to Law No 8/70, a Lebanese lawyer must be registered in order to practise the profession. In order to register an applicant must: (1) have held Lebanese nationality for at least ten years; (2) enjoy civil legal capacity and be between 20 and 65 years old; (3) hold the required Lebanese certificate of Law and the Qualifying licence; (4) be of good character; (5) have no criminal or disciplinary convictions; (6) not have been fired from a public post or previous profession for reasons that would undermine the honour or dignity of the legal profession.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Lawyers may practise throughout Lebanon but must register either with the Beirut or Tripoli Bars, depending on where their office is based.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

According to Law 8/70, lawyers are the only class of people allowed to practise the legal profession in Lebanon.

*Do you need to hold local nationality to be eligible to practise law?*

According to Article 5 of the Law on Regulating the Lawyer's Profession, the practice of law in Lebanon is reserved to Lebanese nationals.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Lebanese lawyers may be self-employed or form a law firm with other practising lawyers (Article 83).

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

In addition to further regulatory requirements laid down in the Law on Regulating the Lawyer's Profession (covering, for example, advertising, fees, conflicts and confidentiality), Lebanese lawyers must also comply with the *Lawyers Code of Ethics and Rules*. These can be found at: [www.bba.lb](http://www.bba.lb)

*Do law firms need to receive a licence (or permission/approval) to practise law?*

According to Article 83 of Law 8/70, Lebanese lawyers may form civil professional companies for the purpose of practising law. These companies must register their deeds of association with the bar association.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Law 8/70 stipulates that there are two bar associations in Lebanon. Lawyers in Northern Lebanon must register with the Tripoli Bar, lawyers with offices elsewhere in Lebanon must register with the Beirut Bar. Lebanese lawyers can only be registered in one bar association and must register in the jurisdiction in which their office is located.

*Is the jurisdiction a member of the WTO?*

Lebanon is not a member of the WTO but has applied to join. A number of rounds of negotiations have been held but

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	accession is not imminent.
<i>Has it made any WTO commitments on legal services?</i>	n/a
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	Lebanon is a party to the Pan Arab Free Trade Area and has bilateral agreements with the EU and EFTA.
<i>Do these currently include legal services or are there plans to include them in future?</i>	Lebanon has not included legal services in any of its bilateral trade agreements.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	Not apart from concessions to GCC Member States on visas.
<i>Are there any foreign law firms present in this jurisdiction?</i>	There are a number of US and UK firms who practice by associations with local firms.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?</i>	There are no rules on temporary practice for foreign lawyers outside of the courts.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Citizens of GCC member countries and from Jordan do not need visas to enter Lebanon for business. Lawyers who are resident in GCC countries may obtain business visas valid for up to eleven months on entry into Lebanon. The citizens of many other countries may obtain business visas for up to six months on the basis of an invitation from a Lebanese business that has been pre-approved by the Directorate of General Security.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no specific limited licensing regime for foreign lawyers.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	n/a
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	n/a
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	There are no restrictions on the participation of foreign lawyers in arbitration and mediation proceedings.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	According to Article 115 of the Law on Regulating the Lawyer's profession, the President of the Bar Association may authorise a foreign lawyer to plead before the Lebanese courts in a particular case, provided that reciprocal access exists in the home jurisdiction in which the foreign lawyer is admitted.
<i>Can foreign lawyers requalify as local</i>	Requalification is not possible due to the nationality

# Lebanon

<i>lawyers?</i>	provision in the law.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign law firms do practice in Lebanon through associations with local law firms. There is no formal foreign law firm licensing regime that regulates these arrangements.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	n/a
<i>Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	n/a
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	n/a
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	No.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	A domestic lawyer or law firm could employ a foreign lawyer but they would not be able to hold themselves out as a lawyer given the nationality restrictions on the practice of law in Lebanon.
<i>Other useful sources or comments or links</i>	Ministry of Justice – <a href="http://www.justice.gov.lb">www.justice.gov.lb</a> ; Beirut Bar Association – <a href="http://www.bba.org.lb">www.bba.org.lb</a>

# Liechtenstein

*Is there legislation governing the legal sector?*

Rechtsanwaltsgesetz (RAG) 8 December 1992.

*Under what title do lawyers practise?*

*Rechtsanwalt.*

*How does an individual lawyer obtain a 'license' to practise law? How often must this be renewed?*

The following are the requirements for practice as a lawyer in Liechtenstein: proof of good character ('operational and trustworthy'); Liechtenstein national citizenship or the citizenship rights of a Contracting Party to the Agreement on the EEA; Residence in the Principality of Liechtenstein or in a party to the Agreement on the EEA; law degree from a government-recognised university or college; Evidence of at least two years of practical legal work within the Liechtenstein courts; passed the bar exam; provide proof of required level of liability insurance; registration with the Financial Market Authority of Liechtenstein.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Yes.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

Under Article 7 and 8 of the RAG, lawyers and law firms on the register have the exclusive power to provide professional legal advice, and represent parties in all judicial and extrajudicial matters.

*Do you need to hold local nationality to be eligible to practise law?*

Only lawyers from Liechtenstein or an EEA contracting party may practise law in Liechtenstein.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Liechtenstein lawyers may work as sole practitioners, in simple partnerships, general partnerships, limited companies or limited liability partnerships.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Liechtenstein lawyers must comply with the Professional Guidelines of the Liechtenstein Chamber of Lawyers of 05. May 1994 (as amended).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Law firms must be entered on the register and there are certain formalities that must be observed: all owners or members of the law firm must be registered individually; the law firm must have the required indemnity insurance; and observe the requirements in the Act in relation to the storage of client files for ten years.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Financial Markets Authority maintains the register for individuals and law firms and the Supreme Court acts as the disciplinary authority.

*Is the jurisdiction a member of the WTO?*

Liechtenstein joined the WTO on 1 September 1995.

*Has it made any commitments under GATS in legal services?*

Liechtenstein has made commitments in modes 1 and 2 for legal consultancy on home country law and international law but not Liechtenstein law. It is unbound in Mode 3.

## Liechtenstein

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Liechtenstein is a member of EFTA through which it is a party to the EEA agreement with the EU. Through EFTA it is also party to 24 FTAs (covering 33 countries) with the following partners: Albania, Canada, Chile, Colombia, Croatia, Egypt, GCC, Hong Kong, Israel, Jordan, Korea, Lebanon, Macedonia, Mexico, Montenegro, Morocco, Palestinian Authority, Peru, Serbia, Singapore, SACU, Tunisia, Turkey and Ukraine.

*Do these currently include legal services or are there plans to include them in future?*

Legal services are included by Liechtenstein in the EFTA agreements with Chile, Colombia, Korea, Singapore and Ukraine, and in these Liechtenstein has reiterated the commitments it has made in the GATS. In the EFTA agreement with Hong Kong, both parties committed to develop disciplines in the area of professional services. In the agreement with Peru both parties agreed to follow an approach of mutual recognition of qualifications in order to promote trade in services.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (the Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in the laws of Liechtenstein as well as foreign and international law and can requalify as a Liechtenstein *rechtsanwalt*.

*Are there any foreign law firms present in this jurisdiction?*

There is a German law firm registered with the FMA.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Lawyers wishing to provide temporary services in Liechtenstein must fulfil the following conditions: Nationality of a Contracting Party to the Agreement on the EEA or Switzerland; Recent confirmation of the Bar Association in the State of origin; Proof of liability insurance with a minimum coverage per occurrence of CHF 1,000,000

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Nationals from any EU country may enter Liechtenstein freely. Holders of passports from other OECD countries, most Central and South American and Caribbean countries and a number of other small countries (for example Seychelles) may have visa free access for up to 90 days.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Lawyers from within the EU, EFTA or Switzerland are covered by the Lawyers' Establishment Directive 98/5/EC, which allows them to practise under their home country title and to practise Liechtenstein law under certain controls. There are no provisions for foreign legal consultants from elsewhere to establish.



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*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

A foreign lawyer (only EEA nationals are permitted) must abide by the Liechtenstein code of conduct and remain in good standing with his or her home bar.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

In order to register as a 'foreign' lawyer in Liechtenstein an individual must hold the nationality of an EEA country and be resident in Liechtenstein or in an EEA Member State, be qualified as a lawyer in an EEA member country, be in good standing and hold the required indemnity insurance.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

There are no formal institutional arrangements governing arbitration in Liechtenstein.

*Are foreign lawyers allowed to appear in court under any circumstances?*

EEA lawyers may appear in court in conjunction with a local lawyer.

*Can foreign lawyers requalify as local lawyers?*

EEA lawyers may requalify in Liechtenstein either by examination or after a period of assimilation by working alongside a local lawyer.

*Can a foreign law firm obtain a licence to open an office?*

Only a law firm from another EEA Member State may open an office in Liechtenstein

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)*

No.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

EEA law firms are permitted to practise local law as well as EU, home country and international law. The individual lawyer must be qualified in Liechtenstein law or the EEA lawyer must work in conjunction with a local lawyer.

*Are there restrictions on the corporate form a foreign law firm can take?*

The only foreign law firms allowed to establish in Liechtenstein are other EEA firms and they are entitled to establish in all the forms permitted to Liechtenstein firms.

*Are there rules about the name a foreign law firm can take?*

None are specified in the code of conduct.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

The Financial Markets Authority maintains the register for individual European lawyers and law firms as well as local lawyers and law firms and the Supreme Court acts as the disciplinary authority (see [www.fma-li.li/en/financial-intermediaries/other-financial-intermediaries-division/lawyers.html](http://www.fma-li.li/en/financial-intermediaries/other-financial-intermediaries-division/lawyers.html)).

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*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Only Liechtenstein and other EEA lawyers who are entered on the FMA list may own shares or be a partner in a law firm.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes, although the foreign lawyers concerned must be other EEA lawyers or law firms.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes, although the lawyers concerned must be other EEA lawyers or law firms.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

Liechtenstein Bar Association: [www.lirak.li/](http://www.lirak.li/)

# Lithuania

*Is there legislation governing the legal sector?*

The legislation governing the legal sector is the Law on the bar 18 March 2004 No IX-2066 published in Official Gazette 2004, No 50-1632.

*Under what title do lawyers practise?*

*Advokatas* translated as 'advocate'.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

To practise law in Lithuania, one needs to be recognised by the Bar Association. The list of requirements is laid down in Article 7(1) of the Act; one needs to: (1) be a national of the Republic of Lithuania or of another EU Member State; (2) hold a Bachelor's or Master's degree in law, or a lawyer's professional qualification degree (one-cycle university education in law); (3) have a record of at least five years of service in the legal profession or have served an apprenticeship as an advocate's assistant for a period of at least two years. Service in the legal profession shall include activities specified in the list of legal professions approved by the Government of the Republic of Lithuania. The length of service in the legal profession shall be calculated from the moment a person has acquired a bachelor's or master's degree in law, or a lawyer's professional qualification degree (one-cycle university education in law) and started practising law; (4) be of high moral character; (5) have proficiency in the state language; (6) have passed an advocate's qualification examination; (7) have no health disorders that would prevent him or her from performing duties of an advocate. The health requirements and the procedure of health checks for applicants and advocates shall be established by the Ministry of Health and the Ministry of Justice of the Republic of Lithuania. The procedure to be recognised by the Bar Association is set forth in Article 10 of the Act.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The licence to practise in Lithuania is national.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

Article 2, section 1(1) of the Act describes the role of Lithuanian advocates as follows: 'Legal services provided by advocates shall include legal consultations (legal advice), drafting of legal documents, representation on legal matters, defence and representation in legal proceedings when these actions are carried out for remuneration.' These services may be provided by advocates (advocate's assistants) or a professional partnership of advocates (2). Advocates must be entered on the List of Practising Advocates of Lithuania to practise as advocates (Article 17(1)). In addition, Article 4(4) mentions other activities that advocates may undertake: '[a]n advocate shall also be entitled in accordance with the procedure established by the laws to provide services for

# Lithuania

remuneration as an administrator of bankruptcy, restructuring, property or inheritance, a lobbyist, a liquidator, a curator, an executor of a will, a trustee of property, a patent trustee, as well as to act as an arbiter, a mediator, a conciliator or a legal expert in commercial disputes. An advocate may be a member of the managing or supervisory body of a legal person, but he cannot receive any remuneration, with the exception of bonuses...'

*Do you need to hold local nationality to be eligible to practise law?*

Article 7(1) mentions that nationality of the Republic of Lithuania or a Member State of the EU is required. Under various treaty agreements this has been extended to include nationality of an EEA Member State or Swiss confederation.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Following Article 21 of the Act, advocates may practise: (1) individually; (2) on the basis of partnership without establishing a legal person; (3) by establishing a legal person – a professional partnership of advocates. Advocates may only choose one form of practice and have the right to change the form of practice but must inform the Lithuanian Bar Association. Conditions for individual practice are found in Article 26 of the Act; rules on partnerships in Article 27; and rules on legal entities established for the practice of advocates in Article 28.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Code of Professional Conduct for Advocates of Lithuania.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There is no mention of any requirement for law firm licences in the Act.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Council of the Lithuanian Bar Association issues licenses to advocates (Article 60(4) of the Act).

*Is the jurisdiction a member of the WTO?*

Lithuania joined the WTO on 31 May 2001.

*Has it made any WTO commitments on legal services?*

Lithuania made no specific commitments in legal services on joining the WTO.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

As a member of the EU, Lithuania extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Lithuania is also a party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participation\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&sense=s)).

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the

## Lithuania

Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's FTAs with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea covers legal services explicitly and on the EU side offers no concessions beyond those offered to other members of the WTO. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, Canada, India, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (the Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Lithuanian as well as foreign and international law and can requalify as a Lithuanian advocate. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice.

*Are there any foreign law firms present in this jurisdiction?*

There are a few foreign law firms in Lithuania including UK, German and other Baltic firms.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Article 63 of the Act mentions the possibility for lawyers from EEA Member States or the Swiss confederation to practice temporarily in Lithuania. It reads: '1. Lawyers from Member States of the EU bearing the professional title conferred by the competent authority in their home country which is included on the list approved by the Government of the Republic of Lithuania or an institution authorised by it shall have the right to provide services on a temporary basis in the Republic of Lithuania under Article 50 of the Treaty establishing the EC in accordance with the provisions of this Chapter.' There is no mention of the same possibility for foreign lawyers from outside the EEA.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Lithuania is one of 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries

# Lithuania

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

*Are foreign lawyers permitted to undertake arbitration and mediation?*

*Are foreign lawyers allowed to appear in court under any circumstances?*

*Can foreign lawyers requalify as local lawyers?*

for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

Foreign lawyers may provide services in the law of their home country and in public international law. There is no mention of limited licence in the Act.

An EEA lawyer must register with the Lithuanian bar, practise under his or her home title, comply with the Lithuanian code of conduct and must maintain adequate professional indemnity insurance.

An EEA lawyer must hold EEA nationality and an EEA legal qualification.

Article 4 (4) of the Act provides: '[a]n advocate shall also be entitled in accordance with the procedure established by the laws to provide services for remuneration as [...] an arbiter, a mediator, a conciliator or a legal expert in commercial disputes...' This provision is applicable to foreign lawyers established in Lithuania (EEA or Swiss nationality is required).

EU/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.

Article 68 of the Law on the Bar provides for the possibility for a lawyer a Member State of the EU (and by Treaty arrangements also EFTA and Switzerland) to obtain the Lithuanian professional title of advocate after a period of three years of professional practice. It states: '1. A lawyer from a Member State of the EU practising under the professional title conferred by the competent authority of a Member State of the EU who has regularly and effectively provided legal services on a permanent basis in the Republic of Lithuania for a period of three years in the national law of Lithuania, including Community law, shall have the right to apply for his recognition as a Lithuanian advocate and entry on the List of Practising Advocates of Lithuania in accordance with the procedure set forth in this Law...' The same provision mentions that 'regular and effective provision of legal services on a permanent basis shall mean actual exercise of the professional activity without any interruption other than that resulting from the events of everyday life.' If a European lawyer has less than three years' experience in Lithuanian law, the Lithuanian bar shall verify the candidate's knowledge and professional experience of the national law of Lithuania through an aptitude test.



# Lithuania

*Can a foreign law firm obtain a licence to open an office?*

Entry of non-EU firms is allowed only through partnership with local law firms. EU firms may open branches in Lithuania and operate multijurisdictional offices. Lawyers practicing EC or Member State law must be fully qualified to provide the services. The right for EU advocate to open an office is conferred by Article 65(4) of the Act.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Foreign law firms are only permitted in the form of partnerships with Lithuanian lawyers. There are various registration requirements with the Company registrar (depending on form of partnership), VAT and social security authorities.

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc)*

No.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

There are no 'scope of practice' rules that apply to firms as opposed to individual lawyers.

*Are there restrictions on the corporate form a foreign law firm can take?*

EEA law firms are subject to the same rules on corporate form as local law firms.

*Are there rules about the name a foreign law firm can take?*

Article 65 (2) of the Act mentions that '[a] lawyer from a Member State of the EU providing legal services on a permanent basis in the Republic of Lithuania under the professional title conferred by the competent authority of the Member State of the EU must express his professional title in the official language or one of the official languages of that Member State of the EU, in an intelligible manner and in such a way as to avoid its confusion with the Lithuanian professional title of advocate. Such lawyers 'must also indicate the professional (self-governing) organisation of which he is a member or the competent authority by which he is authorised to practise under the professional title of the Member State of the EU.' Article 42 of the Act prohibits advertising for law firms.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

Law firms from EEA jurisdictions must register with the Lithuanian Bar.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Article 31(2) 2. Only advocates may be members of the managing body of a professional partnership of advocates. The managing body of a partnership must ensure the possibility for an advocate providing services to comply with the requirements set forth in the Code of Professional



# Lithuania

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Conduct for Advocates of Lithuania.

There is no prohibition on employment of a Lithuanian lawyer by an EEA lawyer or law firm.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes, Article 125 of the Act mentions that: 'The advocates of the EU Member States practicing in Latvia under profession name of their country of residence shall be entitled to form a joint practice under the same conditions as sworn advocates of Latvia.'

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

There is no prohibition on this in the Act. However, EC nationality is required to provide legal services in Lithuania.

*Other useful sources or comments or links*

Lithuanian Bar  
[www.advoco.lt](http://www.advoco.lt)

## Luxembourg

*Is there legislation governing the legal sector?*

Legal Profession Act of 10 August 1991 (*Loi sur la profession d'avocat*) modified by the Act concerning the exercise of legal profession under the form of a legal entity (*Loi concernant l'exercice de la profession d'avocat sous forme d'une personne morale*) of 16 December 2011.

*Under what title do lawyers practise?*

*Avocat / Rechtsanwalt.*

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

In order to practise law in Luxembourg, one must be registered in one of the lists of the '*Tableau de l'Ordre*' (Article 5 of the Act). Following completion of the required University legal studies, candidates must undertake the required two-year internship.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The licence to practise in Luxembourg is national.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

Activities reserved to lawyers are mentioned in Article 2 of the Act. They include: assisting or representing clients, procedural acts on behalf of clients, pleading before any court or tribunal. In addition only lawyers are permitted to give legal advice in relation to financial benefits and draft contracts (Article 2 (2)).

*Do you need to hold local nationality to be eligible to practise law?*

Local nationality is not required but lawyers must hold the nationality of an EU member State. However, as an exception to this rule the Conseil de l'Ordre (the Luxembourg Bar Association) may decide to accept nationals of non-EU Member States upon proof of reciprocity.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Article 1(8) of the Act mentions that a lawyer may be self-employed; a lawyer can freely associate with another lawyer; and lawyers may practise as a legal entity (*personne morale*) a law firm.

Association between lawyers may take different legal forms (see Article 34 of the Act) but collaboration cannot imply any form of subordination that might affect a lawyer's independence. Salaried lawyers are only subject to subordination concerning the determination of their working conditions.

Concerning law firm, the possibility for lawyers to establish them is recent (2011). Article 34-2(1) mentions that legal forms of such entities may be non-trading companies (*société civile*) or commercial company (*société commerciale*) as provided for in Article 2 of the modified act of 10 August 1915. Legal entities registered in a foreign country may be registered.

# Luxembourg

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Lawyers must comply with the *Règlement Intérieur de l'Ordre des Avocats du Barreau de Luxembourg* (professional rules).

They must take an oath.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Law firms must be registered on the *tableau des avocats de l'Ordre* on list V if lawyers who work within the firm are registered in list I of the tableau, and list VI in other cases. There are certain documents that must be communicated to the President of the Bar Association:

*For law firms in general (either national or foreign):* the legal statutes of the firm; the list of the associate members of the law firm (to be sent in January every year);

*For foreign law firms only (additional):* proof that the foreign legal entity is entitled to practise law in the country of origin (to be sent in January every year, proof must not be more than three months old).

*Which authority issues licences? Are there different authorities for individuals and firms?*

The President of the Bar Association must be contacted to register a law firm. The Conseil de l'Ordre is the authority, which decides on the possibility to inscribe the law firm in one of the lists.

*Is the jurisdiction a member of the WTO?*

Luxembourg joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Luxembourg is party to the EU's commitments of modes 1–3 in home country and public international law. However, Luxembourg has added the requirement that the practice of host country law and international law (including EC law) are subject to registration as '*avocat*' at the Luxembourg Bar.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

As a member of the EU, Luxembourg extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Luxembourg is also a party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participation\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&sense=s)).

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers

## Luxembourg

holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's FTAs with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (the Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Luxembourgish as well as foreign and international law and can requalify as a Luxembourg *avocat*. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice.

*Are there any foreign law firms present in this jurisdiction?*

There are a number of foreign law firms established in Luxembourg, mostly from other European Member States, including UK, German and Dutch firms. Although there is one Chinese firm that also has a presence.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Provision of temporary services by a lawyer from a non-EU Member State is forbidden in Luxembourg. For EU lawyers, see Article 2 of *Loi du 29 avril 1980 réglant l'activité en prestations de service* lists the activities that they may undertake without residency or registration. Article 3 requires EU lawyers taking part in court proceedings to act in concert with a registered lawyer and be introduced to the jurisdiction and President of the Bar of the place of practice.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Luxembourg is one of 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

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*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers may practise in Luxembourg under their home country title in the law of their home country or public international law. EEA lawyers may establish under their home title and additionally practise local law in association with a Luxembourg lawyer.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Foreign lawyers must maintain a professional address or office in Luxembourg.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

An EEA lawyer must hold EEA nationality and an EEA legal qualification.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The Act on civil and commercial mediation of 24 February does not preclude foreign lawyers from undertaking mediation. A foreign mediator from another EU Member State may qualify as an 'accredited mediator' if he or she has equivalent skills to those required of a mediator in Luxembourg (Article 1251-3(1) of the Civil Procedure Code). Article 5.3.1 of the Professional rules (*Règlement Intérieur de l'Ordre des Avocats du Barreau de Luxembourg*) mentions that lawyers may act as mediators or arbitrators. Foreign lawyers who are admitted to practise in Luxembourg may undertake such activities as well.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Yes, if they registered on one of the lists on the *tableau de l'Ordre* or covered under the application of the temporary practice provisions.

*Can foreign lawyers requalify as local lawyers?*

There are three possible options for requalification: first, lawyers from other EEA states, Switzerland, Lichtenstein, Iceland and Norway may requalify in Luxembourg on the basis of three years of experience of practising in Luxembourg in Luxemburg Law (knowledge of the three official languages of Luxembourg may be required); secondly, lawyers from other EEA states or non-EU countries may requalify as Luxembourg lawyers if there is reciprocity with the foreign lawyer's home state and if they comply with the key requirements (education, internship, knowledge of the three official languages of Luxembourg). Lastly, a foreign lawyer may requalify if they hold a diploma which is recognised by the Ministry of Justice on the grounds that the studies that the lawyer pursued were similar to Luxembourg law. After recognition, the candidate must complete six months of courses on Luxembourg law and pass an examination, followed by a two-year stage in a law firm and a final examination at the end of the stage, in addition knowledge of the three official languages of Luxembourg is required.

*Can a foreign law firm obtain a licence to open an office?*

Foreign law firms do not need a licence but must register

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*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

with the Luxembourg Bar.

Foreign law firms must be registered on one of the lists (V or VI) or the *tableau de l'Ordre*.

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)*

No.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

There are no 'scope of practice' rules that apply to firms as opposed to individual lawyers.

*Are there restrictions on the corporate form a foreign law firm can take?*

EEA law firms are subject to the same rules on corporate form as local law firms.

*Are there rules about the name a foreign law firm can take?*

Local and foreign law firms must comply with Article 34-3(2) of the Act which states that names of law firms must be preceded or followed by the legal form of the firm and the mention '*inscrit au barreau de Luxembourg/Diekirch*' (registered at the Luxembourg or Diekirch bar).

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

Law firms must register with the *Bâtonnier de l'Ordre des avocats*.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Restrictions are provided for in Article 34-3(3) of the Act. Shares must be nominative and can only be owned by individuals who fulfil the conditions to be an associate of a legal entity which practise law in Luxembourg. Members of decisional bodies of the law firms must also be associates in the law firm. To be registered on list V, one or more associate of the law firms must be registered on list I (fully qualified lawyers) and practise as a lawyer in Luxembourg permanently. They must also have a significant influence on the activity of the law firm. To be registered on list V, at least one of the associates must be registered on list I or list IV (foreign lawyers practicing permanently in Luxembourg under their foreign title) and practise permanently in Luxembourg.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

There is no prohibition on employment of a Luxembourg lawyer by an EEA lawyer or law firm.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes, provided that all of the partners are resident in Luxembourg.

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*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes.

*Other useful sources or comments or links* [Ordre des Avocats à la Cour Supérieure de Justice de Luxembourg](#)  
[www.barreau.lu/](http://www.barreau.lu/)

*Verified by* Luxembourg Bar Association (December 2013)



# Malaysia

*Is there legislation governing the legal sector?*

The Legal Profession Act 1976 (LPA) generally governs the legal practice in West Malaysia.

Practice in Sabah and Sarawak is governed respectively by the Advocate Ordinance Sabah 1953 and the Advocate Ordinance Sarawak 1953.

*Under what title do lawyers practise?*

Advocate and Solicitor of the High Court (in West Malaysia) or in Malay, *Peguambela dan Peguamcara*, Advocate (in Sabah), and Advocate (in Sarawak), *Peguambela & Peguamcara*.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

*Advocates and Solicitors in West Malaysia*

The High Court of Malaysia may at its discretion, and subject to the LPA, admit any qualified person who has complied with the requirements of the LPA, as an advocate and solicitor to practise law in West Malaysia. A qualified person may be admitted as an advocate and solicitor if he:

- a) has attained the age of 18 years;
- b) is of good character as required by the LPA;
- c) is either a Federal citizen or a permanent resident of Malaysia;
- d) has satisfactorily served in Malaysia the prescribed period of pupillage; and
- e) as from 1 January 1984, has passed or is exempted from the Bahasa Malaysia Qualifying Examination.

A ‘**qualified person**’ means any person who:

- i) has passed the final examination leading to the degree of Bachelor of Laws of the University of Malaya, the University of Malaya in Singapore, the University of Singapore or the National University of Singapore;
- ii) is a barrister-at-law of England; or
- iii) is in possession of such other qualification as may by notification in the *Gazette* be declared by the Legal Profession Qualifying Board (‘**Board**’) to be sufficient to make a person a qualified person for the purposes of the LPA.

To date, the Board has recognised, among others, the following as qualified persons under the LPA:

- solicitors of the Senior Courts of England and Wales;
- degree holders of Bachelor of Laws awarded by prescribed local universities; and
- degree holders of Bachelor of Laws awarded by prescribed foreign universities who have successfully completed the Certificate of Legal Practice.

Reforms in legal education are currently being considered in West Malaysia.

The prescribed period for pupillage is nine months, which

must be served with a qualified advocate and solicitor who is in active practice in Malaysia for at least seven years (referred to as the master). The Bar Council, which manages the affairs of the Malaysian Bar, may under certain circumstances exempt a qualified person from any period up to six months' pupillage, *eg* where such person has engaged in active practice as a legal practitioner in the Commonwealth for a period of not less than six months.

No person may practice as an advocate and solicitor or perform any act as an advocate and solicitor unless his name is on the Roll and he has a valid Practising Certificate, which is subject to the issuance of a *Sijil Annual* (ie Annual Certificate). *Sijil Annual* and Practising Certificates are renewed on an **annual basis**.

**Admission as an Advocate in Sabah and Sarawak.** The qualifications for admittance as an Advocate in Sabah and Sarawak are broadly similar to those required under the LPA (as described above). However, the prescribed period of pupillage is 12 months, which must be served with an advocate who has been lawfully practising in some part of Malaysia for a period of at least five years. In addition, the candidate for admission must have been born in the relevant state, have been ordinarily resident in the relevant state for a continuous period of at least five years, or show that he is, at the relevant time, domiciled in the relevant state.

No advocate in Sabah and Sarawak may practice in any calendar year unless he receives from the Registrar of the High Court of the relevant state, a certificate to practice.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

West Malaysian advocates and solicitors have the right under the LPA to appear in any court in West Malaysia (separate registration is required for them to practice in East Malaysia). Similarly, advocates in East Malaysia need to be admitted to the High Court of Malaya to practice in West Malaysia.

The licence to practise law is limited to the territory covered by the respective High Courts. An Advocate and Solicitor who is a sole proprietor or partner in a Malaysian law firm is allowed to practise in a foreign jurisdiction (not necessarily under the same firm name as his Malaysian firm name), provided that he fulfils all the relevant requirements of that foreign jurisdiction.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

**West Malaysia.** Advocates and solicitors have reserved rights in advocacy and litigation, the preparation of documents or instruments relating to immovable property, trusts, probate, company formation or incorporation, issuing of proceedings and personal injury ('**Reserved Activities**'). The title of 'Advocate and Solicitor' is also protected and

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anyone misrepresenting themselves as such is subject to a criminal penalty.

**Sabah and Sarawak.** Persons who have not been admitted as advocates in Sabah or Sarawak, or advocates who have not received a certificate to practice in that state, are prohibited from legal practice. 'To practise ' in Sabah and Sarawak means to perform any of the functions which in England may be performed by a member of the Bar or a Solicitor of the Supreme Court of Judicature.

*Do you need to hold local nationality to be eligible to practise law?*

At present, yes.

**West Malaysia.** Candidates for admittance as advocates and solicitors of the High Court of Malaya must either be a Federal citizen or a permanent resident of Malaysia.

**Sabah and Sarawak.** Candidates for admittance as advocates in Sabah and Sarawak must have been born in the relevant state, have been ordinarily resident in the relevant state for a continuous period of at least five years, or satisfies that he or she is, at the relevant time, domiciled in the relevant state.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Malaysian advocates and solicitors may work as sole proprietors, in partnership with other advocates and solicitors, or be employed by a sole proprietor or partnership of advocates and solicitors.

In the near future, advocates and solicitors will also be able to work in limited liability partnerships with other advocates and solicitors, or be employed by such limited liability partnerships. There is also a proposal for Group Legal Practices (separate law firms sharing common resources) to be recognised.

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*What other ethical or regulatory requirements must a licensed lawyer comply with?*

**Advocates and Solicitors in West Malaysia.** A *Sijil Annual*, which is issued by the Bar Council on an annual basis, confirms that the applicant has met all of the prescribed requirements to become, or remain, an advocate and solicitor, including having made the mandatory contributions to the Compensation Fund, Bar Council and his State Bar Committee. Advocates and Solicitors applying for Practising Certificates are required to append the last *Sijil Annual* (or a true copy thereof), if any, to their application for a Practising Certificate. No person may practice as an advocate and solicitor or do any act as an advocate and solicitor unless his name is on the Roll and he has a valid Practising Certificate.

Under the LPA, advocates and solicitors in West Malaysia are required to observe rules for regulating the professional practice, etiquette, conduct and discipline made by the Bar Council, *eg* the Legal Profession (Practice and Etiquette) Rules; failure to comply with such rules may result in disciplinary proceedings.

**Advocates in Sabah and Sarawak.** No advocate in Sabah and Sarawak may practice in any calendar year unless he receives from the Registrar of the High Court of the relevant state a certificate to practice.

In Sabah and Sarawak, The Chief Judge of the High Court of Sabah and the Chief Justice of the High Court of Sarawak respectively, are empowered to make rules regulating the practice and etiquette of the profession in the relevant state, the method for the keeping of accounts and disciplinary proceedings.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

**Local Law Firms in West Malaysia.** Advocates and solicitors in West Malaysia intending to set up a legal firm must execute a notice in writing to the Bar Council of their intentions. The approval of the Bar Council is required for the proposed name of the new firm – the Bar Council will only issue such letter of no objection if the proposed sole proprietor or partners in the proposed partnership hold valid *Sijil Annual* and Practising Certificates, and Mandatory Professional Indemnity Insurance cover has been obtained for the new firm. No formal licence is required.

**Local Law Firms in Sabah and Sarawak.** The position is the same as with local law firms in West Malaysia.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Practising Certificates are issued by the Registrar of the High Court of Malaya (West Malaysia), subject to the *Sijil Annual* granted by the Malaysian Bar. In Sabah and Sarawak, Practising Certificates are issued by the Registrars of the High Court of Sabah and the High Court of Sarawak, respectively. Practising Certificates are only issued to individuals. Firms do not need licences as they are

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*Is the jurisdiction a member of the WTO?*

recognised by statute.

Malaysia joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Malaysia has scheduled commitments in modes 1 and 2 providing access for foreign legal service providers on international and home country law. In mode 3, market access is permitted but only through a corporation incorporated in the Federal Territory of Labuan. Legal services shall only be supplied to offshore corporations established in the Federal Territory of Labuan which may concern international, home country or offshore corporation law. Mode 4 is unbound for legal services except to the extent provided in horizontal commitments.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Malaysia is party to the Asian Free Trade Area (AFTA) and to the ASEAN agreements with Australia-New Zealand, China, India, Japan, Korea and it has bilateral agreements with India, Japan, New Zealand and Pakistan. It is in the process of negotiating a separate bilateral agreement with Australia.

*Do these currently include legal services or are there plans to include them in future?*

Malaysia has made commitments in all of its bilateral agreements which match its commitments to the wider WTO membership, allowing access to establishment in Labuan.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Foreign lawyers from Commonwealth countries (especially UK, Australia and New Zealand) are granted access to the Malaysian qualifying Legal Practice Certificate examinations by virtue of their degrees. This treatment was aimed primarily at allowing Malaysian students who had studied abroad to qualify on returning to Malaysia. For this reason, the residency requirement would still need to be met to be eligible to be admitted in a Malaysian jurisdiction.

*Are there any foreign law firms present in this jurisdiction?*

The LPA at present does not permit foreign law firms to establish in Malaysia. However, when the 2012 LPA Amendments come into force, qualified foreign law firms may apply to be licensed to practice in permitted practice areas in West Malaysia.

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*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There are no explicit rules on fly-in, fly-out practice. However, a person who is not admitted to practice in Malaysia or does not hold a practising certificate is prohibited from acting directly or indirectly in Reserved Activities.

When the 2012 LPA Amendments come into force, a foreign lawyer may enter Malaysia to advise or consult with a client on matters pertaining to law not involving any aspect of Malaysian law, provided always that his accumulated period of stay does not exceed 60 days in total in any one calendar year, and that immigration authorization for each period of stay has been obtained.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

A foreign lawyer would normally require a work permit to visit or market their services.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

The LPA at present does not permit a foreign lawyer to practise law in Malaysia. However, when the 2012 LPA Amendments come into force, foreign lawyers who meet the prescribed requirements may apply for a licence to practise in the permitted practice areas in an international partnership, a qualified foreign law firm or a Malaysian law firm.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

When the 2012 LPA Amendments come into force, international partnerships, qualified foreign law firms and registered foreign lawyers must comply with the same rules on names and indemnity insurance cover as local firms.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a at present. It is expected that further guidance will be given when the 2012 LPA Amendments come into force.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

**West Malaysia.** Foreign lawyers are permitted to undertake arbitration and mediation under the LPA.

**Sabah and Sarawak.** The High Court of Sarawak ruled that the Advocate Ordinance Sarawak 1953 does not permit foreign lawyers to undertake arbitration and mediation. The position in Sabah remains uncertain under the Advocates Ordinance Sabah 1953.

*Are foreign lawyers allowed to appear in court under any circumstances?*

**West Malaysia.** The Attorney General has the discretion to issue a special certificate for admission as an advocate and solicitor of the High Court of Malaya (**'Special Admission Certificate'**) to a foreign lawyer who is not a qualified person, provided that such foreign lawyer meets the statutory requirements.

The High Court of Malaya (West Malaysia) may also in special cases admit a person who is neither a Federal citizen, nor a permanent resident of Malaysia, to practise as an

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advocate and solicitor in West Malaysia on an ad-hoc basis for any one case, provided that such person would have been eligible to be admitted but for the citizenship/residency requirement. Such person must also have special qualifications or experience of a nature not available amongst advocates and solicitors in Malaysia, and has been instructed by an advocate and solicitor in Malaysia with respect to the specific case.

**Sabah and Sarawak.** The Chief Judge of the High Court of Sabah and the Chief Justice of the High Court of Sarawak respectively may grant foreign lawyers who meet certain statutory requirements with respect to their qualifications, a temporary licence to practise in the relevant state for a maximum period of six months. The Chief Judge and Chief Justice (respectively) may also grant permission (subject to any condition) for a foreign lawyer to practice in any one case, provided that such foreign lawyer has been instructed by a local advocate and it is in the interest of justice to do so.

*Can foreign lawyers requalify as local lawyers?*

Yes, provided that such foreign lawyer meets the requirements for being admitted as an advocate and solicitor in West Malaysia, or as an advocate in Sabah or Sarawak.

Alternately, a foreign lawyer who has been issued with a Special Admission Certificate by the Attorney General may be admitted to practice local law in West Malaysia for the period specified in such certificate. (*See above*)

*Can a foreign law firm obtain a licence to open an office?*

The current law does not permit the establishment of foreign law firms in Malaysia.

However, when the 2012 LPA Amendments come into force, a foreign law firm may apply for a qualified foreign law firm licence if it satisfies the conditions imposed by Bar Council. The grant of such qualified foreign law firm licence entitles the qualified foreign law firm to practise in the permitted practice areas in West Malaysia.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Not currently applicable.

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc?)*

When the 2012 LPA Amendments come into force, there will be two types of licence that a foreign law firm may apply for:

- a) a qualified foreign law firm licence; and
- b) an international partnership licence, whereby a foreign law firm and a Malaysian law firm apply jointly to the Bar Council with respect to their partnership.

Both types of licences entitle the qualified foreign law firm and international partnership to practise in the permitted



# Malaysia

*Is there a quota on the number of licences available?*

practice areas in West Malaysia.

n/a at present. It is expected that further guidance will be given when the 2012 LPA Amendments come into force.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

n/a at present. It is expected that further guidance will be given when the 2012 LPA Amendments come into force.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

n/a at present.

When the 2012 LPA Amendments come into force, qualified foreign law firms and registered foreign lawyers will only be able to practise in permitted practice areas. It is expected that further guidance will be given when the 2012 LPA Amendments come into force.

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a at present. It is expected that further guidance will be given when the 2012 LPA Amendments come into force.

*Are there rules about the name a foreign law firm can take?*

n/a at present. It is expected that further guidance will be given when the 2012 LPA Amendments come into force.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

When the 2012 LPA Amendments come into force, qualified foreign law firm licences and international partnership licences will be issued by the Bar Council, upon recommendation of the Selection Committee. This Selection Committee will make recommendations to the Bar Council for the granting of licences in relation to the practise of foreign law in West Malaysia under the LPA. The Bar Council may impose any condition it thinks fit to impose in any particular case, or refuse the application.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

When the 2012 LPA Amendments come into force, a foreign law firm and a West Malaysian law firm may enter into a partnership or any other arrangement, and apply for an international partnership licence in respect of such partnership or arrangement. The permissible equity ownership and voting rights of the foreign law firm in the international partnership will be determined by the Selection Committee. It is expected that further guidance will be given when the 2012 LPA Amendments come into force.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

This will be possible in West Malaysia, when the 2012 LPA Amendments come into force. However, the same Amendments also provide that a Malaysian lawyer employed in a qualified foreign law firm is disqualified from obtaining a practising certificate.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

When the 2012 LPA Amendments come into force, a West Malaysian advocate and solicitor will be permitted to enter into an international partnership with a foreign lawyer.

*Can a domestic lawyer or domestic*

When the 2012 LPA Amendments come into force, a West

# Malaysia

*law firm employ a foreign lawyer?*

Malaysian law firm may apply to the Bar Council for a licence to employ a foreign lawyer to practise in the permitted practise areas in the Malaysian law firm.

*Other useful sources or comments or links*

The Malaysian Bar Website –

[www.malaysianbar.org.my/governing\\_laws](http://www.malaysianbar.org.my/governing_laws)

Sabah Law Association Website – [www.sabahbar.org.my](http://www.sabahbar.org.my)

Advocates' Association of Sarawak – [www.sarawak-advocates.org.my](http://www.sarawak-advocates.org.my)

*Verified by*

Zaid Ibrahim & Co (March 2014)

[www.zicolaw.com](http://www.zicolaw.com)

# Malta

*Is there legislation governing the legal sector?*

The Legal Profession (Advocates) Regulation Act 2012

*Under what title do lawyers practise?*

Advocate (*Avakut*)

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

In order for a person to practice as an Advocate in Malta, he or she needs to be: (1) of full legal capacity; (2) be a citizen of Malta or of a Member State or otherwise be eligible to work in Malta under any other law; and (3) have obtained the academic degree of Doctor of Law (LL.D) from the University of Malta, or a comparable degree from such other competent authority in accordance with the principles of mutual recognition of qualifications, after having read law in Malta or in another EU Member State; and (4) possess full knowledge of the Maltese language; and (5) the Chamber is satisfied that such he or she is fit and proper. The Act also requires candidates for admission as lawyers to be at least 18 years of age, to have studied law at University for at least three years and have undertaken a two-year traineeship, passed an examination and have met the character and probity requirements.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The licence to practise in Malta is national.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

The Act governing the practise of law by Maltese lawyers states that 'the following shall be reserved legal services which may only be provided in Malta by a Practising Advocate or Registered European Legal Professional: (a) the provision of legal advice to another person for consideration; (b) Advocacy in any of the superior courts of Malta or other tribunals which, by virtue of any law, are reserved for Practising Advocates; (c) the preparation and drafting of any acts or pleadings to be filed in any court or tribunal mentioned in paragraph (b) above; (d) the preparation, drafting, negotiation of any document or contract, whether it is to be executed as a public deed or private writing, and which is intended to document, create or acknowledge legal rights and obligations between the contracting parties.

2. For the purposes of this Schedule, the words "legal advice" mean the communication by one person to another (the latter referred to as the "Recipient"), whether oral, written or in any legible form or medium, of an opinion which is the result of, or whose formulation would require, the assessment and application of principles of law and, or provisions of law to a particular factual situation or dispute,

# Malta

	and which: (a) expresses the position at law of the Recipient; (b) directs, guides, counsels or recommends a particular course of action to the Recipient; or (c) has the effect of predicting a specific resolution of a legal issue; or (d) expresses a view on the legal implications or legal risks of or associated with an act, omission, course of action, contract, deed, agreement, document, particular set of facts or dispute.'
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Under section 26 of the Act, advocates may form partnerships. This section further provides that no person, other than a practising Advocate may: (a) become a partner in a law firm; (b) have any voting rights in a law firm; or (c) account for more than thirty per cent (30 per cent) of a law firm's management or executive organs. However, any person being a member of a designated profession may have ownership rights in a law firm provided that such ownership rights are not in excess of 25 per cent of the aggregate ownership rights in such law firm; and provided that at all times the ultimate control and decision making within the law firm is exercised by practising advocates.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Chamber of Advocates has the power to make general professional conduct rules. A Code of Ethics for advocates was drawn up in consultation with the Commission for the Administration of Justice.
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	Law firms must be registered with the Chamber of Advocates.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences to practise are issued by the Chamber of Advocates for both individual lawyers and law firms. The Chamber may be asked by the Committee for Advocates and Legal Procurators within the Commission for the Administration of Justice, to refuse a licence to an advocate whose conduct breaches requirements. The Commission was set up on the 3 June 1994 by means of Act 369 of the Laws of Malta and has supervisory and disciplinary responsibilities for the courts, members of the judiciary and legal profession. The Chamber of Advocates ( <i>Kamra tal-Avukati</i> ) statutorily nominates the majority of members of the Committee.
<i>Is the jurisdiction a member of the WTO?</i>	Malta joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	Malta made no specific commitments in legal services on joining the WTO.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	As a member of the EU, Malta extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein. Moreover, Malta is also a party to the EU's many bilateral agreements with other

# Malta

*Do these currently include legal services or are there plans to include them in future?*

countries and free trade areas (a full list of these can be found at [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participation\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&sense=s)).

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's FTAs with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (the Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Malta as well as foreign and international law and can requalify as a Maltese advocate. Lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice.

*Are there any foreign law firms present in this jurisdiction?*

There are no foreign law firms present in Malta.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

The provision of temporary services in Malta by a lawyer from a non-EU Member State under his/her home title is not permitted. EEA lawyers may practise temporarily as a result of the Lawyers Services Directive (77/249/EEC).

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Malta is one of 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business

# Malta

	or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	The Maltese legislation makes no mention of foreign legal consultancy licences for non-EEA nationals and only covers the requirements which implement the European Establishment Directive.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	An EEA lawyer who has established in Malta must register with the Chamber and adhere to the Maltese code of conduct. He must practise under his/her home title and maintain adequate indemnity insurance.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	An EEA lawyer must hold EEA nationality and an EEA legal qualification.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	The Maltese Arbitration Centre uses the UNCITRAL model for international commercial arbitration and foreign lawyers are permitted to act as arbitrators.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	EEA lawyers may appear in court provided they do so in association with a local lawyer. Other nationals do not have the right to appear.
<i>Can foreign lawyers requalify as local lawyers?</i>	A European lawyer who wishes to requalify as a Maltese lawyer may do so under Article 10 of Directive 98/5/EC but must have been established as a Registered European Lawyer in Malta for a minimum of three years and have obtained experience in local law. Lawyers from other EU or EFTA Member States or from Switzerland, who do not have three years' experience and residency in Malta may sit an aptitude test. Lawyers from outside the EEA may apply to the Attorney-General for special consideration.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no licensing regime for foreign law firms from countries outside the EEA. The scope of practice of non EEA law firms is limited.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	A foreign (EEA) law firm would need to register with the company register and complete the necessary tax and employment formalities.
<i>Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)</i>	No.
<i>Is there a quota on the number of licences available?</i>	No.
<i>Are there geographical restrictions</i>	No.

# Malta

*on foreign firm licences or on the number of branches a foreign firm can have?*

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

*Are there restrictions on the corporate form a foreign law firm can take?*

*Are there rules about the name a foreign law firm can take?*

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

*Other useful sources or comments or links*

There are no 'scope of practice' rules that apply to firms as opposed to individual lawyers.

Law firms in Malta may either take the form of general or civil partnerships.

All law firms (whether EEA or Maltese) are covered by the provisions in section 28 of the Act.

EEA law firms must register with the Maltese Chamber of Advocates.

'There are no restrictions on EEA lawyers owning law firms. The Maltese legislation also provides that 'no person, other than a practising Advocate may:

(a) become a partner in a law firm; (b) have any voting rights in a law firm; or (c) account for more than thirty per cent (30%) of a law firm's management or executive organs.

(3) Notwithstanding anything contained in this article: (a) any person being a member of a designated profession may have ownership rights in a law firm provided that such ownership rights are not in excess of twenty-five per cent (25%) of the aggregate ownership rights in such law firm;

and (b) any person being a member of a designated profession may have voting rights within the ownership, management and organisational structure of the law firm, provided that at all times the ultimate control and decision making within the law firm is exercised by practising Advocates. These designated professions are architects and accountants.'

There is no prohibition on employment of a Maltese lawyer by an EEA lawyer or law firm.

A Maltese advocate may enter a partnership with an EEA lawyer. Partnership with other foreign lawyers is not permitted.

Yes, but only as paralegals.

Camera Degli Avvocati – The Chamber of Advocates of Malta: [www.avukati.org/chamberofadvocates/faq.aspx](http://www.avukati.org/chamberofadvocates/faq.aspx)



# Mexico

*Is there legislation governing the legal sector?*

The Federal Law on the Practice of Professions in the Federal District (*Ley Reglamentaria del Artículo 5o. Constitucional, Relativo al Ejercicio de las Profesiones en el Distrito Federal*).

*Under what title do lawyers practise?*

*Abogado/a* – usually translated as lawyer

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

Under the Federal law, the requirements to practise law as a lawyer are as follows: have full legal capacity; have a university diploma from an institution authorised to issue legal degrees; and have a licence to practise the profession. Lawyers are not required to become members of a Mexican bar association or of any other professional association. In Mexico, qualified lawyers are those who hold a licence to practise as a lawyer, the ‘Cedula Profesional’. Once awarded, this licence does not need to be renewed. There are two potential routes to this licence:

*Route 1.* Studying a bachelor’s degree in law at a Public or Private University whose programmes are recognised by a competent authority. The syllabus of the bachelor of laws are approved either by the Secretaria de Educacion Publica (Ministry of Public Education) or a recognised public University. On average, a student takes between four and five years to complete the whole degree. After successfully completing the bachelor of laws and the ‘servicio social’ (mandatory work experience for the benefit of the Mexican community), students are provided with a Titulo Profesional (Degree Certificate) and can apply for the licence to practise which is called the ‘Cedula Profesional’

*Route 2.* CENEVAL, Centro Nacional de Evaluacion para la Educacion Superior A.C. (National Centre for Higher Education Assessment). This route is set out by the 286/328 Agreement issued by the Ministry of Public Education for people who for any reason have cut short their studies, self-taught or people who studied abroad who intend to validate their foreigner degree to a Mexican one. To apply under this route, there are several requirements which must be fulfilled prior to application. Such requirements include age, good professional behaviour and applicants must have studied at least 70 per cent of the bachelor’s degree. This route is comprised of three compulsory stages, including: (i) theoretical tests; (ii) practical tests; and (iii) ‘servicio social’. After completing these three stages within a recognised university or institution, students are provided with a Titulo Profesional (Degree Certificate) and can apply for the licence to practise which is called the ‘Cedula Profesional’.

# Mexico

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Admission to the practice of law is national, and lawyers can practise in any state. However, a lawyer must be registered with a state registry in order to charge for the work he or she performs in that state and must have a licence if he or she wants to earn income in the Federal District.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

Only Mexican lawyers have rights of audience in court and can provide advice on Mexican law.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Lawyers may establish to practise as sole proprietors, in general partnership or may form companies. Most choose the form Civil Enterprise (*Sociedad Civil, SC*), which has no limits on number of shareholders and for which all of the shareholders have joint and several liability. Some foreign firms are established as LLPs.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Ethics and confidentiality rules are set out within the Criminal and Civil regulations in Mexico. In addition, members of the (voluntary) Mexican Bar Association are bound by its ethical code.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There is no explicit foreign law firm licensing regime that regulates these arrangements.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The federal Ministry of Education (*Secretaría de Educación Pública – SEP*) grants licences to lawyers.

*Is the jurisdiction a member of the WTO?*

Mexico has been a member of the WTO since 1 January 1995.

*Has it made any WTO commitments on legal services?*

Mexico has made no commitments on legal services in the GATS.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Mexico has bilateral trade agreements with: Chile, Colombia, Costa Rica, EFTA, EU, Israel, Japan, Northern Triangle (El Salvador, Guatemala, Honduras), Nicaragua and Peru and is also a party to North American Free Trade Agreement (NAFTA).

*Do these currently include legal services or are there plans to include them in future?*

NAFTA includes a chapter on legal services, which covers the establishment of mutual foreign legal consultancy regimes.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No.

*Are there any foreign law firms present in this jurisdiction?*

There has been a recent influx of foreign law firms into the Mexican market – there are several US law firms with a presence in Mexico, one UK and one Spanish firm: (including: DLA Piper, White and Case, Holland and Knight, Greenberg Traurig, Haynes and Boone, Jones Day, DAC Beachcroft, Uria Menendez and Baker McKenzie).

# Mexico

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There is no requirement to register for activities permitted on a fly-in, fly-out basis.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

A lawyer can apply for a business visa for marketing and general business development purposes, but must apply for a technical visa if planning to give technical or professional advice to public or private institutions.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer does not need to obtain a limited licence entitling him/her to offer advisory services in foreign and international law (ie, become a foreign legal consultant)

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

There are no additional requirements

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

N/A

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes, foreign lawyers regularly intervene as advocates in arbitral proceedings in Mexico.

*Are foreign lawyers allowed to appear in court under any circumstances?*

No, not without requalifying.

*Can foreign lawyers requalify as local lawyers?*

‘A foreign lawyer can obtain a full licence to practise law in this jurisdiction. In order to re-qualify the foreign lawyer has three options: 1. Attend private or public university to study the subjects that the university establishes. Depending on the university part of his/her previous studies can be validated. 2. Attend a private university and study a “licenciatura ejecutiva” which takes three years, in which they can also validate part of the studies done abroad. 3. Take the CENEVAL. Once the university has issued the certificate of validation the foreign lawyer is required to present the re-qualification of the degree before the Ministry of Public Education (Secretaría de Educación Pública). If the foreign lawyer has studied in the UNAM “Universidad Nacional Autonoma de Mexico” this university can issue the requalification of the degree.’

*Can a foreign law firm obtain a licence to open an office?*

There is no explicit foreign law firm licensing regime that regulates these arrangements. Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law, provided that for foreign participation to establish a law firm beyond 49 per cent requires a favourable resolution from the Foreign Investment National Commission (CNIE).

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs)*

The CNIE oversees the registration of foreign companies in the Public Registry of Commerce and the establishment of foreign legal entities of a civil nature:

# Mexico

<i>etc)</i>	<a href="http://www.economia.gob.mx/trade-and-investment/direct-foreign-investment/national-foreign-investment-commission">www.economia.gob.mx/trade-and-investment/direct-foreign-investment/national-foreign-investment-commission</a>
<i>Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	Not beyond the requirements on individual foreign lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	There are no additional requirements on law firms beyond those imposed on foreign companies in general.
<i>Are there rules about the name a foreign law firm can take?</i>	There are specific rules relating to use of names by lawyers or law firms. When establishing a commercial presence, the name must be approved by the Ministry of Foreign Affairs. This requirement applies to local firms as well.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Foreign firms are permitted to enter into commercial association with local lawyers or law firms, provided that for foreign participation to establish a law firm beyond 49 per cent requires a favourable resolution from the CNIE and that in order to practise local law, they have to hire local professionals.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes, foreign firms/lawyers are permitted to enter into commercial association with local lawyers or law firms, provided that for foreign participation to establish a law firm beyond 49 per cent requires a favourable resolution from the Foreign Investment National Commission (CNIE) and that in order to practise local law, they have to hire local professionals.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	For links to licensing and representative bodies: Barra Mexicana (Representative Bar Association) <a href="http://www.bma.org.mx/index.php">www.bma.org.mx/index.php</a> ; Ministry of Public Education (licensing authority): <a href="http://www.sep.gob.mx/">www.sep.gob.mx/</a>

# Moldova

*Is there legislation governing the legal sector or the practise of law? (Please give title eg Legal Practice Act)*

The Law On Legal Profession of 19 July 2002 as last amended in 7 December 2012.

*Under what title do lawyers practise?*

Advocate and trainee advocates. Trainee advocates are entitled to practise law, except representation in criminal cases, administrative misdemeanour cases, as well as any cases in front of the Supreme Court of Justice.

*Does a lawyer need a licence to practise, if so how does he/she obtain a licence and how often must this be renewed?*

In order to become an advocate in Moldova, an individual must be a citizen of the Republic of Moldova, have full legal capacity, have a higher degree in law, have an 'impeccable reputation' and have passed the qualification exam. An 'impeccable reputation' requires that the candidate: (1) has not previously been convicted for an intentionally serious crime, regardless of whether or not his or her criminal record has been spent; (2) has no unspent conviction for any other crime; (3) has not previously been excluded from the bar or disbarred; (4) has not been dismissed from law enforcement bodies or from the position of a judge, notary, jurist or civil servant; (5) does not undertake activities incompatible with requirements of the Code of Advocate's Ethics; (6) has not violated basic human rights and freedoms. After passing the examination set by the Commission on Licensing the Legal Profession (a body comprising representatives both of the Bar and of the Ministry of Justice), a candidate obtains the status of 'trainee advocate' and is admitted to the professional internship, which lasts 18 months. An agreement is signed between the trainee advocate and his or her advocate-mentor and this is registered with the Council of the Bar. On completion of the internship, the advocate swears an oath and is fully registered with the Bar. He or she may then apply for a legal licence from the Ministry of Justice.

*Does this licence entitle the holder to practise throughout the country? Please explain the jurisdictional limits (eg state limitations etc)*

The licence to practise law in Moldova is national.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

Professional legal assistance should be provided by licensed advocates and trainee advocates, although licensed audit firms and unlicensed legal consultants can also be found in Moldova to provide legal advice.

In criminal cases, legal assistance can be provided only by advocates (Article 67 of the Criminal Procedural Code), although there are some discussions now considering whether to allow trainees to participate in certain aspects of criminal procedure.

For civil cases, Article 75 of the Civil Procedure Code states that parties should be represented by advocates or trainee advocates, and employees (lawyers or non-lawyers) could

# Moldova

*Do you need to hold local nationality to be eligible to practise law?*

also represent a legal entity in a judicial proceeding.

Only citizens of Moldova may become advocates.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Moldovan advocates may work either as individual advocates (solo practice) or law firms, also known as 'associated law offices'. The founding declarations establishing these solo or associated offices must be registered with the Ministry of Justice. A lawyer may only be a member of one office.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Moldovan lawyers are bound by the Code of Ethics for Lawyers of the Moldova Bar Association of 20 December 2002.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Advocates must register their law offices with the Ministry of Justice and present the information to the Bar.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Advocates Licensing Commission of the Bar Association, composed of 11 members elected by Council of the bar, is responsible for the admission of advocates to the Bar. The Commission's decision on admission to the Bar Association is a prerequisite for obtaining a licence from the Ministry of Justice. The ultimate licensing authority is the Ministry of Justice.

*Is the jurisdiction a member of the WTO?*

Moldova joined the WTO on 26 July 2001.

*Has it made any WTO commitments on legal services?*

Moldova has made full commitments in modes 1–3 for home country and international legal services. Host country legal services can only be supplied through legal persons incorporated in Moldova. There is a nationality requirement for advocates and notaries.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Moldova is a member of the Commonwealth of Independent States and has bilateral trade agreements with a number of individual countries, as well as an asymmetric trade facilitation regime with the EU.

*Do these currently include legal services or are there plans to include them in future?*

The coverage of Moldova's bilateral agreements is limited to goods.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No.

*Are there any foreign law firms present in this jurisdiction?*

One Austrian law firm has a Moldovan desk in Chisinau. Another Romanian law firm has a Moldovan office. One international 'Big Four' accounting firm has a legal department in Moldova. Otherwise, leading global law firms do not have enough business in Moldova to justify establishment of a permanent local office.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a*

There are no restrictions on the fly-in, fly-out practice of law outside the regulated area of criminal defence. Licences for



# Moldova

*licence for temporary practise?*

temporary practice do not exist.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Citizens of the EU, CIS and the following countries do not need visas to visit Moldova for periods of up to 90 days in any year period: Canada, Georgia, Holy See, Iceland, Japan, Principality of Andorra, Principality of Monaco, Principality of Liechtenstein, Norway, San Marino, State of Israel, Swiss Confederation, USA, Georgia. Citizens of other countries may obtain business visas for periods of up to 90 days in any six-month period in order to visit clients and undertake negotiations.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers are permitted to practise international and home country law as a result of Moldova's WTO commitments and can practise Moldovan law in association with a Moldovan advocate. Foreign lawyers must be registered with the Moldovan Bar in order to be able to co-found a practice of law in Moldova.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Not beyond the general requirements for the issuance of work permits to foreign nationals.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

A foreign lawyer must have a contract with a local law firm or an individual advocate's office.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Foreign lawyers are permitted to undertake arbitration in Moldova. Generally, they should register with the respective Moldovan arbitration seat. The list of arbitrators provided by an arbitration seat is not compulsory and thus arbitrators that are not on the list may also be appointed.

If foreign lawyers practice pro bono mediation, no additional conditions apply. Otherwise, a foreign lawyer should undertake mediation courses in Moldova and, following an exam, obtain a mediation licence. If the foreign lawyer is already accredited as a mediator in his own country, the step concerning mediation courses shall be omitted.

Furthermore, to provide mediation services, foreign lawyers (similar to local lawyers) shall create an individual or an associated mediator's office. If the foreign lawyer practises law within a Moldovan law firm, he/she can practice mediation within the respective law firm.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Foreign advocates are admitted to practice in Moldova provided they meet all conditions of the national law for the legal profession, except for the condition to hold citizenship. Foreign advocates should team up and argue in association with Moldovan advocates.

*Can foreign lawyers requalify as local lawyers?*

There is a nationality requirement that makes it impossible for non-Moldovan citizens to requalify as Moldovan



# Moldova

*Can a foreign law firm obtain a licence to open an office?*

advocates.

There is no requirement for foreign law firms to obtain special licences to practise law beyond the usual company registration procedures. A foreign law firm cannot be a shareholder of a Moldovan law office, because Moldovan law offices do not have capital divided into shares. A Moldovan office of a foreign law firm would be set up as a Moldovan law firm (formed by Moldovan advocates and foreign registered advocates) that would enter into a fee sharing agreement (for profits) and maybe a trademark agreement (for royalties) with the foreign law firm.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

See above.

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

There are no quantitative limitations on law firms.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

There are no geographical restrictions on law firms.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Moldovan advocates may be members of existing Moldovan law firms, but cannot be employed by Moldovan law firms.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Registered foreign lawyers may be members of existing Moldovan law firms, but cannot be employed by Moldovan law firms.

*Other useful sources or comments or links*

Ministry of Justice – [www.justice.gov.md](http://www.justice.gov.md) ; Moldovan Bar association – [www.avocatul.md](http://www.avocatul.md)

*Verified by*

Turcan Kazac law firm: [www.turcanlaw.md/](http://www.turcanlaw.md/) (January 2014).

# Morocco

*Is there legislation governing the legal sector?*

Dahir (Royal Decree) No 1-08-101 on Law No 28-08 of 20 October 2008 on 'Organising the exercise of the lawyer's profession'.

*Under what title do lawyers practise?*

Lawyers in Morocco practise under a single title, which may be translated as 'advocate' or 'lawyer'.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

According to Article 2 of Law No 28.08, only registered advocates may be members of the legal profession. In order to be registered, an individual must: (1) be a Moroccan citizen, or a citizen of a country that is linked with the Kingdom of Morocco by an agreement, which allows citizens of both countries reciprocal rights to practise the legal profession; (2) be at least 21 years of age and enjoying full civil capacity; (3) possess a bachelor's degree in law from one of law schools in Morocco or an equivalent certificate from a recognised university; (4) have obtained a certificate of eligibility to practise law (the CAPA or certificate of aptitude to practise the lawyer's profession); (5) have no disciplinary convictions; (6) never have been declared bankrupt; (7) not have been in linked to the management of any public institution within a certain period; (8) be a practising member of the profession; (9) not exceed the age of 45, if not exempted from training. New entrants will be entered on the roll of trainee lawyers for a period of two years after having passed the bar examination organised by the Ministry of Justice.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Moroccan advocates are entitled to practise throughout the country but may only be registered with one bar (district of the Court of Appeal).

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

According to Article 2 of the Advocacy Law, advocates are the only class of people who can practise law in Morocco.

*Do you need to hold local nationality to be eligible to practise law?*

The practice of law in Morocco is reserved to Moroccan citizens or to citizens of countries with agreements with the Kingdom of Morocco that provide reciprocal rights of practice.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Article 26 of the Advocacy Law provides that a lawyer may be self-employed, or practise with other lawyers in a professional civil company (SCP d'avocats). A Moroccan lawyer may only have one office. However, two firms may associate together. If the name of all the partners is not used then the term '*et associés*' must be used.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The law contains further provisions governing engagement, client care, fees, professional secrecy and advertising. Moroccan lawyers are explicitly permitted to have websites which provide essential information, subject to permission

# Morocco

*Do law firms need to receive a licence (or permission/approval) to practise law?*

of the President of the Bar and despite some tight controls on general publicity.

Article 27 of the Advocacy Law permits association, cohabitation and collaboration between Moroccan lawyers. An application to establish a civil company (law firm) must be submitted to the bar association. If the bar does not make a ruling on the application within three months it is deemed approved. There is a special law governing law firms in Morocco, Law No 29.09.

*Which authority issues licences? Are there different authorities for individuals and firms?*

'Registration of both individual lawyers and law firms is undertaken by the relevant local bar associations (*Ordres des Avocats*). The largest are:

Ordre des Avocats, 94, rue Prince Moulay Abdallah, Casablanca, Maroc (Tél 00 212 22 27 71 06; Fax. 00 212 22 27 97 54).

Ordre des Avocats Cour d'Appel de Rabat, Rabat, Maroc (Tél 00 212 37 76 41 23 – 00 212 37 72 39 60; Fax. 00 212 37 76 60 88).

*Is the jurisdiction a member of the WTO?*

Morocco joined the WTO on 1 January 1995.

*Has it made any commitments under GATS in legal services?*

Morocco has made no legal services commitments in the WTO.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Morocco has trade agreements with the EU, EFTA, US, Turkey and is a party to the Pan Arab Free Trade Area.

*Do these currently include legal services or are there plans to include them in future?*

Morocco's association agreement with the EU provides for a free trade area in services to be progressively achieved.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

n/a

*Are there any foreign law firms present in this jurisdiction?*

There are around six US, UK and French firms with offices in Morocco.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There are no rules on temporary practice for foreign lawyers outside of the courts.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Business visas are not required for citizens of EU and Arab states for visits of up to 90 days. Other nationals do require visas.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers may, under certain circumstances, obtain approval to appear in the Moroccan courts in relation to specific cases or may fully requalify as Moroccan lawyers but there is no formal limited licensing regime regulating the work of legal consultants.

*Are there any conditions that must be*

n/a

## Morocco

*fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

There are no restrictions on the participation of foreign lawyers in arbitration and mediation proceedings.

*Are foreign lawyers allowed to appear in court under any circumstances?*

A foreign lawyer may appear in the Moroccan courts provided reciprocal rights exist in the foreign lawyer's home jurisdiction.

*Can foreign lawyers requalify as local lawyers?*

Foreign nationals may sit the Moroccan bar examination provided that their home jurisdiction is party to a bilateral agreement with Morocco and provides reciprocal arrangements. A foreign lawyer must resign their membership of their home country Bar in order to join the Moroccan Bar.

*Can a foreign law firm obtain a licence to open an office?*

Foreign law firms can only open offices in association with Moroccan law firms. There is no explicit foreign law firm licensing regime that regulates these arrangements.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

No

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

Since foreign firms are limited to working in association with local firms they are covered by the restriction limiting Moroccan lawyers to a single branch.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

This is not defined but it clear that since only those on the roll of lawyers may practise law that foreign lawyers may not work on Moroccan law.

*Are there restrictions on the corporate form a foreign law firm can take?*

As foreign law firms are limited to working in partnership with Moroccan lawyers, they are limited to the form of civil company used by Moroccan lawyers.

*Are there rules about the name a foreign law firm can take?*

According to Law 1.08.102 of 20 October 2008, a Moroccan law firm must use the name of the partners of the firm and the corporate designation 'SCP d'avocats' after its name.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

Foreign law firms do not obtain licences in their own right but through association with Moroccan firms.

## Morocco

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

The law on Moroccan law firms states that no one partner in the firm can have more than 50 per cent of the shares in the firm.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Lawyers are regarded as associates in firms, or trainees, rather than as employees.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

Ministry of Justice – [www.justice.gov.ma](http://www.justice.gov.ma)

# The Netherlands

*Is there legislation governing the legal sector?*

The Lawyers Act (*Advocatenwet*) and Decision on legal requirements of lawyers (*Besluit beroepsvereisten advocatuur*).

*Under what title do lawyers practise?*

*Advocaat.*

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

In order to obtain a licence to practise law in the Netherlands, an individual must have: (1) a Bachelor's degree in legal studies; (2) a Master's degree in Dutch law; (3) have completed three years of training at a law firm as an *advocaat-stagiaire*. The training period is accompanied by basic and further legal training (*Beroepsopleiding advocatuur* and *Voortgezette stagiaire opleiding*).

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The licence to practise in the Netherlands is national but discipline and supervision are conducted locally by court districts.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

The monopoly of Dutch advocates is limited to representation in court and use of the title advocate. The code of civil procedures stipulates in title 2, section 1, Article 79 that it is mandatory for all parties involved in a civil litigation procedure to be represented by a lawyer in front of the court. An exception is made for the district court (*kantonrechter*), which decides on relatively simple and inexpensive cases (up to €5,000). Here citizens may represent themselves without a lawyer. The financial limit may be raised to €25,000 in the near future. In criminal cases in courts and appeal courts a lawyer is not required for representation.

Code on civil procedures: [mijnwetten.nl/wetboek-van-burgerlijke-rechtsvordering/boek1](http://mijnwetten.nl/wetboek-van-burgerlijke-rechtsvordering/boek1).

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Dutch advocates may work in sole practice, in general or limited liability partnerships. Under certain limited circumstances they may also work in partnership with some other specific quasi-legal professions.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Netherlands Bar has produced a code of conduct and many other rules which can be found in the legislative databank on the Bar Association's website: <https://www.advocatenorde.nl/advocaten/juridische-databank/wetenregelgeving/list/hoofdstuk>.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There is a requirement for law firms to complete an annual compliance statement electronically and to appoint a representative to submit information on behalf of the firm.

*Which authority issues licences? Are there different authorities for individuals and*

The Netherlands Bar Association issues licences to practise in the Netherlands but disciplinary procedures are carried



# The Netherlands

*firms?*

out locally by the Deans of the local bars of the district in which a lawyer is working.

*Is the jurisdiction a member of the WTO?*

The Netherlands joined the WTO on 1 January 1995

*Has it made any commitments under GATS in legal services?*

The Netherlands has signed up to the EU's GATS commitment of modes 1–3 in home country and public international law.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

As a member of the EU, the Netherlands extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). The Netherlands is also party to the EU's many bilateral agreements with other countries and free trade areas.

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's FTAs with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (the Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Dutch as well as foreign and international law and can requalify as a Dutch *advocaat*. Foreign lawyers



# The Netherlands

	from outside the EU, EFTA or Switzerland are more restricted in their scope of practice.
<i>Are there any foreign law firms present in this jurisdiction?</i>	There are around 10–15 foreign law firms established in the Netherlands, mostly UK firms but there are also a few US firms and at least one Chinese firm.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?</i>	The provision of temporary services in the Netherlands by a lawyer from a non-EU Member State under his/her home title is not permitted. EEA lawyers may practise temporarily as a result of the Lawyers Services Directive (77/249/EEC).
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	The Netherlands is one of 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	Foreign lawyers may practise in the Netherlands under their home country title in the law of their home country or public international law. EEA lawyers may establish under their home title and additionally practise local law in association with a Dutch lawyer.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	An EEA lawyer must register with the local Dutch bar, practise under his home title, comply with the Advocates' code of conduct and must maintain adequate professional indemnity insurance.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	An EEA lawyer must hold EEA nationality and an EEA legal qualification.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Parties opting for international arbitration in the Netherlands are free to choose arbitrators of their choice. The Dutch Arbitration Law is currently under review.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	EU/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.
<i>Can foreign lawyers requalify as local lawyers?</i>	EEA lawyers may fully requalify as Dutch lawyers following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three year period of continuous and effective practice. Non-EEA lawyers need to complete all the academic requirements of qualification (a Dutch LL.B or Masters in Law) but may be able to get some course exemptions.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no separate law firm licensing regime for foreign law firms. Any US law firms that have established in the

# The Netherlands

	Netherlands have done so through their London LLPs. EEA law firms must register with the local bar in the district of the Netherlands in which they are established.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	All businesses and legal entities operating in the Netherlands must register with the Trade Register which can be done through a local chamber of commerce. There are a number of other formalities that must be undertaken.
<i>Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)</i>	No.
<i>Is there a quota on the number of licences available?</i>	No.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	There are no 'scope of practice' rules that apply to firms as opposed to individual lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	EEA law firms are subject to the same rules on corporate form as local law firms.
<i>Are there rules about the name a foreign law firm can take?</i>	The Establishment Directive (98/5/EC) makes it clear that EU law firms may use the name of their law firm they use in their home country. The host Member State may require that, in addition mention is made of the legal form of the grouping in the home Member State and/or of the names of any members of the grouping practising in the host Member State.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	Law firms from the EEA must register with the local bar association.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	There are no restrictions on the ownership share of EEA lawyers in a Dutch law firm.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	There is no prohibition on employment of a Dutch lawyer by an EEA lawyer or law firm.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	A Dutch lawyer may enter a partnership with an EEA lawyer.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes, but only under their home title.
<i>Other useful sources or comments or links</i>	The Netherlands Bar Association: <a href="http://www.advocatenorde.nl">www.advocatenorde.nl</a>

# New Zealand

*Is there legislation governing the legal sector?*

Lawyers and Conveyancers Act 2006

[www.legislation.govt.nz/act/public/2006/0001/latest/DLM364939.html?search=ts\\_act%40bill%40regulation%40deemedreg\\_lawyers+and+conveyancers\\_resel\\_25\\_a&p=1](http://www.legislation.govt.nz/act/public/2006/0001/latest/DLM364939.html?search=ts_act%40bill%40regulation%40deemedreg_lawyers+and+conveyancers_resel_25_a&p=1)

*Under what title do lawyers practise?*

Barrister or barrister and solicitor.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

To practise as or to call yourself a New Zealand lawyer you must: (1) complete a Bachelor of Laws Degree (LL.B) approved by the New Zealand Council of Legal Education (NZCLE). Overseas law graduates or those who have been admitted in another jurisdiction (except Australia) may be required to complete further New Zealand university subjects and/ or parts of the New Zealand Law and Practice Examination; (2) complete the Professional Legal Studies Course at either the Institute of Professional Legal Studies or College of Law. Overseas trained lawyers may be exempted from this, once their qualifications and experience have been assessed by the NZCLE; (3) obtain a certificate of completion from the NZCLE; (4) obtain a certificate of character from the NZLS and be admitted to the roll of barristers and solicitors of the High Court of New Zealand; (5) hold a current practising certificate issued by the Law Society. The practising certificate must be renewed annually and a declaration made that nothing has occurred during the previous 12 months that might affect the lawyer's ability to practise.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The practising certificate entitles lawyers to practise throughout New Zealand.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

Yes, only lawyers who hold practising certificates are able to carry out work in the reserved areas of work. These are set out in section 6 of the Lawyers and Conveyancers Act.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Lawyers may be employed (by law firms or non-law firms) or be self-employed as a barrister or a sole practitioner, practice in partnership in a law firm or in an incorporated law firm.

Multidisciplinary practices are not permitted.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Lawyers must comply with the Rules of Conduct and Client Care:

[www.legislation.govt.nz/regulation/public/2008/0214/latest/DLM1437806.html?search=ts\\_regulation%40deemedreg\\_client+conduct\\_resel\\_25\\_a&p=1](http://www.legislation.govt.nz/regulation/public/2008/0214/latest/DLM1437806.html?search=ts_regulation%40deemedreg_client+conduct_resel_25_a&p=1)

## New Zealand

	In addition lawyers must comply with the fundamental obligations of lawyers as set out in section 4 of the Lawyers and Conveyancers Act.
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	No. In New Zealand, only the lawyers themselves are 'licensed' hold practising certificates.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The New Zealand Law Society issues practising certificates for all lawyers in New Zealand <a href="http://www.lawsociety.org.nz">www.lawsociety.org.nz</a> .
<i>Is the jurisdiction a member of the WTO?</i>	New Zealand joined the WTO on 1 January 1995.
<i>Has it made any commitments under GATS in legal services?</i>	New Zealand has scheduled full commitments under the WTO. It has no limitations for foreign providers in modes 1, 2 and 3. It is unbound in mode 4. More information on this can be obtained from the Ministry of Foreign Affairs and Trade – <a href="http://www.mfat.govt.nz">www.mfat.govt.nz</a> .
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	New Zealand has bilateral agreements with ASEAN, Australia, Hong Kong, China, Malaysia, Singapore, Chile and Thailand. More information on this can be obtained from the Ministry of Foreign Affairs and Trade – <a href="http://www.mfat.govt.nz">www.mfat.govt.nz</a> .
<i>Do these currently include legal services or are there plans to include them in future?</i>	New Zealand has scheduled full commitment in all of its FTAs in modes 1–3, mirroring its WTO commitments More information on this can be obtained from the Ministry of Foreign Affairs and Trade – <a href="http://www.mfat.govt.nz">www.mfat.govt.nz</a> .
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	Lawyers from Australia are given special status in that they may qualify for mutual recognition under the Trans-Tasman Mutual Recognition Arrangement. <a href="http://www.lawsociety.org.nz/home/for-lawyers/regulatory/going-overseas-or-returning/practising-in-australia/guidelines-for-admission-under-the-ttmra">www.lawsociety.org.nz/home/for-lawyers/regulatory/going-overseas-or-returning/practising-in-australia/guidelines-for-admission-under-the-ttmra</a> .
<i>Are there any foreign law firms present in this jurisdiction?</i>	In the past there have been a limited number of foreign firms in New Zealand that have an association with local firms.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?</i>	There is an express rule allowing temporary practice by foreign lawyers. The relevant legislation is sections 25 and 27(1) (b) (ii) of the Lawyers and Conveyancers Act 2006.
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	Yes. See <a href="http://www.immigration.govt.nz/migrant">www.immigration.govt.nz/migrant</a> .
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	Foreign lawyers do not need a licence to practise foreign law in New Zealand. See section 25 lawyers and Conveyancers Act 2005.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been</i>	n/a

## New Zealand

*granted a limited licence? (eg, residency requirement)*

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes – as this is not work reserved to lawyers in New Zealand it is merely subject to any visa requirements.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Yes, foreign lawyers can provide legal services (including appearing) in New Zealand in relation to any proceedings before a court or other body if knowledge of the law of another country or international law is essential for the purposes of the proceedings.

*Can foreign lawyers requalify as local lawyers?*

Yes, but in order to obtain a full licence to practise law in this jurisdiction, a foreign lawyer must have his or her overseas qualifications assessed (see [www.nzcle.org.nz](http://www.nzcle.org.nz)), complete any equivalence requirements, obtain a certificate of character and certificate of completion, seek admission as a barrister and solicitor, and apply to the New Zealand Law Society for a practising certificate.

Australian lawyers (those with current practising certificates) are able to seek registration (for admission and a practising certificate) under the Trans-Tasman Mutual Recognition Act 1997.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted but are not required to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. The NZLS does not regulate foreign law firms.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

The Companies Act 1993 (the 'Companies Act') sets out the main requirements for companies domiciled overseas to operate in New Zealand. This can be achieved by: incorporation of a new subsidiary company under the Companies Act 1993; registering the foreign company as a branch in New Zealand; or acquiring shares in a pre-existing New Zealand company or entering a joint venture with a New Zealand company. In all instances, registration with the Companies Office is required

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)*

There is no requirement for foreign law firms to be licensed.

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

n/a

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what*

There are no limitations. Foreign law firms may practise the law of their own jurisdiction in NZ or may carry out legal work so long as it is not part of the work reserved for

# New Zealand

*are they?*

lawyers as defined in section 6 of the Lawyers and Conveyancers Act 2006.

*Are there restrictions on the corporate form a foreign law firm can take?*

There are no limitations on law firms beyond those required of all foreign companies by the New Zealand Companies Act 1993.

*Are there rules about the name a foreign law firm can take?*

No. Although it may be a breach of the Lawyers and Conveyancers Act (and therefore an offence) if the name of a foreign law firm is misleading and could lead members of the public to think it was a firm practising New Zealand law and consisting of NZ lawyers.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

There is no licensing requirement for foreign law firms. Foreign law firms would be regulated by their own jurisdiction if that was required.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Yes. Foreign lawyers cannot hold an ownership share of an incorporated law firm if they do not hold a New Zealand practising certificate on their own account.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

If a domestic lawyer was employed by a foreign lawyer or law firm that lawyer would be deemed to be an in house lawyer and could only give advice to the employer – not to clients of the foreign law firm.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Foreign firms are not permitted to enter into commercial association with local lawyers or law firms. This is because multi-disciplinary practices are not permitted and lawyers from other jurisdictions are not classified as 'lawyers' within New Zealand.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes. However, it must be clear to the public that the foreign lawyer does not hold a New Zealand practising certificate. The foreign lawyer cannot work in the areas of work reserved for holders of New Zealand practising certificates although there are exceptions if the work is done under the direct supervision of the employer.

*Other useful sources or comments or links*

New Zealand Law Society: [www.lawsociety.org.nz/](http://www.lawsociety.org.nz/)

*Verified by*

New Zealand Law Society (July 2013)



# Nigeria

*Is there legislation governing the legal sector?*

Legal Practitioners Act 1962

*Under what title do lawyers practise?*

Solicitor and advocate of the Supreme Court of Nigeria

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

In order to become a Nigerian lawyer, an individual must obtain a Bachelor's degree in law (LL.B) from an accredited university, attend and pass the examination at the Nigerian Law School then subsequently be called to the Nigerian Bar by the Body of Benchers followed by enrolment at the Supreme Court of Nigeria as a Legal Practitioner.

Admission into the Nigerian Law School is open to persons who hold an LL.B from an accredited Nigerian university or any other recognised university from other parts of the world.

Once a person is called to the Nigerian Bar and enrolled in Roll of Legal Practitioners kept at the Nigerian Supreme Court, he/she is entitled to practise law in Nigeria without any further requirement. A practitioner is only required to register at a branch of the Nigerian Bar Association and pay practising fees to that branch. Practising fees are payable annually. Non-payment of practising fees may only disentitle the practitioner from audience in Nigerian courts.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Nigeria is a single jurisdiction and solicitors and advocates of the Supreme Court may practise throughout the country.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

Only persons licensed to practise law in Nigeria can act as a legal practitioner in Nigeria. This includes all activities that are carried out by lawyers especially appearing in court as counsel on behalf of litigants and preparing, for a reward, drawing an instrument relating to immovable property, probate or letters of administration etc.

*Do you need to hold local nationality to be eligible to practise law?*

No. A non-Nigerian may be eligible to practise law in Nigeria if he/she meets the requirements for enrolment as a legal practitioner

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer can practise law in Nigeria as a sole practitioner or in a partnership and in a limited liability partnership (in some states such as Lagos State).

A lawyer can practise law in a multi-disciplinary partnership. Such partnerships cannot, however, engage in the practice of law as a profession. For instance, a lawyer can be a partner in a consulting, financial advisory and tax advisory partnership but the



# Nigeria

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

partnership cannot carry on work as a firm of legal practitioners.

A lawyer may be a legal adviser, company secretary or acquire other designations in a corporation. Such a lawyer can however not practice outside his employment and cannot appear in court as an advocate for the corporation.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There are standard rules of professional conduct that lawyers licensed to practise law in Nigeria must comply with. They are embodied in the Rules of Professional Conduct, made pursuant to the Legal Practitioners' Act.

Law firms do not require any licence, permission or approval to practise law. However, there is a need to register as a business name at the Corporate Affairs Commission if any other word is added to the firm's name apart from the names of the practitioners.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Only individuals require a licence – in form of call to bar and enrolment – to practise law in Nigeria. The licence is issued by the Body of Benchers. Firms operate as mere business names for legal practice by the individual lawyers and have no legal personality.

*Is the jurisdiction a member of the WTO?*

Nigeria joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Nigeria has made no commitments in the WTO on legal services.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Nigeria is a member of the Economic Community of West African States (ECOWAS). This agreement only covers trade in goods.

*Do these currently include legal services or are there plans to include them in future?*

No.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

n/a

*Are there any foreign law firms present in this jurisdiction?*

No. There are no foreign firms practising law in Nigeria.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Yes. A person can practise only in respect of certain proceedings for which he has been granted a warrant by the Chief Justice of Nigeria. To be entitled to such a warrant, the person must make an application to the Chief Justice showing that he is entitled to practise as an advocate in any country where the legal system is similar to that of Nigeria. If the Chief Justice is satisfied that it is expedient to permit such person to practice in Nigeria as an advocate for purposes of the particular proceedings applied for, the Chief Justice may grant such

# Nigeria

	a warrant. See section 2(2) of the Legal Practitioners Act. There are no specific rules on fly-in-fly-out transactional work other than if that work falls under the definition of legal services, that person must be qualified to provide legal services in Nigeria.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Yes.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	No. Concept of foreign legal consultant is not recognised in Nigeria. Anyone offering legal practice in Nigeria must be qualified and enrolled as a local practitioner.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	n/a
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	n/a
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	There are no restrictions on arbitration and mediation on a fly-in, fly-out basis.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Not generally. The only instance where this is possible is where a warrant has been issued to such foreign lawyer in respect of particular proceedings.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. If he/she passes the qualifying bar exams administered by Nigerian Law School, produces a qualifying certificate to the Body of Benchers and satisfies the Benchers that he/she is of good character and is enrolled as a legal practitioner at the Supreme Court.
<i>Can a foreign law firm obtain a licence to open an office?</i>	No.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	n/a
<i>Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a

## Nigeria

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

n/a

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

A foreign lawyer or law firm cannot employ a Nigerian lawyer as a means of practising in Nigeria. A foreign lawyer or law firm can however engage a Nigerian lawyer to provide services as local counsel in respect of specific legal works.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

No, not for purposes of establishing a practice or presence in Nigeria.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes, provided the foreign lawyer is qualified to practise law in Nigeria.

*Other useful sources or comments or links*

*Verified by*

Paul Usoro & Co Legal Practitioners (March 2014)  
www.paulusoro.com

# Norway

*Is there legislation governing the legal sector?*

Domstolsloven (Courts of Justice Act) 1915.

*Under what title do lawyers practise?*

Advokat.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

In order to obtain a licence to practise in Norway, an individual must fulfil the conditions laid down in clause section 220 of the Act. These require: (1) a Norwegian university degree in law; (2) a clean conduct record (in the form of a police certificate that is less than three months old); (3) two years' practice as an associate lawyer or as an assistant judge; (4) experience of trying three cases before the courts, at least one of which must have been a civil case; (5) participation in a special course for advocates; (6) the candidate must be at least 20 years of age. In addition, further conditions are required before an advocate can appear before the Supreme Court: At least one year's practice experience and proof of suitability for Supreme Court litigation in an evaluation by the Supreme Court.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The practice of law in Norway is national.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

Section 218 of the Courts of Justice Act mentions that the practice of law is reserved to licensed *advokater*. According to section 218 'to practise law means to give legal assistance to others as a profession or in a regular manner.' However, a person with a law degree may give legal assistance without being licensed as an *advokat*. Such legal practice can only be carried on in a one-man firm owned by the said person (section 218 (1)). Legal assistance may be provided by anyone to the extent that it is necessary to provide good and complete assistance by another profession. A legal licence is required for litigation.

*Do you need to hold local nationality to be eligible to practise law?*

Local nationality is not a requirement for the practice of law.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Section 231 of the Act provides for the legal forms in which lawyers can work: '[t]he legal practice of *advokater* may only be organised as a one-man firm owned by the *advokat*, or as a company in accordance with the provisions below, unless something else follows from legislation. [...] In companies which carry on legal practice, only persons who exercise a significant part of their professional activities in the service of the company may own shares or hold office as directors or deputy directors. In the case of joint-stock companies, all share certificates should be endorsed accordingly.

## Norway

Shares in companies which carry on legal practice may also be owned by a parent company, provided that all shares of the parent company are owned by persons who, exercise a substantial part of their professional activities in the service of the parent company, and that the parent company conforms to the provisions of the fourth to sixth paragraphs below' ([ 'the company may only engage in affairs which are reasonably connected with the legal practice as *advokater*'] and ['if the conditions for owning shares are no longer fulfilled by a person or a company that owns a share of a company which carries on legal practice, the share must be disposed of within two years'])).

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Rules of conduct for *advokater* are set out in Chapter 12 of the Regulations for Advokater. The rules have been sanctioned by the King and have the effect of regulations, cf. section 224, second paragraph, of the Courts of Law Act. They apply to all *advokater* (membership of the bar is not mandatory but in practice 94 per cent of local lawyers are members).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There is no mention in the Courts of Justice Act of any need for law firms to be licensed separately to practise law but *advokater* must provide the Supervisory Council with their office address and report if they wind up their practice.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Supervisory Counsel for Legal Practice ('*Tilsynsrådet*') issues licences to *advokater* and others giving legal advice. It is also competent to revoke licences on the basis of section 230 of the Act.

*Is the jurisdiction a member of the WTO?*

Norway joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Norway has made full commitments in modes 1 and 2 for foreign law (under CPC 861). It has qualified its commitments on establishment with the following comment: 'the advocate is personally responsible for his activities. To have an interest (own shares and/or be a member of the board of the firm) in a firm of Norwegian advocates is only possible when taking active part in the business'. It has also made clear in its GATS schedule that: 'Foreign advocates can give advice on foreign law and international law after application (to the Supervisory Council). Some restrictions (exist) on co-operation with Norwegian advocates as a consequence of legislation on how a firm of Norwegian advocates may be organized'.

## Norway

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Norway is a member of the European Free Trade Area (EFTA) and as such is part of the EEA (EEA). It therefore offers special treatment to individuals and businesses from the EU, Iceland and Liechtenstein.

*Do these currently include legal services or are there plans to include them in future?*

The EEA contains extensive coverage of legal services and permits lawyers from any of the EEA countries to establish and practice in each other's countries. In its capacity as a member of EFTA, Norway has numerous bilateral agreements but only the FTA with Korea includes legal services. EFTA is also currently negotiating FTAs with Algeria, Bosnia and Herzegovina, Central American States (Costa Rica, Guatemala, Honduras and Panama), China, the GCC, India, Indonesia, Malaysia, Russia, Belarus and Kazakhstan, Thailand and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (the Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Norwegian as well as foreign and international law and can requalify as a Norwegian *advokat*. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice and may not requalify.

*Are there any foreign law firms present in this jurisdiction?*

There are no foreign law firms established in Norway although law firm partnerships, which belong to the legal arms of the major accounting firms (PwC, Deloitte, KPMG and Ernst and Young), are all prominent in the market.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Rules about temporary practice for foreign lawyers are laid down in section 10-10 of the Regulations. Foreign lawyers may be required by government authorities or courts to provide evidence of their right to practise as a foreign lawyer and are bound by the Norwegian code of conduct for lawyers (as set out in Chapter 12 of the Regulations). EEA lawyers are bound instead by the CCBE cross border code of conduct.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Norway is one of 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

## Norway

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

If lawyers from countries outside the EEA wish to provide legal assistance on a permanent basis in Norway, they have to acquire a licence from the Supervisory Council for Legal Practice in order to be able to 'provide legal assistance in foreign and international law'. They must provide security, make a financial contribution to the Supervisory Council for Legal Practice and to the Disciplinary Council for Advocates, and provide a declaration from a registered public accountant. EEA lawyers covered by Directive 98/5/EC must register with the Supervisory Council for Legal Practice with proof that they are qualified in their home jurisdiction before being allowed to establish permanently and they are then permitted to practise foreign, international and Norwegian law.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

A foreign lawyer who provides legal assistance in Norway shall use his or her professional title in the language or one of the languages of his jurisdiction of origin, with an indication of the professional organisation to which he belongs, or the courts of law before which he or she is entitled to appear. Foreign lawyers from outside the EEA will need to provide the required security and abide by the rules of good professional conduct for *advokater* as set out in Chapter 12 of the regulations.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

No prior conditions, other than qualification in a foreign lawyer's home jurisdiction and evidence of good conduct are mentioned in the regulations.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Nothing in the Arbitration Act (2004) prohibits foreign lawyers from undertaking arbitration. Section 13 requires arbitrators to be impartial and independent of the parties and qualified for the task. Section 14 of this Act mentions that only on those grounds may arbitrators be challenged.

*Are foreign lawyers allowed to appear in court under any circumstances?*

An EEA lawyer may appear in court. According to Paragraph 10-4 of the Regulations, in cases when the counsel or defence attorney is required to appear before the Supreme Court, an EEA lawyer must appear jointly with a Norwegian advocate entitled to appear before the Supreme Court. These rules also provide that in other special instances, the court may stipulate as a condition for accepting that a foreign advocate may appear as counsel or defence attorney that the advocate shall appear jointly with a Norwegian advocate.



# Norway

*Can foreign lawyers requalify as local lawyers?*

EEA lawyers may requalify in Norway. In order to be licensed as an *advokat*, an applicant from another EEA state must demonstrate: (1) that they have passed an examination in Norway which demonstrates that the person in question has sufficient knowledge of Norwegian law; or (2) that they have exercised actual and regular activities as an advocate in Norway for at least three years, assuming that the practice has mainly comprised Norwegian law, or also the law of the EU, as the case may be; or (3) that they have exercised actual and regular activities as an advocate in Norway for at least three years, with a shorter period within Norwegian law, or also the law of the EU, as the case may be, assuming that the person in question has attained sufficient knowledge of Norwegian law. Non-EFTA foreign lawyers may not requalify as local lawyers.

*Can a foreign law firm obtain a licence to open an office?*

Licences are not required for law firms.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

According to the Company Act, all companies including foreign companies must register with the Register of Business Enterprise. However, sole proprietorships with less than five employees not selling purchased goods do not have to register.

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

There are no 'scope of practice' rules that apply to firms as opposed to individual lawyers.

*Are there restrictions on the corporate form a foreign law firm can take?*

None are specified in the regulations.

*Are there rules about the name a foreign law firm can take?*

None are specified in the regulations.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

According to section 231 of the Courts of Justice Act, only those who are actively practising in the law firm or who conduct the majority of their activity from the firm may be directors or hold shares in it.

## Norway

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes, subject to the requirement that the foreign lawyer practices actively in the firm

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

See also, the Norwegian Bar Association website: [www.jus.no/](http://www.jus.no/)

## Oman

*Is there legislation governing the legal sector?*

Omani Law on Advocacy (Royal Decree No 108/1996).

*Under what title do lawyers practise?*

In Oman, lawyers practise under a single title which may be translated as 'lawyer'.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

According to Article 2 of Law No 108, a lawyer must be registered in order to practise the legal profession. In order to be registered, the individual must: (1) hold Omani nationality; (2) be at least 21 years old and have full legal capacity; (3) hold a certificate in law or Islamic law from one of the recognised higher universities or colleges; (4) be a person of good conduct and reputation and not have been convicted of a crime or disciplinary offence relating to dishonesty, or to have been removed from a prior job or profession for these reasons, unless he has been reinstated. Lawyers who are entered onto the list as trainees, must then complete two years of training, or one year if they possess a Masters or Doctorate in Law. Once admitted as a full lawyer, there are different registers in which a lawyer may be entered, which indicate the courts he or she may practise before. Eligibility to appear before different levels of court generally depends on experience.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Omani lawyers are entitled to practise throughout the country.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

The practice of law is reserved to those who are registered in the Register of Lawyers. The practice of law is defined as appearance before courts and judicial bodies, the provision of legal opinions and the drafting of contracts.

*Do you need to hold local nationality to be eligible to practise law?*

Article 12 of the Law on Advocacy reserves the title of lawyer to Omani nationals.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

According to Article 42, a lawyer must practise from a 'respectable office'. Omani lawyers may either be self-employed or may work in association with other lawyers in a civil company. The name of the law firm must use the name of one of the current or past partners of the firm.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Law No 108 contains further provisions on confidentiality, conflict and fees. There is no separate code of conduct.

# Oman

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Yes, they must also register in the table of 'Practising Lawyers' to be able to practise. The Minister of Justice and Islamic Affairs determines the requirements and procedures needed to obtain a licence.

*Which authority issues licences? Are there different authorities for individuals and firms?*

There is a committee on the entry of lawyers formed under the auspices of the Ministry of Justice. This committee is chaired by the under-secretary for legal affairs at the Ministry with a deputy chair who is Vice-President of the Magistrates Court and includes three Omani lawyers chosen by the Minister for two-year terms of office.

*Is the jurisdiction a member of the WTO?*

Oman joined the WTO on 9 November 2000.

*Has it made any commitments under GATS in legal services?*

Oman has made full GATS commitments on legal services in modes 1–3 for the practise of home country, third country and international law.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Oman is a party to the GCC and the Pan Arab Free Trade area and has a bilateral free trade agreement with the US.

*Do these currently include legal services or are there plans to include them in future?*

Oman has not included legal services in any of its bilateral trade agreements.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No.

*Are there any foreign law firms present in this jurisdiction?*

There are three UK and one US law firm, one German, one Jordanian and one Lebanese firm present in this market.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There are no explicit rules on temporary practice for lawyers.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Business visitors may obtain a visa of up to 90 days for business negotiations but not for the direct sale of services.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers are licensed to practise in Oman by the Ministry of Justice. Foreign lawyers holding professional cards may advise on Omani law and form professional companies with Omani lawyers.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Residency is not compulsory.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

A foreign lawyer who wishes to hold a professional card must have at least ten years of prior practice experience in his or her home country.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

There are no restrictions on the participation of foreign lawyers in arbitration and mediation proceedings.

# Oman

*Are foreign lawyers allowed to appear in court under any circumstances?*

Lawyers from other Arab countries may plead jointly before the Omani courts with an Omani lawyer, provided reciprocal conditions apply in the Arab lawyer's home jurisdiction and after gaining the permission of the President of the Court.

*Can foreign lawyers requalify as local lawyers?*

Requalification is not possible due to the nationality provision in the law.

*Can a foreign law firm obtain a licence to open an office?*

Foreign law firms may open offices in Oman. If they wish to practise law they must obtain a licence from the Ministry of Justice.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Some of the foreign law firms present in Oman have established separate branch offices of their international firm alongside associate law offices. The former must fulfil the ordinary company registration procedures and are not able to practise law.

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)*

The only licence available to foreign law firms to practise law is a partnership between Omanis and foreign lawyers.

*Is there a quota on the number of licences available?*

There is no quota on the number of licences available.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

There are no restrictions on the number of licences or branches a foreign law firm may have jointly with Omani lawyers but individual licensed lawyers must designate their place of work in the register.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

There are no restrictions on the scope of practice for a foreign law firm as licensing for activities is granted to individuals and both foreign and Omani lawyers may work together.

*Are there restrictions on the corporate form a foreign law firm can take?*

Foreign law firms may establish under a range of structures depending on the services they wish to provide. If they wish to provide any of the reserved legal services however they must do so through a joint partnership with an Omani registered lawyer.

*Are there rules about the name a foreign law firm can take?*

A joint law firm established between Omani and Non-Omani lawyers must contain the name of an Omani partner.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

The licence is granted by the Lawyers Affairs Department of the Ministry of justice, which sets out clearly on its website the requirements for licensing,

[www.oman.om/wps/portal/!ut/p/c1/04\\_SB8K8xLLM9MS\\_SzPy8xBz9CP0os3hjA3cDA39LT18Tp0AXAyMvI2\\_TYEdjI4NgE\\_1wkA6zeAMcwNEAlg83wTvE19HAyDjMzcvSx8zYxcVE388jPzdVvyA7O83RUVERAJhepzc!/dl2/d1/L2dBISEvZ0FBIS9nQSEh/?WCM\\_GLOBAL\\_CONTEXT=/wps/wcm/connect/en/site/home/gov/gov1/gm/moj/](http://www.oman.om/wps/portal/!ut/p/c1/04_SB8K8xLLM9MS_SzPy8xBz9CP0os3hjA3cDA39LT18Tp0AXAyMvI2_TYEdjI4NgE_1wkA6zeAMcwNEAlg83wTvE19HAyDjMzcvSx8zYxcVE388jPzdVvyA7O83RUVERAJhepzc!/dl2/d1/L2dBISEvZ0FBIS9nQSEh/?WCM_GLOBAL_CONTEXT=/wps/wcm/connect/en/site/home/gov/gov1/gm/moj/)

## Oman

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

There must be at least one Omani partner in a law firm.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

By Law No 108 lawyers are not permitted to work for businesses or individuals, so a practising lawyer would only be able to be employed in a registered law firm.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

According to Article 5 of Law No 108, foreign lawyers and Omani lawyers may establish a joint company.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

An Omani lawyer may employ a non-Omani, provided the latter has at least ten years prior experience and is registered with the Ministry of Justice.

*Other useful sources or comments or links*

The Government of Oman e-portal – [www.oman.om](http://www.oman.om)

# Pakistan

*Is there legislation governing the legal sector?*

Legal Practitioners and Bar Councils Act 1973 (the 'Act'), and Pakistan Legal Practitioners and Bar Councils Rules 1976 (the 'Rules').

*Under what title do lawyers practise?*

Advocate (there are four classes of advocate: senior advocates of the Supreme Court, advocates of the Supreme Court, advocates of the High Court and advocates (section 21 of the Act).

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

A person is eligible for enrolment as an advocate if he/she is: a citizen of Pakistan or deriving nationality from the State of Azad Jammu and Kashmir, or a national of any other country, who has resided in Pakistan for one year; at least 21 years of age; be a barrister or have obtained a Bachelor's degree in any subject other than law and a degree in law from a university in or outside Pakistan, recognised by the Pakistan Bar Council; has undergone training and passed an examination prescribed by the Pakistan Bar Council; has paid an enrolment fee; and fulfils such other conditions as may be prescribed by the Pakistan Bar Council (section 26 of the Act).

The Rules stipulate that, before being admitted as an Advocate, an applicant is required to submit, inter alia, satisfactory evidence of their date of birth, two testimonials from advocates of ten years standing as to the character and conduct of the applicant, an affidavit stating fully, truly and accurately if any criminal proceedings or other misconduct were instituted against them, and a certificate of training from the advocate in whose Chamber they have worked (this is because the applicant must have undergone training, after taking the LL.B (Part-III) Examination, for six months, in a Chamber of an advocate of not less than ten years standing at the bar. The Applicant must also pass the written examination with mark of 50 per cent and above, and pass the viva voce examination. A person is exempt from the training and the viva voce examination, if: they have received an LL.M or Bar-at-Law degree; have held a judicial office for at least five years or a post, for the same period, the duties whereof entailed interpretation or drafting of laws; or if they have been enrolled, outside Pakistan, and practised there for at least one year.

A person is qualified for admission as an advocate of the High Court, if they have: practised as an advocate in the subordinate Courts in Pakistan for a period of not less than two years; practised outside Pakistan as an advocate before any High Court recognised by the Pakistan Bar Council; or for reasons of their legal training or experience,



## Pakistan

been exempted from two years practise in the subordinate Courts, by the Bar Council, with the previous approval of the High Court; and paid the enrolment fee.

A person shall be qualified to be admitted as a senior advocate of the Supreme Court and an advocate of the Supreme Court including an advocate on-record if they fulfil such conditions as may be laid down in this regard from time to time by the rules established by Pakistan Bar Council and has paid such enrolment fee or other dues as may be prescribed by that Council (section 28 of the Act). Under the Rules, such person shall also provide, inter alia, a certificate from a Provincial Bar Council to the effect that the applicant is an enrolled advocate of the High Court concerned, they were not convicted for an offence of professional and other misconduct, a certificate from the High Court concerned that they are a fit and proper person to appear and plead as an advocate before the Supreme Court of Pakistan, an affidavit by the applicant that they are eligible and not disqualified from practice as an advocate of the Supreme Court and that they have not been convicted an offence of professional or other misconduct and no such case is pending before any Bar Council and a list of selected cases conducted by the applicant in the High Court.

Disqualification for admission/enrolment. Section 28(A) of the Act): 'A person shall be disqualified for being admitted as an advocate if he was dismissed or removed from the service of the government or public statutory corporation on a charge involving misconduct or moral turpitude or he has been convicted, on a charge involving moral turpitude or he has been declared a tout and such declaration has not been withdrawn.'

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Advocates of the Supreme Court and High Court have rights of audience throughout Pakistan, ordinary Advocates only have rights in their home province up to but not including the High Court.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

Section 22 of the Act provides that 'no person shall be entitled to practise the profession of law unless he is an Advocate'. Advocates of the Supreme Court may appear in any court or tribunal in Pakistan, advocates of the High Court may appear in any court or tribunal except the Supreme Court and any other advocate may appear in the courts or tribunals of the province in which he is admitted apart from the High Court.

*Do you need to hold local nationality to be eligible to practise law?*

The Act contains a requirement for nationality of either Pakistan or the disputed State of Jammu and Kashmir. An exception is made for foreign nationals who have resided

# Pakistan

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

in Pakistan for a year prior to application and who come from a country in which 'citizens of Pakistan duly qualified are permitted to practise law'.

There is no mention of the form in which advocates may practise; there many lawyers who practise as sole practitioners while many law firms also exist in Pakistan including a number of purely corporate commercial firms with multiple partners and lawyers. The legal form of these law firms is assumed to be partnership but is generally undisclosed.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Rules contain the Canons of Professional Conduct and Etiquette of Advocates, which include provisions on duty to the court, conflicts of interest, duty to clients etc.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

No.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Under sections 23–25 of the Act (as amended), advocates and advocates of the High Court are entered on the rolls of the relevant provincial bar council and the Pakistan Bar Council maintains the roll of Supreme Court advocates.

*Is the jurisdiction a member of the WTO?*

Pakistan joined the WTO on 1 January 1995.

*Has it made any commitments under GATS in legal services?*

Pakistan has made no commitments on legal services under the GATS.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Pakistan has bilateral agreements with China, Malaysia and Sri Lanka and is a member of the South Asian Free Trade Area (SAFTA). Its bilateral agreements encourage the negotiation of mutual recognition agreements in the area of professional and technical qualifications.

*Do these currently include legal services or are there plans to include them in future?*

Pakistan's agreement with China includes legal services.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Pakistan has made commitments to China in its FTA, which bind the level of access it provides to foreign nationals. These commitments require a one-year residency for non-nationals and make the practise of law subject to mutual recognition of legal practitioners with China. Foreign equity investment in mode 3 is limited to 60 per cent.

*Are there any foreign law firms present in this jurisdiction?*

No.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Any person can provide legal consultancy, but a foreign lawyer cannot practise law and appear in courts or otherwise formally plead cases unless they have been licensed to practise law in Pakistan. Foreign lawyers can form law firms in Pakistan as long there is 40 per cent

# Pakistan

<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	Pakistani equity within five years of an initial investment. A lawyer may apply for a business visa which requires a letter of invitation from a local organisation in Pakistan.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no formal foreign legal consultancy regime in Pakistan.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	n/a
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	n/a
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No.
<i>Can foreign lawyers requalify as local lawyers?</i>	A person who is a national of any other country who has resided in Pakistan for a period of not less than one year immediately preceding the day on which he or she applies for admission, may be admitted as an Advocate if citizens of Pakistan duly qualified are permitted to practise law in that other country.
<i>Can a foreign law firm obtain a licence to open an office?</i>	In theory, although the acceptability of a foreign legal consultancy business has not been tested, probably because of the minimum investment requirements in such a business. It is also possible for foreign businesses to open representative offices but their expenses must be met by remittances from abroad and the scope of their activities is limited to the undertaking of liaison work and representation of the interests of the parent company. Also, the lawyers employed by such firms must be enrolled advocates and, in the case of foreign lawyers, they will not be allowed to plead but only provide consultancy services. Thus, the licence relevant in this situation shall be of the advocates employed to practise in courts of Pakistan, and foreign equity of shares shall be limited to 60 per cent in such a firm.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	The general rules governing investment in the service sector require prior permission or license from the concerned agencies. One hundred per cent foreign equity allowed on repatriable basis but the amount of any foreign equity investment in the company/project shall be at least US\$0.15m. The minimum share of the local (Pakistani) partner in a joint venture will be 60:40 for the service sector. Hence, foreign lawyers can form law firms in

# Pakistan

	Pakistan as long as there is 40 per cent Pakistani equity within five years of an initial investment.
<i>Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	n/a
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	There is a 60 per cent cap on foreign equity ownership in the service sector.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	There appears to be no restriction in the law.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	There is no coverage of this point in the legislation.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	There is no prohibition against the employment of foreign lawyers although they would not be able to practice as Advocates, and can provide consultancy only.
<i>Other useful sources or comments or links</i>	Pakistan Bar Council: <a href="http://pakistanbarcouncil.org">pakistanbarcouncil.org</a>
<i>Verified by</i>	Pakistan Bar Council (October 2013)

# Panama

*Is there legislation governing the legal sector?*

Law 9 (18 April 1984), as amended by Law 8 (1993).

*Under what title do lawyers practise?*

Abogado.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

Admission as a lawyer is open to Panamanian citizens holding law degrees from a Panamanian law school (or a law school from a Spanish-speaking country recognised by the University of Panama) who have been accepted by the General Affairs Section of the Supreme Court. Membership of a Panamanian bar association is a requirement for the practise of litigation but not for the general practice of law.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Yes.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

Only Panamanian lawyers have rights of audience in court and can provide advice on Panamanian law.

*Do you need to hold local nationality to be eligible to practise law?*

Yes.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

The practice of law through a corporation (limited liability company) or other commercial entities is prohibited. Lawyers may only practise law through partnerships, which shall be incorporated solely for this purpose by duly qualified lawyers.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The National Law Society (Colegio Nacional de Abogados) has adopted a code of ethics.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There is no explicit law firm licensing regime that regulates these arrangements.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Supreme Court of Justice.

*Is the jurisdiction a member of the WTO?*

Panama joined the WTO on 6 September 1997.

*Has it made any commitments under GATS in legal services?*

Panama has made commitments in modes 1 and 2 for legal consultancy on international law and the law of the jurisdiction in which the service supplier is qualified as a lawyer. This does not include Panamanian law nor appearance in courts or administrative, judicial, maritime or arbitral authorities in Panama, nor the drafting of legal documents.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Panama has bilateral trade agreements with: Canada, Singapore, US, Taiwan, Peru and Chile. Panama has also signed the plurilateral Central America Treaty and through this has trade agreements with: Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua and the EU.

*Do these currently include legal services or are there plans to include*

Under the GATS, Panama made full specific commitments

## Panama

*them in future?*

guaranteeing market access and national treatment for the supply of consultancy services on international law, although it did not bind commitments on the supply of such services through the presence of natural persons in Panama. It did not accept commitments relating to legal services other than consultancy on international law.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No.

*Are there any foreign law firms present in this jurisdiction?*

No, but there are some foreign lawyers working in Panamanian firms as legal consultants.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There are no regulatory restrictions on foreign lawyers working on 'fly-in fly-out' transactions.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Yes.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers can advise exclusively on international law and the laws of the jurisdiction in which the foreign attorney is qualified. A foreign lawyer does not need to obtain a limited licence entitling him/her to offer advisory services in foreign and international law (become a foreign legal consultant).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

'According to Panamanian Law 9 of 18 April 1984 which regulates the profession of lawyers only Panamanian citizens can practise Panamanian law. Representing a party in arbitration is considered as acting as a lawyer, according to Article 4(1) of the mentioned law. The Arbitration Law is mute in this topic but generally held opinion is that foreign lawyers may act as co-counsel to Panamanian attorneys.'

*Are foreign lawyers allowed to appear in court under any circumstances?*

No.

*Can foreign lawyers requalify as local lawyers?*

No, only Panamanian nationals can qualify as Panamanian lawyers.

*Can a foreign law firm obtain a licence to open an office?*

There is no explicit foreign law firm licensing regime which regulates these arrangements.

*Even if a foreign law firm does not require a legal licence must they*

It is necessary to hire a local lawyer to serve as Resident Agent of the corporation and prepare its Articles of Association and



## Panama

<i>register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	then register at the Mercantile Division of the Public Registry.
<i>Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	Foreign lawyers can only advise on their home country law and international law.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Panama has a liberal regime for foreign businesses who do not need to obtain licenses in order to commence operations, only complete the requirements set out in the government business portal Panama Emprende: <a href="http://www.panamaemprende.gob.pa/publico.php?pag=quienesomos">www.panamaemprende.gob.pa/publico.php?pag=quienesomos</a> .
<i>Are there rules about the name a foreign law firm can take?</i>	See above.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No – although foreign lawyers are not permitted to be partners in law firms containing <i>abogados</i> .
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	No.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes, although the foreign lawyer would not be regarded as a lawyer and would have no right to appear before the Panamanian courts. Outside of the courts, the general practice of law is not restricted.
<i>Other useful sources or comments or links</i>	Colegio Nacional de Abogados de Panama: <a href="http://www.cnapanama.com">www.cnapanama.com</a> . Panamanian law on lawyers: <a href="http://www.lawyers-abogados.net/en/Resources/pma/translation-law9-1984-practice-law.htm#ARTICLE_1">www.lawyers-abogados.net/en/Resources/pma/translation-law9-1984-practice-law.htm#ARTICLE_1</a> .



# Paraguay

*Is there legislation governing the legal sector?*

Decree No 17.296 of 2 March 1943.

*Under what title do lawyers practise?*

Abogado.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

Under Article 6 of the Statute of the Colegio de Abogado, in order to be a practising lawyer, an individual must meet the following requirements: (1) hold a qualification and be registered for the exercise of the profession; (2) not hold an incompatible public office; (3) not be affected by incompatibilities or disabilities that prevent the exercise of the profession; (4) be of good character; and (5) be current in the payment of membership fees.

The Supreme Court maintains the register of practising lawyers.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The licence to practise is a single licence but Paraguayan *abogados* can only be registered in one city.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

Only Paraguayan lawyers have rights of audience in court and can provide advice on Paraguayan law.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Lawyers may work as sole practitioners or in partnerships.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Colegio has promulgated a code of ethics.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There is no law-firm licensing regime.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Supreme Court of Justice.

*Is the jurisdiction a member of the WTO?*

Paraguay joined the WTO on 1 January 1995.

*Has it made any commitments under GATS in legal services?*

Paraguay has made no commitments on legal services under the GATS.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Paraguay is party to the Mercosur agreement with India. This only covers trade in goods.

*Do these currently include legal services or are there plans to include them in future?*

No.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No.

*Are there any foreign law firms present in*

The Uruguayan firm Ferrere has an office in Paraguay

# Paraguay

<i>this jurisdiction?</i>	which is staffed entirely by Paraguayan qualified lawyers.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?</i>	There is no requirement to register for activities permitted on a fly-in, fly-out basis.
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	Lawyers may obtain business visas to enter Paraguay for business purposes but must not earn money in Paraguay.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no foreign legal consultant licensing regime. The practice of law is not regulated outside of the courts.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	n/a
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	n/a
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Paraguay's arbitration law is modelled on UNCITRAL and does not require arbitrators to be nationals nor to be lawyers.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No.
<i>Can foreign lawyers requalify as local lawyers?</i>	No.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	Paraguay has a liberal regime for foreign investment and a foreign company may establish as a branch of a foreign organisation or as a local commercial company or partnership.
<i>Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	There are no rules governing the practice of law outside the courts.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a

## Paraguay

<i>Are there rules about the name a foreign law firm can take?</i>	There are no specific rules relating to the use of names by law firms apart from compliance with the general legislation on company names.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	n/a
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	n/a
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes although the foreign lawyer would not be regarded as a lawyer and would have no right to appear before the Paraguayan courts. Outside of the courts, the general practice of law is not restricted.
<i>Other useful sources or comments or links</i>	Colegio de Abogados del Paraguay: <a href="http://www.colegiodeabogados.org.py">www.colegiodeabogados.org.py</a> .

## People's Republic of China (PRC)

*Is there legislation governing the legal sector or the practise of law? (Please give title eg Legal Practice Act)*

Lawyers Law 2012.

*Under what title do lawyers practise?*

Lawyer.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

Lawyers Law 2012 – Chapter II

A person who intends to apply for the legal practice of a lawyer shall meet the following conditions: (1) upholding the Constitution of the People's Republic of China; (2) having passed the unified national judicial examination; (3) having completed a full year's internship at a law firm; and (4) being a person of good character and conduct.

For persons who did not sit for the unified national judicial examination, but obtained the lawyer's qualification certificate before the unified national judicial examination was initiated shall be equally effective as the qualification certificate obtained after passing the unified national judicial examination.

A person engaged in teaching or research in law in a tertiary institute or a research institute who meets the conditions stated above may, upon the consent of the employer, applies for a licence to practise law as a part-time lawyer in accordance with the due procedure prescribed in the Lawyers Law 2012.

An applicant must submit the following documents: (1) the qualification certificate obtained after passing the unified national judicial examination; (2) documents prepared by the lawyers association showing that the applicant has passed the examinations taken upon completion of the internship; (3) the identity certification of the applicant; and (4) documents produced by a law firm showing that it agrees to recruit the applicant.

A person who applies to practise law as a part-time lawyer shall, in addition, submit the document certifying that the employer agrees to the applicant for practising law as a part-time lawyer. A lawyer shall practise law only in one law firm. When he or she intends to work in a different law firm, they shall apply for a new lawyer's practise certificate.

*Does this licence entitle the holder to practise throughout the country? Please explain the jurisdictional limits (eg state limitations etc.)*

Yes.

*Are there certain activities that are 'reserved' for those who are licensed to practise law in the jurisdiction?*

A person who has not obtained a lawyer's practise certificate shall not provide legal services in the name of lawyer; and he/she shall not act as agent *ad litem* or defender, unless otherwise provided for by law.

## People's Republic of China (PRC)

*Do you need to hold local nationality to be eligible to practise law?*

Yes.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A law firm is an organisation in which lawyers practise law. A law firm may be established in forms of partnership, sole practitioner, or state-owned firm. A partnership law firm may adopt the forms of general partnership or special general partnership. A lawyer may work as a sole partner if he or she has five years' experience in the firm and as a practising lawyer in a law firm. There is full liability.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

See administrative *Regulations on Lawyers Practice* issued by the Ministry of Justice. They contain rules governing confidentiality and client relations.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Yes. Law firms must apply 'to the judicial administration department of the people's government of a city divided into districts or of a district of a municipality directly under the Central Government.'

*Which authority issues licences? Are there different authorities for individuals and firms?*

The judicial administration department of the people's government of a province, autonomous region or municipality directly under the central government shall issue the licences to the eligible applicants.

*Is the jurisdiction a member of the WTO?*

Yes.

*Has it made any WTO commitments on legal services?*

Yes – GATS/SC/135/Corr.1

Foreign law firms can provide legal services only in the form of representative offices in Beijing, Shanghai, Guangzhou, Shenzhen, Haikou, Dalian, Qingdao, Ningbo, Yantai, Tianjin, Suzhou, Xiamen, Zhuhai, Hangzhou, Fuzhou, Wuhan, Chengdu, Shenyang and Kunming only. All representatives shall be resident in China no less than six months each year. The representative office shall not employ Chinese national registered lawyers.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

PRC has FTA and/or economic cooperation agreements with the following countries: Pakistan, Chile, New Zealand, Singapore, Peru, Hong Kong (CEPA), Macau (CEPA), Costa Rica, Iceland, Switzerland,

*Do these currently include legal services or are there plans to include them in future?*

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from Hong Kong and Macao receive special treatment:

- Hong Kong and Macao law firms are permitted to enter into alliances with local PRC law firms;

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- Hong Kong and Macao residents are permitted to take the bar exam in mainland China, and obtain a PRC practising licence;
- Hong Kong and Macao residents with PRC practising licenses are able to act for clients in non-litigation matters and litigation cases related to Hong Kong /Macao related marriage or inheritance.

*Are there any foreign law firms present in this jurisdiction?*

There are over 200 licensed foreign law offices in China

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There is no specific requirement. Foreign legal secondees will often apply for a business visa to allow them to work in PRC.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Yes. See: [www.china-embassy.org/eng/hzqz/zgqz/t84247.htm](http://www.china-embassy.org/eng/hzqz/zgqz/t84247.htm).

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No, unless employed by a foreign law firm's representative office in China and registered as a representative.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Visa limits apply. In

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

If a person applies for a business visa, normally there are no specific restrictions on their experience. If secondees apply for an employment visa in China, they will need to apply in the capacity of 'representative', which requires them to meet certain conditions, such as, he or she is a qualified lawyer with at least two years practising experience.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

No.

*Are foreign lawyers allowed to appear in court under any circumstances?*

No.

*Can foreign lawyers requalify as local lawyers?*

No.

*Can a foreign law firm obtain a licence to open an office?*

Yes. Foreign law firms can provide legal services only in the form of representative offices in Beijing, Shanghai, Guangzhou, Shenzhen, Haikou, Dalian, Qingdao, Ningbo, Yantai, Tianjin, Suzhou, Xiamen, Zhuhai, Hangzhou, Fuzhou, Wuhan, Chengdu, Shenyang and Kunming only.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Approval required from Ministry of Justice and local Bureaus of Justice.

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture,*

Foreign law firms are not permitted to set up JVs with local PRC firms. Non-financial integrated association,

## People's Republic of China (PRC)

*standalone foreign licence etc.)*

alliance, and cooperation is not prohibited.

*Is there a quota on the number of licences available?*

There is no formal quota.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

Foreign law firms can provide legal services only in the form of representative offices in Beijing, Shanghai, Guangzhou, Shenzhen, Haikou, Dalian, Qingdao, Ningbo, Yantai, Tianjin, Suzhou, Xiamen, Zhuhai, Hangzhou, Fuzhou, Wuhan, Chengdu, Shenyang and Kunming only.

In order to open a second office a firm must have had its first office present for three years; and so on.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?*

Foreign firms are prohibited from employing any PRC practising lawyers in China. PRC qualified lawyers employed by foreign firms cannot obtain a local practising certificate. They can only be employed with the title of 'legal consultant', rather than in the capacity of a PRC practising lawyer.

*Are there restrictions on the corporate form a foreign law firm can take?*

Foreign law firms are not permitted to set up JVs with local PRC firms. Non-financial integrated association, alliance, and cooperation is not prohibited.

*Are there rules about the name a foreign law firm can take?*

It must be approved by the Ministry of Justice.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

Ministry of Justice: [www.moj.gov.cn](http://www.moj.gov.cn).

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes. But not as a PRC practising lawyer.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

No.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

PRC law has no restriction in this regard.

*Other useful sources or comments or links*

*Verified by*

Minter Ellison (Shanghai Office) (November 2013).



## Peru

*Is there legislation governing the legal sector?*

The 1997 Código de Ética y Responsabilidad Profesional del Abogado (Code of Ethics and Professional Responsibility for Lawyers), updated in 2012. This Code regulates all bar associations in the country, in every field of the practice of law. To practise law in Peru it is a requirement to be a member of a bar association in the country.

*Under what title do lawyers practise?*

*Abogado/a* – translated as ‘lawyer’.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

The requirements for admission to practise are a five-year university education, followed by registration with the Asamblea Nacional of Rectores and the Superior Court of Lima and incorporation into a Bar Association of Peru.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

No limits on practice within the country. Registration is with regional bar associations but you do not need to work in the region you register.

*Are there certain activities that are ‘reserved’ for those who are licensed to practise law in the jurisdiction?*

Only Peruvian lawyers have rights of audience in court and can provide advice on the law of Peru.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

The ethical rules in Peru do not appear to prevent lawyers from adopting any particular legal form for conducting their business; however in practice, most lawyers practise either as sole practitioners or in general partnerships.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

A code of ethics was adopted by the Junta de Decanos de los Colegios de abogados del Peru on 14 April 2012.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There is no explicit foreign law firm licensing regime that regulates these arrangements.

*Which authority issues licences? Are there different authorities for individuals and firms?*

In Peru the responsibility of licensing lawyers is held by the local bar associations (*colegios de abogados*).

*Is the jurisdiction a member of the WTO?*

Peru has been a member of the WTO since 1 January 1995.

*Has it made any WTO commitments on legal services?*

Peru has made no commitments on legal services in the GATS.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Peru has bilateral trade agreements with: Canada, EFTA, Japan, Panama, Chile, China, Republic of Korea, Mexico, Singapore, and the US. Peru is an associate member of Mercosur.

*Do these currently include legal services or are there plans to include them in future?*

None of its bilateral agreements include legal services.

## Peru

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No.

*Are there any foreign law firms present in this jurisdiction?*

The Spanish firm Uría Menéndez and the legal arms of the large accountancy networks (PWC legal and Ernst and Young) have for some time been the only foreign firms with a foothold in Peru. Baker and McKenzie recently tied up with a local firm.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There is no requirement to register for activities permitted on a fly-in, fly-out basis.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Yes, nationals of all countries except Brazil require a business visa.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer does not need to obtain a limited license entitling them to offer advisory services in foreign and international law (ie, become a foreign legal consultant).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

There are no additional requirements.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

There are no limits for a foreign lawyer to act as counsel in any case (domestic or international). Article 37, paragraph 4, Arbitration Act.

*Are foreign lawyers allowed to appear in court under any circumstances?*

No, not without requalifying.

*Can foreign lawyers requalify as local lawyers?*

'A foreign lawyer can obtain a full licence to practise law in this jurisdiction. For purposes of the professional practice in Peru by foreign graduates in law, Peruvian domestic legal framework establishes as a first condition the recognition and validation of degrees issued by foreign universities. The National Assembly of Rectors recognizes the degrees, diplomas or educational certificates obtained in countries with which Peru has signed International Agreements for the Recognition of Degrees issued by foreign universities. These countries are the following: Argentina, Bulgaria, Bolivia, Colombia, Costa Rica, Cuba, Chile, China, Ecuador, El Salvador, Spain, Guatemala, the Holy See, Honduras, Hungary, Mexico, Nicaragua, Panama, Paraguay, Romania, Russia, Ukraine, Uruguay and Venezuela.

For the recognition and validation of degrees from foreign countries with which Peru has not signed

## Peru

	<p>International Agreements for the Recognition of Degrees, these degrees must be validated by one of the universities (21 universities established nationwide) authorised by the National Assembly of Rectors.</p> <p>In addition to the recognition of the foreign degree, a foreign lawyer who wants to practise in Peru must be incorporated at a regional Bar Association.</p> <p>The regulation applicable for the issuance of full licenses is contained in the Statutory Rules of the Lima Bar Association.'</p>
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no explicit foreign law firm licensing regime which regulates these arrangements. Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	Legal services are not included in the list of sectors for which foreign investment requires prior approval.
<i>Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law) If so, what are they?</i>	Not beyond the requirements on individual foreign lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	There are no additional requirements on law firms beyond those imposed on foreign companies in general.
<i>Are there rules about the name a foreign law firm can take?</i>	There are no specific rules relating to use of names by lawyers or law firms, apart from compliance with the general Peruvian legislation on trade marks.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes.

## Peru

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

For links to licensing bodies including regional bars in Peru: Bar Association of Lima: [www.cal.org.pe](http://www.cal.org.pe).

# Poland

*Is there legislation governing the legal sector?*

The Law on Advocates (*ustawa z dnia 26 maja 1982 r. – Prawo o adwokaturze*; Act of Parliament on Legal Advisers (*ustawa z dnia 6 lipca 1982 r. o radcach prawnych*).

*Under what title do lawyers practise?*

*Adwokat* (advocate) and *radca prawny* (legal adviser).

*How does an individual lawyer obtain a 'licence' to practise law? How often must this be renewed?*

In order to obtain a licence to practise in Poland, an individual must have: (1) Completed higher legal studies in the Polish Republic and received a master's degree or foreign law degree recognised in the Polish Republic; and (2) passed the bar examination set either by the Polish Bar Council or National Chamber of Legal Advisers. There are several ways to gain admission to the bar, including: three years of training followed by the bar exam; five years of legal professional experience followed by the bar exam; a PhD in law followed by either the bar exam or three years of legal professional experience; or possession of high academic qualifications in legal sciences.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise at a sub-national level, please explain the jurisdictional limits*

The licence to practise in Poland is national.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Advocates have the exclusive right of audience in court on criminal matters and tax crime. Advocates and legal advisers share the reserved rights to provide legal advice to businesses, agencies and individuals, prepare legal opinions, draft legislation and represent clients in court for non-criminal matters.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

An advocate can practice his/her profession in an advocates' office (*kancelaria*), Bar Association (*zespół adwokacki*) or through a registered partnership (*spółka jawna*), civil law partnership (*spółka cywilna*), professional partnership (*spółka partnerska*) or limited partnership (*spółka komandytowa*) with the exclusive participation of advocates or both advocates and legal advisers (*radca prawny*) including as general partners in a limited partnership (*spółka komandytowa*), and as well as foreign lawyers with a permanent practice pursuant to the law dated 5 July 2002 on the provision of legal assistance by foreign lawyers in the Republic of Poland (*Journal of Laws no. 126 item 1069*). The sole object of the partnership's activities must be the provision of legal services. Legal advisers may work as sole practitioners or in law firms. A legal adviser may exercise his or her profession within the framework of an employment contract, on the basis of a civil law agreement, in a legal counsel's office as well as in a private, general or limited partnership, while only legal

# Poland

counsels and attorneys at law and foreign lawyers performing regular practice pursuant to the Act dated 5 July 2002 on the Provision of Legal Assistance by Foreign Lawyers in the Republic of Poland (*Journal of Laws No 126 item 1069*) may be partners in a private, general or limited partnership or general partners in a limited partnership, and the sole area of activity of such partnerships shall be limited to providing legal assistance.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Legal advisers must comply with the code of conduct set out by the National Council of Legal Advisers. Advocates must adhere to the code of ethics for advocates drawn up by the Polish Bar Council.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Law firms do not require separate licences to operate but advocates and legal advisers must register their practising address with their local bar.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Polish Bar Council issues licences to advocates and the National Council of Legal Advisers licenses legal advisers.

*Is the jurisdiction a member of the WTO?*

Poland joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Poland has made commitments in modes 1–3 for legal services as defined by UN CPC 861 and is covered by the EU's commitments. The establishment of a commercial presence to supply legal services is subject to authorisation and nationality restrictions for local law.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

As a member of the EU, Poland extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Poland is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at

[www.wto.org/english/tratop\\_e/region\\_e/rta\\_participation\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&sense=s)).

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's Free Trade

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Agreements (FTAs) with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (The Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Polish as well as foreign and international law and can requalify as a Polish *adwokat* or *radca prawny*. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice and may not requalify.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are around 25–30 foreign law firms established in Poland, including UK, US, German, Spanish, French, Portuguese and Austrian firms.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

EEA lawyers may practise temporarily as a result of the Lawyers Services Directive (77/249/EEC). Under Article 42 and subject to reciprocity, unless the international agreements ratified by the Republic of Poland or the provisions of the international organisations the Republic of Poland is a member thereto provide otherwise, a lawyer from outside the EU shall be entitled to provide cross-border services that consist exclusively of a representation in civil proceedings of a party being a national of or belonging to a state, in which the lawyer is authorised to practise the profession.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Poland is one of the 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa



# Poland

requirements. Work permits are issued exclusively for the definite period – up to one year, with a possibility of extension – to a given foreigner working at a specified employer. Market test requirement. No restrictions on business visits, up to three months, related to negotiating or concluding transactions if it does not involve direct provision of services

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers may practise under their home country title in their home country law or international law. EEA lawyers may additionally practise Polish law in association with Polish lawyers.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

All foreign lawyers must register with the Polish Bar or legal advisers, practise under his home title, comply with the advocates' code of conduct and must maintain adequate professional indemnity insurance.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

An EEA lawyer must hold EEA nationality and an EEA legal qualification.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Poland's law on arbitration is modelled on UNCITRAL. Foreign arbitrators are permitted to practise freely.

*Are foreign lawyers allowed to appear in court under any circumstances?*

EU/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals may only appear in court in limited circumstances.

*Can foreign lawyers requalify as local lawyers?*

EU lawyers may fully requalify as Polish lawyers following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three-year period of continuous and effective practice in Poland.

*Can a foreign law firm obtain a licence to open an office?*

There is no law firm licensing regime for foreign law firms however all foreign law firms, whether from the EEA or not, must register with the local bar.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

Foreign law firms must either be established as general or limited liability partnerships.

*Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)*

No.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg,*

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

## Poland

*home, host, international law). If so, what are they?*

*Are there restrictions on the corporate form a foreign law firm can take?*

EEA law firms are subject to the same rules on corporate form as local law firms. Foreign law firms must either take the form of general or limited liability partnerships.

*Are there rules about the name a foreign law firm can take?*

The Establishment Directive (98/5/EC) makes it clear that EU law firms may use the name of their law firm they use in their home country. The host Member State may require that, in addition mention is made of the legal form of the grouping in the home Member State and/or of the names of any members of the grouping practising in the host Member State.

*What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.*

Law firms from the EEA must register with the Polish Bar or Council of Legal Advisers.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

There are no restrictions on the ownership share of EEA lawyers in a Polish law firm. Foreign law firms may be 100 per cent owned by foreign lawyers.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

There is no prohibition on employment of a Polish lawyer by an EEA lawyer or law firm.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

A Polish lawyer may enter a partnership with a foreign lawyer.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes but only under their home title.

*Other useful sources or comments or links*

Naczelna Rada Adwokacka – The Polish Bar Council

[www.nra.pl](http://www.nra.pl)

Krajowa Rada Radców Prawnych – National Council of Legal Advisors

[www.kirp.pl](http://www.kirp.pl)

# Portugal

*Is there legislation governing the legal sector?*

Law 49/2004 of 24 August: Lawyers' Act.

*Under what title do lawyers practise?*

*Advogado* (lawyer) or *solicitadore* (legal agent).

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

Only persons holding a Licence (*cédula profissional*) may practise the profession of lawyer in Portugal. The following requirements must be fulfilled to obtain a licence to practice: (1) An undergraduate degree (*Licenciatura*) in Law; and (2) Registration as a member of the Portuguese Bar Association (*Ordem dos Advogados*).

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The licence to practise in Portugal is national but lawyers must register in the district in which they have their office.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The following activities are reserved to lawyers in Portugal by Law No. 49/2004 of 24 August (Article 1): preparation of contracts and preparatory acts leading to the establishment, modification or termination of legal transactions, including those charged with the registries and notaries; negotiating for the recovery of credits; the exercise of a mandate in the context of a complaint or contesting administrative or tax acts.

The exercise of a mandate in the context of a complaint or contesting administrative or tax acts; legal advice (with *solicitadores*); preparation of contracts and the practise of preparatory acts leading to the establishment, modification or termination of legal transactions (with legal agents).

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Not regulated.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Law 15/2005 contains the Bar Association's Code of Conduct.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There is no licensing requirement for law firms in Portugal.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The *Ordem dos Advogados* (Portuguese Bar Association) is the competent authority for issuing licences to lawyers (the *cédula profissional*), see [www.oa.pt](http://www.oa.pt).

*Is the jurisdiction a member of the WTO?*

Portugal joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Portugal has signed up to the EU's GATS commitment of modes 1–3 in home country and public international law, although it has not committed mode 1 access where the

# Portugal

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

drafting of legal documents is concerned.

As a member of the EU, Portugal extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Portugal is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participation\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&sense=s)).

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's Free Trade Agreements (FTAs) with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (The Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Portuguese as well as foreign and international law and can requalify as a Portuguese advogado. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice and may not requalify.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are a small number of foreign firms established in Portugal including Spanish, UK and Brazilian firms.

## Portugal

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

The provision of temporary services in Portugal by a lawyer from a non-EU Member State under his/her home title is not permitted. EEA lawyers may practise temporarily as a result of the Lawyers Services Directive (77/249/EEC).

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Portugal is one of the 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers may practise in Portugal under their home country title in the law of their home country or public international law. EEA lawyers may establish under their home title and additionally practise local law in association with a Portuguese lawyer.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

An EEA lawyer must register with the relevant local bar in Portugal, practise under his home title and comply with the Portuguese code of conduct.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

An EEA lawyer must hold EEA nationality and an EEA legal qualification.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Under the 2011 Portuguese Arbitration Act, an arbitrator must be a natural person, have full legal capacity and must be independent and impartial. There is nothing to prevent foreign lawyers from undertaking arbitration.

*Are foreign lawyers allowed to appear in court under any circumstances?*

EU/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.

*Can foreign lawyers requalify as local lawyers?*

In order to be admitted as a Portuguese lawyer, an applicant must pass the Bar examination and be admitted to the Portuguese Bar Association. Foreign nationals with degrees from any law faculty in Portugal may become members of the Portuguese Bar Association, provided that their country grants reciprocity. Brazilian lawyers with degrees from any law faculty in Brazil may become members of the Portuguese Bar Association on the basis of reciprocity. Lawyers from other EEA Member States may either requalify by taking the Portuguese Bar examination or by continuous and effective practise in Portugal for a period of three years.

*Can a foreign law firm obtain a licence to open an office?*

There is no separate law firm licensing regime for foreign law firms. EEA law firms must however be registered.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up*

Authorisation is required for investments by non-EC companies.

# Portugal

*an office? (eg, with a ministry of company affairs etc.)*

*Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)*

No.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?*

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

*Are there restrictions on the corporate form a foreign law firm can take?*

EEA law firms are subject to the same rules on corporate form as local law firms.

*Are there rules about the name a foreign law firm can take?*

The Establishment Directive (98/5/EC) makes it clear that EU law firms may use the name of their law firm they use in their home country. The host Member State may require that, in addition mention is made of the legal form of the grouping in the home Member State and/or of the names of any members of the grouping practising in the host Member State.

*What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.*

EEA lawyers must register their offices with the local Portuguese bar in the area where they are established.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

There are no restrictions on the ownership share of EEA lawyers in a Portuguese law firm.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

There is no prohibition on employment of a Portuguese lawyer by an EEA lawyer or law firm.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

A Portuguese lawyer may enter partnership with an EEA lawyer.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes but only under their home title.

*Other useful sources or comments or links*

Ordem dos Advogados – [www.oa.pt](http://www.oa.pt).



# Qatar

*Is there legislation governing the legal sector?*

The Law on Lawyers, No. 23 of 2006.

*Under what title do lawyers practise?*

Qatari lawyers practise under a single title which may be translated as 'lawyer' or 'advocate'.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

According to Article 13 of Law no. 23/2006, practising lawyers must be registered in the table of lawyers. In order to register a lawyer must: (1) Be a Qatari citizen, or a citizen from another member of the Gulf Cooperation Council with reciprocal rights and who meets the approval of the Commission; (2) Have a degree in law from a recognised university; (3) Be in possession of full civil capacity and be at least 21 years old; (4) Be of good character; (5) Not have been convicted of a crime or offence involving moral turpitude unless rehabilitated; (6) To have completed the required training. Lawyers must enrol each year.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Qatari lawyers are entitled to practise throughout the country.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

According to Article 3 of Law no. 23, only registered lawyers may practise the legal profession. The practise of law is defined as pleading before the courts and administrative tribunals, provision of legal opinions and drafting of contracts.

*Do you need to hold local nationality to be eligible to practise law?*

The practise of law before the courts in Qatar is reserved to Qatari nationals.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A Qatari lawyer may either be self-employed or work in association with other lawyers in a civil company (Article 17)

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Article 45–60 of the Law on Lawyers, contains further high level requirements relating to advertising, conflicts, confidentiality, client money etc.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

According to Article 12, law firms must be registered and each individual lawyer in the law firm must also be registered in the appropriate table in the register (trainee lawyers, lawyers appearing before the Court of First Instance, lawyers appearing before the Court of Appeal, lawyers appearing before the Court of Cassation). There is also a table for non-practising lawyers.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The register of lawyers and law firms is maintained by the Ministry of Justice. Admission is determined by the Lawyers Acceptance Committee which is comprised of the Minister or his designate, representatives of the judiciary and of practising lawyers.



# Qatar

*Is the jurisdiction a member of the WTO?*

Qatar joined the WTO on 13 January 1996.

*Has it made any WTO commitments on legal services?*

Qatar has made no commitments on legal services in the WTO.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Qatar is party to the Gulf Cooperation Council and the Pan Arab Free Trade Area.

*Do these currently include legal services or are there plans to include them in future?*

Qatar has not included legal services in any of its bilateral trade agreements.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No, apart from the exemption on visa requirements for GCC lawyers.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are around 15 foreign law firms (mostly UK and US but including Swiss, French, Lebanese and Singaporean firms) with a presence in Qatar, most of whom are based in the Qatar Financial Centre.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Article 8 of the Law on Lawyers allows for a non-Qatari Lawyer who is licensed to practice law in his own country, to ask for permission to plead before the courts of Qatar in a particular case. Qatari law firms may also ask for permission to bring non-Qatari lawyers, to plead before the Court of Cassation. Permission may be granted by the Minister on a proposal from the Lawyers Acceptance Committee and on condition that the non-Qatari lawyer must appear in conjunction with a practising Qatari lawyer.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Business visas are available but not required for citizens of GCC countries or of the UK.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers who are working in registered international law firms in the jurisdiction of Qatar may be entered on the register. These lawyers are entitled to practise home, international and Qatari law, but not to appear in court, except in the limited circumstances prescribed by Article 8.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence?(eg, residency requirement)*

No residency requirement is mentioned in the legislation.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

A foreign lawyer must have three years of prior practice experience in his home country before he can be entered into the register of international lawyers.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Foreign lawyers may undertake arbitration in Qatar either through the QFC or through the Qatar International Centre for Arbitration.

*Are foreign lawyers allowed to appear in court under any circumstances?*

It is possible for a non- Qatari Lawyer who is licensed to practice law in his country, to ask for permission to plead before the courts of Qatar in a particular case. The right to

# Qatar

	appear will be determined by the Minister of Justice, in response to a proposal from the Lawyers Acceptance Committee, and must be done in conjunction with a practising Qatari lawyer.
<i>Can foreign lawyers requalify as local lawyers?</i>	Not unless they are nationals of another Member State of the Gulf Cooperation Council.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign law firms may obtain licences to practise law in Qatar either: (1) by establishing a firm in the jurisdiction of Qatar in accordance with the procedure set down in the Law of Lawyers, or (2) by establishing under the auspices of the free zone provided by the Qatar Financial Centre.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)</i>	The QFC licensing process offers a one-stop licence procedure for foreign law firms.
<i>Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)</i>	Foreign law firms, as a rule, obtain licences to operate from the QFC. Article 7 of the Law on Lawyers makes provision for the Minister of Justice to grant licences for global law firms with specialised expertise. These licences are granted for a five-year period and have tended to be very limited in number.
<i>Is there a quota on the number of licences available?</i>	There is no quota on the number of law firms that may establish with the QFC but the licensing process includes a requirement to submit a business plan which will need to set out, inter alia, what value the foreign firm will bring to Qatar.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	A foreign law firm operating on the basis of a licence from the QFC must ensure that all business it transacts in Qatar is conducted from its base in the QFC
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?</i>	Licences issued by the Minister of Justice set out the terms under which firms practising in Qatar may operate, in general terms this restricts international firms from appearing in court but allows them to advise on Qatari law. Firms established in the QFC operate on the basis of more limited licences and may not advise on Qatari law.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	If the foreign law firm is registered in the QFC, it will need to take one of the approved forms for non-regulated businesses, which include LLPs, LLCs and company structures. A foreign law firm operating in Qatar more generally may be a branch or a subsidiary office.
<i>Are there rules about the name a foreign law firm can take?</i>	There are no restrictions.
<i>What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.</i>	The Ministry of Justice: <a href="http://www.moj.gov.qa">www.moj.gov.qa</a> or the QFC: <a href="http://www.qfc.com.qa">www.qfc.com.qa</a> .

## Qatar

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Firms may be 100 per cent foreign owned whether established in the QFC or in the jurisdiction of Qatar.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Foreign law firms may not employ Qatari lawyers as they may only work for lawyers who are also on the lawyers' register. Although foreign law firms are registered, individual lawyers are not.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Foreign lawyers may not form partnerships with Qatari lawyers because such partnerships can only be formed between lawyers on the register.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Local lawyers could employ non-nationals to work with them.

*Other useful sources or comments or links*

[www.moj.gov.qa/](http://www.moj.gov.qa/).

## Republic of Korea

*Is there legislation governing the legal sector?*

Attorney-at-law act 2000 (as amended).

*Under what title do lawyers practice?*

변호사 (byeonhosa) – attorney at law.

*How does an individual lawyer obtain a 'license' to practice law? How often must this be renewed?*

To become a licensed lawyer in Korea, a candidate was traditionally required to pass the Korean Bar Examination and have completed the two-year training course at the Judicial Research and Training Institute. A new qualification system was introduced in 2009 with the enactment of the Law School Act. Under the new system, to become a licensed lawyer in Korea, a candidate must complete a graduate level law school programme (three years) at an approved university in Korea and have passed the Korean Bar Examination (new). The first candidates seeking to qualify under the new system graduated from law school in 2012. The two systems will operate concurrently until 2017 when the traditional qualification process will be phased out. Any person who has qualified to become a licensed lawyer and wishes to commence legal practice must register with the Korean Bar Association. Applications for registration must be submitted to the KBA through the local bar association with which the applicant intends to be affiliated.

The referring local bar association may comment in writing to the KBA on the applicant's eligibility for registration

The two systems of qualification will operate concurrently until 2017, when the traditional qualification system will be phased out.

*Does this entitle the holder to practice throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Yes.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Only Korean lawyers have rights of audience in court and can provide advice on the law of Korea

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Lawyers may work as sole practitioners, or in general or limited liability partnerships or in limited liability companies.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Korean Bar Association has issued a code of ethics.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Korean lawyers must register their practising address with the Korean Bar Association but there is no explicit law firm licensing regime.

*Which authority issues licences? Are there*

Licences are issued by the Korean Bar Association but an

## Republic of Korea

*different authorities for individuals and firms?*

individual must register first with their local bar association.

*Is the jurisdiction a member of the WTO?*

Korea has been a member of the WTO since 1 January 1995.

*Has it made any commitments under GATS in legal services?*

Korea has made no commitments on legal services under the GATS.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Korea has bilateral agreements with ASEAN, EFTA, EU, India, Chile, US, Peru and Turkey.

*Do these currently include legal services or are there plans to include them in future?*

Korea has made commitments in legal services in all of its bilateral free trade agreements since 2005.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Korea has made significant automatic concessions to lawyers from countries with which it has bilateral free trade agreements. Lawyers from other countries may apply for the same treatment.

*Are there any 'foreign law' firms present in this jurisdiction?*

Yes, since the opening of the market in 2009, around 16 foreign law firms have applied for or been granted licences, most of which are US or UK firms.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There are no explicit rules on fly-in fly-out visits by lawyers to visit clients, but remunerated work must not be undertaken in Korea without a work permit which in turn requires registration as an FLC.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Foreign nationals must have a work visa in order to work in Korea. Work visas are usually valid for up to three years, starting from the date of issue. Lawyers may however obtain visas to visit Korea but must state clearly on their application forms the purpose of their visit.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer may obtain a licence to establish and practise as a foreign legal consultant (FLC). FLCs may only provide legal services with respect to: the laws and treaties of their country of license; universally approved international customary law; and international arbitration proceedings whose applicable law is the law of their country of license or international public law and the jurisdiction of the arbitration is the Republic of Korea. The registration process is two stage: First an application needs to be made to the Ministry of Justice and following its prior approval an FLC may register with the Korean Bar Association.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

An FLC must reside in the Republic of Korea for at least 180 days each year.

## Republic of Korea

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

In order to qualify as an FLC, a lawyer must have a licence to practice law in a country which is a party to an FTA with the Republic of Korea and a minimum of three years' experience in providing legal services in the country of licence.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

FLCs are permitted to take part in international arbitration proceedings whose applicable law is the law of their country of licence or international public law and the jurisdiction of the arbitration is the Republic of Korea.

*Are foreign lawyers allowed to appear in court under any circumstances?*

No.

*Can foreign lawyers requalify as local lawyers?*

In theory, although only by undertaking the full domestic route to qualification taken by a Korean lawyer.

*Can a foreign law firm obtain a licence to open an office?*

Yes, a foreign law firm must obtain a licence to open a consultancy office in Korea.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

Foreign legal Consultancy Offices will need to follow the additional requirements to be followed by every business following their approval and registration by the MOJ and KBA.

*Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)*

The authorisation and registration criteria to establish an FLCO include:

The FLCO's head office has been established and operating for more than five years in a country that is a party to an FTA with the Republic of Korea;

A Foreign Legal Consultancy Office (FLCO) may only take the form of a representative office (as opposed to a branch office) providing advisory services in foreign law. The FLCO's head office shall guarantee the full discharge of all civil and commercial liabilities related to the FLCO's practice in Korea, provide evidence of insurance to cover the damages which may arise in connection with the operation of the FLCO; and appoint a Foreign Legal Consultant with at least seven years of experience as a lawyer as the representative of the FLCO.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?*

The scope of practice for the Foreign Legal Consultancy Office is the same as for the FLC.

*Are there restrictions on the corporate form a foreign law firm can take?*

The FLCO must be a representative office only.

## Republic of Korea

*Are there rules about the name a foreign law firm can take?*

Foreign Legal Consultancy Offices must follow the provisions on naming in the Foreign Legal Consultancy Act.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL.*

The Ministry of Justice issues licences to foreign law firms ([www.moj.go.kr/HP/ENG/index.do](http://www.moj.go.kr/HP/ENG/index.do)) which must then register with the Korean Bar Association ([www.koreanbar.or.kr/](http://www.koreanbar.or.kr/)) before commencing operations.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Foreign Lawyers are only permitted to own foreign legal consultancy offices which must be 100 per cent foreign owned.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

No.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

No.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes although only as FLCs.

*Other useful sources or comments or links*

Korean Bar Association: [www.koreanbar.or.kr/eng/](http://www.koreanbar.or.kr/eng/).



## Romania

*Is there legislation governing the legal sector?*

Law for the organisation and practice of the lawyer's profession no. 51/1995 (as subsequently amended) – 'The Lawyers Act'; and Law no. 514/2003 (as subsequently amended) regarding the legal advisers profession - 'The Legal Advisers Act'.

*Under what title do lawyers practise?*

There are two distinct professions in Romania: lawyers and legal advisors. Legal advisors' activities are restricted to the defence of the state and public authorities or institutions whereas lawyers defend other legal entities and natural persons. It is impossible for an individual to practice both professions.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

The requirements for qualification as a lawyer are stated in Article 11 of the Lawyers Act: a) to have Romanian citizenship and possession of full civil and political rights; b) to be a law faculty graduate or a doctor of law (PhD); c) not to be an inappropriate candidate for the profession as stipulated by the law; d) to be medically fit to practise the lawyer's profession. Lawyers must also pass the bar examination (Article 16) and complete a two-year professional traineeship. Upon completion of these requirements, candidates must take an oath (Article 21) in order to become fully licensed as lawyers. A legal advisor must: a) be a Romanian citizen with domicile in Romania; b) have the exercise of civil and political rights; c) have graduated from a law school; d) be medically fit to practise the profession and have the required medical certificate; e) not be covered by one of the special cases considered incompatible with the legal advisors profession. The 2006 Act added an Article in the Legal Advisors Act (Article 81), which states that 'a citizen of a Member State of the EU or of the EEA may exercise the legal advisor profession in Romania if that citizen meets the requirements of the law, with the exception of the requirement of Article 8 point a)' (citizenship requirement). Applicants must hold a recognised diploma and either take a knowledge test or have a three-year training period. There is a mandatory two-year internship upon starting to practise the profession (Article 12 of the Legal Advisors Act).

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The Romanian Bar maintains the list of all lawyers practising in Romania.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Article 3 of the Lawyers Act describes the activities reserved to lawyers: a) legal consultancy and petitions; b) legal assistance and representation before courts of law, criminal inquiry bodies, jurisdictional authorities, notaries public and judicial executors, public administration bodies and

## Romania

institutions, as well as other legal entities, under the terms of the law; c) drawing up legal documents, and certifying the parties' identities and the contents and dates of documents submitted for authentication; d) assistance and representation of interested natural or legal entities before other public authorities, with provisions for certifying the parties' identities and the contents and dates of concluded documents; e) defence and representation, using specific means, of the legitimate rights and interests of natural and legal entities in their relationships with public authorities, institutions, and any Romanian or foreign entity; f) mediation activities; g) fiduciary activities consisting of receiving, in deposit, on behalf and at the expense of the client, financial funds and goods resulting from the sale or execution of executory titles after the end of a succession procedure or liquidation, as well as the placement and good use of these, on behalf and at the expense of the client, administration of funds or valuables in which the latter have been placed; h) temporary establishment of trading companies' head offices at the lawyer's professional office, the registration of such companies, on behalf and at the expense of the client, of interest shares, shares, or stock of companies thus registered; i) the activities stipulated under g) and h) may take place based on a new legal assistance contract; j) any means and ways typical of the right to defence, under the terms of the law.

Article 4 of the Legal Advisers Act sets out the activities reserved to legal advisers: Advice and representation for the public authority, institution, or employing entity.

*Do you need to hold local nationality to be eligible to practise law?*

Romanian citizenship is required for practise either as a lawyer or a legal advisor. However, Article 12 of the Lawyers Act states that: 'A member of a bar from another country may practise the lawyer's profession in Romania provided he/she meets the conditions stipulated by the law, except for the one concerning Romanian citizenship '. Lawyers from EEA Member States are permitted to practise law in accordance with Directives 77/249/EEC and 98/5/EC.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

According to Article 5 of the Lawyers Act, lawyers may work in any of the following vehicles for practice: 'individual law offices, associated law offices, professional civil companies, or limited-liability professional civil companies'.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

There are various by-laws made under the Lawyers Act and lawyers must comply with these as well as the ethical code of the Bar. Legal advisors have statutory obligations in relation to conflict of interest, professional secrecy and confidentiality.

*Do law firms need to receive a licence (or*

There is no 'licence' for law firms but following Article 53

# Romania

*permission/approval) to practise law?*

(2) h of the Lawyers Act, the council of the competent local bar is required to 'check and find that the papers for the constitution of, amendment to, and change in the forms of practising the profession, as well as the grouping of professional collaboration conventions, meet the requirements stipulated by the law and the by-law of the profession; to organise and keep records of such documents'.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The competent authority for licensing lawyers to practise in Romania is the relevant local bar association.

*Is the jurisdiction a member of the WTO?*

Romania joined the WTO on 1 January 1999.

*Has it made any WTO commitments on legal services?*

On accession to the WTO Romania made full commitments in modes 1 and 2 and was unbound in mode 3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

As a member of the EU, Romania extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Romania is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at

[www.wto.org/english/tratop\\_e/region\\_e/rta\\_participation\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&sense=s)).

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's Free Trade Agreements (FTAs) with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions

# Romania

	on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (The Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Romanian as well as foreign and international law and can requalify as a Romanian lawyer. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice and may not requalify.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There are around ten foreign firms established in Romania, including UK, Greek, Italian, German, Austrian and US firms.
<i>Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?</i>	Article 8015 mentions that for temporary practice provided by lawyers from an EEA or EU member state, registration with a bar is not necessary. EEA lawyers must nevertheless observe the terms and professional conduct regulations of the Romanian Bar, as well as the Romanian legislation concerning the lawyer's profession. The National Association of the Romanian Bars requires a lawyer providing services to prove his/her qualification as a lawyer (Article 8016 (1)).
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Romania has made no commitments on free movement of people in the GATS except for essential personnel required to operate foreign investment. Foreign nationals may obtain visas for short or long stays and must have a Romanian host company. EEA nationals do not require visas.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	Foreign lawyers who are not from an EEA or EU Member State have a limited scope of practice (they may not appear in court and their practice is limited to legal consultancy) whereas foreign lawyers from within the EEA may carry out the same professional activities as the lawyers who practise under the professional title obtained in Romania (Article 803). There is no mention of a 'licence' that they must obtain but they have the obligation to sign in to the special table kept by each bar, and shall be subject to the provisions of the present law, the by-law of the profession and the code of conduct (Article 12(6)).
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	An EEA lawyer must register with the relevant local bar in Romania, practise under his/her home title and comply with the Romanian code of conduct.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for</i>	Foreign lawyers must take an examination on Romanian law and Romanian language which is organized by the

# Romania

<i>a limited licence? (eg, prior practice)</i>	National Association of the Romanian Bars (UNBR). EEA lawyers must hold EEA nationality and an EEA qualification.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Article 12 (4) of the Lawyers Act recognises the right of a foreign lawyer to conduct international arbitration in Romania.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	EU/EFTA and Swiss lawyers may appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.
<i>Can foreign lawyers requalify as local lawyers?</i>	Foreign lawyers may qualify to practise Romanian law but are restricted to practise as legal consultants (practise outside the courts). EEA lawyers may requalify under Directive 98/5/EC either by examination or a period of assimilation into the profession in Romania over three years.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no licensing procedure for firms but foreign individuals must register with the bar.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)</i>	Foreign companies do not need investment approval to establish in Romania.
<i>Are there different types of foreign law firm 'licence'? (eg joint law venture, r foreign licence etc.)</i>	No.
<i>Is there a quota on the number of licences available?</i>	No.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?</i>	There are no scope of practice rules that apply to firms as opposed to individual lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	EEA law firms are subject to the same rules on corporate form as local law firms.
<i>Are there rules about the name a foreign law firm can take?</i>	The Establishment Directive (98/5/EC) makes it clear that EU law firms may use the name of their law firm they use in their home country. The host Member State may require that, in addition mention is made of the legal form of the grouping in the home Member State and/or of the names of any members of the grouping practising in the host Member State.
<i>What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.</i>	EEA lawyers must register their offices with the Romanian bar.
<i>Are there restrictions on the ownership</i>	There are no restrictions on the ownership share of EEA

## Romania

*share of foreign lawyers in a law firm?*

lawyers in a Romanian law firm.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

There is no prohibition on employment of a Romanian lawyer by an EEA lawyer or law firm.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

A Romanian lawyer may enter partnership with an EEA lawyer.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes but only under their home title.

*Other useful sources or comments or links*

Uniunea Nationala A Barourilor Din Romania – National Association Of The Romanian Bars – Union Nationale Des Barreaux De Roumanie

[www.unbr.ro/](http://www.unbr.ro/)

## Russia

*Is there legislation governing the legal sector or the practise of law? (Please give title eg Legal Practice Act)*

The principal regulation for advocates is the Federal Law 'On Advocates' Activities and Advocacy in the Russian Federation' of 31 May 2002. Other provisions which cover advocates may also be found in the Federal Constitutional Law, such as: 'On The Constitutional Court of the Russian Federation' (1994), Criminal Procedural Code of the Russian Federation (2001) etc.

*Under what title do lawyers practise in this jurisdiction? (eg Advocate)*

In Russia there are two major types of legal service providers: 'advocates' (regulated professionals) and jurists (generally individuals holding law degrees who are unregulated).

*Does a lawyer need a licence to practise, if so how does he/she obtain a licence and how often must this be renewed?*

If a person wants to be a member of the regulated profession in order to enjoy some professional rights (attorney-client privilege, immunity of premises etc.) or to be entitled to deal with all criminal cases etc., then he /she must comply with the legal requirements and practise under the title of 'advocate'.

To qualify as an advocate it is necessary:

- 1) to have a special legal education or academic degree obtained from an accredited Russian institution;
- 2) to have work experience (one year with an advocate or two years elsewhere);
- 3) then to pass a written and oral exam;
- 4) Finally, to take an oath.

A person who has had a criminal conviction for intentional crimes cannot become an advocate until that criminal conviction is spent.

The status of attorney is granted for life.

There are no requirements for the use of the title 'jurist'.

*Does this licence entitle the holder to practise throughout the country? Please explain the jurisdictional limits (eg state limitations etc.)*

Both regulated advocates and unregulated jurists can practise throughout Russia.

However advocates may have greater access to some Russian areas generally closed for all except for those who reside there (eg, some military districts or restricted territories).

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Under Russian law the general rule is that it is not necessary to be an advocate to provide legal services. There are only a few exceptions to this rule: Some criminal cases, some cases involving minors and representation in the Russian Constitutional Court. Only advocates or representatives from a special State legal bureau may represent people with



## Russia

severe learning disabilities.

Non-advocates may provide legal services under the general provisions of the Russian Civil Code on services and the regulation on protection of customers' rights.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Advocates can work only in specific legal forms of practice: individual practice (self-employment) or one of three different types of not for profit legal entity intended only for advocates. These entities exist for organisational purposes, to provide branding, for employment of staff etc. It is the advocates themselves rather than the entities who are regarded as the providers of the legal services. However, if these entities themselves provide legal services then the services are regarded as not rendered by advocates, and are excluded from attorney-client privilege and are subject to VAT, in contrast with services of advocates.

An advocate cannot establish a not for profit entity with a non-advocate. However an advocate can establish a commercial or not for profit legal entity with other persons but may not provide personally legal services within their frameworks. Advocates also cannot act in any other non-advocate legal form but this prohibition does not cover their involvement in arbitration, mediation or pro bono work. An advocate cannot be employed by any other person, including another advocate, to provide legal services. Finally advocates can be involved in multi-disciplinary practice but only under co-operation contracts with other specialists.

Jurists can use all legal forms: self-employment, commercial or not for profit legal entities, multi-disciplinary partnerships, employment etc. However, they cannot use the specific 'not for profit entities' reserved for advocates.

## Russia

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Federal Law 'On Advocates' Activities and Advocacy in the Russian Federation' of 31 May 2002 and the Code of Professional Ethics of Advocate adopted by the All-Russian Congress of Advocates in 2003 (as amended of today). This Code also states that an advocate is required to follow the CCBE Code of Conduct for European Lawyers provided this is not in conflict with the Russian Federal law and the Code.

Jurists must comply with requirements of the regulation on protection of customers' rights (eg, not to mislead clients) and abide by the principle of good faith in the Russian Civil Code.

*Do law firms need to receive a 'license' (or permission/approval) to practice law in addition to any individual licences?*

No.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The status of a Russian advocate may be granted by the special qualification commission of each regional Chamber of Advocates. This requires a candidate to pass the commission's examination in order to be entered into the regional list of advocates.

There are no licenses for legal entities established by advocates.

There are no licences for jurists or their firms.

*Is the jurisdiction a member of the WTO?*

Russia became a WTO member in 2012.

*Has it made any WTO commitments on legal services?*

Yes, the Russian Federation has made commitments in modes 1–3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Russia has bilateral trade agreements with Armenia, Azerbaijan, Belorussia, Georgia, Kazakhstan, Kirghizia, Moldavia, Tajikistan, Ukraine.

*Do these currently include legal services or are there plans to include them in future?*

The only treaty including legal services is the Agreement on Trade in Services and Investments in States – Members of the Common Economic Space (Moscow, 2010) which is in force for Russia, Belorussia and Kazakhstan.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Foreign lawyers from Belorussia and Kazakhstan may be treated differently under the Agreement on Trade in Services and Investments in States – Members of the Common Economic Space (Moscow, 2010).

## Russia

*Are there any 'foreign law' firms present in this jurisdiction?*

There are more than 50 foreign law firms in Russia (mostly in Moscow and St Petersburg) from the US, UK, Germany, Canada, Austria, Italy, Finland, Cyprus, France etc.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There is no requirement for a foreign lawyer to obtain a licence for temporary legal practice.

However there is a general rule that any foreigner who is going to provide any services (not only legal) in Russia during even a temporary stay in Russia must obtain permission from immigration authorities to provide such services.

There are many exceptions to this general rule which may be applicable to foreign lawyers.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Yes.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer may practise in the Russian Federation as a jurist without requiring any particular licence, however he/she may also seek to be recognised as a foreign advocate.

A foreign lawyer may become a foreign advocate and be entered in the special Russian register maintained by the Ministry of Justice provided that his/her status in his/her home jurisdiction is similar to that of a Russian advocate – inter alia requiring equivalent education, experience, and the passing of an examination.

The Ministry of Justice generally deems that a foreign advocate is entitled to provide legal services only on the law of his/her home country. Alternatively a foreign lawyer may be self-employed or be employed as a foreign legal consultant in a domestic or foreign law firm. In these instances there are no restrictions on scope of practice.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

No, only compliance with the rules applicable to all foreigners in Russia on their stay and activities.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

To be entered in the register of foreign advocates maintained by the Ministry of Justice, a foreign lawyer must provide documentation of his/her status in his/her home jurisdiction, which must be similar to the status of a Russian advocate (as evidenced inter alia by education, experience, and examination).

If a foreign lawyer is providing services as a jurist there are no prior conditions to be satisfied.

*Are foreign lawyers permitted to*

Yes. Arbitration or mediation institutions are permitted to

## Russia

*undertake arbitration and mediation?*

provide special provisions in their rules on the involvement of foreign lawyers in arbitration or mediation.

However, any foreigner who is going to provide services in Russia, even on a temporary basis, must obtain permission from immigration authorities to provide such services.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Yes – there are very few restrictions: Some criminal cases and some cases involving minors are restricted to advocates. There are also specific rules on legal assistance for people with severe learning disabilities (only by advocates or by an officer/representative from a special State legal bureau); and, with limited exceptions, only advocates can make representations in the Russian Constitutional Court.

Foreign lawyers can appear in court either as jurists or by obtaining the status of a Russian or a foreign advocate in Russia.

*Can foreign lawyers requalify as local lawyers?*

Yes. But if a foreigner wishes to become a Russian advocate they must comply with all requirements applicable to local lawyers (including education in Russia and the passing of the exam).

Under the Agreement on Trade in Services and Investments in States – Members of the Common Economic Space (Moscow, 2010) Russia has reserved the right to deny advocates from Belarus and Kazakhstan the right to qualify as Russian advocates because these states impose a nationality requirement for advocate status.

*Can a foreign law firm obtain a licence to open an office?*

No licence is needed.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

Yes. A foreign law firm must comply with the general registration rules applicable to all foreign companies wishing to open an office. An office may be established either by incorporation as a Russian commercial company (registration is undertaken with the revenue authorities) or in a form of a branch or representative office of a foreign law firm. In the latter case the application must be made to the State Registration Chamber at the Ministry of Justice).

*Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)*

No.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on*

There are no restrictions on the number of branches.

## Russia

*foreign firm licences or on the number of branches a foreign firm can have?*

Under the special Russian Government Decree there are 19 geographical areas in Russia which foreigners can only visit with prior permission and thus no offices of foreign firm can be established there.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes, although advocates may not be employees subject to an employment contract. They may however be engaged by a foreign lawyer or law firm under a services contract.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Advocates can form partnerships with foreign lawyers through cooperation contracts.

Russian jurists may enter into any type of partnership (contractual or in a form of a legal entity) with a foreign lawyer. If the foreign lawyer is recorded in the special Russian registry as a foreign advocate then the rules for Russian advocates apply.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Advocates can employ a foreign lawyer provided that this foreign lawyer is not recorded in the special Russian registry as a foreign advocate.

*Other useful sources or comments or links*

The Russian Ministry of Justice – [www.minjust.ru](http://www.minjust.ru);  
The Federal Chamber of Advocates – [www.fparf.ru](http://www.fparf.ru);  
The Moscow Chamber of Advocates – [www.advokatymoscow.ru](http://www.advokatymoscow.ru);  
Research on legal profession in Russia – [www.osce.org/odihr/36312](http://www.osce.org/odihr/36312).

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Muranov, Chernyakov & Partners Law Firm

## Saudi Arabia

*Is there legislation governing the legal sector?*

The Code of Law Practice.

*Under what title do lawyers practise?*

Lawyers in Saudi Arabia practise under a single title, 'mohamy', which may be translated as advocate or lawyer.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

In order to practise as an advocate, an individual must have his name registered in the table of practising advocates. In order to be registered, an individual must: (1) hold Saudi nationality. A non-Saudi may practise as an advocate subject to the provisions of any agreements between the Kingdom and other countries; (2) be in possession of a degree from a Islamic Law college or a BA degree in law from one of the universities of the Kingdom, or the equivalent or either of these two degrees from outside the Kingdom, or hold a diploma in law studies from the Institute of Public Administration following a university degree; (3) have fulfilled a training period of not less than three years, or one year in the case of holders of a Master's Degree in Islamic Law or other legal specialisation, or equivalent; (4) Be of good conduct and behaviour; (5) not to have been convicted of dishonesty, unless at least five years have elapsed since the completion of the sentence; (6) be resident in the Kingdom. Licences are valid for five years.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Saudi Arabian lawyers are entitled to practise throughout the country.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

According to the Code of Law Practice, advocates are the only persons entitled to practise law, although there are some exceptions for next-of-kin, company lawyers and government representatives who may appear in court on behalf of their relative/employer.

*Do you need to hold local nationality to be eligible to practise law?*

According to article 3A of the Code of Law Practice, the practice of law is reserved to Saudi nationals, subject to any provisions in agreements between the Kingdom and other countries.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

According to Article 10 of the Code of Law Practice, Saudi lawyers may establish law firms with other registered lawyers, in accordance with the provisions of the regulation on professional partnerships.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Code of Law Practice sets out further conduct requirements that a licensed Lawyer must comply with, in particular in relation to conflicts of interest. There is no separate Code of Conduct for lawyers.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Lawyers who establish law firms in accordance with the Professional Partnerships Regulations need to register these in accordance with the professional partnerships regulation.

# Saudi Arabia

	<p>Saudi lawyers may have more than one office in the Kingdom but need to register each one with the Ministry of Justice.</p>
<p><i>Which authority issues licences? Are there different authorities for individuals and firms?</i></p>	<p>Registration of lawyers is undertaken by the Lawyers Registration and Admission Committee, which comprises the Deputy Minister of Justice, a representative from the Board of Grievances and a practising lawyer appointed by the Minister of Justice.</p>
<p><i>Is the jurisdiction a member of the WTO?</i></p>	<p>Saudi Arabia joined the WTO on 11 December 2005.</p>
<p><i>Has it made any WTO commitments on legal services?</i></p>	<p>Saudi Arabia has scheduled full commitments in modes 1–3 for legal services consultancy on the law of jurisdiction where the services supplier is qualified as a lawyer and on international law. There is a 75 per cent limit on foreign ownership of legal consultancies and representation in court reserved to Saudi nationals.</p>
<p><i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i></p>	<p>The Kingdom of Saudi Arabia is a party to the Gulf Cooperation Council and the Pan Arab Free Trade Area.</p>
<p><i>Do these currently include legal services or are there plans to include them in future?</i></p>	<p>Saudi Arabia has not included any special provisions on legal services in its bilateral trade agreements.</p>
<p><i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i></p>	<p>GCC lawyers may appear in Saudi courts if their home jurisdictions offer reciprocal rights to Saudi lawyers.</p>
<p><i>Are there any 'foreign law' firms present in this jurisdiction?</i></p>	<p>There are around eight foreign (US, UK and French) firms with a presence in Saudi Arabia.</p>
<p><i>Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?</i></p>	<p>There are no separate rules on temporary practice.</p>
<p><i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i></p>	<p>Foreign lawyers can obtain visas to enter Saudi Arabia as legal consultants but require a letter of invitation from a Saudi business or government department.</p>
<p><i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i></p>	<p>A non-Saudi may be licensed to practise as a legal consultant in Saudi Arabia but this licence does not permit the individual concerned to plead before the courts, the Board of Grievances or any other committee mentioned in Article 1 of the Code of Law Practice.</p>
<p><i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence, (eg residency requirement)</i></p>	<p>A licensed foreign lawyer must also fulfil the following conditions: He should be engaged in legal consultancy work on full-time basis, he should reside in the Kingdom for a period of not less than nine months in a year and he should regularly attend the office and sign all the correspondence issued by the office in relation to cases. He may, however, appoint a Saudi advocate to undertake these tasks on his behalf.</p>



## Saudi Arabia

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

In order to obtain a limited licence to practice in Saudi Arabia, a foreign lawyer must fulfil all the conditions required of a Saudi lawyer (as set out in Article 3 of the Code of Law Practice), with the exception of the nationality requirement. He must also have prior practice experience of not less than five years.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Under Saudi Arabia's 1983 arbitration law, arbitrators had to have full civil capacity, which meant that they had to be male and of the Islamic faith. The new 2012 Act requires that sole arbitrators or chairmen of panels of arbitrators should hold at least a university degree in Islamic law.

*Are foreign lawyers allowed to appear in court under any circumstances?*

An Arab Lawyer, who is a national of a member country of the Arab Union, has the right to plead before the Saudi courts in conjunction with a registered Saudi lawyer provided reciprocal access is granted in the visiting lawyer's home country.

*Can foreign lawyers requalify as local lawyers?*

Requalification is not possible due to the nationality provision in the law

*Can a foreign law firm obtain a licence to open an office?*

Foreign law firms may only practise in association with Saudi law firms.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

n/a

*Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)*

Licensed foreign legal consultants may set up as sole practitioners or in partnership with a Saudi lawyer.

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

n/a

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?*

n/a

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a, as the associate Saudi firm will have to conform to local rules on the formation of law firms.

*Are there rules about the name a foreign law firm can take?*

*What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.*

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

## Saudi Arabia

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

*Other useful sources or comments or links*

# Singapore

*Is there legislation governing the legal sector?*

The legislative framework governing the legal profession (legal services) regime includes the following:  
Legal Profession Act (Chapter 161) ('LPA')  
Legal Profession (International Services) Rules 2008 ('LPIS Rules')  
Legal Profession (Qualified Persons) Rules ('LPQP Rules')  
Legal Profession (Admission) Rules

*Under what title do lawyers practise?*

Advocate and Solicitor of the Supreme Court of Singapore.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

In order to practise Singapore law, a lawyer has to hold a valid practising certificate issued by the Supreme Court which must be renewed annually.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Yes – the registration/practising certificate entitles a lawyer to practise throughout the country.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The provision of legal services is governed by the LPA and rules enacted thereunder.

Law firm entities and lawyers providing legal services in Singapore must obtain the necessary licences/registrations/practising certificates.

The extent to which a law firm/lawyer may offer foreign law or Singapore law services depends on what the law firm entity's licence and the individual lawyer's registration/practising certificate permits.

There are various types of law firm entities and licences:

- (i) Singapore law practice ('SLP') which can offer legal services in both Singapore law and foreign law.
- (ii) Foreign law practice ('FLP') which can offer legal services in foreign law. An FLP may also apply to obtain a Qualifying Foreign Law Practice ('QFLP') licence, or a Joint Law Venture ('JLV') licence which involves collaboration with a SLP, to provide Singapore law in 'permitted areas of legal practice', which refer to mainly commercial areas of law, and exclude domestic areas of legal practice such as (a) constitutional and administrative law, (b) conveyancing, (c) criminal law, (d) family law, (e) succession law, including wills, intestate succession and probate and administration, and (f) conduct of litigation.

Lawyers working within such entities may provide legal services as follows:

- (iii) Advocates and solicitors of the Supreme Court of Singapore ('Singapore-qualified lawyers') holding a valid practising certificate can practise all areas

# Singapore

of law in a SLP. In a QFLP or a JLV, the Singapore-qualified lawyer can only practise foreign law and Singapore law in the 'permitted areas of legal practice'. In a FLP, they can practise foreign law, and Singapore law in the limited context of international commercial arbitration.

- (iv) Registered foreign lawyers ('Foreign-qualified lawyers') may practise foreign law in a SLP, QFLP, JLV or FLP. Foreign-qualified lawyers may practise foreign law, and Singapore law in the 'permitted areas of legal practice' in a SLP, QFLP or JLV if they pass a Foreign Practitioner Examination and obtain a Foreign Practitioner Certificate ('FPC'). In a FLP, a foreign-qualified lawyer who holds an FPC can practise foreign law, and Singapore law in the limited context of international commercial arbitration.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Registered foreign lawyers can work in an SLP (sole proprietorship, partnership, limited liability partnership, law corporation as defined in the LPA); an FLP (a law practice (including a sole proprietorship, a partnership or a body corporate, whether with or without limited liability) providing legal services in any foreign law in Singapore or elsewhere) (licensed under section 130E of the LPA); a JLV (licensed under section 130B of the LPA); or a QFLP (an FLP licensed under section 130D of the LPA).

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Apart from provisions within the main Act, lawyers must also comply with the various rules enacted under the LPA, in particular, the Legal Profession (Professional Conduct) Rules

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Yes.

SLPs must be established in accordance with requirements stipulated in the LPA. Requisite approvals need to be obtained from the Law Society, for example in relation to the naming of the law firm etc.

FLPs and QFLPs require a licence from the Attorney-General. A FLP and a SLP forming a JLV or Formal Law Alliance ('FLA') also have to jointly apply for a licence from the Attorney-General.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Law Society and the Supreme Court for Advocates and Solicitors. For SLPs, various approvals, for example name of law firm are presently granted by the Law Society.

The AGC for foreign law firms and foreign lawyers.

*Is the jurisdiction a member of the*

Yes. Singapore joined the WTO on 1 January 1995.

# Singapore

## WTO?

*Has it made any WTO commitments on legal services?*

Singapore has not scheduled any commitments in legal services in the WTO.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Yes. More information on Singapore's free trade agreements can be found at: [www.fta.gov.sg](http://www.fta.gov.sg).

*Do these currently include legal services or are there plans to include them in future?*

Yes. More information on the commitments Singapore has made can be found at: [www.fta.gov.sg](http://www.fta.gov.sg).

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Yes.

*Are there any 'foreign law' firms present in this jurisdiction?*

Yes.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

No.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

A foreign lawyer may come to Singapore on business trip. For information on relevant visas, please visit [www.mfa.gov.sg/content/mfa/consular\\_information/foreigners\\_visiting\\_singapore.html](http://www.mfa.gov.sg/content/mfa/consular_information/foreigners_visiting_singapore.html).

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

In order to practise law in Singapore, all foreign lawyers have to apply for a certificate of registration from the Attorney-General's Chambers ('AGC'). The requirements (and registration categories) are set out in Part IXA of the LPA read together with the LPIS Rules. These certificates of registration will be valid for the period(s) prescribed within the LPIS Rules and must be renewed upon expiry.

A foreign lawyer wishing to offer foreign law services is required to register under Section 130K of the LPA. There are requirements relating to the use of the title foreign law consultant. According to the LPIS Rules, no foreign lawyer shall be a consultant of, or take or use the title of foreign law consultant in, an SLP unless he has, for a period of not less than ten years in the aggregate, been:

- (1) a foreign lawyer in practice in a JLV, FLP or SLP;
- (2) a state counsel or deputy public prosecutor, or any other legal officer, of the government of any country (other than Singapore) or any territory of that country;
- (3) a full-time member of the academic staff of –
  - (i) the Faculty of Law of the National University of Singapore;
  - (ii) the School of Law of the Singapore Management University; or
  - (iii) a faculty of law, by whatever name called, of any

# Singapore

	<p>institution of higher learning in any country (other than Singapore) or any territory of that country; or</p> <p>(1) holding any combination of occupations referred to in sub-paragraphs (1), (2) and (3).</p>
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	<p>In general, under the LPA, a foreign lawyer who has been registered to practise in Singapore must adhere to the conditions prescribed in the LPA and Part VII of the LPIS Rules. The Attorney-General may also impose such conditions as he thinks fit to impose. The foreign lawyer must also ensure he obtains the requisite employment pass. For detailed requirements, please visit AGC's website at <a href="http://www.agc.gov.sg/lps">www.agc.gov.sg/lps</a>.</p>
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	See above.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Foreign lawyers cannot appear in any court of justice in Singapore unless they have been granted ad hoc admission under section 15 of the LPA.
<i>Can foreign lawyers requalify as local lawyers?</i>	<p>A foreign lawyer may be admitted as an advocate and solicitor to practise law in Singapore provided that the requirements under the LPA read together with the LPQP Rules are satisfied.</p> <p>To seek admission to practise law in Singapore, a foreign lawyer must be a 'qualified person' as defined under the LPA and the LPQP Rules. The foreign lawyer must then comply with the requirements for admission found in the LPA and Legal Profession (Admission) Rules.</p>
<i>Can a foreign law firm obtain a licence to open an office?</i>	<p>Yes. A foreign law practice may choose to set up an office in Singapore using any of the following structures by obtaining the relevant licence from the Attorney-General. The regulatory requirements governing each structure are set out in the LPA and LPIS Rules:</p> <p><b>Representative Office.</b> An FLP may set up a Representative Office (RO). An RO is an office set up by an FLP that does purely liaison or promotional work only. An RO is not allowed to provide any legal services or conduct any other business activities in Singapore</p> <p><b>Foreign Law Practice.</b> An FLP may choose to set up as a licensed FLP in Singapore. An FLP licensed to practise foreign law in Singapore may offer the full range of foreign law-related legal services that the firm is competent to offer.</p> <p><b>Qualifying Foreign Law Practice.</b> The QFLP scheme allows FLPs which successfully obtain a QFLP licence to practise Singapore law in 'permitted areas of legal practice' through</p>

# Singapore

hiring Singapore lawyers with Practising Certificates or foreign lawyers who hold the FPC. The permitted areas of legal practice are set out in the LPA and LPIS Rules.

**Joint Law Venture or Formal Law Alliance.** An FLP that wishes to enter into collaboration with a SLP has the option to enter into a JLV or an FLA with an SLP. These two schemes provide a platform for SLPs and FLPs to enter into collaborative arrangements. The JLV is a new legal entity formed jointly between a SLP and an FLP, whereas the FLA enables a SLP and an FLP to enter into a 'best friend's' relationship and collaborate as two freestanding firms.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

Over and above obtaining the requisite licence from AGC, the foreign law firm must register its business with the Accounting and Corporate Regulatory Authority of Singapore (ACRA). For sole proprietorships and partnerships, the business must be registered with ACRA in accordance with the Business Registration Act. Limited liability partnerships must be registered with ACRA in accordance with the provisions of the Limited Liability Partnerships Act. Law corporations must be registered with ACRA in accordance with the provisions of the Companies Act. Further information on registration can be found on the Law Society of Singapore's website:

[www.lawsociety.org.sg/forMembers/ResourceCentre/RunningYourPractice/StartingaPractice](http://www.lawsociety.org.sg/forMembers/ResourceCentre/RunningYourPractice/StartingaPractice).

*Are there different types of foreign law firm 'licence'? (eg, joint law venture, stand alone foreign licence etc.)*

Yes –

Representative Office Licence; Foreign law practice Licence; Qualifying Foreign Law Practice Licence; Joint Law Venture Licence; and Formal Law Alliance Licence

*Is there a quota on the number of licences available?*

The number of QFLP licences awarded is limited. There are currently nine FLPs holding QFLP licences.

There are no quota restrictions on the other types of licences.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.



# Singapore

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?*

The scope of practice that a foreign law entity is allowed to undertake depends on the licence it obtains.

A FLP with an FLP licence may only practise foreign law.

A FLP with a QFLP licence may, in addition to foreign law, practise Singapore law in 'permitted areas of legal practice' through hiring Singapore lawyers with Practising Certificates or foreign lawyers who hold the FPC. The 'permitted areas of legal practice' are set out in the LPA and LPIS Rules.

A JLV (which is an entity jointly established between a FLP and SLP) can offer legal services covering foreign law as well as Singapore law in the 'permitted areas of legal practice'. Only Singapore lawyers with Practising Certificates or foreign lawyers who hold the FPC may practise in the 'permitted areas' of Singapore law.

The FLP and SLP in an FLA may only provide legal services that the respective firm and their lawyers are competent to provide. Domestic Singapore law work can only be handled by the SLP through Singapore lawyers with Practising Certificates while the FLP can only practise foreign law.

*Are there restrictions on the corporate form a foreign law firm can take?*

A FLP is required to incorporate in accordance with the requirements set out in the Companies Act. In addition, the FLP must be 100 per cent lawyer-owned under current LPA requirements.

*Are there rules about the name a foreign law firm can take?*

Name approvals for foreign law entities come under the purview of the Attorney-General. For more information, please email [agc\\_lps@agc.gov.sg](mailto:agc_lps@agc.gov.sg).

*What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.*

Attorney-General's Chambers, Legal Profession Secretariat, [www.agc.gov.sg/lps](http://www.agc.gov.sg/lps).

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

There are no restrictions for FLPs.

For SLPs, foreign lawyer/FLP ownership/participation is allowed up to a maximum cap of one third. The specific requirements can be found in the LPA read together with the LPIS Rules (see in particular, Rule 3A).

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes. However, the extent to which the Advocate and Solicitor is allowed to practise Singapore law is subject to what the law firm entity is licensed to practise.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes, but if it involves a SLP, subject to the maximum one third cap restrictions mentioned above.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

The Law Society of Singapore — [www.lawsociety.org.sg](http://www.lawsociety.org.sg)

The Attorney-General's Chambers, Legal Profession

# Singapore

Secretariat — [www.agc.gov.sg/lps/](http://www.agc.gov.sg/lps/).

The Ministry of Law's FAQs on Admission to the Singapore Bar — [www.mlaw.gov.sg/practising-as-a-lawyer/admission.html](http://www.mlaw.gov.sg/practising-as-a-lawyer/admission.html).

Singapore Institute of Legal Education — [www.sile.org.sg/](http://www.sile.org.sg/).

Supreme Court of Singapore — [app.supremecourt.gov.sg/default.aspx?pgID=1](http://app.supremecourt.gov.sg/default.aspx?pgID=1).

*Information verified by*

Singapore Ministry of Law (June 2014)

# Slovakia

*Is there legislation governing the legal sector?*

Parliamentary Act No. 586/2003 Coll. on the Legal Profession and an Amending Act No. 455/1991 Coll. on the Business and Self-Employment Services (Business Licensing Act) as amended.

*Under what title do lawyers practise?*

Advokát.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

In order to be a lawyer in Slovakia, an individual must be enrolled with the Bar Association and must meet the following conditions: Have full capacity to do legal acts; have a Master's degree in law from a law school in the Slovak Republic or hold a recognised university diploma whereby the Master's degree was awarded to him by a law school in a foreign country other than the Slovak Republic; have served as a trainee lawyer to a practising lawyer for at least three years; have passed the prescribed Bar examination; be a person of integrity and not to have been subject to any final disciplinary action or disbarment; and to have taken an oath.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The Slovak Bar maintains the roll of all lawyers practising in Slovakia.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The practice of law is defined in the Slovak Bar Act to mean 'representation of clients before courts of law, governmental authorities and other entities, acting for and defending individuals in criminal proceedings, legal consultancy, writing instruments about legal acts, making legal analyses, administration of clients' property and other forms of legal advice, assistance and legal services, if provided continuously and in return for a fee (hereinafter referred to as 'legal services'). These are not acts reserved exclusively to lawyers and in certain circumstances may also be conducted by bailiffs, notaries, chartered accountants and others.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Under section 12 of the Act, (1) Every lawyer may practise law: a) as a sole practitioner, b) in a partnership of lawyers jointly with other lawyers, c) as a partner in a general non-commercial partnership, d) as a general partner in a limited liability partnership, or e) as a company executive in a limited liability company.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Bar Association produces the Rules of Professional Conduct for lawyers.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

The Slovak Bar must be informed of the practising addresses of law firms of all types.

*Which authority issues licences? Are there different authorities for*

The Slovak Bar Association

# Slovakia

*individuals and firms?*

*Is the jurisdiction a member of the WTO?*

The Slovak Republic joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

In accordance with the EU's commitments to the WTO, Slovakia has made full commitments in modes 1–3 for home country and international law. Slovakia has made it clear in its schedule that the practice of host country law requires acceptance in the Slovak Bar Association or in the Slovak Chamber of Commercial Lawyers and furthermore that Slovak lawyers are required to be graduates of Slovak universities.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

As a member of the EU, Slovakia extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Slovakia is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participation\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&sense=s)).

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's Free Trade Agreements (FTAs) with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a*

Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (The

# Slovakia

*result of any such agreements?*

Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Slovakian as well as foreign and international law and can requalify as a Slovakian advokat. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice and may not requalify.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are around 15 foreign law firms in Slovakia, including Czech, Austrian, German, UK and US firms.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

The provision of temporary services in Slovakia by a lawyer from a non-EU Member State under his/her home title is not permitted. EEA lawyers may practise temporarily as a result of the Lawyers Services Directive (77/249/EEC).

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Slovakia is one of the 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Slovakia distinguishes between three types of non-Slovak lawyers: (1) EEA lawyers who have similar rights to Slovak lawyers but who must practise in association with a Slovak lawyer if they are practising Slovak law; (2) a foreign registered lawyer – a lawyer of any OECD Member State whose name is entered on the roll of foreign registered lawyers maintained by the Bar; (3) an international legal practitioner – a national of any WTO Member State, who is in his home Member State authorised to pursue his professional activities and provide legal services as a sole practitioner and without any limitations, and whose name is entered on the roll of international legal practitioners maintained by the Bar.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

An EEA lawyer must register with the relevant local bar in Portugal, practise under his home title and comply with the Portuguese code of conduct.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

An EEA lawyer must hold EEA nationality and an EEA legal qualification.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Arbitration in Slovakia is modelled after UNCITRAL and the body responsible is the Court of Arbitration of the Slovak Chamber of Commerce and Industry. There are no prohibitions on foreign lawyers being involved in arbitration in Slovakia.

*Are foreign lawyers allowed to appear*

EU/EFTA and Swiss lawyers may all appear in court provided

# Slovakia

*in court under any circumstances?*

they do so in association with a local lawyer. Other nationals are not permitted to appear in court.

*Can foreign lawyers requalify as local lawyers?*

EEA lawyers may requalify under Directive 98/5/EC either by examination or a period of assimilation into the profession in Slovakia over three years.

*Can a foreign law firm obtain a licence to open an office?*

Only EEA law firms may open offices in Slovakia, lawyers from other countries must practise as individuals.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

All business entities must be entered in the commercial register.

*Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)*

Foreign law firms may only consist of Slovak lawyers and, European lawyers, it must take an unlimited liability form and maintain Professional Indemnity Policy cover with a minimum indemnity limit of €1,500,000 per member.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?*

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

*Are there restrictions on the corporate form a foreign law firm can take?*

EEA law firms are subject to the same rules on corporate form as local law firms.

*Are there rules about the name a foreign law firm can take?*

The Establishment Directive (98/5/EC) makes it clear that EU law firms may use the name of their law firm they use in their home country. The host Member State may require that, in addition mention is made of the legal form of the grouping in the home Member State and/or of the names of any members of the grouping practising in the host Member State.

*What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.*

EEA lawyers must register their offices with the Slovak bar.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

There are no restrictions on the ownership share of EEA lawyers in a Slovakian law firm.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

There is no prohibition on employment of a Slovakian lawyer by an EEA lawyer or law firm.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

A Slovakian lawyer may enter partnership with an EEA lawyer

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes but only under their home title.

# Slovakia

*Other useful sources or comments or links*

Slovenská Advokátska Komora (Slovak Bar Association):  
[www.sak.sk/](http://www.sak.sk/).



# Slovenia

*Is there legislation governing the legal sector?*

The Bar Act was adopted in 1993 and amended in 1996 and 2001.

*Under what title do lawyers practise?*

Odvetnik/Odvetnica

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

The right to practise law is acquired with admission to the Bar (Article 1 of the Bar Act). Article 25 lists the requirements to be admitted to the Bar: (1) To be a citizen of the Republic of Slovenia; (2) To be economically active and in a generally healthy condition; (3) To hold the professional title of Bachelor of Law (B Law) acquired in the Republic of Slovenia or to hold a Bachelor's Degree in Law acquired abroad and recognized in the Republic of Slovenia; (4) To have passed the state examination of legal profession; (5) To have four years' practical experience as a Bachelor of Law, at least one year of which was with a lawyer; (6) To have an active command of the Slovenian language; (7) To be of a suitable character for the practice of the legal profession; (8) To have the equipment and premises required and suitable for practising the legal profession. The one year experience requirement for a lawyer can be fulfilled by practice of the same duration with a notary public. The minimum of one year practice in a law office, is not required if the individual concerned has held the office of judge, public prosecutor or public attorney for at least five years. On registration, lawyers must take an oath.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The Slovene Bar Association consists of 11 regional assemblies. Lawyers are free to practise in any of territorial sub-divisions but there is a registration requirement according to Article 23 of the Bar Act: 'The lawyer shall be free to choose and change his registered office and shall prior to each changing of location inform the Bar Association of Slovenia thereof. The lawyer cannot have a subsidiary of his law office in the Republic of Slovenia.'

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The activities of lawyers are listed in Article 2 of the Bar Act: 'Within the scope of his law practice the lawyer shall give legal advice, represent and defend his clients in courts and in front of other authorities, draw up documents and act on his clients' behalf in their legal relationships. Unless otherwise provided by the law, it is exclusively by the lawyer that a client may be represented in courts on the basis of remuneration.'

# Slovenia

*Do you need to hold local nationality to be eligible to practise law?*

Slovenian citizenship is mentioned as a requirement to practise law in Article 25 of the Bar Act. However, Article 2a of the Act also sets out that 'A foreign lawyer who has acquired the right to practise his profession in his parent country may perform in the Republic of Slovenia, under the terms and conditions specified herein, the following services:

- Lawyer's services;
- Legal profession appertaining to the professional title acquired in his parent country;
- Legal profession appertaining to the professional title of "lawyer" '.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Slovenian lawyers may work as sole practitioners or in a law firm. Articles 35 and 36 of the Bar Act give more detail on the conditions governing practice in law firms: 'Article 35: A Law Firm may be established as a Civil Law Firm or as a Law Firm with the status of legal entity. A Law Firm with the status of legal entity may be established as a company with unlimited personal liability of partners for the Law Firm's obligations. Article 36: The establishment and operation of the Law Firm shall be subject to the regulations on commercial companies, unless otherwise provided by this law'. Law firms may not have more than one office in Slovenia.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Code of Conduct for Lawyers (1994, amended in 2001), Bar decision On the Lawyers' Tariff (2003) as well as numerous internal acts of the Bar Association.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

The Bar Association only maintains the roll of lawyers, however Article 39 of the Bar Act provides for the conditions for the practice of law by firms. Law firms must be entered in the Court Registry. The Bar Association must give its consent prior to registration with the court.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Slovene Bar Association – [www.odv-zb.si/predstavitev](http://www.odv-zb.si/predstavitev).

*Is the jurisdiction a member of the WTO?*

Slovenia joined the WTO on 30 July 1995.

*Has it made any WTO commitments on legal services?*

In accordance with the EU's commitments to the WTO, Slovenia has made commitments in modes 1–3 for home country and international law. In mode 1, Slovenia is 'Unbound for drafting of legal documents'. In mode 3, for the practise of local law, foreign lawyers who are not Slovenian nationals, must be proficient in the Slovenian language and meet other requirements (good health and ability to conduct business; be suitable for practising the legal profession; have necessary equipment and

# Slovenia

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

premises). Commercial presence in general is restricted to sole proprietorship, general law firm partnerships, or limited liability companies. Consent of the Bar Association is required for the establishment of any law firm.

As a member of the EU, Slovenia extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Slovenia is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at [www.wto.org/english/tratop\\_e/region\\_e/rt\\_a\\_participati\\_on\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rt_a_participati_on_map_e.htm?country_selected=none&sense=s)).

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's Free Trade Agreements (FTAs) with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalizing measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (The Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of

*Are there any 'foreign law' firms present in this jurisdiction?*

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Slovenian as well as foreign and international law and are entered on the roll of 'foreign lawyers entitled to practise their legal profession in the Republic of Slovenia under the professional title of lawyer'. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice and are entered on the roll of foreign lawyers entitled to practise their legal profession under the professional title from his parent country '.

There are a number of Austrian and German law firms established in Slovenia.

Lawyers from the EU may provide temporary services (Article 34.e of the Bar Act) without needing to register but they must inform the Bar Association of Slovenia and submit evidence of their qualification and insurance cover, as well as an address or a proxy for services of documents. They will be subject to the rules of the Slovenian Bar in their temporary practice. They may provide services in relation to home country law, EU law and international law (with the exception of representing clients before Slovenian courts where certain restrictions apply).

Slovenia is one of the 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

Foreign and EU lawyers must obtain foreign lawyer identity cards in order to practise as foreign legal consultants. An EU lawyer may obtain a licence to establish as a foreign legal consultant. This licence entitles him/her to give legal advice on the legislation of his parent country, on the legislation of the EU, on international law and on the legislation of the Republic of Slovenia. Representation of clients before the courts in the Republic of Slovenia must be done in cooperation with a licensed Slovenian lawyer. EU lawyers are not permitted to be elected to the Slovenian Bar, train pupils and prospective entrants to the Bar, be appointed the proxy of a legal aid client or be appointed attorney ex officio. Under Article 34g of the Bar Act, lawyers from outside the EU who are licensed in their home countries

# Slovenia

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

*Are foreign lawyers permitted to undertake arbitration and mediation?*

*Are foreign lawyers allowed to appear in court under any circumstances?*

*Can foreign lawyers requalify as local lawyers?*

*Can a foreign law firm obtain a licence to open an office?*

may also obtain foreign legal licences in Slovenia on the same terms as EU lawyers. In order to do so, they must satisfy the following conditions: Be in good health and able to conduct business, have an active command of the Slovenian language, be suitable for practising the legal profession, have the necessary equipment and premises required and suitable for practising the legal profession.

Foreign lawyers are required to maintain an office in Slovenia and to actually and continuously perform their profession.

Foreign (non-EU) lawyers who are licensed in their home countries, must: pass an exam on Slovenian law and be in good health and able to conduct business, have an active command of the Slovenian language, be suitable for practising the legal profession, have the necessary equipment and premises required and suitable for practising the legal profession. EU lawyers must be of EU nationality and qualification and provide a certificate of good standing (no more than three months old) from their home country bar or regulatory authority. If a lawyer is disbarred in their home country then they are considered disbarred in Slovenia. A foreign (non-EU) lawyer's licence is subject to de facto reciprocity between Slovenia and his parent country.

There is no requirement for an arbitrator to be a Slovene national, qualified as a lawyer or a registered member of the Bar. Article 7 of the Mediation Act (2008) explicitly mentions the possibility of appointing foreign mediators.

Article 34c of the Bar Act provides that EU/EFTA and Swiss lawyers may appear in court but must do so in cooperation with a local lawyer.

‘In the performance of lawyer's services related to the representation of clients before the courts in the Republic of Slovenia, the lawyer referred to in the preceding Article shall cooperate with the lawyer who is entitled in the Republic of Slovenia to practise his legal profession under the professional title of “lawyer”.’

EU lawyers may fully requalify as Slovenian lawyers following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three year period of continuous and effective practice in Slovenia. Article 34d of the Bar Act sets out the requirements for applicants.

Law firms must obtain prior approval from the Bar Council before establishing.

# Slovenia

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

Foreign law firms must also be entered in the court register (equivalent to the business register).

*Are there different types of foreign law firm 'licence' (eg Joint Law Venture, standalone foreign licence etc.?)*

EU law firms may establish as unlimited partnerships or as civil law firms. Non-EU foreign law firms may only establish as unlimited partnerships. The Bar Council must give its consent to the establishment of any law firm.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

There are no geographical restrictions but foreign law firms, like domestic law firms may only have a single office in Slovenia.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?*

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

*Are there restrictions on the corporate form a foreign law firm can take?*

Foreign companies must establish branches in Slovenia and parent companies remain fully liable. Article 35 and 36 of the Bar Act set out the legal forms available to law firms, all law firms must be approved by the Bar and registered with the Court Registry.

*Are there rules about the name a foreign law firm can take?*

There are no specific rules for the names of foreign law firms. However, Article 38 provides for rules about names of law firms in general in Slovenia:

‘The registered name of the Law Firm shall necessarily contain an additional indication of Law Firm, expressed with the abbreviation “o. p.” ‘

The name of a former partner may, with his consent or with his heirs' consent, remain preserved in the registered name of the Law Firm referred to in the preceding paragraph for at maximum five years, with additional indication “former” accompanying his name.’

*What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.*

Law firms must be entered in the Court registry having obtained the consent of the Bar Association: [www.sodisce.si/javne\\_knjige/sodni\\_register/](http://www.sodisce.si/javne_knjige/sodni_register/).

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

There are two types of restrictions on ownership applicable to foreign law firms. First there are limitations on ownership that apply to all law firms which are provided for in Article 37 of the Bar Act:

‘The activity of the Law Firm shall be limited to practising the legal profession. Partners in a Law Firm may only be lawyers. Management of the affairs of a Law Firm cannot be entrusted to a person other than a lawyer’. In this context, lawyer means Slovenian lawyer.

## Slovenia

There are also rules on the foreign ownership of companies (Article 36 of the Bar Act provides that establishment and operation of the Law Firm shall be subject to the regulations on commercial companies, unless otherwise provided by this law): 'At least half of the ordinary members of the Board of Directors have to be nationals of the Republic of Slovenia. The managing director of a limited liability company or at least the procurator has to be a Slovenian national. A non-Slovenian national, who is a director of a branch, established in the Republic of Slovenia by a foreign juridical person, has to be a resident in the Republic of Slovenia. The establishment of branches by foreign companies is conditioned with the registration of the parent company in a court register in the country of origin for at least one year'.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

A Slovenian lawyer may be employed by an EU law firm (its branch office in Slovenia), but employment in organisations not registered with the Bar is contrary to the code of conduct. However, branch offices of any foreign law firms may be registered in the Companies' Register without needing to inform the Bar.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

EU lawyers may enter partnerships with Slovenian lawyers but non-EU lawyers must requalify in order to form such partnerships.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

[www.odv-zb.si/en/about-the-bar](http://www.odv-zb.si/en/about-the-bar)



# Spain

*Is there legislation governing the legal sector?*

Organic Law 6 /1985 of 1 July, the Judicial Branch. Title II: Lawyers and Attorneys, Royal Decree 658/2001 of 22 June, which approves the General Statute of the Spanish Bar, Law 34/2006 of 30 October, on access to the professions of lawyer or solicitor of the Courts. Royal Decree 775/2011 of 3 June, which approves the Regulations of Law 34/2006, of 30 October, on access to the professions of lawyer or solicitor of the Courts.

*Under what title do lawyers practise?*

Licenciado/Abogado or Licenciada/Abogada

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

In Spain, a lawyer must be a member of a local bar association and in order to register with the bar a candidate must possess a graduate law degree, the Titulo de Licenciado en Derecho, which requires five years of study.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Spanish lawyers register with their local bar association but have the right to practise throughout the country.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Spanish legislation provides that lawyers have the exclusive right to practise the Legal Profession before any court, administrative body, association, corporation or public entity.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer can practise as a sole practitioner, or as an employee, or in any legal form, including as a company. The Civil Law Company is the most common form.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Code of Conduct of the Spanish Bar was promulgated by the General Council of the Spanish Bar and was approved by the Real Decreto 658/2001, 22 June 2001.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Lawyers must register their office addresses with their local bar. If they establish an association, then the agreement between the lawyers must be lodged with the Bar. The local bars also maintain registers of any multi-disciplinary businesses that involve lawyers.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Local bars are responsible for licensing lawyers. Links may be found from the Consejo General de la Abogacía Española – [www.cgae.es](http://www.cgae.es).

*Is the jurisdiction a member of the WTO?*

Spain joined the WTO on 1 January 1995.

# Spain

*Has it made any WTO commitments on legal services?*

Spain has signed up to the European Union's GATS commitment of modes 1–3 in home country and public international law.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

As a member of the European Union, Spain extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Spain is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participation\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&sense=s)).

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's Free Trade Agreements (FTAs) with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (The Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Spanish as well as foreign and international law and can requalify as a Spanish lawyer. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in

# Spain

*Are there any 'foreign law' firms present in this jurisdiction?*

their scope of practice and may not requalify.

There are over 30 foreign law firms established in Spain from a range of countries including US, UK, Germany, France and Switzerland.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Lawyers from other EEA states may provide temporary services without needing to register with a local Bar in Spain. They will be subject to the Spanish code of conduct in their temporary practice. They may provide services in relation to home country law, EU law and international law.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Spain is one of the 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers may practise in Spain under their home country title in the law of their home country or public international law. EEA lawyers may establish under their home title and additionally practise local law in association with a Spanish lawyer.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

An EEA lawyer must register with the relevant local bar in Spain, practise under his home title and comply with the Spanish code of conduct.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

An EEA lawyer must hold EEA nationality and an EEA legal qualification.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Under the Spanish Arbitration Act, parties are free to choose the arbitrators of their choice.

*Are foreign lawyers allowed to appear in court under any circumstances?*

EU/EFTA and Swiss lawyers may all appear in courts in Spain provided they are introduced by a local lawyer. Other nationals are not permitted to appear in court.

*Can foreign lawyers requalify as local lawyers?*

EEA and Swiss lawyers may fully requalify as Spanish lawyers following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three year period of continuous and effective practice in Spain. Lawyers of other nationalities may have their qualifications assessed (Royal Decree 285/2004, 20 February as amended by Royal Decree 309/2005, 18 March)

*Can a foreign law firm obtain a licence to open an office?*

Foreign law firms do not require licences to open offices to practise their home country and international law in Spain unless they are from EEA member states.

*Even if a foreign law firm does not require a legal licence must they*

Depending on the form of the operation, it must be registered with either the business register or the foreign

# Spain

<i>register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)</i>	investment register. Representative offices do not need to be registered.
<i>Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)</i>	No.
<i>Is there a quota on the number of licences available?</i>	No.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?</i>	There are no scope of practice rules that apply to firms as opposed to individual lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	EEA law firms are subject to the same rules on corporate form as local law firms.
<i>Are there rules about the name a foreign law firm can take?</i>	The Establishment Directive (98/5/EC) makes it clear that EU law firms may use the name of their law firm they use in their home country. The host Member State may require that, in addition mention is made of the legal form of the grouping in the home Member State and/or of the names of any members of the grouping practising in the host Member State.
<i>What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.</i>	EEA law firms must register with the local Spanish bar in the location they are established.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	There are no restrictions on the ownership share of EEA lawyers in a Spanish law firm.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	There is no prohibition on employment of a Spanish lawyer by an EEA lawyer or law firm.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	A Spanish lawyer may enter partnership with an EEA lawyer.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes but only under their home title.
<i>Other useful sources or comments or links</i>	Consejo General de la Abogacía Española (General Council of the Spanish Bars): <a href="http://www.cgae.es/">www.cgae.es/</a> .

## Sri Lanka

*Is there legislation governing the legal sector?*

Administration of Justice (Judicature) Law, No. 44 of 1973 and Part VII of the Rules of the Supreme Court Rules, 1978 published in the Government Gazette No. 9/10 of 8 November 1978.

*Under what title do lawyers practise?*

Attorney-at-law

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

Applicants must be admitted and enrolled as an attorney-at-law by the Supreme Court of Sri Lanka. This requires pledging alliance to the Constitution of Sri Lanka. There is an education requirement: applicants must take and pass all three law examinations at the Sri Lanka Law College, which takes three years. If one has a law degree from a foreign university recognised by the Council of Legal Education, then the entrance examination to the Sri Lanka Law College may be waived. If qualified as a barrister in Scotland, England or Wales, applicants can sit for examinations at the Sri Lanka Law College without having had attended lectures, which takes approximately six months. Applicants also need to have credit passes in English and Sinhala or Tamil (local language) at the GCE Ordinary Level exam or its equivalent. They must also complete a six-month training period; the only exception is for those applicants who served a pupillage in the United Kingdom.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The Administration of Justice Law defines the rights and liabilities of attorneys as follows: 'Every attorney-at-law shall be entitled to assist and advise clients and to appear, plead or act in every court or other institution established by law for the administration of justice'. There is no explicit statement of exclusivity of rights but it has been interpreted to mean reserved rights in both advisory and representational services.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Section 41 of the Judicature Act provides that every attorney-at-law shall be entitled to assist and advise clients and to appear, plead or act in every court or other institution established by law for the administration of justice. An attorney-at-law may only carry out conveyancing if he has undertaken a separate examination in conveyancing or had qualifications recognised from abroad which required conveyancing (eg, the UK), he can then obtain a warrant from the Minister of Justice to practise as a notary in the judicial zone in which he resides

No.

*Do you need to hold local nationality to be eligible to practise law?*

# Sri Lanka

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Under Section 34 (2) of the Judicature Act: 'it shall be lawful for attorneys-at-law to practise in partnership, or to employ such other persons as may be necessary or expedient for the proper and efficient discharge of their duties and functions. It shall also be lawful for an attorney-at-law to be assisted or instructed by another attorney-at-law'. Branch offices are not permitted.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Section 40 of the Judicature Act, no. 2 of 1978 provides for the Supreme Court to admit and enrol as Attorneys-at-Law, persons of good repute and of competent knowledge and ability, in accordance with Part VII of the Rules of the Supreme Court Rules, 1978 published in the Government Gazette No. 9/10 of 8 November 1978.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

A practising address must be registered. If an attorney-at-law is also a notary he may have two offices but one of these must be his home address.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Supreme Court issues licences to attorneys-at-law

*Is the jurisdiction a member of the WTO?*

Sri Lanka joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Sri Lanka has made no commitments in legal services under the GATS.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Sri Lanka has bilateral agreements with India and Pakistan and is party to SAFTA agreements.

*Do these currently include legal services or are there plans to include them in future?*

No.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Foreign lawyers are not treated differently as a result of trade agreements, but there are differences in treatment of foreign qualified lawyers for the purposes of requalification, on the basis of historic ties. For example, a number of common law qualifications are recognised, usually from jurisdictions to which Sri Lankan nationals might have gone abroad to study.

*Are there any 'foreign law' firms present in this jurisdiction?*

No, although Sri Lanka is used for legal process outsourcing work.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There are no explicit rules on fly-in fly-out practice beyond the requirements of the visa regime.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

The duration of stay initially allowed is one year with a residence visa, and three months with a multiple entry business visa. A resident visa is granted for expatriate professionals whose services are required for projects or companies approved by the Board of Investment or a governmental authority; extensions are possible.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal*

There is no limited licence scheme for foreign lawyers. Foreign lawyers may either requalify as Sri Lankan lawyers,



## Sri Lanka

<i>consultant and what is the scope of this limited licence?</i>	work as employees or outside the scope of reserved legal services.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	n/a
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	n/a
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Arbitration Act, no 11 of 1995 allows for the conduct of international arbitration procedures in Sri Lanka. The ICLP centre for international arbitration was established in 1996.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Only if fully enrolled as an attorney-at-law with the Supreme Court of Sri Lanka.
<i>Can foreign lawyers requalify as local lawyers?</i>	Entry conditions for lawyers licensed in Scotland, England, Wales are different from those licensed in other countries. Barristers of Scotland, England and Wales are required to take only Civil Procedure and Pleadings I & II, Law of Property I & II, Revenue Law, Industrial Law and Commercial Law 1. They will also be required to attend the practical training course and serve the period of apprenticeship except in the case of those who have served a period of pupillage in the UK.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Ownership by foreign nationals or non-locally-licensed professionals is not permitted.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)</i>	n/a
<i>Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?</i>	n/a
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	n/a



## Sri Lanka

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

No.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

No.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Foreign lawyers could work as 'paralegals' in Sri Lanka, since if a lawyer only works as an employee and does not sign off on documents they do not have to be licensed in Sri Lanka.

*Other useful sources or comments or links*

Sri Lanka Law College: [www.sllc.ac.lk/index.html](http://www.sllc.ac.lk/index.html).

# Sudan

*Is there legislation governing the legal sector?*

The Advocacy Act 1983 (NB A new bill is currently under discussion)

*Under what title do lawyers practise?*

Advocate

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

In order to become an Advocate in Sudan, an individual must be of Sudanese nationality, at least 21 years of age and of good character, be in possession of a LLB degree from a recognised educational institution and have passed the legal professing exam managed by the Advocates Admissions Committee, unless exempt. Successful applicants must complete a one-year prescribed term of traineeship. Candidates are interviewed by the Bar Admission Committee and must swear an oath before they can be admitted. Licences are renewed annually.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Yes.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The licence and title of advocate only relates to representation in front of the court, all other areas of legal practice are unregulated.

*Do you need to hold local nationality to be eligible to practise law?*

Only Sudanese nationals are eligible to obtain a full licence to practise law in Sudan.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Lawyers generally work in sole proprietorships although it is legally possible for them to work in partnership, limited liability or multidisciplinary partnerships or in corporations (Partnerships Act 1933; Companies Act 1925)

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Advocacy Act 1983 sets out a number of the ethical duties of Sudanese advocates, including duties to clients, client secrecy, advertising etc. The Sudanese Bar Association has also promulgated a code of conduct.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There are no provisions governing law firms in Sudan, a Sudanese advocate must, however, register his/her office address with the Bar Association and is covered by provisions set out in the Advocacy Act 1983 in relation to advertising, holding of client money. Contingency and conditional fees are currently prohibited by legislation but the pending Advocacy Bill proposes a change).

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Sudan Bar Association (Advocacy Act 1983).

*Is the jurisdiction a member of the WTO?*

Sudan is currently negotiating membership of the WTO.

*Has it made any WTO commitments on legal services?*

n/a

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Sudan is a member of the Common Market for East and Southern Africa (COMESA) which is negotiating a customs union.

Sudan is member of the Greater Arab Free Trade Area

# Sudan

*Do these currently include legal services or are there plans to include them in future?*

(GAFTA).

Not at present but there is a plan to undertake MRAs in future with a number of Arab countries.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Article 20 of the Advocacy Act allows for preferential recognition of certain jurisdictions.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign law firms established in Sudan.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There are no explicit rules on fly-in fly-out practice.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Yes.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Sudanese nationality is a prerequisite for practice in Sudan, however foreign nationals may appear on a case by case basis in court.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Under the Arbitration Act 2005, parties are free to appoint arbitrators of their choice, and rejection of an arbitrator can only be on the grounds of lack of independence or neutrality.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Alien advocates may appear before Sudanese Courts on a case by case basis, in conjunction with a local Advocate (Advocacy Act 1983 art. 20 (c)). The fee payable in these cases is set by the Admissions Board and may be up to two per cent of the value of the suit.

*Can foreign lawyers requalify as local lawyers?*

Requalification of foreign lawyers is not possible given the requirement for advocates to be Sudanese nationals.

*Can a foreign law firm obtain a licence to open an office?*

This is dealt with by the Sudan Bar Central Committee on a case-by-case basis, although there are no rules forbidding a foreign law firm from establishing and offering the same services as domestic law firms, this system has yet to be tested.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

Invest in Sudan sets out the conditions for investment and the formalities required

[www.sudaninvest.org/English/Invest-Services.htm](http://www.sudaninvest.org/English/Invest-Services.htm).

All companies must be registered at the Companies Registrar Office. Foreign companies can register a branch following the rules set in [www.crd.gov.sd/f\\_companyRegistration.htm](http://www.crd.gov.sd/f_companyRegistration.htm).

## Sudan

<i>Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?</i>	n/a
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	In theory a foreign law firm could establish as a business outside of advocacy, under one of the business vehicles permitted in Sudan.
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.</i>	Sudanese Bar Association
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	There are no legislative provisions or rules covering ownership interests by foreign lawyers in Sudanese law firms.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	There are no legislative provisions or rules on employment by foreign lawyers and in practice many Sudanese lawyers work outside of Sudan for foreign law firms.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	n/a
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	There are no rules preventing this.
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	Sudan Bar Association (February 2014)

## Sweden

*Is there legislation governing the legal sector?*

The Swedish Code of Judicial Procedure (CJP), Chapter 8. Charter of the Swedish Bar Association.

*Under what title do lawyers practise?*

Advokat

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

Chapter 8, Section 2 of the Swedish Code of Judicial Procedure provides that: 'To be admitted as a member of the Bar Association the applicant must: (1) be domiciled in Sweden or another state in the EU or EEA; (2) have passed the examinations prescribed to qualify for appointment as a judge; (3) have completed the practical and theoretical training necessary to practise as a member of the Bar Association; (4) have established a reputation as a person of irreproachable character; and (5) in other respects be considered suitable to practise as a member of the Bar Association. Item 3 of this Section must be read together with Section 3 of the Bar Association Charter which says that 'a person may be admitted as a member of the Bar Association only if he or she has practised law in a satisfactory way for at least five years after passing the above-mentioned proficiency examinations, during which time he has for at least three years devoted himself to assisting the general public in legal matters, either as an employee of a member of the Swedish Bar Association or as a self-employed person and has taken mandatory courses in the ethics and professional conduct'.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The licence to practice in Sweden is national.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

There is no monopoly of legal services in Sweden, however access to the title of 'advokat' is restricted.

*Do you need to hold local nationality to be eligible to practise law?*

Foreign nationals can practise law in Sweden under certain conditions. Section 3 of the Bar Association Charter permits the Board of the Bar Association to grant exemptions from residency requirements and practising experience requirements. To practise under title used in country of origin: any person who is licensed as the counterpart of an advokat in another state within the EU and wish to practice in Sweden on a permanent basis must be registered with the Swedish Bar Association to become a member of the Bar Association: Section 3 of the Charter provides that '[a] person who is qualified to become a lawyer in the EU or EEA or Switzerland and who in Sweden has undergone a test showing that he has sufficient knowledge of the Swedish legal system will be deemed to fulfil the requirements of items 2 and 3 of the first paragraph [education and practicing experience requirements] . The same applies to a person registered under section 4a [person practising under his/her title of origin in Sweden] who has subsequently

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	<p>actually and continuously practised law in Sweden for a period of at least three years, provided either that the practice has primarily involved Swedish law or, if the practice has not primarily involved Swedish law, that the registered person has in some other manner acquired sufficient proficiency and experience to be admitted as a member of the Bar Association. A person licensed as a lawyer in Denmark, Finland, Iceland or Norway in accordance with regulations there in effect and who has subsequently served as an assistant lawyer at a law firm in Sweden in a satisfactory manner for at least three years will be deemed to fulfil the requirements of items 2–5 of the first paragraph [means to fulfil all requirements]’.</p>
<p><i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i></p>	<p>Swedish advokats may practise as sole practitioners, in general partnerships or in a limited liability company or limited liability partnership.</p>
<p><i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i></p>	<p>Code of Conduct for Members of the Swedish Bar Association was issued by the Board of the Swedish Bar Association on 29 August 2008.</p>
<p><i>Do law firms need to receive a licence (or permission/approval) to practise law?</i></p>	<p>There is no law firm licensing process in Sweden, however the board of the Bar Association is competent to grant exemptions from the requirements for shareholders and therefore has some control over law firms in Sweden.</p>
<p><i>Which authority issues licences? Are there different authorities for individuals and firms?</i></p>	<p>The relevant authorities for licensing of individuals are the Board and the Disciplinary Committee of the Swedish Bar Association. There is no requirement on law firms to obtain licences.</p>
<p><i>Is the jurisdiction a member of the WTO?</i></p>	<p>Sweden joined the WTO on 1 January 1995.</p>
<p><i>Has it made any WTO commitments on legal services?</i></p>	<p>Sweden has signed up to the EU's GATS commitments in modes 1–3 for home country and public international law. It has qualified these commitments with the some limitations on the extent to which foreign lawyers can practise in partnership with Swedish advokats.</p>
<p><i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i></p>	<p>As a member of the EU.</p>
<p><i>Do these currently include legal services or are there plans to include them in future?</i></p>	<p>The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are</p>



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limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's Free Trade Agreements (FTAs) with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.

Lawyers from within the EU.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

*Are there any 'foreign law' firms present in this jurisdiction?*

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

There are around ten foreign firms in Sweden including UK firms.

As there is no lawyers' monopoly on the provision of legal services in Sweden there are no restrictions on temporary practice.

Sweden is one of the 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

*Are foreign lawyers permitted to undertake arbitration and mediation?*

There is no requirement for a foreign lawyer to obtain a licence as a foreign legal consultant in order to establish and practise law in Sweden as there is no monopoly on the provision of legal services.

n/a

An EEA lawyer must hold EEA nationality and an EEA legal qualification.

According to Section 7 of the Swedish Arbitration Act (SFS 1999: 116) 'any person who possesses full legal capacity in regard to his actions and his property may act as an arbitrator'.

*Are foreign lawyers allowed to appear in court under any circumstances?*

EU/EFTA and Swiss lawyers may all appear in court provided they are introduced by a local lawyer. Other nationals are not permitted to appear in court.



# Sweden

*Can foreign lawyers requalify as local lawyers?*

The Code of Judicial procedure makes it possible for the Board of the Bar to grant exemptions with regards to theoretical and practical training for a person who is qualified as a lawyer in another state and wants to become a member of the Swedish Bar. Such exemptions require reciprocal agreements. No such agreements exist and the rule has never been used.

*Can a foreign law firm obtain a licence to open an office?*

Foreign law firms do not require licences to open offices to practise their home country and international law in Sweden unless they are from EEA member states.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

There are no special permits required for foreign businesses, but the formalities required of local businesses must be met.

*Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)*

n/a

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?*

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

*Are there restrictions on the corporate form a foreign law firm can take?*

EEA law firms are subject to the same rules on corporate form as local law firms.

*Are there rules about the name a foreign law firm can take?*

The Establishment Directive (98/5/EC) makes it clear that EU law firms may use the name of their law firm they use in their home country. The host Member State may require that, in addition mention is made of the legal form of the grouping in the home Member State and/or of the names of any members of the grouping practising in the host Member State.

*What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.*

The Swedish Bar does not regulate law firms and there are no restrictions on the establishment of law firms.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Persons from another state in the EU, EEA or Switzerland must comply with provisions on ownership of Swedish law firms when they practise in Sweden (Chapter 8, section 9 of the JPC). An 'advokat' may not practice his profession in cooperation with other persons than other 'advokats'.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

A lawyer may not be employed by an individual other than a lawyer unless leave is granted by the board of the Association (Chapter 8, Section 2, subsection 6 of the Code of Judicial Procedure).

*Can a domestic lawyer enter into*

Where lawyers work in a partnership only a lawyer may be a

## Sweden

*partnership with a foreign lawyer?*

joint owner or partner, unless the board of the Bar Association grants leave (see Chapter 8, Section 4, subsection 2 of the Code of Judicial Procedure and Section 3, subsection 4 in the Swedish Bar Association's guidelines on good practice). This means that for joint ownership of a partnership there is a requirement of residence within the EU, the EEA or Switzerland.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes but only under their home title.

*Other useful sources or comments or links*

Sveriges Advokatsamfund (Swedish Bar Association): [www.advokatsamfundet.se/](http://www.advokatsamfundet.se/).

# Switzerland

*Is there legislation governing the legal sector?*

The Federal Act on the Freedom of Movement for Lawyers (FAFML) of 23 June 2000. There is local legislation in each canton which grants them the right to determine the requirements for obtaining a license to practise law in their territory and the right to authorise lawyers, accredited with its cantonal licence, to represent parties before its own judicial authorities as opposed to the Federal courts.

*Under what title do lawyers practise?*

Advokat, Rechtsanwalt, Anwalt, Fürsprecher, Fürsprech, Avocat, Avvocato.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

Article 7 of the Federal Act on the Freedom of Movement of Lawyers states that to be inscribed in the register, the lawyer must be in possession of a lawyer's license that has been granted on the basis of the following conditions: (1) A course of studies in law leading to a graduate degree awarded by a Swiss university or to an equivalent diploma awarded by a university from one of the states that has concluded an agreement of reciprocal recognition with Switzerland; (2) at least one year of practical experience in Switzerland that has been concluded with an examination of juridical knowledge in theory and in practice. Individual cantons maintain the right to determine the requirements for obtaining the licence to practise law (Article 3 of the FAFML). In Switzerland, lawyers must complete a Bachelor of Law (BLaw, which lasts for three years), a Master of Law (MLaw, which lasts three terms), a one to two-year apprenticeship (depending on the Canton), and pass the bar examination

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Article 4 of the FAFML states that 'all lawyers who are listed in a cantonal register of lawyers can represent parties before judicial authorities in Switzerland without additional authorisation'; the principle is that there are no further sub-national limits. However, Switzerland is a federal country composed of several cantons. Each canton may prescribe particular rules for obtaining the license to practise law and to authorise lawyers accredited with its cantonal licence, to represent parties before its own judicial authorities (Article 3).

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Representation of clients before federal and cantonal judicial bodies are reserved to those who hold a recognised title.

NB. The giving of legal advice is not federally restricted, but regulations may apply in some cantons.

*Do you need to hold local nationality to be eligible to practise law?*

Swiss nationality is not required except to establish a practice in the canton of St Gall.

*What legal forms can lawyers work in? (eg,*

Not governed by federal law.

## Switzerland

*self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

*Do law firms need to receive a licence (or permission/approval) to practise law?*

*Which authority issues licences? Are there different authorities for individuals and firms?*

*Is the jurisdiction a member of the WTO?*

*Has it made any WTO commitments on legal services?*

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

*Do these currently include legal services or are there plans to include them in future?*

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

*Are there any 'foreign law' firms present in this jurisdiction?*

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

See Section 3 of the Federal Act: 'Rules of Professional Conduct and Disciplinary Supervision'.

Lawyers must also comply with specific rules and legislation of the canton where they practise.

Not governed by federal law.

Article 5 of the Federal Act sets out that a register of lawyers will be maintained by each canton of the lawyers who are established within it.

Switzerland joined the WTO on 1 January 1995.

Switzerland has made full commitments in modes 1–3 subject only to the qualification that Swiss nationality necessary to open up practice in the canton of St Gall.

The Swiss confederations a party to EFTA and through EFTA with its many bilateral agreements (currently 26 agreements with 36 countries) including most of the Middle East, some South American countries, Canada, Turkey, Ukraine and Korea.

Switzerland's agreement with the EU includes legal services.

Lawyers from within the EU, other EFTA states or Switzerland are covered by the various EU directives covering legal services (The Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU or EFTA lawyer can provide legal assistance in Swiss as well as foreign and international law and can requalify as a Swiss lawyer. Foreign lawyers from outside the EU or EFTA are more restricted in their scope of practice and may not requalify.

There are more than 20 foreign law firms present in Switzerland including firms from the UK, US, Germany, the Channel Islands and other offshore centres.

Nationals from member states of the EU or other EFTA countries may provide legal services freely on a temporary basis and do not need to be registered (Article 21 of the FAFML). The federal and cantonal judicial authorities, before whom the Lawyers providing services appear, as well as the supervisory authority for Lawyers, have the right to request evidence of a lawyer's qualification (Article 22). In the case of proceedings for which legal representation is mandatory, lawyer providing services is obliged to work in conjunction with a lawyer who has been inscribed in the cantonal register (Article 23).

## Switzerland

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Switzerland is one of the 25 countries in Europe that has signed the Schengen Agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180-day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements. Entry and stay of foreign service suppliers in Switzerland is subject to authorisation (requirement of residency permit and work permit). Authorisation is granted subject to measures fixing overall numbers of work permits allocated.

Not governed by federal law.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Not governed by federal law.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Not governed by federal law.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Not governed by federal law.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

*Are foreign lawyers allowed to appear in court under any circumstances?*

EU and EFTA lawyers may appear in court, provided they are introduced by a local lawyer. Other foreign lawyers may seek an authorisation to act in court from the cantonal supervisory authority (granted on a case-by-case basis), and be assisted by a lawyer registered in that canton.

*Can foreign lawyers requalify as local lawyers?*

Any EU or EFTA lawyer can apply for registration to the supervisory authority of the canton where he wishes to appear in court on a regular basis. Lawyers who are nationals of members states of the EU or EFTA shall be admitted to a qualifying examination, if they: (1) have successfully completed a course of studies of at least three years at a university and, if need be and in addition, have also completed the requisite professional training; and (2) have a diploma that entitles them to practice the legal profession in one of the member states of the EU or EFTA (Article 32 of the FAFML).

Not governed by federal law.

*Can a foreign law firm obtain a licence to open an office?*

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

Not governed by federal law. The majority of the board of directors of a 'joint stock company' (société anonyme /Aktiengesellschaft or société en commandite par actions /Kommanditaktiengesellschaft) must be Swiss

# Switzerland

citizens with domicile in Switzerland (except for holding companies). At least one manager of a 'corporation with limited liability' (société à responsabilité limitée/Gesellschaft mit beschränkter Haftung) must have his domicile in Switzerland. The administrators of a 'co-operative society' (société coopérative/Genossenschaft) must be composed of a majority of Swiss citizens with domicile in Switzerland. Joint stock companies are not prohibited to foresee in their articles of incorporation that shareholders can be denied registration in the shareholder register, inter alia in case federal law requires a certain composition of shareholders. The establishment of a branch requires a representative (natural person) with domicile in Switzerland who is duly authorised by the company to fully represent it. The establishment of a commercial presence by natural persons or in the form of an enterprise without juridical personality according to Swiss law (in a form other than 'joint stock company', 'cooperation with limited liability' or 'co-operative society') is subject to the requirement of a permanent residency permit of the associate(s) by cantonal law.

Not governed by federal law.

*Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)*

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?*

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

*Are there restrictions on the corporate form a foreign law firm can take?*

Not governed by federal law.

*Are there rules about the name a foreign law firm can take?*

Not governed by federal law.

*What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.*

Not governed by federal law.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Not governed by federal law.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Not governed by federal law.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Not governed by federal law.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Not governed by federal law.

*Other useful sources or comments or links*



# Syria

*Is there legislation governing the legal sector?*

The Advocates Law, law no. 30 of 28 June 2010.

*Under what title do lawyers practise?*

Lawyers in Syria practice under a single title, 'mohamy', which may be translated as 'advocate' or 'lawyer'.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

According to the Advocates Law no. 30, a practising advocate must be registered and in order to register, an individual must satisfy the following conditions: (1) Have full civil capacity; (2) Hold a degree in law from a Syrian University or equivalent; (3) Be under 50 years old, unless he or she has already practised in the legal profession or the judiciary for at least seven years; (4) Have held Syrian nationality for at least five years, or the nationality of another Arab country which qualifies for reciprocal recognition; (5) Have a good reputation that inspires confidence and due respect for the profession; (6) Not have been convicted of any criminal offence; (7) Not have been convicted for any crimes that are incompatible with the duties of the profession and its dignity; (8) Not to have been subject to disbarment for disciplinary reasons or to have been fired from a public sector post; (9) Be resident in the jurisdiction in which he is registered; (10) Not be infected with an incurable disease; (11) Not to have been dismissed or retired for health reasons. Trainee lawyers must complete two years of practice under the supervision of a licensed Syrian advocate.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The licence to practice law in Syria is a national one but advocates must be registered with the Bar Association in the local jurisdiction in which they practise.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

According to the Advocates Law 2010, advocates are the only class of persons entitled to practise law.

*Do you need to hold local nationality to be eligible to practise law?*

The practice of law is reserved to Syrian nationals. However Article 10 of the Advocates Law states that a practising Arab lawyer registered in one of the member countries of the Union of Arab States has the right to plead before of most of the Syrian courts under certain conditions.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Article 6(7) of the Commercial Companies Law (Syrian Legislative Decree No. 29 of 2011) stipulates that professionals and specialists may form a civil company under special regulations. The Advocates Law does however state that Syrian lawyers may only have one office unless they are Members of the Board of the Syrian Bar in which case they may also have an office in



# Syria

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Damascus for their term of office with the Bar.

The law contains further provisions including articles on fees (which allow contingency fees up to 25 per cent), client confidentiality (which release the lawyer from any obligation to look after client documentation five years after his mandate has elapsed) and a prohibition on acting in a situation of conflict of interest.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Regulations concerning law firms have been drawn up following Article 6 (6) of Law No 3 of the Year 2008 on Companies Law.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Lawyers are enrolled in the register of Syrian Bar on the basis of a proposal from the local branch of the Bar. If a lawyer moves from one State to another, he must apply to transfer his enrolment. Law firms must deposit their articles of association with the Bar for approval.

*Is the jurisdiction a member of the WTO?*

Syria is not a member of the WTO but has applied to join. Negotiations are at an early stage.

*Has it made any WTO commitments on legal services?*

n/a

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Syria is a party to the Pan Arab Free Trade Area and has a bilateral trade agreement with Turkey. An association agreement has been negotiated with the EU but not yet signed.

*Do these currently include legal services or are there plans to include them in future?*

The bilateral agreement between Turkey and Syria does not include any provisions on legal services but does provide for the legal protection of nationals of both countries in civil proceedings, access to legal assistance in civil and commercial matters, and the mutual recognition and enforcement of court decisions in civil and commercial matters.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No.

*Are there any 'foreign law' firms present in this jurisdiction?*

Foreign law firms are not permitted to establish in Syria. Under the Companies Act, foreign companies are not allowed to exercise any activity inside Syria. There is only one known formal association which is between a German firm and Syrian firm.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

n/a

## Syria

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Business visas may be obtained in advance on the basis of a letter of invitation from the sponsoring Syrian organisation which states the business to be conducted and the status/qualification of the applicant.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

The practice of any law in Syria is reserved to Syrian Advocates. A foreign lawyer could only practice in Syria by taking Syrian nationality and then seeking admission after five years have elapsed, through the examination run by the Ministry of Higher Education.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

'The Syrian arbitration Act provide that an arbitrator need not be of a specific sex or nationality, unless the parties to arbitration agree otherwise. An arbitrator must not be a minor, subject to interdiction or deprived of his civil rights by reason of a judgment against him for a felony or misdemeanour contrary to morality or by reason of declaration of bankruptcy, unless he has been rehabilitated.

*Are foreign lawyers allowed to appear in court under any circumstances?*

An Arab lawyer may appear in a Syrian Court at the same level at which he is admitted in his home jurisdiction (eg, Appeal, Cassation) provided there are reciprocal arrangements in place for Syrian lawyers and the Arab lawyer has obtained the permission of the President of the Syrian Bar.

*Can foreign lawyers requalify as local lawyers?*

The practice of any law in Syria is reserved to Syrian Advocates. An Arab lawyer could only practice in Syria by taking Syrian nationality for five years and passing the examination set by the Ministry of Higher Education.

*Can a foreign law firm obtain a licence to open an office?*

Foreign law firms may only practice indirectly through associations with local law firms. There is no formal licensing regime for foreign law firms which regulates these arrangements. But according to Article 73 a Syrian lawyer may only accept a mandate from a foreign law firm or company after first obtaining the approval of the Ministry of Internal Affairs.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

n/a

## Syria

<i>Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?</i>	n/a
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	n/a
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Lawyers are explicitly prohibited by the Advocates Law from employment in 'foreign companies'.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	n/a
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	A foreign lawyer could be employed by a Syrian lawyer or law firm but not as a lawyer and they would not be able to practice law in Syria.
<i>Other useful sources or comments or links</i>	<a href="http://www.syrianbar.com">www.syrianbar.com</a>

## Taiwan (Chinese Taipei)

*Is there legislation governing the legal sector?*

The Attorney Regulation Act 2010.

*Under what title do lawyers practice?*

Attorney at law.

*How does an individual lawyer obtain a 'license' to practice law? How often must this be renewed?*

Taiwanese students can study law at the undergraduate, graduate and doctorate level. Those who complete their four-year undergraduate law education are eligible to sit the Bar exam. Graduates must then complete a six-month internship with certified institutions before a licence to practise is issued from the Ministry of Justice. An attorney at law is not entitled to practise until he/she has become a member of a Bar Association.

*Does this entitle the holder to practice throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Yes, but attorneys must register with the relevant local Bar in order to practise in that district.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Only Taiwanese lawyers have rights of audience in court and can provide advice on Taiwanese law.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Lawyers may work in sole practice or in partnerships. Legislation to permit limited liability partnerships is under consideration.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Bar has produced a code of legal ethics.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Upon establishing a law firm, the attorney should join the local bar association in that jurisdiction. Attorneys shall notify the District Court and the District Court Prosecutors Office in that jurisdiction of the address of the attorney's place of business. No attorney shall maintain more than one place of business nor are any form of branch offices permitted within one jurisdiction, and an attorney should not establish another law firm under another name.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Ministry of Justice.

*Is the jurisdiction a member of the WTO?*

Taiwan joined the WTO on 1 January 2002.

*Has it made any commitments under GATS in legal services?*

Chinese Taipei has made full commitments in modes 1–3 for home country and international law.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Taiwan has bilateral agreements with: Honduras, El Salvador, Guatemala, Nicaragua and Panama.

*Do these currently include legal services or are there plans to include them in future?*

Taiwan made commitments under GATS in relation to legal services provided by 'Attorney of foreign legal

## Taiwan (Chinese Taipei)

<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	affairs (AFLA)' (foreign legal consultants).
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	No.
<i>Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?</i>	Yes, mainly US, Canadian, Australian and UK firms.
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	There are no regulatory restrictions on foreign lawyers working on fly-in fly-out transactions.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	Yes.  A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (become a foreign legal consultant). In order to offer advisory services in foreign and international law, a foreign legal consultant is not required but may enter a commercial association with local lawyers. A 'foreign attorney' may not practise law until granted approval by the Ministry of Justice and admitted to the Bar Association where his/her law firm is located.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	A 'foreign attorney' shall, within six months from being granted approval, apply for membership to the Bar Association in the jurisdiction where their law firm is located. That Bar Association shall not refuse admission. A 'foreign legal affairs attorney' shall, when practising law use the formal title of A 'foreign legal affairs attorney' and specify the name of his/her 'home jurisdiction'.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	A 'foreign attorney' who applies to the Ministry of Justice for approval to practice shall meet the prior practice requirements:  Have practised for at least five years within their 'home jurisdiction' and have an appropriate supporting certificate. However, should they have been employed by a Republic of China attorney, as an assistant or a consultant for legal affairs of their 'home jurisdiction', or have practised the law of their 'home jurisdiction' in other countries or regions, that period (not to exceed two years), may count towards the experience period.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	The laws governing arbitration in Taiwan are the Republic of China Arbitration Act of 1998 modelled after the UNCITRAL Model Law of 1985 and the Rules on Arbitration Institutions, Mediation Procedures, and Fees of 1999. Under the Taipei Rules, parties are free to appoint the arbitrators of their choice but failing this the Chinese Arbitration Association of Taipei may appoint

## Taiwan (Chinese Taipei)

	arbitrators on their behalf. The CAA's list includes foreign arbitrators and in order to qualify a foreign arbitrator must be a lawyer with five years' experience, an academic or a former judge.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No.
<i>Can foreign lawyers qualify as local lawyers?</i>	Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must take the attorney qualification examinations according to the laws of Chinese Taipei. A non-citizen who passes the attorney qualification examinations and receives an attorney licence shall be subject to approval by the Ministry of Justice before practising as a lawyer in Chinese Taipei. These requirements are the same as the rules applicable to a local applicant.
<i>Can a foreign law firm obtain a licence to open an office?</i>	The Ministry of Justice is responsible for approving all foreign law firm commercial ventures.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)</i>	Other formalities required in setting up a law firm may be conducted through the government's online portal: <a href="http://onestop.nat.gov.tw">onestop.nat.gov.tw</a> .
<i>Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)</i>	No.
<i>Is there a quota on the number of licences available?</i>	No.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?</i>	Foreign law offices can only advise on home and international law. If the foreign firm wishes to employ a local lawyer they must seek approval from the Ministry of Justice.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Foreign law firms must be established either in the form of sole proprietorships or partnerships.
<i>Are there rules about the name a foreign law firm can take?</i>	The name of a foreign firm must contain the indication 'AFLA' (Attorney of Foreign Legal Affairs).
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL.</i>	The Ministry of Justice is responsible for lawyer admission ( <a href="http://www.moj.gov.tw/mp095.html">www.moj.gov.tw/mp095.html</a> ),
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Only foreign lawyers may be partners in AFLA law firms.

## Taiwan (Chinese Taipei)

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

If a foreign legal affairs attorney obtains permission from the Ministry of Justice, he or she may hire a Chinese Taipei attorney. The qualifications, procedures and other rules to allow him or her to do this will be set by the Ministry of Justice.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

If a foreign legal affairs attorney obtains permission from the Ministry of Justice, he or she may join with a Chinese Taipei attorney to operate a law firm. The qualifications, procedures and other rules to allow him or her to do this will be set by the Ministry of Justice.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes – there is separate recognition in Taiwan’s WTO commitments on legal services of the rights of foreign legal assistants who are not providing legal services under their own name.

*Other useful sources or comments or links*

Link to law on lawyers:

[www.law.moj.gov.tw/eng/LawClass/LawAll.aspx?PCode=I0020006](http://www.law.moj.gov.tw/eng/LawClass/LawAll.aspx?PCode=I0020006).



# Tajikistan

*Is there legislation governing the legal sector or the practise of law? (Please give title eg Legal Practice Act)*

The Law 'On Advocacy' adopted on 4 November 1995

*Under what title do lawyers practise in this jurisdiction? (eg Advocate)*

Advocate

*Does a lawyer need a licence to practise, if so how does he/she obtain a licence and how often must this be renewed?*

The licensing situation in Tajikistan is unclear. The Law of 17 May 2004 'On Licensing Certain Types of Activity' gave responsibility for issuing legal licences to the Ministry of Justice, which does so without requiring candidates to pass any examination. However, in practice, the majority of lawyers are continuing to follow the 'Law on Advocacy' which requires Tajik advocates to obtain licences from, and be members of, a College of Advocates. Membership of a College is open to Tajiki nationals who have higher legal education and a minimum of two years' experience of the practice of law, or who have had training with an Advocate for a period of six months to one year. Candidates must pass an examination set by the Qualifications Commission of their College.

*Does this licence entitle the holder to practise throughout the country? Please explain the jurisdictional limits (eg state limitations etc.)*

The licence to practise law in Tajikistan is national.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The law is unclear. Article 6 sets out the 'types of services provided by Advocates', which include: Consultation and clarification, oral and written references on legal issues; Preparing applications, complaints, motions and other legal documents; Inquiry, data collection and preparation of materials for the consideration and resolution of the established order; Implementation representation in civil cases, administrative cases and other types of cases; Participation in the criminal justice process, when considering economic disputes and the Constitutional Court as counsel and other representatives; As well as by other means, consistent with all applicable laws. However the law doesn't make it clear whether advocates have a monopoly in the provision of all of these types of legal services.

*Do you need to hold local nationality to be eligible to practise law?*

Only a Tajik national can become an advocate.

# Tajikistan

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Lawyers in Tajikistan can either practise as individuals or they may join a college of lawyers. According to the Tajik legislation a college of lawyers shall be formed upon the initiative of not less than 40 lawyers, but no special permission shall be required to establish such an association. The founders shall call a general meeting to adopt the Charter and elect governing bodies of the College.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Advocates must adhere to the requirements of legislation and professional ethics (Law 'On Advocacy' (Article 11, p.1).

*Do law firms need to receive a 'license' (or permission/approval) to practice law in addition to any individual licences?*

Colleges of lawyers must be registered with the Ministry of Justice.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences for individuals and colleges are issued by the Ministry of Justice following the 'Law on Licensing' 2004 but in practice, most advocates still obtain their licences from a College of Advocates.

*Is the jurisdiction a member of the WTO?*

Tajikistan joined the WTO on 10 December 2012.

*Has it made any WTO commitments on legal services?*

Not known.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Tajikistan is a member of the Commonwealth of Independent States and has bilateral agreements with the Russian Federation and Ukraine.

*Do these currently include legal services or are there plans to include them in future?*

The coverage of Tajikistan's bilateral agreements is limited to goods.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No.

*Are there any 'foreign law' firms present in this jurisdiction?*

There is a Kazakh law firm with a presence in Tajikistan.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There are no explicit restrictions on the fly-in fly-out practice of law outside the regulated area of criminal defence.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Business visitors may obtain a visa to visit Tajikistan but must have an invitation from a Tajik business.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no requirement for foreign lawyers to obtain licences to practise as foreign legal consultants in Tajikistan given that practice outside the area of legal aid is unregulated.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Not beyond the general requirements for the issuance of work permits to foreign nationals.

*Are there any conditions that must be fulfilled*

No.

# Tajikistan

*for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

*Are foreign lawyers permitted to undertake arbitration and mediation?*

According to the Regulation on Arbitral Tribunals for Resolution of Economic Disputes in the Republic of Tajikistan 1997 parties are free to appoint the arbitrators of their choice.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Unclear.

*Can foreign lawyers requalify as local lawyers?*

There is a nationality requirement which makes it impossible for non-Tajik citizens to requalify as advocates.

*Can a foreign law firm obtain a licence to open an office?*

There is no requirement for foreign law firms to obtain special licences to practise law beyond the usual company registration procedures.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

Private companies must be registered with the State Registration of Legal Entities and Individual Entrepreneurs. Branches are not permitted.

*Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)*

n/a

*Is there a quota on the number of licences available?*

There are no quantitative limitations on law firms.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

There are no geographical restrictions on law firms.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

There are no ownership limitations but at least 70 per cent of the employees of a foreign owned company must be Tajik citizens.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes,

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

Ministry of Justice – [www.ijozat.tj/index.php?option=com\\_content&view=section&id=19&Itemid=15&lang=en](http://www.ijozat.tj/index.php?option=com_content&view=section&id=19&Itemid=15&lang=en).

# Thailand

*Is there legislation governing the legal sector?*

The Thailand Lawyers Act B E 2528 (1985).

*Under what title do lawyers practise?*

'Tha Nai Kwam' which means registered 'lawyer' or 'barrister'. 'Ni Ti Korn' are Thai nationals with some legal training but who are unregistered and working in-house, in academia or government. 'Tee Pruk Sa Khot Mai' are 'legal advisors' who may have some legal training but who are not officially licensed.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

In order to obtain a licence to practise as a lawyer, you must be a Thai national and at least 20 years of age. They also need to be a graduate with either a Bachelor's Degree or an Associate Degree in Law or an equivalent Certificate in Law from an educational institution accredited by the Lawyers' Council of Thailand. They must then take an eight-month training course offered by the Lawyers' Council of Thailand, which consists of one month of training in theory and seven months of practical training. They then need to pass the Thai Law Society examinations (*Sapa Tana Kwam*) and become a member of the Thai Bar Association (Section 35 of the Thailand Lawyers Act 1985). Lawyers who wish to obtain the title barrister-at-law which entitles the holder to take further examinations to become a judge or a public prosecutor, may take a further one year course offered by the Thai Bar Association. A licence is valid for two years.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Since 1985 all licences have been granted on a national basis entitling Thai lawyers to practice and may appear in any court in Thailand.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Only licensed lawyers can 'appear in court, prepare a plaint or an answer, appellate plaint or appellate answer for both Court of Appeal and the Supreme Court, motion, petition or statements incidental to court proceedings on behalf of another person' (Section 33 of the Thailand Lawyers Act). Outside of the courts, anyone can provide legal advice in Thailand but only as unregulated legal consultants or advisors.

*Do you need to hold local nationality to be eligible to practise law?*

Only Thai nationals can become licensed lawyers in Thailand (Section 35 of the Thailand Lawyers Act 1985)

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Although a licensed Thai lawyer can register only one office (Section 42 of the Thailand Lawyers Act 1985), licensed lawyers do not appear to face other restrictions limiting the legal form in which they can work and many local firms contain both lawyers and licensed accountants working in partnership.

# Thailand

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Thai lawyers must abide by the Regulation of the Law Society of Thailand on Lawyer's Ethics B E 2529 (AD 1986), which is overseen and supervised by the Law Society's Committee on Professional Ethics.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There is no licensing procedure for law firms but most of the larger firms are established as limited companies.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Thai Law Society (also known as the Lawyers Council of Thailand) issues licences and regulates licensed lawyers in Thailand (Section .4 of the Thailand Lawyers Act B.E. 2528 1985).

*Is the jurisdiction a member of the WTO?*

Thailand joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Thailand has listed legal services in its commitments under the GATS. It is unbound in modes 1 and 4 and has no restrictions in mode 2. In mode 3 it has made a commitment to allow foreign equity participation in legal services up to 49 per cent of registered capital provided that the number of foreign shareholders is also be less than half of the total number of shareholders. Its horizontal commitments make clear that foreign participation is only permitted through a limited liability company registered in Thailand. Thailand has also made commitments to permit the temporary entry of natural persons.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Thailand is a party to the ASEAN free trade agreement and to regional trade agreements between ASEAN and Korea, Australia, New Zealand, China, India and Japan. It has also signed bilateral agreements with Japan, Laos, Australia and New Zealand. A pre-WTO US-Thailand Amity agreement also offers some concessions to US citizens.

*Do these currently include legal services or are there plans to include them in future?*

Thailand has included legal services in its specific commitments in both its bilateral agreement with Korea and its regional agreement with other ASEAN countries. At present, these do not offer concessions beyond those offered to other WTO members.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Thailand has granted concessions on ownership of businesses by foreigners in some of its FTAs: Thailand's FTA with Australia makes concessions on free movement of natural persons and allows up to 100 per cent Australian ownership in a management consultancy business (which could be used as a vehicle for a foreign law firm, given the status of foreign lawyers in Thailand). The US-Thailand Treaty of Amity allows US citizens to own up to 100 per cent of a business in Thailand, but they cannot procure work permits to practise law. Thailand's FTA with Japan includes Legal services (CPC 86111+86119+86120+86130+86190) and offers full commitments in modes 2 and 3 which would appear to be a concession beyond other agreements.

# Thailand

*Are there any 'foreign law' firms present in this jurisdiction?*

At least ten large international UK and US law firms have a presence in Thailand and there are smaller foreign practices serving the expatriate community and smaller foreign businesses.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There are no specific rules relating to legal services. A foreigner can obtain a business visa to attend meetings, meet clients etc. but cannot earn income or market services directly to the public.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the Immigration Act B E 2522 (1979), all non-transit visitors to Thailand require an entry visa. Foreigners wishing to work must also obtain a work permit from the Department of Employment and the Ministry of Labour and Public Welfare.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

The Alien Working Act B E 2551 (2008) lists sectors that are prohibited to aliens and this includes legal services and litigation. Foreign lawyers cannot therefore obtain work permits to provide 'legal services' and it is illegal for a foreigner to give legal advice.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Foreign lawyers can act as legal advisers in arbitration proceedings conducted in Thailand if the governing law is not Thai law and the Thai courts are not involved in enforcement.

*Are foreign lawyers allowed to appear in court under any circumstances?*

No.

*Can foreign lawyers requalify as local lawyers?*

No due to nationality provisions.

*Can a foreign law firm obtain a licence to open an office?*

Foreign law firms are not permitted to establish in Thailand to provide legal services. Legal services are included in annex 3 of the Foreign Business Act, which contains the list of businesses prohibited to foreigners. It is, however, possible for a foreign law firm to open an office to provide legal consultancy services. It is also possible for a foreign law firm to affiliate with a local company which can take its name and for it to have no foreign lawyers present on the ground.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

In order to open a consultancy office a foreign law firm needs approval from the Director-General of the Department of Commercial Registration (Ministry of Commerce) and the Alien Business Board. The Foreign Business Act restricts the ownership of foreign-owned law



# Thailand

	<p>firms in Thailand to 49 per cent. This law also stipulates that the manager or the representative of the legal person applying for the licence must be a Thai national. Once established, the director, deputy director, manager and executive manager must also be Thai nationals.</p> <p>A commercial presence which is owned or controlled by foreigner(s) may be subject to certain requirements as stipulated by laws regarding foreign investment.</p>
<i>Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)</i>	Foreign law firms must be established as limited companies (see Foreign Business Act B E 2542, 1999).
<i>Is there a quota on the number of licences available?</i>	No.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?</i>	Foreign law firms cannot practise law as defined in the Thailand Lawyers Act (1985).
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Foreign law firms must be established as limited companies with majority Thai ownership in accordance with the Foreign Business Act (1999).
<i>Are there rules about the name a foreign law firm can take?</i>	Foreign law firm names can be used for joint ventures.
<i>What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.</i>	The Department of Commercial Registration <a href="http://www.dbd.go.th/mainsite/index.php?id=1&amp;L=1">www.dbd.go.th/mainsite/index.php?id=1&amp;L=1</a> .
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Foreign law firms can only establish as joint ventures and must register as limited companies. As a Thai company must have at least seven shareholders and Thai shareholders must own more than 50 per cent of the shares, there must be at least four Thai shareholders involved as owners of the firm. Foreign law firms can however affiliate with local lawyers and the latter can take the name of the foreign law firm.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Local lawyers can be employed in joint ventures but not by a foreign lawyer or foreign firm.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Thai lawyers and foreign lawyers can co-own businesses but cannot set up partnerships.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Thai law firms may employ foreign lawyers provided they do not work as 'lawyers' and comply with the visa and work permit requirements.
<i>Other useful sources or comments or links</i>	<a href="http://www.lawyerscouncil.or.th">www.lawyerscouncil.or.th</a>



# Tunisia

*Is there legislation governing the legal sector?*

Law No 87/1989 on the Organisation of the Legal Profession.

*Under what title do lawyers practise?*

Lawyers in Tunisia practise under the title 'avocat'. They may be registered either as lawyers pleading before the Court of Appeal or the Supreme Court.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

In order to practise as an avocat in Tunisia, an individual must be registered in the Table of Avocats. Registration requires an individual to: (1) have held Tunisian nationality for at least five years; (2) be resident in Tunisia; (3) be between 20 and 50 years of age; (4) repealed; (5) hold a CAPA (*certificat d'aptitude à la profession d'avocat*) from the *Institut Supérieur de la profession de l'avocat* (those holding the title of professor of law from a Tunisian or foreign university may gain an exemption from this requirement); (6) have no criminal record, never to have been declared bankrupt or to have had his/her registration cancelled for disciplinary reasons; (7) have fulfilled all legal requirements for national service. If newly qualified, the lawyer is first entered as a trainee lawyer for one year during which time he/she can only plead in lower courts and cannot establish his own firm. After one year, he/she may apply to be entered on the roll as a lawyer with the right to plead before the Court of Appeal. A lawyer with at least ten years professional experience, at least eight of which have been spent as a lawyer with the right to plead in front of the Court of Appeal may apply to become a lawyer with the right to appear before the Supreme Court.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

A Tunisian avocat has the right to practise throughout the country.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

According to Article 26 of Law 87/1989, only lawyers may plead before any courts, subject to limited exceptions for the employees of public authorities and the relatives of litigants.

*Do you need to hold local nationality to be eligible to practise law?*

The practise of law in Tunisia is reserved to Tunisian nationals.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A Tunisian avocat may be self-employed, practise in association with another Lawyer or in a firm governed by law 87/1989 (Article 27).

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Law 87/1989 lays out in some detail further ethical requirements including the handling of conflict of interest and confidentiality. Disciplinary proceedings against Tunisian advocats are conducted by the Tunisian Bar or its

# Tunisia

*Do law firms need to receive a licence (or permission/approval) to practise law?*

regional sections, as appropriate.

Yes, According to Law firms' act No 60 year 1998, Article 16 the demarcation of professional Law firms well be held by the National Council at the request of an order signed by all partners.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Tunisian Bar (*Le Conseil de l'Ordre National des Avocats*) can register an individual who has fulfilled all the necessary conditions in the relevant section of the roll, which is divided into the list of Stagiares, lawyers pleading before the Court of Appeal and lawyers pleading before the Supreme Court. Law firms must be registered with the Tunisian Bar. The Bar may be contacted at: Ordre National des Avocats de Tunisie, Palais de Justice, 50 Boulevard Bab Benat, 1006 Tunis, Tunisie

Tel. 00 216 71 560 315 or 00 216 71 582 166

Fax. 00 216 71 568 923 or 00 216 71 261 009

*Is the jurisdiction a member of the WTO?*

Tunisia joined the WTO on 29 March 1995.

*Has it made any WTO commitments on legal services?*

Tunisia has not scheduled any commitments on legal services in the WTO.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Tunisia has bilateral trade agreements with the EU, EFTA, Turkey and is a signatory to the Pan-Arab Free Trade Agreement.

*Do these currently include legal services or are there plans to include them in future?*

Tunisia has not included legal services in any of its bilateral trade agreements although its association agreement with the EU makes provision for liberalisation of trade in services building on whatever commitments have already been made by both parties in the GATS.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No.

*Are there any 'foreign law' firms present in this jurisdiction?*

There is one French firm with an office in Tunisia which is structured as a local Tunisian firm. Many international firms are active in the Tunisian market from their Paris offices.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

As the practise of law is reserved to Tunisian nationals this is n/a.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

As the practise of law is reserved to Tunisian nationals this is n/a.

# Tunisia

<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	As the practise of law is reserved to Tunisian nationals this is n/a.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	As the practise of law is reserved to Tunisian nationals this is n/a.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	No restrictions.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	As the practise of law in the courts is reserved to Tunisian nationals this is n/a.
<i>Can foreign lawyers requalify as local lawyers?</i>	Requalification is not possible due to the nationality provision in the law.
<i>Can a foreign law firm obtain a licence to open an office?</i>	A foreign law firm may not obtain a licence in its own right but a Tunisian avocet or groups of avocats may open an office which is associated with a foreign law firm. There have been examples of foreign law firms opening offices as 'legal consultants' in the past but there is no legislative or regulatory framework covering this type of operation.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)</i>	n/a
<i>Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?</i>	n/a
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	n/a

## Tunisia

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Tunisian lawyers may not be employed by foreign law firms.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Partnership with foreign lawyers is not permitted.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Since the practise of law is reserved to Tunisian avocats, foreigners could not be employed as lawyers.

*Other useful sources or comments or links*

Tunisian Government Portal – [www.e-justice.tn](http://www.e-justice.tn); Tunisian lawyers law – [www.jurisitetunisie.com/tunisie/codes/avocat/menu.html](http://www.jurisitetunisie.com/tunisie/codes/avocat/menu.html).

# Turkey

*Is there legislation governing the legal sector?*

Attorneyship Law no. 1136 of 19 March 1969.

*Under what title do lawyers practice?*

Avukat (attorney).

*How does an individual lawyer obtain a 'license' to practice law? How often must this be renewed?*

In order to become a licensed lawyer in Turkey, an individual must: (1) Be a Turkish citizen; (2) Graduate from a Law Faculty in Turkey or to pass the related exams required by the Turkish Law Faculties if graduated from a foreign university; (3) Obtain a certificate following the completion of a one-year traineeship with a Turkish Bar; (4) Have a legal domicile in the jurisdictional area of the bar association in the directory of which registration is sought; (5) Not be in a unfit state for attorneyship as per the present law (this includes provisions in relation to criminal and disciplinary records, financial standing, mental and physical impairment, having 'an unsavoury reputation', and incompatibility with other professions and activities). Finally a lawyer must take an oath. There is no requirement for the attorneyship licence to be renewed.

*Does this entitle the holder to practice throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

According to Article 43 of the Attorneyship law: 'Every attorney is under the obligation to establish an office in the jurisdictional area of the bar association in whose directory he/she is enrolled. The specifications of the office will be defined by the bar association. An attorney may not have more than one office. Attorneys working together may not have separate offices. An attorney partnership may not open a branch in Turkey'. However, Article 66 makes clear that 'An attorney who is entered in the directory of a bar association is authorised to practice attorneyship in any part of Turkey provided that such practice is not on a permanent basis'.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Under Article 35 of the Attorneyship Law, the following activities are reserved to Turkish attorneys enrolled with bar associations: Providing opinions in legal matters; litigating and defending the rights of real persons and legal entities before courts, arbitrators, and other bodies invested with jurisdictional powers; and managing all documentation associated therewith. The title of Avukat is also protected.

*Do you need to hold local nationality to be eligible to practise law?*

Yes the law contains a citizenship requirement.

# Turkey

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Turkish lawyers may only work as individual attorneys, or in a general unlimited liability attorney partnership. The law states that such partnerships may not acquire privileges or property outside their purpose; may not establish partnerships with third parties; and may not take over the shares of legal entities. The partners may not be partners in more than one attorney partnership and may not have more than one office of the partnership. In line with the foreign investment law, foreigners may establish attorney partnerships in Turkey. However these partnerships may only give services on foreign law and this limitation is also applicable to the Turkish Citizen Lawyers who work under these foreign attorney partnerships.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Lawyers must also comply with the Professional Rules of the Union of Bar Associations of Turkey and the Prohibition of Publicity Regulations. Lawyers are also under an absolute obligation to join the collective insurance scheme.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Lawyers wishing to establish an attorney partnership need to apply to the bar association where the attorney partnership will be registered with a letter of application signed by all the partners. In addition they must submit: a) The basic contract of the partnership with each page signed by all of the partners; b) Authenticated facsimiles of the deed for immovable property, the registration booklet for automobiles, bank receipt for money in cash, and the certificate for movable assets committed in the basic contract as security for the share in the partnership; c) A document received from bar associations certifying the entry of the partners in the directory (not be required for foreign attorney partnerships provided that reciprocity is observed); d) Authenticated facsimiles of the identification cards of the partners or passports of foreign partners.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences for both individuals and firms are issued by the relevant local bar association. The Union of Turkish Bars provides an appeal process if licences are refused. A link to all the Turkish local bar associations is available at the website of the Union of Turkish Bars <http://eski.barobirlik.org.tr/eng/content.aspx?page=17>.

*Is the jurisdiction a member of the WTO?*

Turkey joined the WTO on 26 March 1995.

*Has it made any commitments under GATS in legal services?*

Turkey has made full commitments in modes 1–4 for foreign and international law. Representation in the Turkish courts is reserved to Turkish nationals.

# Turkey

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

In addition to a customs union with the EU, Turkey has signed Free Trade Agreements with EFTA, Israel, the former Yugoslav Republic of Macedonia, Croatia, Bosnia-Herzegovina, Tunisia, Morocco, the Palestinian Authority, Syria, Egypt, Georgia, Albania, Montenegro, Serbia, Chile, Jordan and Lebanon.

*Do these currently include legal services or are there plans to include them in future?*

Turkey's bilateral agreements only cover trade in goods.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are around 15 foreign law firms in Turkey including UK, US, Austrian, German and French firms.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There are no explicit rules or limitations on temporary practice by foreign lawyers in the areas permitted to them.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Yes.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers may join foreign attorney partnerships and render services on foreign and international law.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Foreign attorney partnerships and their partners will also be under the obligation to comply with the Attorneyship Law, the Turkish Bar regulations and professional rules. The Foreign Attorney Partnership regulations also require reciprocal arrangements in the foreign attorney's home country. Professional services is the subject of an MFN reservation by Turkey.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

There is no special licence granted to foreign lawyers other than the one granted for the foreign attorney partnership. Each foreign partner in a law firm must receive an approval from the appropriate local Bar in Turkey by submitting a licence or certificate of authorisation from his or her home certifying body confirming that he/she is enrolled as a lawyer in the foreign country, and that there are no impediments to the practise of his/her profession. Moreover, reciprocity must be observed between Turkey and the home country of the foreign lawyer.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Turkey has an International Arbitration Law based on the UNCITRAL model which entered into force on 5 July 2001. A new mediation law to be entered into force on 22 June 2013 which applies to both domestic and international disputes on matters of private law. Foreign lawyers have the right to undertake both international arbitration and mediation.



# Turkey

<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No. Rights of audience are reserved to Turkish lawyers.
<i>Can foreign lawyers requalify as local lawyers?</i>	No.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign attorney partnerships are required to register with the local bar in which they are established and in addition to the documents required for domestic firms, they must submit: (1) The licence or certificate of authorisation of each foreign partner received from their home bar association showing that he/she is enrolled with in the foreign country, and a translated and notarised attestation that there are no impediments to practising his/her profession; (2) A document issued by the authorities concerned in the country of citizenship of each foreign partner acknowledging the fact that reciprocity as regards foreign attorney partnerships exists between his/her country and the Republic of Turkey in accordance with the provisions of the Attorneyship Law and regulations, and that Turkish attorneys may also render attorney partnership activities under equal conditions in the countries of these persons.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)</i>	The foreign attorney partnership must be registered with the registry of attorney partnerships in the relevant bar.
<i>Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)</i>	No.
<i>Is there a quota on the number of licences available?</i>	No.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Foreign firms cannot have branch offices in Turkey, they must therefore establish separate offices and undergo a separate licensing process with the relevant local bars if they wish to have more than one office in Turkey.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?</i>	The Attorneyship Partnership Regulations made by the Union of Turkish Bars stipulate that 'Foreign attorney partnerships may render consultancy services only in the fields of foreign laws and international law. They may not overstep these bounds in their professional activities and may not practice attorneyship. This restriction will also be applicable to the attorneys of Turkish or foreign citizenship employed by the foreign attorney partnership.'
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Foreign law firms registered as attorney partnerships may only take the form of general unlimited liability partnerships.

# Turkey

*Are there rules about the name a foreign law firm can take?*

The general rule for the Turkish attorney partnership is also applicable for the foreign partnerships in that Partners' names must be included in the partnerships title and the term 'attorney partnership' must also be included in the title.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL.*

The relevant local bar is responsible for authorising foreign attorney partnerships. An appeal process to the Union of Turkish Bars is set out in the Attorney Partnership Regulations 2001.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Only Turkish attorneys may be partners in a Turkish attorney partnership.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes but a Turkish lawyer employed in a foreign partnership may only provide services in international and foreign law.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Foreign lawyers and Turkish lawyers may enter partnership but their scope of practice is then limited to the scope of law permitted to foreign lawyers (only foreign and international law).

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

Union of Turkish Bars website:  
<http://eski.barobirlik.org.tr/eng/>.

*Verified by*

Turkish law firm Sengüler & Sengüler Law Office  
[www.senguler.av.tr](http://www.senguler.av.tr). (July 2013)

# Turkmenistan

*Is there legislation governing the legal sector or the practise of law? (Please give title eg Legal Practice Act)*

The Law 'On approving the Statute on the Bar of Turkmenistan SSR ' of 14 May 1981.

*Under what title do lawyers practise in this jurisdiction? (eg Advocate)*

Advocates (members of the Bar).

*Does a lawyer need a licence to practise, if so how does he/she obtain a licence and how often must this be renewed?*

In Turkmenistan only a Turkmen citizen with a licence can become an advocate. In order to obtain a licence an individual must have a law degree and pass the examinations set by the Ministry of Justice. First, applicants have to show their knowledge of the book 'Rukhnama' by Saparmurat Turkmenbashi the Great and after that they must take the examinations covering the law and Turkmen legislation. Once he/she has obtained a licence a candidate with two years' experience as a lawyer may be admitted to the Bar.

*Does this licence entitle the holder to practise throughout the country? Please explain the jurisdictional limits (eg, state limitations etc)*

The licence to practise law in Turkmenistan is national.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The 'Law on licensing of some kinds of activity' of 16 June 1999 requires those providing legal assistance to legal and juridical persons' to be licensed.

*Do you need to hold local nationality to be eligible to practise law?*

Only a Turkmen national can be an advocate.

*What legal forms can lawyers work in? (eg, self employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Turkmen advocates may work either as individual advocates or in legal entities.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

There are no separate ethical provisions for lawyers beyond those outlined in the law.

*Do law firms need to receive a 'license ' (or permission/approval) to practice law in addition to any individual licences?*

Not known.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Ministry of Adalat (Justice) which works through Colleges of Lawyers to initiate disciplinary action against lawyers as well as to set lawyers' tariffs, codes of conduct and examinations.

*Is the jurisdiction a member of the WTO?*

Turkmenistan is not a WTO member and has not applied to join.

*Has it made any WTO commitments on legal services?*

n/a.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Turkmenistan is a member of the Commonwealth of Independent States and has bilateral agreements with Armenia, Georgia and Ukraine.

*Do these currently include legal services or are there plans to include them in future?*

The coverage of Turkmemistan's bilateral agreements is limited to goods.

# Turkmenistan

<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	No.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There is only one foreign law firm, Curtis Mallet-Prevost, Colt and Mosle, with a presence in Turkmenistan.
<i>Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?</i>	There are no explicit restrictions on the fly-in fly-out practice of law outside the regulated area of criminal defence.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Business visitors may obtain a visa to visit Turkmenistan but must have an invitation from a Turkmen business.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no defined licensing process for a foreign lawyer to become a foreign legal consultant.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)</i>	Not beyond the general requirements for the issuance of work permits to foreign nationals.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	n/a
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	There is no specific arbitration legislation in Turkmenistan.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No.
<i>Can foreign lawyers requalify as local lawyers?</i>	There is a nationality requirement which makes it impossible for non-Turkmen citizens to requalify as advocates.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no requirement for foreign law firms to obtain special licences to practise law beyond the usual company registration procedures.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)</i>	Foreigners may own shares in local enterprises, form joint enterprises and set up their branches, subsidiaries or representative offices. Registration is required as set out in the Law on Enterprises, the Civil Code, and the Law on Corporations (joint stock companies).
<i>Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	There are no quantitative limitations on law firms.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	There are no geographical restrictions on law firms.
<i>Are there restrictions on the ownership</i>	There are no ownership limitations but at least 70 per

## Turkmenistan

<i>share of foreign lawyers in a law firm?</i>	cent of the employees of a foreign owned company must be Turkmen citizens.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	Legislation of Turkmenistan – <a href="http://www.turkmenistan.gov.tm/?rub=12">www.turkmenistan.gov.tm/?rub=12</a> .

## UAE – Abu Dhabi

*Is there legislation governing the legal sector?*

Federal Law no. 23 on the Regulation of the Legal Profession (16 December 1991).

*Under what title do lawyers practise?*

Lawyers in the UAE practise under a single title: 'advocate'.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

According to Article 4 of the Federal Law on the Regulation of the Legal Profession, no one is entitled to practise the legal profession in the State unless they are registered on the Roll of Practising Advocates maintained by the Ministry of Justice. In order to be registered, a lawyer must fulfil the following conditions: (1) Be a national of the UAE; (2) Be at least 21 years old; (3) Hold full civil capacity, with good character and reputation, and not have been subject to any criminal or disciplinary sentence arising from a breach of honour or trust; (4) Hold a licence in Law or Islamic Law from an accredited university or higher institute in the State or an equivalent qualification; (5) Have undertaken the required training period. Registration is required annually.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

UAE advocates are entitled to practise throughout the country. Abu Dhabi requires an advocate from another emirate to use a resident advocate in Abu Dhabi as their correspondent counsel.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Only admitted advocates may plead before the Federal Supreme Court and conduct litigation. The UAE courts and government departments only recognise the power of attorney of those who are entered into the roll of practising advocates.

*Do you need to hold local nationality to be eligible to practise law?*

Practising law in the courts is reserved by Federal Law no. 23 to UAE nationals.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Lawyers in Abu Dhabi may practise as sole practitioners. Unlike Dubai they may not use the civil company structure which is predominantly used by the professions.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Federal Law contains some basic ethical provisions that a lawyer must comply with, such as client relations, a prohibition on conditional and contingency fees, conflicts and confidentiality.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Lawyers in Abu Dhabi must apply for a licence to establish an office through the Executive Affairs Authority.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Advocates who wish to obtain a licence to practise in the courts or to establish a law office must apply to the Executive Affairs Authority of Abu Dhabi which will check on the lawyer's registration with the Ministry of Justice.

*Is the jurisdiction a member of the WTO?*

The UAE joined the WTO on 10 April 1996.

*Has it made any WTO commitments on legal services?*

The UAE has not scheduled any commitments on legal services under the GATS.

## UAE – Abu Dhabi

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The UAE is party to the Gulf Cooperation Council and the Pan Arab Free Trade Area.

*Do these currently include legal services or are there plans to include them in future?*

The UAE has not included legal services in any of its bilateral trade agreements.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No, apart from the exemption on visa requirements for GCC lawyers.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are around 30 firms with a presence in Abu Dhabi. Most of these are UK or US in origin but one Singaporean firm also has an office.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

A physical office is required for the practice of law in Abu Dhabi.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Business visas to the UAE are available for 30 day visits but are not required for some nationalities, for example: the US, the UK and Australia.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer may establish as sole proprietor but Abu Dhabi generally only encourages larger international firms to apply for licences. There is no separate individual licensing requirement for foreign nationals who are working in law firms aside from the firm licensing process, although as part of the firm licensing process the individual who heads the office must be approved.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

A foreign legal consultant must be resident in Abu Dhabi.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

There are detailed licence conditions which include prior practice.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

There are no restrictions on the participation of foreign lawyers in arbitration and mediation proceedings.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Lawyers from other Arab countries may take part in pleading particular cases before the UAE courts if they are employed in the office of an Emirati lawyer with an office in Abu Dhabi and provided reciprocal conditions apply in the lawyer's home jurisdiction.



## UAE – Abu Dhabi

*Can foreign lawyers requalify as local lawyers?*

'As an exception to the nationality requirement, a non-UAE national may qualify to practise the legal profession in the UAE if, in addition to fulfilling the age, civil capacity and character requirements, he fulfils the following conditions :

- a) He must have worked in the legal profession or the judicial field for a period of fifteen years at least;
- b) He must be a legal resident of the State;
- c) He must practice the profession through a Bureau of a national lawyer registered in the Roll of Practicing Lawyers.'

*Can a foreign law firm obtain a licence to open an office?*

Foreign law firms may open offices in Abu Dhabi and may only carry out legal activity in the Emirate if they have a physical presence there.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

All foreign law firms must be licensed to establish offices in Abu Dhabi and in addition to the legal licence from the Executive Affairs Authority, the firm must register the branch with the Department of Planning and Economy. They must appoint a local services agent to assist them with the licensing and permit procedures.

*Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)*

Foreign law firms may either take the form of a sole proprietorship or a branch office of the law firm's home jurisdiction.

*Is there a quota on the number of licences available?*

There is no formal quota but licences are allocated by the Executive Authority on the basis of an assessment of need and value added contributed by the foreign law firm.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

Each Emirate has its own licensing procedures. Most foreign law firms are located in Dubai or Abu Dhabi and a few are present in Sharjah.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?*

Foreign law firms are not permitted to conduct litigation or send their representatives to appear in court.

*Are there restrictions on the corporate form a foreign law firm can take?*

Foreign law firms must take the form of branch offices of a parent law firm that has practised law outside the UAE for at least ten years.

*Are there rules about the name a foreign law firm can take?*

A foreign law firm must comply with the general UAE legal requirements on choosing a trade name.

*What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.*

Legal and Risk Management Affairs Unit of the Executive Affairs Authority – [www.abudhabi.ae](http://www.abudhabi.ae).

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Foreign firms may own 100 per cent of law firms established as branches of a parent law firm in their home jurisdiction.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Registered lawyers can only be employed or work from the offices of lawyers who are registered as advocates on the roll maintained by the Ministry of Justice.

## UAE – Abu Dhabi

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

UAE lawyers may be partners in law firms with foreign lawyers however the commercial forms of general and limited liability partnership are restricted to UAE nationals only.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

UAE lawyers are allowed to employ foreign lawyers. If these lawyers are Arab nationals they may also plead in court in certain circumstances.

*Other useful sources or comments or links*

For a full description of the licensing process: [www.business.abudhabi.ae](http://www.business.abudhabi.ae), For UAE legislation: [www.gulf-law.com](http://www.gulf-law.com).

## UAE – Dubai

*Is there legislation governing the legal sector?*

Federal Law no. 23 on the Regulation of the Legal Profession (16 December 1991) and Executive Council Resolution no. 22 of 2011.

*Under what title do lawyers practise?*

Lawyers in Dubai practise under the two regulated titles: 'Advocate' and 'Legal Consultant'.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

The conditions governing the licensing of advocates are laid down in the Federal Law on the Regulation of the Profession. According to Article 4 of the Federal law, no one is entitled to practise as an advocate in the State unless his name is registered on the roll of practising lawyers with the Ministry of Justice. In order to be registered, an advocate must fulfil the following conditions: (1) Be a national of the United Arab Emirates States; (2) Be at least 21 years old; (3) Hold full civil capacity, with good character and reputation, and not have been subject to any criminal or disciplinary sentence arising from a breach of honour or trust; (4) Hold a licence in Law or Islamic Law from an accredited university or higher institute in the State or an equivalent qualification; (5) Have undertaken the required training period. Since 2011, Dubai has also required individual lawyers to be registered with the Department of Legal Affairs (LAD) to provide legal services outside the courts and the forms provided by the LAD set out the information which must be supplied by the applicant.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

UAE lawyers are entitled to practise throughout the country but according to Article 4 of the Federal law, any individual Emirate may make it a condition that a lawyer must have an office there in order to practise in that Emirate. Dubai requires law firms to obtain a licence from the Department of Legal Affairs and, in addition, to undergo the necessary formalities with the Department of Economic Development.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The provision of legal services is restricted to advocates and legal consultants and to licensed entities. In accordance with the Federal Law, only registered advocates may plead before the Federal Supreme Court and conduct litigation. Executive Council Resolution

## UAE – Dubai

	no. 22 of 2011 introduced a new licensing scheme for individual lawyers in Dubai who are providing legal consultancy services outside of the courts. Legal Consultancy is defined as the provision of 'all legal services to the public apart except for pleading and representation of third parties before Dubai courts'.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	Practising law in the courts is reserved by Federal Law no. 23 to UAE nationals.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	UAE lawyers in Dubai may operate as sole practitioners, or work in partnerships or form a civil company.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Federal Law contains some basic ethical provisions that a lawyer must comply with, such as client relations, a prohibition on conditional and contingency fees, conflicts and confidentiality. The Department of Legal Affairs is currently considering the introduction of a code of conduct and mandatory continuing legal education for legal consultants.
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	Law firms must obtain a licence from the Department of Legal Affairs and fulfil the necessary commercial formalities with the Department of Economic Development.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Department of Legal Affairs is responsible for the registration of individual lawyers (advocates and legal consultants) and for the licensing of law firms.
<i>Is the jurisdiction a member of the WTO?</i>	The UAE joined the WTO on 10 April 1996.
<i>Has it made any WTO commitments on legal services?</i>	The UAE has not scheduled any commitments on legal services under the GATS.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	The UAE is party to the Gulf Cooperation Council and the Pan Arab Free Trade Area.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The UAE has not included legal services in any of its bilateral trade agreements.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	No apart from an exemption on visa requirements for GCC lawyers.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There are over 50 foreign law firms with a presence in Dubai, the majority of these are UK or US firms but German, French, Indian, Luxembourg, Dutch, Bermudan and Cayman islands firms also have offices.
<i>Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for</i>	A physical office is required for the practise of law in Dubai.

## UAE – Dubai

*temporary practise?*

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Business visas are available for 30 day visits but are not required for some nationalities, for example: the US, the UK and Australia.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers may obtain licences to practice as legal consultants and may practice any area of law outside of appearing in court.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

A foreign legal consultant must be resident in Dubai.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

There are detailed licence conditions which include prior practice.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

There are no restrictions on the participation of foreign lawyers in arbitration and mediation proceedings.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Lawyers from other Arab countries may take part in pleading particular cases before the UAE courts if they are employed in the office of an Emirati lawyer with an office in Dubai and provided reciprocal conditions apply in the lawyer's home jurisdiction.

*Can foreign lawyers requalify as local lawyers?*

As an exception to the nationality requirement, a non-UAE national may qualify to practise the legal profession in the UAE if, in addition to fulfilling the age, civil capacity and character requirements, he fulfils the following conditions:

- a) He must have worked in the legal profession or the judicial field for a period of fifteen years at least;
- b) He must be a legal resident of the State;
- c) He must practice the profession through a Bureau of a national lawyer registered in the Roll of Practising Lawyers.

*Can a foreign law firm obtain a licence to open an office?*

Foreign law firms may either obtain licences to practice within the jurisdiction of the DIFC or in Dubai

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

All foreign law firms must complete the commercial registration requirements with the Ministry of Economic Development, regardless of whether their licence to practice legal consultancy is issued by the DIFC or Ministry of Justice.

## UAE – Dubai

*Are there different types of foreign law firm 'licence' (eg, joint law venture, standalone foreign licence etc.)*

Foreign law firms may take the form of civil companies (special professional firms), limited liability companies, joint ventures or commercial companies. The general partnership structure is only available to UAE nationals. If a foreign firm adopts the civil company structure, it must appoint a local service agent. The local service agent must be a UAE national, who does not need to have a direct involvement in the business but who should be paid a lump sum and/or percentage of profits or turnover. The role of the local service agent is to assist in obtaining licences, visas, labour cards etc.

*Is there a quota on the number of licences available?*

There is no quota for foreign law firms.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

Each Emirate has its own licensing procedures. Most foreign law firms are located in Dubai or Abu Dhabi and a few are present in Sharjah.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?*

Foreign law firms established in Dubai may practise the law of the jurisdictions in which their lawyers are qualified), international law and UAE law outside of the courts. Firms established in the DIFC may practise international law and the law of any jurisdiction in which their lawyers are qualified.

*Are there restrictions on the corporate form a foreign law firm can take?*

The only restriction on corporate form is that foreign law firms may not form general or limited liability partnerships in Dubai.

*Are there rules about the name a foreign law firm can take?*

Law firms must check the availability of names they propose to trade under with the Department of Economic Development.

*What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.*

Foreign law firms must obtain a licence from the Department of Legal Affairs and complete registration procedures to set up the required company vehicle with the Dubai Department of Economic Development. Law firms who are based in the Dubai International Financial Centre (DIFC) will in addition need to register as an Ancillary Service Provider with the Dubai Financial Services Authority. See:

[www.dubaided.gov.ae/English/reglencing/lglbus/default.aspx](http://www.dubaided.gov.ae/English/reglencing/lglbus/default.aspx) and [www.dfsa.ae](http://www.dfsa.ae).

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Foreign firms may own 100 per cent of law firms established as ancillary service providers in the DFSA or as civil companies with the Legal Affairs Department. If they wish to establish in the Dubai jurisdiction in a form other than as a civil (professional) company then, following the Commercial Companies Law No (8) of 1984, they must have a UAE national partner or partners who will hold not less than 51 per cent of the firm's ownership.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Registered lawyers and legal consultants can only be employed or work from the offices of lawyers who are registered as advocates or legal consultants with the Legal Affairs Department.

*Can a domestic lawyer enter*

UAE lawyers may be partners in law firms with foreign lawyers

## UAE – Dubai

*into partnership with a foreign lawyer?*

however the commercial forms of general and limited liability partnership are restricted to UAE nationals only.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

There are no restrictions on the employment of foreign lawyers by domestic lawyers or law firms.

*Other useful sources or comments or links*

For Dubai Legislation: [www.elaws.gov.ae](http://www.elaws.gov.ae). For the Government of Dubai: [www.dubai.ae](http://www.dubai.ae).



# Ukraine

*Is there legislation governing the legal sector or the practise of law? (Please give title eg Legal Practice Act)*

Law No. 5076–VI, ‘On Advocacy and Legal Practice in Ukraine’, dated 5 July 2012 (the ‘Advocacy Law’) and general legislation which regulates economic activity of lawyers in Ukraine: Civil Code of Ukraine No. 435–IV dated 16 January 2003; Commercial Code of Ukraine No. 436–IV dated 16 January 2003 and Law No. 249–IV On Preventing and Counteracting the Legalisation (Laundering) of Criminally-Obtained Proceeds or Terrorism Financing dated 28 November 2002, etc.

*Under what title do lawyers practise in this jurisdiction? (eg Advocate)*

Advocate, lawyer.

*Does a lawyer need a licence to practise, if so how does he/she obtain a licence and how often must this be renewed?*

A lawyer does not need a licence to practice, with the exception of advocates, who need to be admitted to practise.

In order to become an advocate, an individual must have a law degree, at least two years of legal experience, pass a qualification exam, complete a six-month internship with a practising advocate, take the oath and be included in the Ukrainian Advocates Register. The admission is termless, but can be revoked or suspended under certain circumstances in accordance with the law.

*Does this licence entitle the holder to practise throughout the country? Please explain the jurisdictional limits (eg state limitations etc.)*

The admission to practise law as an advocate in Ukraine is national.

*Are there certain activities that are ‘reserved’ to those who are licensed to practise law in the jurisdiction?*

Article 45 of the Criminal Procedural Code reserves the role of defense counsel in criminal court proceedings to Ukrainian advocates. In civil proceedings, under Article 12 of the Civil Procedural Code, an advocate can provide representation as can any other person with legal capacity, being 18 years old or more who is authorised in accordance with the prescribed procedure to provide legal assistance in court.

Defence of the individual who committed administrative offence is also reserved to the advocate.

*Do you need to hold local nationality to be eligible to practise law?*

The Advocacy Law provides that both Ukrainian citizens and foreigners can become advocates. Foreigners who received advocate licences abroad must apply for the inclusion into the Ukrainian Advocates Register in order to practice law as advocates.

Both Ukrainian and foreign citizens can practice as lawyers.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Advocates may work either in sole practice, in law offices or in advocate associations in Ukraine. Lawyers may work individually, in law firms or in any other organisational forms.

*What other ethical or regulatory requirements must a licensed lawyer*

Ukrainian Ethics Rules for advocates were adopted in 2012



# Ukraine

*comply with?*

by the Higher Qualification and Disciplinary Bar Commission of Ukraine.

*Do law firms need to receive a 'license' (or permission/approval) to practice law in addition to any individual licences?*

No.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Higher Qualification and Disciplinary Bar Commission of Ukraine is responsible for admission of individuals-advocates.

*Is the jurisdiction a member of the WTO?*

Ukraine joined the WTO on 16 May 2008.

*Has it made any WTO commitments on legal services?*

Ukraine has made full commitments in all sectors of the law and in modes 1–3, including criminal law and representation in courts in all proceedings. The only qualification is that only Ukrainian citizens are permitted to provide notarial services.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Ukraine has bilateral agreements with Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, the Kyrgyz Republic, Moldova, FYROM and EFTA and it is currently negotiating new bilateral trade agreements with the EU, Canada and Singapore.

*Do these currently include legal services or are there plans to include them in future?*

Ukraine's only trade agreement which covers services is the agreement with EFTA which reiterates the full commitments in legal services that Ukraine has made under the GATS.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are approximately 20 foreign law firms present in Ukraine from the UK, the US, Germany, France, Austria and Russia. There are also two to three branches of the law offices of international accountancy networks.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There are no restrictions on the fly-in fly-out practice of law outside the regulated area of criminal defense.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Foreign lawyers, advocates may obtain visas to visit clients etc. in Ukraine. Ukraine has a visa-free regime with many countries.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no requirement for a foreign lawyer to obtain a licence to practice as a foreign legal consultant in Ukraine taking into consideration that practice outside the areas reserved to advocates is unregulated.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Not beyond the general requirements for the issuance of employment permits to foreign nationals.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify*

n/a. There are no limited licences in Ukraine.

# Ukraine

*for a limited licence? (eg, prior practice)*

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes, they are. The International Commercial Arbitration Act 1994 (ICAA) is based closely on the UNCITRAL model law and permits parties to challenge the appointment of arbitrators on the basis of impartiality or independence alone. Mediation is not officially regulated in Ukraine.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Foreign lawyers may appear in civil and commercial proceedings. Foreign lawyers may also appear in criminal and administrative proceedings if they are included in the Ukrainian Advocates Register.

*Can foreign lawyers requalify as local lawyers?*

A foreign advocate may be admitted to advocate practice in Ukraine, if he/she filed an application together with the approved list of the documents and had at least two years of experience in Ukraine and was included in the Ukrainian Advocates Register.

A foreigner who is not an advocate abroad must pass qualifications exams to become an advocate in Ukraine in accordance with the law.

Foreign lawyers may practice in Ukraine on the same basis as Ukrainian lawyers. In practice foreign lawyer and foreign advocate must know the Ukrainian legislation.

*Can a foreign law firm obtain a licence to open an office?*

There is no requirement for foreign law firms to obtain special licences to practice law beyond the regular incorporation (or setting up a Representative Office) registration procedures.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

Limited Liability Companies must be registered with the Companies Register; Representative Offices must be registered with the Ministry of Economy of Ukraine.

*Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)*

n/a

*Is there a quota on the number of licences available?*

There are no quantitative limitations on law firms.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

There are no geographical restrictions on law firms.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

Higher Qualification and Disciplinary Bar Commission of

# Ukraine

Ukraine – <http://vkdka.org/en/>

Ukrainian National Barristers Association –  
[www.unba.org.ua/erau](http://www.unba.org.ua/erau)

Ukrainian Bar Association – [uba.ua/eng/](http://uba.ua/eng/).

*Verified by*

## United Kingdom – England and Wales

*Is there legislation governing the legal sector?*

Legal Services Act 2007 (Amending and updating Solicitors Act 1974, Administration of Justice Act 1985, Courts and Legal Services Act 1990, Access to Justice Act 1999)

*Under what title do lawyers practise?*

Solicitor or barrister.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

In order to become a Solicitor in England and Wales an individual must have: (1) A recognised degree in law (QLD) which may either be obtained by completing three years full-time academic study as a first degree or as a full-time one-year postgraduate conversion course (Graduate Diploma in Law (GDL); (2) Completed and passed the examinations at the end of the one year full-time vocational course, the Legal Practice Course (LPC); (3) Completed a two-year traineeship (training contract) with a recognised training provider; (4) Undertaken the professional skills course during the training period. Individuals must register with the Solicitors Regulation Authority on entry to the LPC at which point they will also be required to meet certain character and suitability tests. Licensing is required annually by the Solicitors Regulation Authority and requires: the payment of the requisite fee; fulfilment of the continuous professional development requirements; and proof of adequate professional indemnity insurance. In order to become a barrister in England and Wales, an individual may follow the same initial stages as a solicitor but instead of a Legal Practice Course will be required to: (1) Complete the Bar Professional Training Course (BPTC); (2) Complete a one-year pupillage at a barrister's chambers or other approved organisation (3) Obtain tenancy at a barrister's chambers or become an employed barrister. Trainee barristers must join one of the Inns of Court before enrolling on the BPTC and must be 'called to the bar' before they can enter the second six months of their pupillage, which involves the completion of 12 qualifying sessions (either training or dining sessions) with their Inn. Registration or 'authorisation to practise' is granted by the Bar Standards Board on fulfilment of all the qualifying conditions. This authorisation to practise must be obtained annually and also requires proof of completion of continuous professional development requirements and adequate indemnity insurance cover arrangements.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The United Kingdom is made up of three separate jurisdictions: England and Wales, Scotland and Northern Ireland and lawyers must be licensed separately for each jurisdiction.

## United Kingdom – England and Wales

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

In England and Wales, the following areas are reserved by the Legal Services Act 2007 to individuals holding regulated legal professional titles:

- Exercise of a right of audience
  - Conduct of litigation
  - Reserved instrument activities
  - Probate activities
  - Administration of oaths
- Reserved instrument activities 'are defined in Schedule 2 of the Act as:

(a) preparing any instrument of transfer or charge for the purposes of the Land Registration Act 2002 (c. 9);

(b) making an application or lodging a document for registration under that Act;

(c) preparing any other instrument relating to real or personal estate for the purposes of the law of England and Wales or instrument relating to court proceedings in England and Wales.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Solicitors may work as sole practitioners, in general or limited liability partnerships and in limited liability companies. Since 2012, solicitors have also been able to work in partnership with non-lawyers or other regulated professionals in alternative business structures.

Barristers generally work as sole practitioners but since the passage of the Legal Services Act 2007, have been permitted to enter into partnership with other regulated legal professionals. The Bar Standards Board is currently considering whether to extend the range of entities in which barristers can work to include advocacy focused alternative business structures.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Solicitors must comply with the Solicitors Regulation Authority (SRA) Handbook and Barristers must comply with the Barrister's Code of Conduct.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

The focus of regulation in England and Wales has shifted to entities since the Legal Services Act 2007 and law firms must obtain a separate authorisation from individual lawyers. There is a separate licensing procedure for alternative business structures which may be owned by a combination of lawyers and non-lawyers, or simply by non-lawyers.

*Which authority issues licences? Are there different authorities for individuals and firms?*

For solicitors, law firms and Alternative Business Structures – the Solicitors Regulation Authority (SRA) (independent regulatory arm of the Law Society of England and Wales) – [www.sra.org.uk](http://www.sra.org.uk); For barristers

## United Kingdom – England and Wales

(and possibly in future advocacy focused alternative business structures) – the Bar Standards Board (BSB) (independent regulatory arm of the General Council of the Bar) - [www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk)

*Is the jurisdiction a member of the WTO?*

The UK joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

The UK has signed up to the EU's GATS commitment of no restrictions in modes 1–3 for home country and public international law. It has also committed to permit presence for natural persons where individuals possess a university degree and professional qualifications and three years' professional experience in the sector.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

As a member of the EU, the UK extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). The UK is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participati\\_on\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participati_on_map_e.htm?country_selected=none&sense=s)).

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's Free Trade Agreements (FTAs) with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation

## United Kingdom – England and Wales

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.

Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (The Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in English and Welsh law as well as foreign and international law and can requalify as a solicitor or barrister of England and Wales. Foreign lawyers from other countries may practise English law outside of the reserved areas as well as practice freely in foreign and international law and requalify.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are more than 200 foreign firms established in London from over 40 jurisdictions.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

No explicit rules or limitations on temporary practice outside of the reserved areas of work.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Foreign lawyers may obtain a visa to visit clients but may also obtain special 'permitted paid employment' visas which are valid for up to a month without the need to obtain a work permit.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no requirement for a foreign lawyer to obtain a licence to practice as a foreign legal consultant. The only licensing requirements are on EEA lawyers (who must become Registered European Lawyers – a status which entitles them to practise in the reserved areas of the law of England and Wales) and on non-EU lawyers (and lawyers from other jurisdictions of the UK) who wish to enter into partnership with English solicitors (who must then register as Registered Foreign Lawyers).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Registered European Lawyer status is only required of EEA or Swiss lawyers resident in England and Wales. Registered Foreign Lawyer status is required regardless of residence where a qualified lawyer from another non-EEA or Swiss jurisdiction is in partnership with an English solicitor.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Following the Establishment Directive (98/5/EC) Registered European Lawyers must have three years' prior practice experience before they can establish in the UK. Registered Foreign Lawyers must be from a recognised jurisdiction (see [www.sra.org.uk](http://www.sra.org.uk)). There are no other prior conditions on other (unregistered) foreign lawyers wishing to practise in England and Wales.



## United Kingdom – England and Wales

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes.

*Are foreign lawyers allowed to appear in court under any circumstances?*

EEA and Swiss lawyers may appear in English courts if introduced by an English lawyer. Non-EEA and Swiss lawyers may apply for temporary call to the Bar (via the Bar Standards Board) in order to conduct a specific case (or cases) in England and Wales. To obtain temporary call, a candidate will need to provide the Bar Standards Board with: (1) Evidence to establish that he/she is of good character and repute, such as a Certificate of the Senior Judge, Attorney General or Senior Law Officer of the Superior Court in which they have practised; (2) This evidence needs to show that for a period of not less than three years the candidate has been regularly exercising rights of audience in that court and that he/she is a fit and proper person to be Called to the Bar; (3) A certificate that the candidate has not been prohibited from practising in the jurisdiction in which he/she is qualified on the ground of commission of a criminal offence or professional misconduct and is not currently suspended from practising on such grounds; (4) Evidence of all academic and professional qualifications. All applications must be supported by either the original or a certified copy of examination certificates, and an official English translation of certificates and results, if applicable; (5) Any other evidence in support of the application for call. (See <https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/transferring-lawyers/temporary-call/>).

*Can foreign lawyers requalify as local lawyers?*

Yes, foreign lawyers who are regulated and entitled to practise as a lawyer in their home jurisdictions may requalify either as a solicitor ([www.sra.org.uk/qlts/](http://www.sra.org.uk/qlts/)) or barrister (<https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/transferring-lawyers/qualified-foreign-lawyers/>).

*Can a foreign law firm obtain a licence to open an office?*

Foreign law firms do not require licences to open offices to practise law in England and Wales, provided they are not practising reserved areas of work and are not fee sharing with English solicitors or barristers. Foreign law firms who do wish to have English solicitor partners and practise reserved areas of work need to obtain a licence as a recognised body from the Solicitors Regulation Authority.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

No special permission is required to set up a business in the UK.

## United Kingdom – England and Wales

*Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)*

There are no separate foreign law firm's licences but if it chose to practise in reserved areas, a foreign law firm could establish either as a recognised body or as an alternative business structure.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

There is no limit on the number of branches a foreign firm may have but authorisation of the foreign law firm as a recognised body (or alternative business structure) would need to be undertaken separately for England and Wales, Scotland and Northern Ireland and different requirements and rules would apply.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?*

Unless foreign law firms become recognised bodies (traditional law firms) or alternative business structures regulated by the Solicitors Regulation Authority and carrying out reserved areas of work, there are no limitations on their scope of practice.

*Are there restrictions on the corporate form a foreign law firm can take?*

No, unless that foreign law firm becomes licensed to undertake reserved English law work. Law firms from the EEA and Switzerland are more restricted and can only take one of the forms permitted to English solicitors.

*Are there rules about the name a foreign law firm can take?*

There are no specific rules for the names of foreign law firms beyond the general naming provisions governing all businesses. Foreign law firms should however note that certain words are protected, such as 'solicitors' and it would be an offence to use this word in a law firm name in England and Wales unless the practice contained English solicitors and was regulated by the Solicitors Regulation Authority.

*What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.*

There is no specific foreign law licence but foreign law firms wishing to obtain licences to practise reserved areas of work in England and Wales through qualified English solicitors should apply to the Solicitors Regulation Authority ([www.sra.org.uk](http://www.sra.org.uk)).

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

## United Kingdom – England and Wales

*Other useful sources or comments or links*

Regulatory bodies: [www.sra.org.uk](http://www.sra.org.uk); [www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk). Professional bodies: [www.lawsociety.org.uk](http://www.lawsociety.org.uk); [www.barcouncil.org.uk](http://www.barcouncil.org.uk).

*Verified by*

Solicitors Regulation Authority (February 2014)

## United Kingdom – Northern Ireland

*Is there legislation governing the legal sector?*

Solicitors (Northern Ireland) Order 1976, as amended 16 July 2009.

*Under what title do lawyers practise?*

Solicitor or barrister

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

In order to become a solicitor, a candidate must demonstrate: (a) that he/she possesses an acceptable law degree; (b) has successfully completed the one-year course at the Institute of Professional Legal Studies or the Graduate School of Professional Legal Education; (c) has completed a two-year traineeship with an approved Master. After satisfying these conditions an individual may enrol with the Law Society, and after enrolment apply for a practising certificate. In order to become a barrister, a candidate must have obtained a recognised University law degree and passed an entrance examination to attend the one year degree course of barrister-at-law at the Institute of Professional Legal Studies at Queens University Belfast. After successfully completing the one-year postgraduate degree course at the Institute, candidates may be called to the Bar following which they must complete a one-year pupillage with a barrister in independent practice before they can be fully licensed to become a barrister.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The United Kingdom is made up of three separate jurisdictions: England and Wales, Scotland and Northern Ireland and lawyers must be licensed separately for each jurisdiction.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The Solicitors (Northern Ireland) Order 1976 reserves the use of the title of solicitor to those who are qualified and licensed by the Law Society of Northern Ireland. Reserved activities for solicitors include: (a) Preparation of any instrument of transfer or charge or any other document for the purposes of the Land Registration Act (Northern Ireland) 1970 [1970 c.18] or any enactment repealed or proposed to be repealed by that Act; (b) drawing or preparation of any instrument relating to real or personal estate, or any legal proceeding; or (c) lodging of any instrument or other document for registration in the Land Registry or the Registry of Deeds, or the making of any application (other than an

## United Kingdom – Northern Ireland

*Do you need to hold local nationality to be eligible to practise law?*

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

*Do law firms need to receive a licence (or permission/approval) to practise law?*

*Which authority issues licences? Are there different authorities for individuals and firms?*

*Is the jurisdiction a member of the WTO?*

*Has it made any WTO commitments on legal services?*

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

*Do these currently include legal services or are there plans to include them in future?*

application to search in, or to receive copies of or extracts from, a register) to the Registrar of Titles.

No.

Northern Irish solicitors may work as sole practitioners, or in general or limited liability partnerships with other Northern Irish solicitors.

The main ethical requirements are set out in the Solicitors' Practice Regulations 1987.

No, licences are issued only to individuals.

Law Society of Northern Ireland licences and regulates solicitors and law firms ([www.lawsoc-ni.org](http://www.lawsoc-ni.org)) and the Honorable Society of the Inn of Court of Northern Ireland governs the rules applying to barristers. Under the constitution of the Honorable Society, the Inn of Court of Northern Ireland admits barristers who are then regulated by the Bar Council of Northern Ireland (for more details see [www.barlibrary.com](http://www.barlibrary.com)).

The UK joined the WTO on 1 January 1995.

The UK has signed up to the EU's GATS commitment of no restrictions in modes 1–3 for home country and public international law. It has also committed to permit presence for natural persons where individuals possess a university degree and professional qualifications and three years' professional experience in the sector.

As a member of the EU, the UK extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). The UK is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participati\\_on\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participati_on_map_e.htm?country_selected=none&sense=s)).

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross-border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a

## United Kingdom – Northern Ireland

host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's Free Trade Agreements (FTAs) with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (The Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in the areas of practice reserved to Northern Irish lawyers as well as in foreign and international law. They may also requalify as a Northern Irish solicitor or barrister. Foreign lawyers from other countries may practice without restriction in the non-reserved areas of law and requalification is treated on a case by case basis.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are a few Irish law firms with branch offices in Northern Ireland.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

No explicit rules or limitations on temporary practice outside of the reserved areas of work.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Foreign lawyers may obtain a visa to visit clients but may also obtain special 'permitted paid employment' visas which are valid for up to one month without the need to obtain a work permit.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no requirement for a foreign lawyer to obtain a licence to practice as a foreign legal consultant. The only licensing requirements are on EEA lawyers (who must become Registered European Lawyers – a status which entitles them to practise in the reserved areas of the law

## United Kingdom – Northern Ireland

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

*Are foreign lawyers permitted to undertake arbitration and mediation?*

*Are foreign lawyers allowed to appear in court under any circumstances?*

*Can foreign lawyers requalify as local lawyers?*

*Can a foreign law firm obtain a licence to open an office?*

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

*Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)*

*Is there a quota on the number of licences available?*

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?*

of England and Wales).

Registered European Lawyer status is only required of EEA or Swiss lawyers resident in Northern Ireland.

Following the Establishment Directive (98/5/EC) Registered European Lawyers must have three years prior practice experience before they can establish in the UK. There are no other prior conditions on other (unregistered) foreign lawyers wishing to practise in Northern Ireland.

Yes.

EEA and Swiss lawyers may appear in courts in Northern Ireland if introduced by a Northern Irish barrister.

Foreign lawyers may requalify in Northern Ireland through prior requalification in England and Wales or Ireland. EU, EFTA or Swiss lawyers may requalify through Articles 2 or 10 of the Establishment Directive for lawyers (98/5/EC).

Foreign law firms do not require licences to open offices to practise law in Northern Ireland, provided they are not practising reserved areas of work and are not fee sharing with Northern Irish solicitors or barristers.

No special permission is required to set up a business in the UK.

There is no separate foreign law firm licensing process. A non-Northern Irish law firm could either set up to practise in non-reserved areas of legal work with foreign lawyers or unlicensed Northern Irish lawyers, or it could establish as a separate, regulated Northern Irish firm containing only Northern Irish solicitors.

No.

There is no limit on the number of branches a foreign firm may have in the UK but if it wished to undertake reserved work, it would require separate authorisation in England and Wales, Scotland and Northern Ireland and different requirements and rules would apply.

There are no scope of practice rules that apply to firms as opposed to individual lawyers.



## United Kingdom – Northern Ireland

*Are there restrictions on the corporate form a foreign law firm can take?*

Foreign law firms are unrestricted in the form they can take (subject to general company law). EEA and Swiss law firms can only take the forms permitted to Northern Irish solicitors.

*Are there rules about the name a foreign law firm can take?*

There are no specific rules for the names of foreign law firms beyond the general naming provisions governing all businesses.

*What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.*

There is no specific foreign law licence but EEA firms should register with the Law Society of Northern Ireland ([www.lawsoc-ni.org](http://www.lawsoc-ni.org)).

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

There is a prohibition on fee sharing with non-Northern Irish solicitors which prevents foreign lawyers from sharing in law firm ownership in Northern Ireland. however, section 28(d) of the Solicitors (Northern Ireland) Order 1976 provides that fee sharing with non-Northern Irish solicitors is permitted 'where an agreement for sharing fees is made between a solicitor in Northern Ireland and a person carrying on the practice or profession of the law in some other part of the United Kingdom or the Commonwealth or in the Republic of Ireland or in a foreign country.'

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

No.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

No – there is a prohibition on fee sharing with non-Northern Irish solicitors but this doesn't apply outside of Northern Ireland.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes.

*Other useful sources or comments or links*

For Law Society of Northern Ireland: [www.lawsoc-ni.org](http://www.lawsoc-ni.org);  
For the Bar Library: [www.barlibrary.com](http://www.barlibrary.com)

## United Kingdom – Scotland

*Is there legislation governing the legal sector?*

Solicitors (Scotland) Act 1980, Council of the Law Society of Scotland Act 2003, The Legal Profession and Legal Aid (Scotland) Act 2010, Legal Services (Scotland) Act 2010.

*Under what title do lawyers practise?*

Solicitor or advocate.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

Solicitor – In order to become licensed as a solicitor in Scotland a candidate will usually undertake the following: (1) The LLB degree in Scots Law (which can be studied at ten universities in Scotland); (2) The Diploma in Professional Legal Practice (the Diploma) (which can be undertaken at six universities in Scotland); (3) A two-year traineeship in a solicitor's practice.



## United Kingdom – Scotland

	<p>Advocate –In order to become an advocate an individual must have: (1) completed a LLB degree at a Scottish University or have completed a post graduate Diploma in Legal Practice; (2) undertaken the 21-month training requirement in a solicitor's practice; (3) passed the Faculty of Advocates' examination; (4) completed the required period of pupillage/devilling to train as an advocate.</p>
<p><i>Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits</i></p>	<p>The UK is made up of three separate jurisdictions: England and Wales, Scotland and Northern Ireland and lawyers must be licensed separately for each jurisdiction.</p>
<p><i>Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?</i></p>	<p>Activities that are reserved by statute to Scottish qualified solicitors (S32 of the Solicitors (Scotland) Act 1980) include: Conveyancing of land and/or buildings; litigation (civil or criminal); and obtaining confirmation in favour of executors (the Scottish equivalent of probate). Scottish solicitors also have rights of audience in most courts. Advocates have rights of audience in the Court of Session and the High Court of Justiciary (the supreme criminal Courts of Scotland), and in the other courts (such as the Lands Valuation Appeal Court) whose judges are Senators of the College of Justice.</p>
<p><i>Do you need to hold local nationality to be eligible to practise law?</i></p>	<p>No.</p>
<p><i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i></p>	<p>Solicitors may work as sole practitioners, as members or directors of incorporated practices which may either be companies or limited liability partnerships; or as a member of a multi-national practice. From mid-2013, solicitors will also be able to work in Scottish alternative business structures. Advocates may only be self-employed.</p>
<p><i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i></p>	<p>Law Society of Scotland Rules and Guidance, available at <a href="http://www.lawscot.org.uk/rules-and-guidance">www.lawscot.org.uk/rules-and-guidance</a>.</p>
<p><i>Do law firms need to receive a licence (or permission/approval) to practise law?</i></p>	<p>Solicitors must notify the Law Society when setting up a new practice and must comply with rules relating to accounts, guarantee fund and indemnity insurance. Firms which take the form of incorporated practices or multi-national practices require prior approval by the Council of the Law Society.</p>
<p><i>Which authority issues licences? Are there different authorities for individuals and firms?</i></p>	<p>Law Society of Scotland licences and regulates solicitors in Scotland – <a href="http://www.lawscot.org.uk">www.lawscot.org.uk</a>; The Faculty of Advocates licences advocates <a href="http://www.advocates.org.uk">www.advocates.org.uk</a>.</p>
<p><i>Is the jurisdiction a member of the WTO?</i></p>	<p>The UK joined the WTO on 1 January 1995.</p>
<p><i>Has it made any WTO commitments on legal services?</i></p>	<p>The UK has signed up to the EU's GATS commitment of no restrictions in modes 1–3 for home country and public international law. It has also committed to permit presence for natural persons where individuals possess a university</p>

## United Kingdom – Scotland

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

degree and professional qualifications and three years' professional experience in the sector.

As a member of the EU, the UK extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). The UK is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at [www.wto.org/english/tratop\\_e/region\\_e/rta\\_participation\\_map\\_e.htm?country\\_selected=none&sense=s](http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=none&sense=s)).

*Do these currently include legal services or are there plans to include them in future?*

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's Free Trade Agreements (FTAs) with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalising measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalisation. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from within the EU, EFTA and Switzerland are covered by the various EU directives covering legal services (The Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in Scots law as well as foreign and international law and can requalify as a Scottish solicitor or advocate. Foreign lawyers from other countries may practice without restriction in unreserved areas and requalification is handled on a case by case basis on application to the Registrar of the Law Society.

## United Kingdom – Scotland

*Are there any 'foreign law' firms present in this jurisdiction?*

Foreign firms are represented in Scotland by the branch offices of a number of international firms based in London.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There are no explicit rules or limitations on temporary practice outside of the reserved areas of work.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Foreign lawyers may obtain a visa to visit clients but may also obtain special 'permitted paid employment' visas which are valid for up to one month without the need to obtain a work permit.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no requirement for a foreign lawyer to obtain a licence to practice as a foreign legal consultant in Scotland. The only licensing requirements are on EEA lawyers (who must become Registered European Lawyers – a status which entitles them to practise in the areas reserved to Scottish solicitors and advocates). Non-EEA foreign lawyers do not need to register with the Law Society unless they wish to become partners in multinational practices.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Registered European Lawyer status is only required of EEA or Swiss lawyers resident in Scotland.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

European Lawyers must demonstrate that they have complied with the Law Society's requirements on insurance and the guarantee fund before they can be registered. There are no other prior conditions on other (unregistered) foreign lawyers wishing to practise in Scotland.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes.

*Are foreign lawyers allowed to appear in court under any circumstances?*

EEA and Swiss lawyers may appear in Scottish courts if introduced by a Scots lawyer.

*Can foreign lawyers requalify as local lawyers?*

EU lawyers may fully requalify as Scots lawyers (solicitors or advocates) following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three-year period of continuous and effective practice in Scotland.

*Can a foreign law firm obtain a licence to open an office?*

Foreign law firms do not require licences to open offices to practise law in Scotland, provided they are not practising reserved areas of work and are not fee sharing with Scottish solicitors or advocates. Foreign law firms who do wish to have Scottish solicitor partners and practise reserved areas of work need to obtain authorisation from the Law Society of Scotland as a multinational partnership.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of*

No special permission is required to set up a business in the UK.

## United Kingdom – Scotland

*company affairs etc.)*

*Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)*

There are no separate foreign law firm licences but if it chose to practise in reserved areas, a foreign law firm could establish either as a recognised body or as an alternative business structure.

*Is there a quota on the number of licences available?*

No.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

There is no limit on the number of branches a foreign firm may have in the UK but if it wishes to practise reserved areas of work, separate authorisation would be required in England and Wales, Scotland and Northern Ireland, and different requirements and rules would apply.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?*

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

*Are there restrictions on the corporate form a foreign law firm can take?*

No, unless that foreign law firm becomes licensed as a Scottish multinational partnership. If it is a European law firm it can only take one of the corporate forms permitted to Scottish solicitors.

*Are there rules about the name a foreign law firm can take?*

There are no specific rules for the names of foreign law firms beyond the general naming provisions governing all businesses.

*What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL.*

There is no specific foreign law licence but EEA firms and foreign law firms wishing to obtain licences to practise reserved areas of work in Scotland through qualified Scottish solicitors should apply to the Law Society of Scotland ([www.lawscot.org.uk](http://www.lawscot.org.uk)).

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

An advocate may not be in partnership with, or be employed by a solicitor or other professional person entitled to instruct Counsel directly on behalf of clients in Scotland or elsewhere.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Solicitors may enter partnership with foreign lawyers who are from foreign legal professions that are 'so regulated as to make it appropriate for the applicant to be registered for the relevant purpose'. (Law Society of Scotland Rule D.7.3.1). Advocates are not permitted to form partnerships.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes

*Other useful sources or comments or links*

For Law Society of Scotland: [www.lawscot.org.uk](http://www.lawscot.org.uk); For Faculty of Advocates: [www.advocates.org.uk](http://www.advocates.org.uk).

## United States – Alabama

*Is there legislation governing the legal sector?*

*Code of Alabama, Title 34. Professions and Businesses. Chapter 3. Attorney-at-Law*

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have a bachelor's degree, a JD, satisfy character and fitness to practice requirements, and have passed the Alabama State bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Alabama. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The reserved areas of practice for Alabama attorneys are set out in the *Code of Alabama Title 34. Professions and Businesses. Chapter 3. Attorney-at-Law*. This provides that: '§34-3-6. Who may practice as attorneys?

(b) For the purposes of this chapter, the practice of law is defined as follows:

Whoever,

(1) In a representative capacity appears as an advocate or draws papers, pleadings or documents, or performs any act in connection with proceedings pending or prospective before a court or a body, board, committee, commission or officer constituted by law or having authority to take evidence in or settle or determine controversies in the exercise of the judicial power of the state or any subdivision thereof; or

(2) For a consideration, reward or pecuniary benefit, present or anticipated, direct or indirect, advises or counsels another as to secular law, or draws or procures or assists in the drawing of a paper, document or instrument affecting or relating to secular rights; or

(3) For a consideration, reward or pecuniary benefit, present or anticipated, direct or indirect, does any act in a representative capacity in behalf of another tending to obtain or secure for such other the prevention or the redress of a wrong or the enforcement or establishment of a right; or

(4) As a vocation, enforces, secures, settles, adjusts or compromises defaulted, controverted or disputed accounts, claims or demands between persons with neither of whom he is in privity or in the relation of employer and employee in the ordinary sense;

Is practicing law.

(c) Nothing in this section shall be construed to prohibit any person, firm or corporation from attending to and caring for his or its own business, claims or demands, nor from

## United States – Alabama

preparing abstracts of title, certifying, guaranteeing or insuring titles to property, real or personal, or an interest therein, or a lien or encumbrance thereon, but any such person, firm or corporation engaged in preparing abstracts of title, certifying, guaranteeing or insuring titles to real or personal property are prohibited from preparing or drawing or procuring or assisting in the drawing or preparation of deeds, conveyances, mortgages and any paper, document or instrument affecting or relating to secular rights, which acts are hereby defined to be an act of practicing law, unless such person, firm or corporation shall have a proprietary interest in such property; however, any such person, firm or corporation so engaged in preparing abstracts of title, certifying, guaranteeing or insuring titles shall be permitted to prepare or draw or procure or assist in the drawing or preparation of simple affidavits or statements of fact to be used by such person, firm or corporation in support of its title policies, to be retained in its files and not to be recorded.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Under title 10 of the Alabama Code, limited liability partnerships and limited liability companies are permitted to any lawful business other than banks or insurance companies. In addition lawyers may work in sole practice or general partnership.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Alabama Code of professional conduct which is modelled on the ABA model code (see [www.sunethics.com/al\\_rpc\\_index.htm](http://www.sunethics.com/al_rpc_index.htm)).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (eg, limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Alabama State Bar (see: [www.alabar.org/](http://www.alabar.org/)) under the authority of the State Supreme Court.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Alabama may provide legal services in modes 1–3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services*

The NAFTA agreement calls for future negotiations on MRAs



## United States – Alabama

*or are there plans to include them in future?*

amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

No – foreign lawyers are not permitted to establish in Alabama and no large national or international US firms have offices here.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see rule 5.5 on Unauthorised Practice of Law. Effective 19 September 2006).

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly-in fly-out basis in Alabama would need to be fully admitted to the Alabama Bar or to the Bar of another US state. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public; and b) the salesperson is not engaged in supplying the service.' Entry for persons named in this section is limited to a 90-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No – There is no FLC licensing regime in Alabama.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Foreign lawyers are not permitted to provide arbitration and mediation services in Alabama unless admitted elsewhere in the US.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Only US attorneys may appear pro hac vice in the Alabama courts by associating in the particular case with an attorney who is a member in good standing of the Alabama State Bar (Rule VII)

*Can a foreign law firm obtain a licence to open an office?*

No.

*Even if a foreign law firm does not require a legal licence must they register*

n/a



## United States – Alabama

*in some form in order to set up an office?  
(eg, with a ministry of company affairs  
etc.)*

*Are there different types of foreign law  
firm 'licence'? (eg, joint law venture,  
standalone foreign licence etc.)* n/a

*Is there a quota on the number of  
licences available?* n/a

*Are there geographical restrictions on  
foreign firm licences or on the number of  
branches a foreign firm can have?* No.

*Are there 'scope of practice' rules that  
apply directly to foreign law firms (as  
opposed to lawyers themselves)? (eg,  
home, host, international law). If so,  
what are they?* No.

*Are there restrictions on the corporate  
form a foreign law firm can take?* n/a

*Are there rules about the name a  
foreign law firm can take?* n/a

*Which entity grants a licence to a foreign  
law firm? If that entity is on the internet,  
please provide the URL.* n/a

*Are there restrictions on the ownership  
share of foreign lawyers in a law firm?* n/a

*May a domestic lawyer be employed by  
a foreign lawyer or law firm?* n/a

*Can a domestic lawyer enter into  
partnership with a foreign lawyer?* n/a

*Can a domestic lawyer or domestic law  
firm employ a foreign lawyer?* n/a

*Other useful sources or comments or links*

## United States – Alaska

*Is there legislation governing the legal  
sector?* Alaska Statutes Title 8. Business and Professions. Chapter 8.  
Attorneys.

*Under what title do lawyers practise?* Attorney-at-Law

*How does an individual lawyer obtain a  
licence to practise law? How often must  
this be renewed?* An individual must have an LLB or JD, satisfy character and  
fitness to practice requirements, and have passed the bar  
exam, or been admitted on motion without exam via  
reciprocity.

*Does this entitle the holder to practise  
throughout the country? If the law  
licence only permits one to practise on a  
sub-national level, please explain the  
jurisdictional limits* This only automatically entitles the holder to practise in  
Alaska. The right to practise on a temporary basis in another  
state or to appear pro hac vice in another state depends on  
the practice rules of that state.

## United States – Alaska

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The practice of law is defined in the *Alaska Bar Rule 63* as: '(a) representing oneself by words or conduct to be an attorney, and, if the person is authorized to practice law in another jurisdiction but is not a member of the Alaska Bar Association, representing oneself to be a member of the Alaska Bar Association; and

(b) either (i) representing another before a court or governmental body which is operating in its adjudicative capacity, including the submission of pleadings, or (ii), for compensation, providing advice or preparing documents for another which effect (sic) legal rights or duties.

This is further qualified in *Alaska Bar Rule 15* (b) Unauthorized Practice of Law. (1) For purposes of the practice of law prohibition for disbarred and suspended attorneys in subparagraph (a)(6) of this rule, except for attorneys suspended solely for non-payment of bar fees, "practice of law" is defined as: (A) holding oneself out as an attorney or lawyer authorized to practice law; (B) rendering legal consultation or advice to a client; (C) appearing on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, hearing officer, or governmental body which is operating in its adjudicative capacity, including the submission of pleadings; (D) appearing as a representative of the client at a deposition or other discovery matter; (E) negotiating or transacting any matter for or on behalf of a client with third parties; or (F) receiving, disbursing, or otherwise handling a client's funds. (2) For purposes of the practice of law prohibition for attorneys suspended solely for the non-payment of fees and for inactive attorneys, "practice of law" is defined as it is in subparagraph (b)(1) of this rule, except that these persons may represent another to the extent that a layperson would be allowed to do so.'

This is further qualified by *Alaska Rule Of Professional Conduct 5.5*:

(a) A lawyer shall not practice law in any jurisdiction unless authorized to do so by the laws of that jurisdiction.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not: (1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any

## United States – Alaska

jurisdiction, may provide legal services on a temporary basis in this jurisdiction that: (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter; (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in that proceeding or reasonably expects to be so authorized; (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or (4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that: (1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or (2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership, a limited liability company, or a professional corporation. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Alaska Rules of Professional Conduct which is modelled on the ABA Model Rules (see [www.courts.alaska.gov/prof.htm](http://www.courts.alaska.gov/prof.htm)).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the court but may be subject to other notification requirements depending on the business form taken (eg, limited liability company) and the local state statutes.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Alaskan Bar (see: [www.alaskabar.org/](http://www.alaskabar.org/))

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

The US has scheduled commitments for Alaska in modes 1–3 for legal consultancy on the law of the jurisdiction where the service supplier is qualified as a lawyer (excluding appearing in courts other than admission pro hac vice);

## United States – Alaska

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

preparing any instrument effecting the transfer or registration of title to real estate located in the US; preparing any will or trust instrument effecting the disposition on death of any property located in the US and owned by a resident thereof, or any instrument relating to the administration of a decedent's estate in the US and preparing any instrument in respect of the marital or parental relations, rights or duties of a resident of the US, or the custody or care of the children of such a resident).

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

A number of international US firms such as Dorsey and Whitney and Crowell and Moring have offices in Alaska.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Only lawyers from other US states may provide temporary services under Rule 5.5 of the Alaskan Rules of Professional Conduct.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly-in fly-out basis in Alaska would need to be fully admitted to the Alaska Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

'Yes – a foreign lawyer may be licensed as a foreign legal consultant in Alaska (see Alaska Bar Rule 44.1, available online at [www.state.ak.us/courts/bar.htm#44.1](http://www.state.ak.us/courts/bar.htm#44.1)), however the court has discretion to consider whether an attorney in Alaska would be allowed a reasonable and practical opportunity to establish an office to give legal advice to

## United States – Alaska

clients in the applicant's country of admission. If granted, the FLC licence permits a foreign legal consultant 'to provide legal services in the State of Alaska, subject to the limitations that the person shall not:

(1) appear for another person as attorney in any court or before any magistrate or other judicial officer in the State of Alaska, or prepare pleadings or any other papers in any action or proceeding brought in any such court or before any such judicial officer, except as authorized by Civil Rule 81(a)(2);

(2) prepare any deed, mortgage, assignment, discharge, lease, agreement, sale or any other instruction affecting title to real estate located in the United States of America;

(3) prepare:

(A) any will or trust instrument affecting the disposition of any property located in the United States of America and owned by a resident of the United States of America, or

(B) any instrument relating to the administration of a decedent's estate in the United States of America;

(4) prepare any instrument concerning the marital relations, rights or duties of a resident of the United States of America, or the custody or care of the children of a resident;

(5) provide professional legal advice on the law of the State of Alaska, any other state or territory of the United States of America, the District of Columbia, the United States or any foreign country other than the country where the consultant is admitted as an attorney or counsellor at law or the equivalent, whether provided incident to the preparation of legal instruments or otherwise. If a particular matter requires legal advice from a person admitted to practice law as an attorney in a jurisdiction other than where the consultant is admitted as an attorney or counsellor at law or equivalent, the foreign law consultant shall consult an attorney, counsellor of law or the equivalent in the other jurisdiction on the particular matter, obtain written legal advice and transmit the written legal advice to the client;

(6) in any way represent that the person is licensed as an attorney or counsellor at law in the State of Alaska, or the equivalent in any jurisdiction, unless so licensed; or

(7) use any title other than 'foreign law consultant'; provided that the person's authorized title and firm name in the foreign country in which the person is admitted to practice as an attorney or counsel at law or the equivalent may be used if the title, firm name, and the name of the foreign country are stated together with the title 'foreign law consultant'.

## United States – Alaska

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

Must use the title of FLC.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

The applicant must have spent five of the previous seven years prior to registration practising law. He/she must also submit a certificate of registration and good standing with his/her home-country bar, meet the professional liability insurance requirement, and agree to be bound by the Rules of Disciplinary Enforcement, Ethics Opinions adopted by the Board of Governors of the Alaska Bar Association, and the Code of Professional Responsibility.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Only lawyers from other US states may provide arbitration and mediation services under Rule 5.5 of the Alaskan Rules of Professional Conduct.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Alaska's pro hac vice rules do not cover foreign lawyers.

*Can foreign lawyers requalify as local lawyers?*

There is no explicit rule but a foreign lawyer may qualify to take the UBE in Alaska under Bar Rule 2, section 3 or by reciprocity admission from a reciprocal state. A graduate of a foreign law school in which the principles of English law are taught may be eligible to take the bar exam if he or she submits proof that: 1) the law school from which he/she graduated meets the ABA's standards for approval; and 2) he/she has successfully completed one year at an ABA-approved law school, including successful completion of one course in US Constitutional Law and one course in US Civil Procedure, or is a member in good standing of the bar of one or more states, territories, or the District of Columbia and was admitted to the bar of that state, territory, or the District of Columbia after written examination.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law;

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

n/a

*Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that*

No.



## United States – Alaska

*apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?*

*Are there restrictions on the corporate form a foreign law firm can take?*

Subject to the Alaska Statutes.

*Are there rules about the name a foreign law firm can take?*

Foreign name is permitted.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL.*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes – this is explicitly mentioned in the USA's schedule of specific commitments on legal services.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes – this is explicitly mentioned in the USA's schedule of specific commitments on legal services.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes

*Other useful sources or comments or links*

*Verified by*

Alaska Bar Association (February 2014)

## United States – Arizona

*Is there legislation governing the legal sector?*

Rules of The Supreme Court of Arizona – Rule 31 – Regulation of the Practice of Law

*Under what title do lawyers practise?*

Attorney at law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have an LLB or JD, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Arizona. The right to practise on a temporary basis in another state or to appear pro hac vice in another state requires the permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The definition of the practice of law in Arizona is set out in the Rules of The Supreme Court of Arizona – Rule 31 – Regulation of The Practice of Law

'(a) Supreme Court Jurisdiction Over the Practice of Law

1. Jurisdiction. Any person or entity engaged in the practice of law or unauthorized practice of law in this state, as defined by these rules, is subject to this court's jurisdiction.

2. Definitions.

A. 'Practice of law' means providing legal advice or services to or for another by:



## United States – Arizona

- (1) preparing any document in any medium intended to affect or secure legal rights for a specific person or entity;
- (2) preparing or expressing legal opinions;
- (3) representing another in a judicial, quasi-judicial, or administrative proceeding, or other formal dispute resolution process such as arbitration and mediation;
- (4) preparing any document through any medium for filing in any court, administrative agency or tribunal for a specific person or entity; or
- (5) negotiating legal rights or responsibilities for a specific person or entity.

B. 'Unauthorized practice of law' includes but is not limited to:

- (1) engaging in the practice of law by persons or entities not authorized to practice pursuant to paragraphs (b) or (c) or specially admitted to practice pursuant to Rule 38(a); or
- (2) using the designations 'lawyer,' 'attorney at law,' 'counsellor at law,' 'law,' 'law office,' 'J.D.,' 'Esq.,' or other equivalent words by any person or entity who is not authorized to practice law in this state pursuant to paragraphs (b) or (c) or specially admitted to practice pursuant to Rule 38(a), the use of which is reasonably likely to induce others to believe that the person or entity is authorized to engage in the practice of law in this state.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Lawyers must comply with the Arizona Rules of Professional Conduct which is modelled after the ABA Model Rules of Professional Conduct (see: [www.azbar.org/ethics/rulesofprofessionalconduct](http://www.azbar.org/ethics/rulesofprofessionalconduct)).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Law firms do not need to receive a license from the Court, but they may be subject to other notification requirements depending on the type of legal entity formed (eg, limited liability company) and the requirements of the local code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Arizona Supreme Court (see: [www.azcourts.gov/cld/AttorneyAdmissions/AdmissionbyUBETestinginArizona/HowtoApplyforAdmission.aspx](http://www.azcourts.gov/cld/AttorneyAdmissions/AdmissionbyUBETestinginArizona/HowtoApplyforAdmission.aspx)).

*Is the jurisdiction a member of the WTO?*

The United States joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments made by the USA, an individual practising 'as or through' a lawyer qualified in Arizona may provide legal services in modes 1–3.

## United States – Arizona

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

In addition to international US firms such as Greenberg Traurig, Squire Sanders and Bryan Cave, there are a couple of firms (DLA Piper and Dentons) which are the US arms of Swiss vereins containing English firms.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

To provide temporary services in Arizona, a person must be licensed in another US jurisdiction and must receive permission to practice in the state under Rule 38 of the Arizona Rules of the Supreme Court (Admission Pro Hac Vice) and Rule 5.5 of the Arizona Rules of Professional Conduct.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments made by the US, an individual wishing to practice law on a 'fly-in fly-out' basis in Arizona would need to be admitted to the Arizona bar or to the bar of another US state or be recognized as a foreign legal consultant under rule 38(b) of the Arizona Rules of the Supreme Court 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service.'

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes a foreign lawyer may be licensed as a foreign legal consultant in Arizona (subject to the discretion of the court to require evidence of reciprocity) see Arizona Supreme Court Rules, Rule 38(b), available online at (<https://government.westlaw.com/linkedslice/default.asp?SP=AZR-1000>). The scope of practice available to a foreign legal consultant is as follows:

A. A person licensed to practice as a foreign legal consultant under this rule may render legal services in this state subject, however, to the limitations that he or she shall not:

## United States – Arizona

- i. appear for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this state other than upon admission pro hac vice pursuant to Rule 38(a);
- ii. prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States of America;
- iii. prepare any will or trust instrument affecting the disposition on death of any property located in the United States of America and owned by a resident thereof;
- iv. prepare any instrument relating to the administration of a decedent's estate in the United States of America;
- v. prepare any instrument in respect to marital relations, rights or duties of a resident of the United States of America or the custody or care of the children of a resident;
- vi. render professional legal advice on the law of this state or of the United States of America (whether rendered incident to the preparation of legal instruments or otherwise), except on the basis of advice from a person duly qualified and entitled (otherwise than by virtue of having been licensed under this rule) to render professional legal advice in this state;
- vii. in any way hold himself or herself out as a member of the state bar.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

A foreign legal consultant (FLC) must have the intention to open an office in Arizona but the rules do not require ongoing evidence of this fact. FLCs are also bound by the Arizona rules requiring them to state in any advertisement or communication that targets or specifically offers legal services to Arizona residents that: (1) the non-member is not licensed to practice law by the Supreme Court of Arizona; or (2) the non-member's practice is limited to federal or tribal legal matters (for example, a non-member may state his or her practice is limited to immigration matters).

A person registered as a foreign legal consultant must also use the title 'legal consultant', in conjunction with the name of the foreign country of his or her admission to practice, and shall not carry on his or her practice under, or utilize in connection with such practice, any name, title or designation other than one or more of the following:

- i. his or her own name;
- ii. the name of his or her law firm;
- iii. his or her authorised title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of such country.

## United States – Arizona

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Ariz. R. Sup. Ct. 38(b)(7), 17A A.R.S.

To be registered as a foreign legal consultant, an applicant must:

- A. for a period of not less than five of the seven years immediately preceding the date of the application, have been admitted to practice and have been in good standing as an attorney or counsellor at law or the equivalent in a foreign country or political subdivision of a foreign country; and have engaged either: (i) in the practice of law in such country or political subdivision; or (ii) in a profession or occupation that requires admission to practice and good standing as an attorney or counsellor at law or the equivalent in such country or political subdivision;
- B. possess the good moral character necessary for a member of the state bar;
- C. intend to practice as a registered foreign legal consultant in this state and to maintain an office in the state for such practice;
- D. possess the necessary documentation evidencing compliance with the immigration laws of the United States;
- E. have attained the age of 21;
- F. file with the Committee on Character and Fitness an application in the form supplied by the Committee. The application must be accompanied by required supporting documents and application fee. The applicant shall also complete and submit a character report accompanied by a character investigation fee as established by the court. The character report and related fee may be submitted separately from the application to practice as a registered foreign legal consultant.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Only lawyers from other US states may provide arbitration and mediation services under rule 5.5 of the Arizona Rules of Professional Conduct.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Only lawyers admitted in other US states are covered by Arizona's Pro Hac Vice Admission Rule, Ariz. R. Sup. Ct. 38(a), 17A A.R.S.

*Can foreign lawyers requalify as local lawyers?*

Only other US lawyers who meet the required criteria can be admitted to the Arizona Bar without examination. Foreign candidates wishing to requalify must pass the Arizona bar exam or provide a qualifying score on the uniform bar examination and meet other admissions criteria.

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements for law firms. An FLC is permitted to open an office.

## United States – Arizona

<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)</i>	No, there are no requirements beyond those for registering as an FLC.
<i>Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?</i>	No.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	Foreign names are permitted, but law firms must comply with rules regarding law firm names. See Ethical Rule 7.5.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL.</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	According to Ethics Opinion 96–08 of the Arizona Bar Association: An Arizona attorney may be hired as an associate to operate the Arizona office of an out-of-state law firm as long as: (1) the associate has a bona fide employment relationship with the firm; (2) the Arizona attorney must be fully responsible for the Arizona office, including the supervision of partners in Arizona who are not yet admitted in Arizona (and limiting their practices to federal law); and (3) the firm must clearly indicate on all communications and letterhead where each of the attorneys is admitted and that the Arizona associate is the managing associate for the Arizona office.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	Arizona State Courts (January 2014)

## United States – Arkansas

*Is there legislation governing the legal sector?*

Arkansas Code 1987, Title 16 Practice, Procedure, and Courts, Subtitle 2. Courts and Court Officers, Chapter 22 Attorneys at Law.

*Under what title do lawyers practise?*

Attorney at law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have an LLB or JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar exam. The candidate must be resident in the US to obtain a licence.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Arkansas. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The State Supreme Court judgment in *Arkansas Bar Association v Block*, 323 S.W.2d 912 (1959) held that 'Research of authorities by able counsel and by this court has failed to turn up any clear, comprehensible definition of what really constitutes the practice of law. Courts are not in agreement. We believe it is impossible to frame any comprehensive definition of what constitutes the practice of law. Each case must be decided upon its own particular facts. – The practice of law is difficult to define. Perhaps it does not admit of exact definition'.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Arkansas code of professional conduct which is modelled on the ABA model code (see: <https://courts.arkansas.gov/rules-and-administrative-orders/%5Bcurrent%5D-arkansas-rules-of-professional-conduct>).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (eg, limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Arkansas State Supreme Court: [www.courts.arkansas.gov/professional\\_conduct](http://www.courts.arkansas.gov/professional_conduct).

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Arkansas may provide legal services in modes 1–3.

*Is the jurisdiction party to bilateral agreements which offer special*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American



## United States – Arkansas

*treatment to businesses or individuals from particular countries?*

Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

No – foreign lawyers are not permitted to establish in Arkansas and there are no large national or international US law firms with offices in this state.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see rule 5.5 on Unauthorized Practice of Law).

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly-in fly-out basis in Arkansas would need to be fully admitted to the Arkansas Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No – there is no FLC rule in Arkansas.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Rule 5.5 of the Arkansas code of conduct exempts other US lawyers who are not admitted to practice in Arkansas from unauthorised practice of law violation provided the legal services they are providing 'are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another



## United States – Arkansas

	jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission'.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	On 26 February 2004 the Arkansas Supreme Court adopted an Admission by Motion Rule. This is based on the ABA Rule but requires reciprocity, fee (\$1,500) and designate Clerk of the Court for service of process. (Effective 1 October 2004) <a href="https://courts.state.ar.us/opinions/2004a/20040226/admission.html#">https://courts.state.ar.us/opinions/2004a/20040226/admission.html#</a> .
<i>Can foreign lawyers requalify as local lawyers?</i>	There is no explicit rule but a foreign lawyer may qualify in Arkansas by following the state route to qualification as a US lawyer would do.
<i>Can a foreign law firm obtain a licence to open an office?</i>	No.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)</i>	n/a
<i>Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?</i>	No.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL.</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	n/a
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	n/a
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	n/a
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	n/a

## United States – Arkansas

*Other useful sources or comments or links*

## United States – California

*Is there legislation governing the legal sector?*

The California Business and Professions Code Div. 3 - Professions and Vocations Generally, Ch 4 – Attorneys (Bus and Prof Code §§ 6000 et seq.) known as 'The State Bar Act' (1939).

*Under what title do lawyers practise?*

Attorney at law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must be 18 years old, have at least two year's post-secondary study, or equivalent, legal training as defined by statute, good moral character, and have passed the bar exam. Once these requirements are met, one is admitted by the Supreme Court, subject to annual renewal fees.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

As with all US state jurisdictions, this only entitles the holder to practise in their state of admission, in this case California. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

In the US the practice of law can be only performed by licensed attorneys. The California State Legislature adopted the State Bar Act in 1927 and used the term 'practice law' without providing a definition. Early case law in *People v Merchants' Protective Corp* (1922) provided the following definition 'As the term is generally understood, the practice of the law is the doing or performing services in a court of justice, in any matter depending therein, throughout its various stages, and in conformity to the adopted rules of procedure. But in a larger sense it includes legal advice and counsel, and the preparation of legal instruments and contracts by which legal rights are secured although such matter may or may not be depending in a court.' This remains the definition of legal practice.

*Do you need to hold local nationality to be eligible to practise law?*

No. US citizenship is not required to be admitted in California.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership, or as a professional corporation. Fee sharing with non-lawyers is prohibited. Thus multidisciplinary practices or alternative business structures are not currently permitted.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The California Business and Professions Code Sections 6000 et seq, and the California Rules of Professional Conduct set the disciplinary standards in California (see: <http://rules.calbar.ca.gov/Rules/RulesofProfessionalConduct>).

## United States – California

*Do law firms need to receive a licence (or permission/approval) to practise law?*

[aspx](#)).

California does not regulate firms, only individuals. But in order to be certified as a law corporation or a limited liability partnership, one has to be registered by the State Bar. Otherwise firms are not licensed.

*Which authority issues licences? Are there different authorities for individuals and firms?*

California attorneys are admitted by the Supreme Court and licensed by the State Bar of California (see [www.calbar.ca.gov/](http://www.calbar.ca.gov/)). Only individual members are admitted and licensed.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

The USA has scheduled commitments for California in modes 1–3 for the practice of home country law, international law (to the extent this is incorporated in home-country law) and 3rd-country law (provided that the FLC first obtains advice from an attorney licensed in that jurisdiction). Suppliers regularly supplying legal services in California must be licensed as foreign legal consultants.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership. California does not have a separate agreement with anyone and does not offer preferential treatment to other jurisdictions on admission to legal practice. California does not have a separate agreement with anyone and does not offer preferential treatment to other jurisdictions on admission to legal practice.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

Foreign firms are represented in California through the representative offices of English firms Osborne Clarke and Clyde and Co, the Australian/Chinese firm King and Wood Mallesons. Other English firms such as Dentons, DLA and Hogan Lovells are represented through the US arms of their Swiss vereins. A large number of US international and national firms are also present.

## United States – California

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

California Rules of Court 9.47 (part of litigation) and 9.48 (non-litigation matter) only permit lawyers who are licensed to practice in another US jurisdiction to practise temporarily in California without registering with the State Bar.

Under the WTO commitments of the USA, an individual wishing to practise law on a fly-in fly-out basis in California would need to be fully admitted to the California Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90-day period.

Yes – a foreign lawyer may be licensed as a foreign legal consultant (see California Court Rule 9.44). This permits foreign legal consultants to offer services in international law, to the extent this is incorporated in home-country law. Practice of third-country law and California law is not permitted. For FLC rules see <http://admissions.calbar.ca.gov/Requirements/ForeignLegalConsultantsFLC.aspx> d) Rule 9.44 of California rules of court permit the following: 'Subject to all applicable rules, regulations, and statutes, a registered foreign legal consultant may render legal services in California, except that he or she may not:

- (1) Appear for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this state or prepare pleadings or any other papers or issue subpoenas in any action or proceeding brought in any court or before any judicial officer;
- (2) Prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States;
- (3) Prepare any will or trust instrument affecting the disposition on death of any property located in the United States and owned by a resident or any instrument relating to the administration of a decedent's estate in the United States;
- (4) Prepare any instrument in respect of the marital relations, rights, or duties of a resident of the United States, or the custody or care of the children of a resident; or
- (5) Otherwise render professional legal advice on the law of

## United States – California

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

the State of California, any other state of the United States, the District of Columbia, the United States, or of any jurisdiction other than the jurisdiction named in satisfying the requirements of (c) of this rule, whether rendered incident to preparation of legal instruments or otherwise.'

An FLC in California must provide the State Bar with an 'address of record' in California (which does not necessarily require residency) and evidence of security for claims such as an acceptable insurance policy. Rule 3.402 Duties of Registered Foreign Legal Consultants.

A foreign legal consultant must

(A) annually renew registration as a Registered Foreign Legal Consultant and submit;

the fee set forth in the Schedule of Charges and Deadlines;

(B) report to the State Bar within thirty days any change in eligibility or the security for claims required by these rules;

(C) at all times maintain the security for claims required by these rules and upon demand promptly provide the State Bar with current evidence of security for claims;

(D) provide legal advice in California exclusively regarding the law of a foreign jurisdiction where he or she is licensed to practice law and which is identified in the Application To Register as a Foreign Legal Consultant;

(E) use the title 'Registered Foreign Legal Consultant' and no other in connection with activities performed as a Registered Foreign Legal Consultant;

(F) not claim in any way to be a member of the State Bar of California;

(G) maintain an address of record and a current e-mail address with the State Bar; and

(H) otherwise comply with Rule 9.44 and these rules.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

FLC registration is subject to meeting requirements of registration, an experience requirement (four of the six years preceding registration must have been spent practising law), certification of registration and good standing with home-country bar, meeting the professional liability insurance requirement, and agreement to be bound by the requirements of the State Bar of California.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Lawyers who are not admitted in another US state are not covered by California Rules of Court Rule 9.43 on out-of-state attorney arbitration counsel. Foreign lawyers can therefore not appear in arbitrations on the basis of their foreign qualifications alone. Except in labour and international arbitration. See *Birbrower, Montalbano, Condon & Frank v Superior Court* (1998) 17 Cal. 4th 119.

## United States – California

*Are foreign lawyers allowed to appear in court under any circumstances?*

No. Only lawyers admitted in other US states are covered by California's Pro Hac Vice Admission Rule, Rule 9.40, effective 1 January 2007 (See [http://www.courtinfo.ca.gov/rules/index.cfm?title=nine&linkid=rule9\\_40](http://www.courtinfo.ca.gov/rules/index.cfm?title=nine&linkid=rule9_40)).

*Can foreign lawyers requalify as local lawyers?*

They may qualify as set out below to take the bar examination. But they must pass the examination to be fully admitted to practice. Foreign law school graduates must request individual evaluation to determine legal education equivalency. Graduates from foreign law schools may qualify to take the California bar exam if they obtain an LL M degree or complete an additional one-year of law study at an ABA-approved or California-accredited law school which includes a certain number of credits in bar examination subject matter. Foreign-educated law students who did not graduate are not eligible to take the exam and are required to either graduate with a JD degree at an ABA-approved or California-accredited law school or complete 4 years of law study at a law school registered in California and pass the first-year law students' exam. Foreign law school graduates who are admitted to the active practice of law in good standing in their countries do not have to complete any additional law study to qualify to take the bar exam.

*Can a foreign law firm obtain a licence to open an office?*

There is no special licensing procedure for foreign law firms but LLPs or Law Corporations must be registered with the State Bar.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)*

n/a

*Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No.

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?*

No.

*Are there restrictions on the corporate form a foreign law firm can take?*

Subject to the California code.

*Are there rules about the name a foreign law firm can take?*

Foreign name is permitted.



## United States – California

<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL.</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes – this is explicitly mentioned in the USA's schedule of specific commitments on legal services.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes – this is explicitly mentioned in the USA's schedule of specific commitments on legal services.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes – this is explicitly mentioned in the USA's schedule of specific commitments on legal services.
<i>Other useful sources or comments or links</i>	See the State Bar of California's website, <a href="http://www.calbar.ca.gov">www.calbar.ca.gov</a> .
<i>Verified by</i>	The State Bar of California (January 2014).

## United States – Colorado

<i>Is there legislation governing the legal sector?</i>	Article VI of the Colorado Constitution grants the Colorado Supreme Court exclusive jurisdiction to regulate and control the practice of law in Colorado. <i>Conway-Bogue v. Denver Bar Ass'n</i> , 135 Colo. 398, 312 P.2d 998 (1957). The Court has enacted rules that regulate attorney admission (C.R.C.P. 201, 220-222); attorney registration (C.R.C.P. 227); attorney discipline (C.R.C.P. 251); unauthorized practice of law (C.R.C.P. 228, et seq.); the Attorneys' Fund for Client Protection (C.R.C.P. 252); and mandatory continuing legal and judicial education requirements (C.R.C.P. 260). In addition, there is a limited statutory framework set out in the COLORADO REVISED STATUTES 2012, TITLE 12. PROFESSIONS AND OCCUPATIONS, GENERAL, ARTICLE 5. ATTORNEYS-AT-LAW
<i>Under what title do lawyers practise?</i>	Attorney at law
<i>How does an individual lawyer obtain a licence to practise law? How often must this be renewed?</i>	<p>A US lawyer from another State can obtain a license to practice law in Colorado by applying on motion (C.R.C.P. 201.3(1), pursuant to Uniform Bar Exam score transfer procedures (C.R.C.P. 201.3(5), or through single-client certification (C.R.C.P. 222). Others must take the bar exam (pursuant to C.R.C.P. 201.6). All applicants must have an LLB or JD, satisfy character and fitness to practice requirements, and have passed the bar exam. There is an annual registration and fee.</p> <p>There are additional proposed rules before the Colorado Supreme Court that will also allow certification and pro hac vice admission of Foreign Legal Consultants. Proposed C.R.C.P. 204.2 and 205.5.</p>



## United States – Colorado

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

A Colorado license or certification only automatically entitles the holder to practise in Colorado. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

An out-of-state, U.S. lawyer may practice law in Colorado on a temporary basis pursuant to C.R.C.P. 220. There is a proposed rule pending before the Colorado Supreme Court that would also allow limited, temporary practise by foreign lawyers (CRCP 205.2).

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The Colorado supreme court has defined the practice of law as follows: 'We believe that generally one who acts in a representative capacity in protecting, enforcing, or defending the legal rights and duties of another and in counselling, advising and assisting him in connection with these rights and duties is engaged in the practice of law'. *Denver Bar Association v Public Utilities Commission*, 154 Colo. 273, 279, 391 P.2d 467, 471 (1964). See also CRCP 201.3(2).

Colorado Court Rules Governing Admission to the Bar Chapter 18. Rules Governing Admission to the Bar Rule 201.3. Classification of Applicants Rule 201.3(2):

(2) For purposes of this rule, ' "practice of law" means:

(a) the private practice of law as a sole practitioner or as a lawyer employee of or partner or shareholder in a law firm, professional corporation, legal clinic, legal services office, or similar entity; or

(b) employment as a lawyer for a corporation, partnership, trust, individual, or other entity with the primary duties of:

(i) furnishing legal counsel, drafting documents and pleadings, and interpreting and giving advice with respect to the law, and/or

(ii) preparing, trying or presenting cases before courts, executive departments, administrative bureaus or agencies; or

(c) employment as a lawyer in the law offices of the executive, legislative, or judicial departments of the United States, including the independent agencies thereof, or of any state, political subdivision of a state, territory, special district, or municipality of the United States, with the primary duties of

(i) furnishing legal counsel, drafting documents and pleadings, and interpreting and giving advice with respect to the law, and/or

(ii) preparing, trying or presenting cases before courts, executive departments, administrative bureaus or agencies; or

## United States – Colorado

(d) employment as a judge, magistrate, hearing examiner, administrative law judge, law clerk, or similar official of the United States, including the independent agencies thereof, or of any state, territory or municipality of the United States with the duties of hearing and deciding cases and controversies in judicial or administrative proceedings, provided such employment is available only to a lawyer; or  
 (e) employment as a teacher of law at a law school approved by the American Bar Association throughout the applicant's employment; or  
 f) any combination of subparagraphs (a)-(e) above. Colorado Koscove v. Bolte, 30 P.3d 784 (Colo.App. 2001)'

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership, professional corporation, or in a professional limited liability company (CRCP 265). Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Colorado Rules of Professional Conduct, which are modelled on the ABA model rules (see: [www.cobar.org/index.cfm/ID/22119/CETH/Colorado-Rules-of-Professional-Conduct/](http://www.cobar.org/index.cfm/ID/22119/CETH/Colorado-Rules-of-Professional-Conduct/)).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Colorado Supreme Court, but Colorado law firms may be subject to other notification requirements depending on the form taken (eg, limited liability company, professional corporations, See CRCP 265) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Colorado Supreme Court: [www.coloradosupremecourt.com/](http://www.coloradosupremecourt.com/).

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Colorado may provide legal services in modes 1–3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

## United States – Colorado

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

No – foreign lawyers are not permitted to establish in Colorado at this time.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

According to Colorado Supreme Court Rule (CRCP) 220, only lawyers from other US jurisdictions may provide temporary services in Colorado at this time. If proposed Rules 205.2 (Temporary practice by foreign lawyer) and 205.5 (Pro hac vice authority by foreign lawyer) are adopted, then temporary practice by foreign lawyers will be allowed under certain conditions.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the USA, an individual presently wishing to practise law on a fly-in fly-out basis in Colorado would need to be fully admitted to the Colorado Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Not yet - there is a proposed FLC rule pending before the Colorado Supreme Court, CRCP 204.2. Please check [www.coloradosupremecourt.com](http://www.coloradosupremecourt.com) for updates on the status of this proposed rule.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

n/a as of this date.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a as of this date.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The Colorado Code of Conduct exempts other US lawyers who are not admitted to practice in Colorado from unauthorised practice of law violation provided the legal services they are providing 'are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission.' Colorado would allow foreign lawyers to undertake arbitration and mediation

## United States – Colorado

	under the proposed rules pending before the Colorado Supreme Court.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Foreign lawyers are not allowed to appear in Court in a representative capacity at present. This will change with the adoption of proposed CRCP 205.2, pending before the Colorado Supreme Court.
<i>Can foreign lawyers requalify as local lawyers?</i>	Must have practiced actively and substantially for five of the previous seven years (soon to be three of the previous five years) in jurisdiction where admitted a rule, reciprocity required. Colorado Admission Rule 201.3(1) <a href="http://www.coloradosupremecourt.com/BLE/Forms/Rules.htm">www.coloradosupremecourt.com/BLE/Forms/Rules.htm</a> .
<i>Can a foreign law firm obtain a licence to open an office?</i>	Not at present.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)</i>	n/a
<i>Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?</i>	No.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL.</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	n/a
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	n/a
<i>Other useful sources or comments or links</i>	

## United States – Colorado

Verified by

Attorney Regulation Counsel, Colorado Supreme Court  
(December 2013)

## United States – Connecticut

*Is there legislation governing the legal sector?*

Connecticut Revised Statutes 2011, Chapter 876, Attorneys

*Under what title do lawyers practise?*

Attorney at law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have a JD, satisfy character and fitness to practice requirements, and have passed the bar exam. A candidate must be resident in the US to be licensed.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Connecticut. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

*State Bar Association of Connecticut v Connecticut Bank & Trust Co*, 140 A 2d 863, 870 (1958).

The practice of law consists in no small part of work performed outside of any court and having no immediate relation to proceedings in court. It embraces the giving of legal advice on a large variety of subjects and the preparation of legal instruments covering an extensive field.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Connecticut code of professional conduct is found in the Connecticut Practice Book which is modelled on the ABA model code (see: [www.jud.ct.gov/pb.htm](http://www.jud.ct.gov/pb.htm)).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (eg, limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Connecticut Superior Court.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

## United States – Connecticut

*Has it made any WTO commitments on legal services?*

The USA has scheduled commitments for Connecticut in modes 1–3 for the practice of home country law, international law (to the extent this is incorporated in home-country law) and third-country law (provided that the FLC first obtains advice from an attorney licenced in that jurisdiction). Suppliers regularly supplying legal services in Connecticut must be licensed as foreign legal consultants.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large US firms established in Connecticut.

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Rule 5.5 of the Connecticut Rules of Professional Conduct provide that a lawyer who is not admitted to practice in Connecticut, but who is admitted in another US jurisdiction that accords similar privileges to Connecticut lawyers, may provide legal services on a temporary basis in Connecticut.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly-in fly-out basis in Connecticut would need to be fully admitted to the Connecticut Bar or to the Bar of another US State which offers reciprocal access. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes – a foreign lawyer may be licensed as a foreign legal consultant (see Connecticut Rules of Court, Rules of Practice for the Superior Court, General Provisions, Chapter 2. Attorneys § 2–17, Superior Court Rules Regulating Admission To The Bar, Sections 2–17 To 2–21 CT R SUPER CT GEN § 2–17 (Effective 1991)). This permits the following scope of practice



## United States – Connecticut

### Section 2–19. – Scope of Practice of Foreign

#### Legal Consultants:

‘A person licensed to practice as a foreign legal consultant under these rules is limited to advising Connecticut clients only on the law of the foreign country in which such person is admitted to practice law. Such person shall not:

(1) in any way hold himself or herself out as a member of the bar of the state of Connecticut; or

(2) Use in this state any title other than “Foreign Legal Consultant,” but in conjunction therewith may indicate the foreign country in which he or she is licensed to practice law.’

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence? (eg, residency requirement)*

An FLC in Connecticut must fulfil the following conditions once admitted, provide:

(A) a written commitment to observe the Connecticut Rules of Professional Conduct and other rules regulating the conduct of attorneys; (B) an undertaking or appropriate evidence of professional liability insurance, in such amount as the court may prescribe, to assure the foreign legal consultant’s proper professional conduct and responsibility; (C) a duly acknowledged instrument in writing setting forth the foreign legal consultant’s address in the state of Connecticut or United States, and designating the clerk of the superior court for the judicial district of Hartford at Hartford as his or her agent upon whom process may be served.’

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Licensure is subject to meeting requirements of registration, a minimum age of 26 years, an experience requirement (five of the seven years preceding registration must have been spent practising law), and certification of registration, meeting the professional liability insurance requirement, an overdraft notification, good standing with home-country bar, and a written commitment to observe the Connecticut Rules of Professional Conduct.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The Connecticut code of conduct exempts other US lawyers who are not admitted to practice in Connecticut but come from a US jurisdiction which offers reciprocal access, from unauthorised practice of law violation provided the legal services they are providing ‘are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer’s practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission’.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Connecticut’s pro hac vice rules do not cover foreign lawyers.

*Can foreign lawyers requalify as local*

An applicant who otherwise does not meet the educational



## United States – Connecticut

<i>lawyers?</i>	requirements may be eligible to sit for the exam if he/she meets certain conditions. Conditions include admission before the highest court of original jurisdiction in a US state, the District of Columbia, the Commonwealth of Puerto Rico, or a US District Court for ten or more years, good standing in such jurisdiction, active practice of law in that jurisdiction for five of the last seven years, and an intention to actively practice law in Connecticut and to devote a majority of his/her work to such practice. Not addressed. Section 2–13, Connecticut Superior Court Rules Regulating Admission to the Bar <a href="http://www.jud.state.ct.us/CBEC/#Sec.%202-13">www.jud.state.ct.us/CBEC/#Sec.%202-13</a> .
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)</i>	n/a
<i>Are there different types of foreign law firm 'licence'? (eg, joint law venture, standalone foreign licence etc.)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?</i>	No.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL.</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	n/a
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes – this is explicitly mentioned in the USA's schedule of specific commitments on legal services.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes – this is explicitly mentioned in the USA's schedule of specific commitments on legal services.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes – this is explicitly mentioned in the USA's schedule of specific commitments on legal services.
<i>Other useful sources or comments or links</i>	

## United States – Connecticut

Verified by

Attorney Services, Connecticut Bar Examiners (January 2014)

## United States (Delaware)

*Is there legislation governing the legal sector?*

Delaware Code 1852 (as amended), Title 10, Courts and Judicial Procedure, Organization, Powers, Jurisdiction and Operation of Courts, Chapter 19. General Provisions Applicable to Courts And Judges, § 1906. Admission of attorneys.

*Under what title do lawyers practise?*

Attorney at law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Delaware. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The following working definition of the practice of law was established by Delaware case law: 'advice or service under circumstances which imply the possession and use of legal knowledge and skill. The practice of law includes all advice to clients, and all actions taken for them in matters connected with the law.'

Rule 4(c) of the Rules of the Board on the unauthorised practice of law states that 'In evaluating any information involving the possible unauthorized practice of law in the State of Delaware, Disciplinary Counsel shall initially determine whether the person which is the subject of such information is otherwise authorized to practice law in the State of Delaware. If not, Disciplinary Counsel shall then determine whether such person has possibly engaged in any of the following types of conduct: (i) giving legal advice on matters relating to Delaware law, (ii) drafting legal documents or pleadings for a person or entity (other than one's self) reflecting upon Delaware law, for use in a Delaware legal tribunal or governmental agency, unless the drafting of such documents or pleadings has been supervised by a person authorized to practice law in the State of Delaware, (iii) appearing as legal counsel for, or otherwise representing, a person or entity (other than one's self) in a Delaware legal tribunal or governmental agency, (iv) holding one's self out as being authorized to practice law in the State of Delaware, (v) engaging in an activity which has traditionally been performed exclusively by persons authorized to practice

## United States (Delaware)

	law, and (vi) engaging in any other act which may indicate an occurrence of the unauthorized practice of law in the State of Delaware as established by case law, statute, ruling or other authority.'
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Delaware code of professional conduct which is modelled on the ABA model code (see: <a href="http://courts.delaware.gov/rules/DLRPCwithCommentsFeb2010.pdf">courts.delaware.gov/rules/DLRPCwithCommentsFeb2010.pdf</a> )
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	Not from the Court but may be subject to other notification requirements depending on the form taken (eg, limited liability company) and the local State code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the Delaware Supreme Court (see: <a href="http://www.courts.delaware.gov">www.courts.delaware.gov</a> ).
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Delaware may provide legal services in modes 1–3.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	NAFTA lawyers have access to the professional visa programme.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	The only 'foreign' firm present in Delaware is DLA Piper which is established under the US arm of its Swiss Verein.

## United States (Delaware)

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Rule 5.5 of the Delaware code of conduct allows temporary practice by foreign lawyers.

‘(c) A lawyer admitted in another United States jurisdiction or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
- (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized; (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission.’

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the USA, an individual could practise law on a fly-in fly-out basis in Delaware provided they meet the requirements of the Delaware Supreme Court Rules for temporary practice. In addition, ‘Service salespersons’ are permitted to enter the USA for periods of up to 90 days. ‘Service salespersons’ are ‘persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service’. Entry for persons named in this section is limited to a 90-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes – a foreign lawyer may be licensed as a foreign legal consultant (see Supreme Court Rule 55.2 Foreign Legal Consultants ‘A person licensed to practice as a foreign legal consultant under this Rule may render legal services in this jurisdiction with respect to the law of the foreign country or countries in which the Foreign Legal Consultant is admitted to practice law, but shall not be considered admitted to practice law in this jurisdiction, or in any way hold himself out as a member of the bar of this jurisdiction, or do any of the following: (1) Appear as a lawyer on behalf of another person in any court, or before any magistrate or other judicial officer, in this jurisdiction (except when admitted pro hac vice); (2) Prepare any instrument effecting the transfer or

## United States (Delaware)

registration of title to real estate located in the United States of America; (3) Prepare: (A) Any will or trust instrument effecting the disposition on death of any property located and owned by a resident of the United States of America, or (B) Any instrument relating to the administration of a decedent's estate in the United States of America; (4) Prepare any instrument in respect of the marital or parental relations, rights or duties of a resident of the United States of America, or the custody or care of the children of such a resident; (5) Render professional legal advice on the law of this State, of any other jurisdiction in which he or she is not authorized to practice law or of the United States of America (whether rendered incident to the preparation of legal instruments or otherwise).'

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

An FLC licensed in Delaware must not carry on a practice under, or utilize in connection with such practice, any name, title or designation other than one or more of the following: (A) The foreign legal consultant's own name; (B) The name of the law firm with which the foreign legal consultant is affiliated; (C) The foreign legal consultant's authorized title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of that country; and (D) The title 'foreign legal consultant,' which may be used in conjunction with the words 'admitted to the practice of law in [name of the foreign country of his or her admission to practice]'

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg prior practice)*

Foreign lawyers must be members in good standing with the Bar of a foreign country and take an oath to adhere to the professional code of conduct of the State in order to be admitted as an FLC. An FLC must also provide evidence of appropriate professional indemnity insurance and provide an address for service of process in Delaware.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Rule 5.5c of the Delaware code of conduct allows foreign lawyers to conduct arbitration or mediation where those services arise from practice in a jurisdiction in which he or she is admitted and do not require pro hac vice admission.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Delaware's pro hac vice rules do not cover foreign lawyers.

*Can foreign lawyers requalify as local lawyers?*

There is no requalification process for a foreign lawyer and any foreign lawyer wishing to be admitted in Delaware must meet the same requirements as domestic applicants.

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of*

n/a

## United States (Delaware)

*company affairs etc.)*

*Are there different types of foreign law firm 'licence'? (eg, joint law venture, stand-alone foreign licence etc.)* n/a

*Is there a quota on the number of licences available?* n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?* No.

*Are there 'scope of practise' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?* No.

*Are there restrictions on the corporate form a foreign law firm can take?* n/a

*Are there rules about the name a foreign law firm can take?* n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL* n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?* n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?* n/a

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes.

*Other useful sources or comments or links*

*Verified by* Delaware Office of Disciplinary Counsel (February 2014)



## United States (District of Columbia)

*Is there legislation governing the legal sector*

District of Columbia Court of Appeals Rules, in particular Rule 46 ('Admission to the Bar') and Rule 49 ('Unauthorized Practice of Law'), District of Columbia Rules Governing the Bar X ('Rules of Professional Conduct') and XI ('Disciplinary Proceedings')

*Under what title do lawyers practise?*

Attorney, attorney at law, lawyer, Esquire.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have a JD or LLB, satisfy character and fitness to practice requirements, and have been admitted by bar examination or by motion. Licence must be renewed annually by registration and payment of bar dues.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This entitles the holder to practise in DC or in other jurisdictions if related solely to questions of DC law. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The definition of the practice of law in Washington DC is set out in District of Columbia Court of Appeals Rule 49 ('Unauthorized Practice Of Law'), which states that ' (2) ' "Practice of Law" 'means the provision of professional legal advice or services where there is a client relationship of trust or reliance. One is presumed to be practicing law when engaging in any of the following conduct on behalf of another: (a) Preparing any legal document, including any deeds, mortgages, assignments, discharges, leases, trust instruments or any other instruments intended to affect interests in real or personal property, wills, codicils, instruments intended to affect the disposition of property of decedents' estates, other instruments intended to affect or secure legal rights, and contracts except routine agreements incidental to a regular course of business; (b) Preparing or expressing legal opinions; (c) Appearing or acting as an attorney in any tribunal; (d) Preparing any claims, demands or pleadings of any kind, or any written documents containing legal argument or interpretation of law, for filing in any court, administrative agency or other tribunal; (e) Providing advice or counsel as to how any of the activities described in sub-paragraph (a) through (d) might be done, or whether they were done, in accordance with applicable law; (f) Furnishing an attorney or attorneys, or other persons, to render the services described in subparagraphs (a) through (e) above.

The rule is not intended to cover the provision of mediation or alternative dispute resolution ('ADR ') services. This intent is expressed in the first sentence of



## United States (District of Columbia)

	<p>the definition of the 'practice of law' which requires the presence of two essential factors: the provision of legal advice or services and a client relationship of trust or reliance. ADR services are not given in circumstances where there is a client relationship of trust or reliance; and it is common practice for providers of ADR services explicitly to advise participants that they are not providing the services of legal counsel.</p>
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, a limited liability corporation, or a general or limited liability partnership. Fee sharing with non-lawyers is permitted, see DC Rules of Professional Conduct, Rule 5.4 ('Professional Independence of a Lawyer').
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The DC Rules of Professional Conduct which is modelled on the ABA model rules (see: <a href="http://www.dcbart.org/bar-resources/legal-ethics/amended-rules/">www.dcbart.org/bar-resources/legal-ethics/amended-rules/</a> ).
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	Not from the Court but may be subject to other notification requirements depending on the form taken (eg, limited liability company) and the DC code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the DC Court of Appeals ( <a href="http://www.dccourts.gov">www.dccourts.gov</a> ).
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	The USA has scheduled commitments for DC in modes 1–3 for the practice of home country law, international law (to the extent this is incorporated in home-country law) and third-country law (provided that the FLC first obtains advice from an attorney licenced in that jurisdiction). Suppliers regularly supplying legal services in DC must be licensed as foreign legal consultants.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	NAFTA lawyers have access to the professional visa programme.
<i>Are there any 'foreign law' firms present in</i>	There are a number of foreign (mostly English) law firms

## United States (District of Columbia)

*this jurisdiction?*

established in DC including: Ashursts, Clifford Chance, Freshfields and Linklaters. Other English firms have a presence through the US arms of their Swiss vereins (Hogan Lovells, Dentons, Norton Rose Fulbright).

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Opinion 14-04 of the Committee on the Unauthorized Practice of Law of the District of Columbia Court of Appeals states a foreign lawyer may engage in the incidental practice of law in the District.

[www.dcappeals.gov/dccourts/docs/rule49\\_opinion14-04.pdf](http://www.dcappeals.gov/dccourts/docs/rule49_opinion14-04.pdf)

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly-in fly-out basis in the District of Columbia would be able to obtain a visa without registration as a foreign legal consultant. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90-day period.

## United States (District of Columbia)

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes – a foreign lawyer may be licensed as a 'special legal consultant' (see District of Columbia Court of Appeals, Rule 46). The scope of practice is as follows: 'A person licensed to practice as a Special Legal Consultant may render legal services in the District of Columbia... subject, however, to the limitations that any person so licensed shall not:

(1) appear for a person other than himself or herself as attorney in any court, before any magistrate or other judicial officer, or before any administrative agency, in the District of Columbia (other than upon admission pro hac vice in accordance with Rule 49 (b) or any applicable agency rule) or prepare pleadings or any other papers or issue subpoenas in an action or proceeding brought in any such court or agency or before any such judicial officer;

(2) prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States;

(3) prepare: (a) any will or trust instrument effecting the disposition on death of any property located in the United States and owned, in whole or in part, by a resident thereof, or

(b) any instrument relating to the administration of a decedent's estate in the United States;

(4) prepare any instrument in respect of the marital relations, rights, or duties of a resident of the United States or the custody or care of one or more children of any such resident;

(5) render professional legal advice on or under the law of the District of Columbia or of the United States or of any state, territory, or possession thereof (whether rendered incident to the preparation of legal instruments or otherwise) except on the basis of advice from a person acting as counsel to such Special Legal Consultant (and not in his or her official capacity as a public employee) duly qualified and entitled (other than by virtue of having been licensed as a Special Legal Consultant under this paragraph (4)) to render professional legal advice in the District of Columbia on such law who has been consulted in the particular matter on hand and has been identified to the client by name;

(6) in any way hold himself or herself out as a member of the Bar of this court; or

(7) use any title other than one or more of the following, in each case only in conjunction with the name of the

## United States (District of Columbia)

	person's country of admission: (a) 'Special Legal Consultant'; (b) such Special Legal Consultant's authorised title in foreign country of his or her admission to practice; (c) the name of such Special Legal Consultant's firm in that country.'
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)</i>	A foreign lawyer licensed as a Special Legal Consultant in DC must maintain an office in DC, be bound by the Rules of Professional Conduct, and meet professional indemnity insurance requirements.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	Licensure is subject to meeting requirements of registration, a minimum age of 26 years, certification of registration and good standing with home-country bar, meeting the professional liability insurance requirement, and a written commitment to be bound by the Rules of Professional Responsibility. The court may use its discretion in granting a licence depending on conditions of reciprocity in the applicant's home jurisdiction.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Foreign lawyers may apply to appear pro hac vice under Rule 49(c)(7) of the District of Columbia Court of Appeals.
<i>Can foreign lawyers requalify as local lawyers?</i>	'Applicants may be permitted to take the bar examination upon successful completion of at least 26 semester hours of study in the subjects tested on the DC bar exam in an ABA-approved law school. An applicant may be exempted from the requirement to sit the bar exam if they have been a member in good standing for 5 years of a court of general jurisdiction of any US state or territory.'
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. A foreign lawyer licensed as a special legal consultant is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)</i>	n/a
<i>Are there different types of foreign law firm licence? (eg, joint law venture, stand alone foreign licence etc.)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there 'scope of practise' rules that apply directly to foreign law firms (as opposed to</i>	No.

## United States (District of Columbia)

*lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

*Are there restrictions on the corporate form a foreign law firm can take?* n/a

*Are there rules about the name a foreign law firm can take?* Foreign name is permitted as long as not deceptive. Rule of Professional Conduct 7.5 ("Firm Name and Letterheads").

*What entity grants a 'license' to a foreign law firm? If that entity is on the Internet, please provide the URL* n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* No

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services.

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes

*Other useful sources or comments or links* Office of Bar Counsel ([www.dcbbar.org/attorney-discipline/office-of-bar-counsel/](http://www.dcbbar.org/attorney-discipline/office-of-bar-counsel/))

## United States (Florida)

*Is there legislation governing the legal sector* THE FLORIDA STATUTES, TITLE XXXII REGULATION OF PROFESSIONS AND OCCUPATIONS, CHAPTER 454 - ATTORNEYS AT LAW

*Under what title do lawyers practise?* Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?* An individual must have an LLB or JD, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits* This only automatically entitles the holder to practise in Florida. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?* In the case of State ex rel. The Florida Bar v. Sperry, 140 So.2d 587, 591 (1962), the Court opined "We think that in determining whether the giving of advice and counsel and the performance of services in legal matters for compensation constitute the practice of law it is safe to follow the rule that if the giving of such advice and performance of such services affect important rights of a person under the law, and if the reasonable protection of the rights and property of those advised and served requires that the persons giving such advice possess legal skill and a knowledge of the law greater than that possessed by the

## United States (Florida)

	average citizen, then the giving of such advice and the performance of such services by one for another as a course of conduct constitute the practice of law’.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Florida code of professional conduct which is modelled on the ABA model code (see: <a href="http://www.floridabar.org/divexe/rrtfb.nsf/FV?Openview&amp;Start=1&amp;Expand=4#4">www.floridabar.org/divexe/rrtfb.nsf/FV?Openview&amp;Start=1&amp;Expand=4#4</a> ).
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	Not from the Court but may be subject to other notification requirements depending on the form taken (eg, limited liability company) and the local State code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the Florida bar: <a href="http://www.flabar.org/">www.flabar.org/</a> .
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	The USA has scheduled commitments for Florida in mode 1 for the practice of home country law and international law (to the extent this is incorporated in home-country law). A service supplier regularly supplying services in Florida must be licensed as an FLC.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	NAFTA lawyers have access to the professional visa programme.
<i>Are there any ‘foreign law’ firms present in this jurisdiction?</i>	The only ‘foreign’ firms present in Florida are DLA Piper, Hogan Lovells and Dentons who are all established under the US arm of their Swiss vereins.



## United States (Florida)

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There is an express rule allowing temporary practice by foreign lawyers.

The relevant legislation is Rule 4-5.5 of the rules regulating the Florida Bar. This is available online through [www.floridabar.org](http://www.floridabar.org). Conditions or restrictions on scope of practice are described in Rule 4-5.5.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the USA, an individual could practise law on a fly-in fly-out basis in Florida provided they meet the requirements of the Florida Bar for temporary practice. In addition, 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes – a foreign lawyer can become a foreign legal consultant (see Florida Bar rules available online at [www.floridabar.org](http://www.floridabar.org)). Rule 16.3.1 sets out the scope of practice which is as follows: The practice of a foreign legal consultant shall (1) be limited to those regarding the laws of the foreign country in which such person is admitted to practice as an attorney, counsellor at law, or the equivalent; (2) not include any activity or any service constituting the practice of the laws of the United States, the state of Florida, or any other state, commonwealth, or territory of the United States or the District of Columbia including, but not limited to, the restrictions that such person shall not: (A) appear for another person as attorney in any court or before any magistrate or other judicial officer or before any federal, state, county, or municipal governmental agency, quasi-judicial, or quasi-governmental authority in the state of Florida, or prepare pleadings or any other papers in any action or proceedings brought in any such court, or before any such judicial officer, except as authorized in any rule of procedure relating to admission pro hac vice, or pursuant to administrative rule; (B) prepare any deed, mortgage, assignment, discharge, lease, agreement of sale, or any other instrument affecting title to real property located in the United States, or personal property located in the United States, except where the instrument affecting title to such property is governed by the law of a jurisdiction in which the foreign legal consultant is admitted to practice as an attorney, counsellor at law, or the equivalent; (C) prepare any will or trust instrument affecting



## United States (Florida)

the disposition of any property located in the United States and owned by a resident thereof nor prepare any instrument relating to the administration of a decedent's estate in the United States; (D) prepare any instrument with respect to the marital relations, rights, or duties of a resident of the United States or the custody or care of the children of such a resident; (E) render professional legal advice on the law of the State of Florida, the United States, or any other state, subdivision, commonwealth, or territory of the United States, or the District of Columbia (whether rendered incident to the preparation of a legal instrument or otherwise); or (F) render any legal services without utilizing a written retainer agreement that shall specify in bold type that the foreign legal consultant is not admitted to practice law in the state of Florida nor licensed to advise on the laws of the United States or any other state, commonwealth, territory, or the District of Columbia, unless so licensed and that the practice of the foreign legal consultant is limited to the laws of the foreign country where such person is admitted to practice as an attorney, counsellor at law, or the equivalent.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

Foreign legal consultants must use the title 'Foreign Legal Consultant, Not Admitted to Practice Law in Florida' alongside their home title. They must provide clients with a letter disclosing the extent of their professional liability insurance coverage and make it clear to clients what services they are not permitted to provide under Florida law and that clients do not have recourse to the Clients' Security Fund. They must maintain an office in Florida and provide an annual sworn statement to confirm that they remain in good standing with their home Bar.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Licensure is subject to meeting requirements of registration, a minimum age of 26 years, an experience requirement (five of the seven years preceding registration must have been spent practising law of the foreign country in which he/she is admitted and which has a professional disciplinary system which is consistent with that of the Florida Bar), provision of a certificate of registration and good standing with home-country bar (no disciplinary actions within ten years), a character reference, and a sworn statement to abide by the Rules of Professional Conduct.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Foreign lawyers may provide services without registration under rule 4-5.5 of the Florida Bar rules, if these are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding held or to be held in Florida or another jurisdiction and the services are not services for which the forum requires pro hac vice admission, (A) if the services are performed for a client who resides in or has an office in the jurisdiction in

## United States (Florida)

	which the lawyer is admitted to practice, or (B) where the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Foreign lawyers are not included under the scope of the Florida pro hac vice rule (1-3.10).
<i>Can foreign lawyers requalify as local lawyers?</i>	A foreign lawyer can obtain a full licence to practise law in this jurisdiction by sitting the Bar exam. These rules are the same as those applicable to a local applicant. Information about the Florida Bar exam is available online at <a href="http://www.floridabarexam.org">www.floridabarexam.org</a> .
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)</i>	n/a
<i>Are there different types of foreign law firm licence (eg, joint law venture, stand alone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practise' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law). If so, what are they?</i>	No.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	Foreign name is permitted.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes – this is explicitly mentioned in the USA's schedule of specific commitments on legal services.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes – this is explicitly mentioned in the USA's schedule of specific commitments on legal services.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or</i>	

## United States (Florida)

*links*

*Verified by*

Florida Bar (April 2014)

## United States (Georgia)

*Is there legislation governing the legal sector?*

The governing of the practice of law falls under the inherent powers of the Supreme Court of Georgia. There is legislation in aid of the Court's inherent powers found at Title 15 Courts, Chapter 19 Attorneys, Section 19. (O C G A 15-19-1 through 15-19-58.)

*Under what title do lawyers practise?*

Attorney at Law or lawyer.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An attorney or lawyer must receive a license from the Supreme Court of Georgia. In order to do so, an individual must have a bachelor's degree, an LLB or JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar examination and multistate professional responsibility examination (MPRE). The full fitness, educational and testing requirements are found at <https://www.gabaradmissions.org/rules-governing-admission>.

No renewal of this license is required.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Georgia. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Only persons holding a licence may give legal advice. Subject to certain situations where the pro se exception applies only holders of the license may engage in representation in criminal and civil court proceedings.

The 'Practice of law' is also defined in Georgia's Code as follows: '(1) Representing litigants in court and preparing pleadings and other papers incident to any action or special proceedings in any court or other judicial body; (2) Conveyancing; (3) The preparation of legal instruments of all kinds whereby a legal right is secured; (4) The rendering of opinions as to the validity or invalidity of titles to real or personal property; (5) The giving of any legal advice; and (6) Any action taken for others in any matter connected with the law '.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Persons who are authorized to practice law in this State are hereby authorized to practice law as sole proprietorships or as partners, shareholders, or members of:

- Partnerships under O C G A § 14-8-1 ET. seq.; or

## United States (Georgia)

- Limited liability partnerships under O C G A § 14-8-1 et. seq.; or
- Professional corporations under O C G A § 14-7-1 et. seq.; or
- Professional associations under O C G A § 14-10-1 et. seq.; or
- Limited liability companies under O C G A § 14-11-100 et. seq.

See

[www.gabar.org/barrules/handbookdetail.cfm?what=rule&id=13](http://www.gabar.org/barrules/handbookdetail.cfm?what=rule&id=13). Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Lawyers must comply with Ethical and Professional Rules, see, [www.gabar.org/barrules/ethicsandprofessionalism/index.cfm](http://www.gabar.org/barrules/ethicsandprofessionalism/index.cfm) and State Bar Governance Rules, see, [www.gabar.org/barrules/handbook.cfm](http://www.gabar.org/barrules/handbook.cfm)

*Do law firms need to receive a licence (or permission/approval) to practise law?*

No.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licenses are issued by the Supreme Court of Georgia. Firms are not licensed.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

The USA has scheduled commitments for Georgia in mode 1 for the practice of home country law and international law (to the extent this is incorporated in home-country law).

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

The only 'foreign' firms present in Georgia are DLA Piper and Dentons who are all established under the US arm of their Swiss vereins.

## United States (Georgia)

*Are there any explicit rules or restrictions other than visas on fly-in fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Rule 5.5 adopted by Georgia Supreme Court on 8 June 2004 allows temporary practice of law by foreign lawyers. See [www2.state.ga.us/Courts/Supreme/amended\\_rules/6\\_8\\_2004\\_order.htm](http://www2.state.ga.us/Courts/Supreme/amended_rules/6_8_2004_order.htm).

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the USA, an individual could practise law on a fly-in fly-out basis in Georgia provided they meet the requirements of the Georgia Bar for temporary practice. In addition, 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes.

(a) A person licensed to practice as a foreign law consultant under this Rule may render legal services

in this State subject, however, to the limitations that he or she shall not:

(i) appear for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this State;

(ii) prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America;

(iii) prepare: (a) any will or trust instrument effecting the disposition on death of any property located in the United States of America and owned by a resident thereof, or

(b) any instrument relating to the administration of a decedent's estate in the United States of America;

(iv) prepare any instrument in respect of the marital or parental relations, rights or duties of a resident of the United States of America, or the custody or care of the children of such a resident;

(v) render professional legal advice on the law of this State, or of any other United States jurisdiction, or of the United States of America (whether rendered incident to the preparation of legal instruments or otherwise) except on the basis of advice from a person duly qualified and entitled (otherwise than by virtue of having been licensed under this Rule) to render professional legal advice in this State;

(vi) be, or in any way hold himself or herself out as, a

## United States (Georgia)

member of the bar of this State; or

(vii) carry on his or her practice under, or utilize in connection with such practice, any name, title or designation other than one or more of the following:

(a) his or her own name;

(b) the name of the law firm with which he or she is affiliated;

(c) his or her authorized title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of such country; and

(d) the title 'legal consultant, ' which may be used in conjunction with the words 'admitted to the practice of law in [name of the foreign country of his or her admission to practice]. '

(b) A person licensed to practice as a legal consultant under this Rule may render legal advice regarding matters which are governed by international law, the law of the foreign country where the applicant is admitted to practice, or the law of a non-United States jurisdiction.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

An FLC licensed in Georgia must abide by the code of conduct of the State Bar of Georgia.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practise)*

Section 1. General Regulation as to Licensing of Foreign Law Consultants

A person who meets the following qualifications may apply to the Georgia Office of Bar Admissions for licensing as a Foreign Law Consultant. The applicant must:

(a) be a member in good standing of a recognized legal profession in a foreign country, the members of which are admitted to practice as attorneys or counsellors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority;

(b) for at least five of the seven years immediately preceding his or her application have been a member in good standing of such legal profession and has actually been engaged in the practice of law in the said foreign country or elsewhere substantially involving or relating to the rendering of advice or the provision of legal services concerning the law of the said foreign country;

(c) possess the good moral character and general fitness requisite for a member of the bar of this State;

(d) intends to practice as a legal consultant in this State.

Section 2. Proof Required

## United States (Georgia)

- (1) a certificate from the professional body or public authority in such foreign country having final jurisdiction over professional discipline
- (2) a letter of recommendation from one of the members of the executive body of such professional body or public authority or from one of the judges of the highest law court or court of original jurisdiction of such foreign country;
- (3) a duly authenticated English translation of such certificate and such letter if in either case, it is not in English;
- (4) a letter of recommendation from at least two (2) active members of the State Bar of Georgia
- (5) such other evidence as to the applicant's educational and professional qualifications, good moral character and general fitness.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes if, on a temporary basis the Foreign Lawyer performs services in this jurisdiction that:

1. are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
2. are in or reasonably related to a pending or potential proceeding before a tribunal held or to be held in a jurisdiction outside the United States if the Foreign Lawyer, or a person the Foreign Lawyer is assisting, is authorized by law or by order of the tribunal to appear in such proceeding or reasonably expects to be so authorized;
3. are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceedings held or to be held in this or another jurisdiction, if the services arise out of or are reasonably related to the Foreign Lawyer's practice in a jurisdiction in which the Foreign Lawyer is admitted to practice;
4. are not within paragraphs (2) or (3) and
  - i. are performed for a client who resides or has an office in a jurisdiction in which the Foreign Lawyer is authorized to practice to the extent of that authorization; or
  - ii. arise out of or are reasonably related to a matter that has a substantial connection to a jurisdiction in which the lawyer is authorized to practice to the extent of that authorization; or
  - iii. are governed primarily by international law or the law of a non-United States jurisdiction

*Are foreign lawyers allowed to appear in court under any circumstances?*

Georgia permits foreign lawyers to appear pro hac vice subject to the conditions outlined above.



## United States (Georgia)

<i>Can foreign lawyers requalify as local lawyers?</i>	The Supreme Court amended its admission rules on 12 December 2002 to allow admission by motion.  (Reciprocity and fee required. Approved by Bar on 5 April 2003).
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate licensing requirements for law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc.)</i>	n/a
<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, stand alone foreign licence etc.)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No.
<i>Are there 'scope of practise' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg home, host, international law). If so, what are they?</i>	No.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	<ol style="list-style-type: none"> <li>a. A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1.</li> <li>b. A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.</li> <li>c. The name of a lawyer holding public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.</li> <li>d. Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.</li> <li>e. A trade name may be used by a lawyer in private practice if: <ol style="list-style-type: none"> <li>1. The trade name includes the name of at least one of the lawyers practicing under said name. A law firm name consisting solely of the name or names of deceased or retired members of the firm does not have to include the</li> </ol> </li> </ol>

## United States (Georgia)

	name of an active member of the firm; and
	2. The trade name does not imply a connection with a government entity, with a public or charitable legal services organization or any other organization, association or institution or entity, unless there is, in fact, a connection.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes – this is explicitly mentioned in the USA's schedule of specific commitments on legal services.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes – this is explicitly mentioned in the USA's schedule of specific commitments on legal services.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes.
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	Georgia State Bar Association (November 2013)

## United States – Hawaii

<i>Is there legislation governing the legal sector?</i>	Hawaii Revised Statutes 2012, Division 4. Courts And Judicial Proceedings, Title 32. Courts And Court Officers, Chapter 605 - Attorneys
<i>Under what title do lawyers practise?</i>	Attorney at law
<i>How does an individual lawyer obtain a licence to practise law? How often must this be renewed?</i>	<p>An individual must have an LLB or JD, complete and submit a Hawaii Bar application and the National Conference of Bar Examiners-Hawaii, Character and Fitness application and pay the required fees, all by the requisite deadlines. For online information see:</p> <p><b><a href="http://www.courts.state.hi.us/legal_references/bar_application.html">www.courts.state.hi.us/legal_references/bar_application.html</a></b></p> <p>In addition, applicants must meet all requirements for admission to the Hawaii Bar pursuant to the Rules of the Supreme Court of the State of Hawaii and the Hawaii Board of Bar Examiners Rules of Procedure. For further online information see</p> <p><b><a href="http://www.courts.state.hi.us/legal_references/rules/rulesOfCourt.html">www.courts.state.hi.us/legal_references/rules/rulesOfCourt.html</a></b></p> <p>Upon taking and passing the bar examination an individual can be licensed to practise law in the State of Hawaii. As a unified jurisdiction, attorneys must also comply with the requirements set forth by the Hawaii Bar Association. For online information see: <b><a href="http://www.hsba.org">www.hsba.org</a></b>.</p>

## United States – Hawaii

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits.*

Passing the Hawaii Bar examination grants the attorney permission to practise only in the Hawaii state courts. The right to practise in other states is determined by that state's eligibility requirements. To be eligible to practise in the United States District Court, District of Hawaii, there is a separate registration and fee requirement.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

An individual cannot practise law in this jurisdiction in any form or field without a licence to do so, granted by the Hawaii Supreme Court (see above).

*Do you need to hold local nationality to be eligible to practise law?*

No, local nationality is not required to practise law in Hawaii. Any Hawaii Bar applicant must meet all requirements for admission pursuant to the Rules of the Supreme Court of the State of Hawaii and the Hawaii Board of Bar Examiners Rules of Procedure. For online information see:

**[www.courts.state.hi.us/legal\\_references/rules/rulesOfCourt.html](http://www.courts.state.hi.us/legal_references/rules/rulesOfCourt.html)**.

*Which legal forms can lawyers work in? (eg: self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation).*

Any attorney licensed to practise law in this jurisdiction may work in a form that complies with the Rules of the Supreme Court, which includes the Hawaii Rules of Professional Conduct and all applicable statutes and the requirements set forth by the Hawaii State Bar Association. For online information see:

**[www.courts.state.hi.us/legal\\_references/rules/rulesOfCourt.html](http://www.courts.state.hi.us/legal_references/rules/rulesOfCourt.html)** and: **[www.hsba.org](http://www.hsba.org)**.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

An attorney licensed to practise in Hawaii has a continuing obligation to comply with the Rules of the Supreme Court of the State of Hawaii in their entirety, which includes the Hawaii Rules of Professional Conduct, which are modelled on the ABA model code. For online information see:

**[www.courts.state.hi.us/docs/court\\_rules/rules/rsch.htm](http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm)**.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Law firms must comply with all relevant Rules of the Supreme Court of the State of Hawaii in their entirety, which includes the Hawaii Rules of Professional Conduct and any applicable statute(s). For online information see:

**[www.courts.state.hi.us/docs/court\\_rules/rules/rsch.htm](http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm)**.

A law firm may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

A licence to practise law is conferred on individual attorneys by the authority of the Supreme Court of Hawaii. The individual attorneys who practise law, whether as a sole practitioner or as a 'firm' have a continuing obligation to comply with the Rules of the Supreme Court in their entirety, which includes the Hawaii Rules of Professional Conduct. For online information see:

**[www.courts.state.hi.us/docs/court\\_rules/rules/rsch.htm](http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm)**.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

## United States – Hawaii

*Has it made any WTO commitments on legal services?*

The US has scheduled commitments for Hawaii in mode 1 for the practise of home country law, international law (to the extent this is incorporated in home country law) and host country law (provided advice is obtained from a locally admitted attorney).

*Is the jurisdiction party to bilateral agreements, which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services, or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements (MRAs) amongst the legal professions, and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US firms established in Hawaii.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? Do you need to obtain a licence for temporary practise?*

There are no rules allowing temporary practise by foreign lawyers or attorneys from other US jurisdictions, except for US attorneys through *pro hac vice* status, through association with an attorney licensed in Hawaii. See Rule 1.9 of the Rules of the Supreme Court of the State of Hawaii. For information online see: [www.courts.state.hi.us/docs/court\\_rules/rules/rsch.htm#Rule\\_1.9](http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm#Rule_1.9)

*Can a foreign lawyer obtain a visa to visit clients, or to market but not to practise?*

Foreign lawyers would not be able to obtain visas to practise law in Hawaii, which may include discussing legal matters with a client or providing legal advice to the client within this jurisdiction. It is possible that they may qualify under the US's WTO commitments as 'service salespersons', if they are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant (FLC) and what is the scope of this limited licence?*

Yes, a person who is admitted to practise in a foreign country as an attorney or its equivalent may render services as a foreign law consultant pursuant to Rule 14 of the Rules of the Supreme Court of the State of Hawaii. The Scope of Practice is also specified in this rule. For online information see: [www.courts.state.hi.us/docs/court\\_rules/rules/rsch.htm](http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm).

*Are there any conditions that must be fulfilled once a foreign lawyer has been*

Yes, each person licensed to practise as a foreign law consultant

## United States – Hawaii

*granted a limited licence (eg residency requirement)?*

must comply with the Rules of the Supreme Court of the State of Hawaii in their entirety, which includes the Hawaii Rules of Professional Conduct, and any applicable statutes. For online information see:

**[www.courts.state.hi.us/docs/court\\_rules/rules/rsch.htm](http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm)**

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence (eg prior practise)?*

Yes, see Rule 1.3(b) (3) and Rule 14 of the Hawaii Rules of the Supreme Court. For online information see:

**[www.courts.state.hi.us/docs/court\\_rules/rules/rsch.htm](http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm)**.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Any person interested in undertaking arbitration or mediation must consult the rules and/or policies of the individual organisations within a jurisdiction. Requirements can vary depending on the agency and the stakeholders involved.

*Are foreign lawyers allowed to appear in court under any circumstances?*

No, a foreign lawyer must be an attorney licensed to practise in Hawaii as set forth above before being allowed to appear in court. For online information see:

**[www.courts.state.hi.us/docs/court\\_rules/rules/rsch.htm](http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm)** and **[www.courts.state.hi.us/docs/court\\_rules/rules/hbbe.htm](http://www.courts.state.hi.us/docs/court_rules/rules/hbbe.htm)**.

*Can foreign lawyers requalify as local lawyers?*

Yes, any foreign attorney who meets the requirements and is subsequently admitted to the Hawaii Bar pursuant to the Rules of the Supreme Court of the State of Hawaii, specifically Rule 1.3(b)(3), the Hawaii Board of Bar Examiners Rules of Procedure, and is in compliance with the Hawaii State Bar Association will be allowed to practise law in Hawaii. For online information see: **[www.courts.state.hi.us/legal\\_references/rules/rulesOfCourt.html](http://www.courts.state.hi.us/legal_references/rules/rulesOfCourt.html)** and **[www.hsba.org](http://www.hsba.org)**.

*Can a foreign law firm obtain a licence to open an office?*

Law firms must comply with all relevant Rules of the Supreme Court of the State of Hawaii in their entirety, which includes the Hawaii Rules of Professional Conduct and any applicable statute(s). For online information see:

**[www.courts.state.hi.us/docs/court\\_rules/rules/rsch.htm](http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm)**

All attorneys belonging to a law firm must be licensed to practise in Hawaii as set forth above.

A law firm may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code.

*Even if a foreign law firm does not require a legal licence, must it register in some form in order to set up an office? (Eg with a ministry of company affairs)*

Certain state, county or federal business registration and other applicable requirements may apply.

*Are there different types of foreign law firm 'licence' - eg joint law venture, or stand alone foreign licence?*

No

*Is there a quota on the number of licences available?*

No

*Are there geographical restrictions on foreign firm licences, or on the number*

No

## United States – Hawaii

*of branches a foreign firm can have?*

*Are there 'scope of practise' rules that apply directly to foreign law firms, as opposed to lawyers themselves – eg home, host, international law? If so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

Yes, see Rule 6 of the Rules of the Supreme Court of the State of Hawaii. For online information see:

**[www.courts.state.hi.us/docs/court\\_rules/rules/rsch.htm](http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm)**.

*Are there rules about the name a foreign law firm can take?*

The naming convention for any law firm is pursuant to Rule 7.1 through 7.5, of the Hawaii Rules of Professional Conduct, which govern duties concerning attorney advertisements and firm names. For online information see:  
**[www.courts.state.hi.us/docs/court\\_rules/rules/hrpcond.htm#Rule\\_7.1](http://www.courts.state.hi.us/docs/court_rules/rules/hrpcond.htm#Rule_7.1)**.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL.*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes – this is explicitly mentioned in the US's schedule of specific commitments on legal services

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Any lawyer, foreign or domestic, must be an attorney licensed to practise in Hawaii, as set forth above, before entering into any partnership.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Not as an attorney, without duly obtaining permission, in compliance with the Rules of the Supreme Court of the State of Hawaii, the Hawaii Board of Bar Examiners Rules of Procedure and the Hawaii State Bar Association. For online information see:  
**[www.courts.state.hi.us/legal\\_references/rules/rulesOfCourt.html](http://www.courts.state.hi.us/legal_references/rules/rulesOfCourt.html)** and **[www.hsba.org](http://www.hsba.org)**.

*Other useful sources or comments or links*

For information on Hawaii Rules of Court see:  
**[www.courts.state.hi.us/legal\\_references/rules/rulesOfCourt.html](http://www.courts.state.hi.us/legal_references/rules/rulesOfCourt.html)**.

For information on Hawaii State Bar Association see:  
**[www.hsba.org](http://www.hsba.org)**.

*Verified by*

Judiciary Office of the Chief Clerk, State of Hawaii (January 2014)



## United States – Idaho

*Is there legislation governing the legal sector?*

Idaho Statutes, Title 3 - Attorneys

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have an LLB or JD from an ABA approved law school, satisfy character and fitness to practise requirements, and have passed the Bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits.*

This only automatically entitles the holder to practise in Idaho. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state, depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The Idaho Supreme Court has defined the practise of law as: 'The doing or performing of services in a court of justice, in any matter depending [sic] therein, throughout its various stages, and in conformity with adopted rules of procedure. But in a larger sense, it includes legal advice and counsel, and the preparation of instruments and contracts by which legal rights are secured, although such matter may or may not be depending [sic] in a court.' *Idaho State Bar v Meservy*, 80 Idaho 504, 508, 335 P.2d 62, 65 (1959)

*Do you need to hold local nationality to be eligible to practise law?*

No

*Which legal forms can lawyers work in? (eg: self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation).*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Idaho code of professional conduct, which is modelled on the ABA model code, see: **[isb.idaho.gov/pdf/rules/irpc.pdf](http://isb.idaho.gov/pdf/rules/irpc.pdf)**.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court, but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Idaho State Bar: **[www.isb.idaho.gov](http://www.isb.idaho.gov)**.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in Idaho may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements, which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.



## United States – Idaho

*Do these currently include legal services, or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements (MRAs) amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US firms established in Idaho.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? Do you need to obtain a licence for temporary practise?*

There is no express rule allowing temporary practise by foreign lawyers. US lawyers from other jurisdictions are permitted to practise on a temporary basis when: (1) the lawyer is authorised by law or order, including *pro hac vice* admission pursuant to Idaho Bar Commission Rule 222, to appear before a tribunal or administrative agency in this jurisdiction, or is preparing for a potential proceeding or hearing in which the lawyer reasonably expects to be so authorised; or (2) other than engaging in conduct governed by paragraph (1): (i) a lawyer who is an employee of a client acts on the client's behalf or, in connection with the client's matters, on behalf of the client's commonly owned organisational affiliates; (ii) the lawyer acts with respect to a matter that arises out of, or is otherwise reasonably related to, the lawyer's representation of a client in a jurisdiction in which the lawyer is admitted to practise; or (iii) the lawyer is associated in the matter with a lawyer admitted to practise in this jurisdiction who actively participates in the representation.

*Can a foreign lawyer obtain a visa to visit clients, or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in fly out basis in Idaho would need to be fully admitted to the Idaho Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' refers to 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service.' Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant (FLC) and what is the scope of this limited licence?*

Yes – a foreign lawyer can become a foreign legal consultant in Idaho (Idaho Bar Commission Rule 207, available online at: [isb.idaho.gov/general/rules/ibcr.html](http://isb.idaho.gov/general/rules/ibcr.html)). This sets out the scope of practice for an Foreign Legal Consultant (FLC): 'A Foreign Legal Consultant under this rule may render legal

## United States – Idaho

services in Idaho only with respect to the law of the foreign country in which such person is admitted to practice law subject, however, to the limitations that he or she shall not: (1) appear for another person as an attorney in any court, or before any magistrate or other judicial officer, in Idaho, other than upon admission *pro hac vice* pursuant to Rule 227; (2) prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America; (3) prepare: (A) any will or trust instrument effecting the disposition on death of any property located in the United States of America and owned by a resident thereof, or (B) any instrument relating to the administration of a decedent's estate in the United States of America; (4) prepare any instrument in respect of the marital or parental relations, rights or duties of a resident of the United States of America, or the custody or care of the children of such a resident; (5) render professional legal advice on the law of Idaho, or of the United States of America (whether rendered incident to the preparation of legal instruments or otherwise), except on the basis of advice from a person duly qualified and entitled (otherwise than by virtue of having been licensed under this rule) to render professional legal advice in Idaho; (6) be, or in any way hold himself or herself out as, a member of the Bar of Idaho; or (7) carry on his or her practice under, or utilize in connection with such practice, any name, title or designation other than one or more of the following: (A) his or her own name; (B) the name of the law firm with which he or she is affiliated, in each case only in conjunction with the title 'Foreign Legal Consultant' as set forth below; (C) his or her authorized title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of such country, in each case only in conjunction with the title 'Foreign Legal Consultant' as set forth below; and (D) the title 'Foreign Legal Consultant,' which may be used in conjunction with the words 'admitted to the practice of law in [the name of the foreign country of his or her admission to practice]'.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg residency requirement)?*

An FLC must use the title of FLC and abide by the Idaho code of conduct.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence (eg prior practise)?*

Licensure is subject to meeting requirements of registration.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The Idaho code of conduct exempts other US lawyers who are not admitted to practise in Idaho from unauthorised practise of law violation, provided the legal services they are providing 'are in or reasonably related to a pending or potential arbitration, mediation or other alternative dispute

## United States – Idaho

	resolution proceeding in this or another jurisdiction, if the services arise out of, or are reasonably related to, the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires <i>pro hac vice</i> admission'.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Idaho permits <i>pro hac vice</i> admission of foreign lawyers.
<i>Can foreign lawyers requalify as local lawyers?</i>	A foreign lawyer can obtain a full licence to practise law in this jurisdiction. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must comply with the rule set out in IBCR 205A, which is available online at: <b><a href="http://www.idaho.gov/isb">www.idaho.gov/isb</a></b> .
<i>Can foreign lawyers requalify as local lawyers?</i>	There are no separate requirements on law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs).</i>	n/a
<i>Are there different types of foreign law firm 'licence' - eg joint law venture, or stand alone foreign licence?</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences, or on the number of branches a foreign firm can have?</i>	No
<i>Are there 'scope of practise' rules that apply directly to foreign law firms, as opposed to lawyers themselves – eg home, host, international law? If so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL.</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	n/a
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	n/a
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes

## United States – Illinois

*Is there legislation governing the legal sector?*

Under the law of Illinois, the Supreme Court of Illinois has jurisdiction over the practise of law in Illinois. The Court has adopted rules to regulate the practise of law: Ill. S.Ct. R. 701, et seq. Nonetheless, the Illinois legislature has authority to enact related legislation, to the extent that it does not violate separation of powers principles. Such legislation includes: Illinois Compiled statutes, Chapter 705 Courts, (705 ILCS 205/) Attorney Act. See also, Chapter 720, (720 ILCS 5/17-2) The False Personation Act; Chapter 708, (708 ILCS 205/1), The Legal Business Solicitation Act; Chapter 705, (705 ILCS 210/1), Corporation Practice of Law Prohibition Act; and Chapter 815, (815 ILCS 505/1), Consumer Fraud and Deceptive Practices Act.

*Under what title do lawyers practise?*

Attorney-at-Law

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An application to obtain a licence to practise law in Illinois is governed by Illinois Supreme Court Rules 701, et seq. An individual must have a LLB or JD, satisfy character and fitness to practise requirements, and have passed the Bar exam. Attorneys must register annually and satisfy continuing legal education requirements to continue to be authorised to practise law pursuant to the Illinois law licence.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits.*

This only automatically entitles the holder to practise in Illinois. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The Illinois Supreme Court has described the practise of law as 'when the giving of such advice or rendition of such service (by any person, firm or corporation) requires the use of any degree of legal knowledge or skill. *State Bar Ass'n v Schafer*, 404 Ill. 45, 51, 87 N.E.2d 773 (1949)

*Do you need to hold local nationality to be eligible to practise law?*

Illinois has no citizenship eligibility requirement for a law licence.

*Which legal forms can lawyers work in? (eg: self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation).*

A lawyer may practise as a sole practitioner, in a general partnership or limited liability entity. Fee sharing with non-lawyers is prohibited.

Ill.S.Ct. R.7 21(a) provides that: 'Professional service corporations formed under the Professional Service Corporation Act (805 ILCS 10/1 et seq.), professional associations organized under the Professional Association Act (805 ILCS 305/0.01 et seq.), limited liability companies organized under the Limited Liability Company Act (805 ILCS 180/1–1 et seq.), or registered limited liability partnerships organized under the Uniform Partnership Act (1997)(805 ILCS 206/100 et seq.), or professional

## United States – Illinois

	<p>corporations, professional associations, limited liability companies, or registered limited liability partnerships formed under similar provisions of successor Acts to any of the foregoing legislation or under similar statutes of other states or jurisdictions of the United States may engage in the practice of law in Illinois, 'with certain limitations.</p>
<p><i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i></p>	<p>The Illinois Rules of Professional Conduct, which are modelled on the ABA model code (see: <a href="http://www.state.il.us/court/supremecourt/rules/art_viii/default_new.asp">www.state.il.us/court/supremecourt/rules/art_viii/default_new.asp</a>)</p> <p>Other requirements consist of compliance with other regulatory rules of the Supreme Court, including: annual renewal of professional association registration (Ill. S. Ct. R. 721(e) and (f), annual attorney registration (Ill. S. Ct. R. 756) and minimum continuing legal education requirements (Ill. S.Ct. R. 790, et seq.)</p>
<p><i>Do law firms need to receive a licence (or permission/approval) to practise law?</i></p>	<p>Not from the Court, but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code. A certificate of registration, to the extent required by Supreme Court Rule 721.</p>
<p><i>Which authority issues licences? Are there different authorities for individuals and firms?</i></p>	<p>Individual licences are issued by the Illinois Supreme Court Supreme Court Rule 701(a)</p> <p>Registration of associations is pursuant to Supreme Court Rule 721, which is administered by the Clerk of the Supreme Court.</p>
<p><i>Is the jurisdiction a member of the WTO?</i></p>	<p>The US joined the WTO on 1 January 1995.</p>
<p><i>Has it made any WTO commitments on legal services?</i></p>	<p>The US has scheduled commitments for Illinois in modes 1 and 3 for the practise of home country law and international law (to the extent this is incorporated in home country law).</p>
<p><i>Is the jurisdiction party to bilateral agreements, which offer special treatment to businesses or individuals from particular countries?</i></p>	<p>The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.</p>
<p><i>Do these currently include legal services, or are there plans to include them in future?</i></p>	<p>The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.</p>
<p><i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i></p>	<p>NAFTA lawyers have access to the professional visa programme.</p>
<p><i>Are there any 'foreign law' firms present in this jurisdiction?</i></p>	<p>The only 'foreign' firms present in Illinois are DLA Piper, Hogan Lovells and Dentons, who are all established under the</p>

## United States – Illinois

*Are there any explicit rules or restrictions other than visas on fly in, fly out practice of law? Do you need to obtain a licence for temporary practise?*

US arms of their Swiss vereins.

Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see rule 5.5 on Unauthorised Practise of Law).

A foreign lawyer may be authorised to provide legal services in a proceeding pursuant to Illinois Supreme Court Rule 707. A foreign lawyer may also provide services in Illinois as authorised by federal law in federal matters. See *Sperry v Florida*, 373 U.S. 379 (1963).

*Can a foreign lawyer obtain a visa to visit clients, or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in fly out basis in Illinois would need to be fully admitted to the Illinois Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant (FLC) and what is the scope of this limited licence?*

Yes – a foreign lawyer can become a foreign legal consultant (see Illinois Supreme Court Rules 712 and 713, adopted December 7, 1990). This licence permits a foreign lawyer to offer services in international law to the extent they are incorporated in home country law. It does not permit the practise of third country law, or of Illinois law.

Pursuant to Illinois Supreme Court Rule 712: 'A person licensed as a foreign legal consultant under this rule may render legal services and give professional advice within this state only on the law of the foreign country where the foreign legal consultant is admitted to practise'.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)?*

An FLC licensed in Illinois must abide by the code of state conduct and meet the professional indemnity insurance requirements.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence (eg prior practice)?*

Licensure is subject to meeting the requirements of registration, an experience requirement (5 of the 7 years preceding registration must have been spent practising law), meeting the professional liability insurance requirement, a written commitment to observe the Rules of Professional Conduct and certification of registration and good standing with home country bar.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Illinois has restricted the exemption to model rule 5.5. only to lawyers licensed to practise elsewhere in the US, so



## United States – Illinois

limiting the right of foreign lawyers to conduct arbitration or mediation: ‘(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
- (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;
- (3) are in or reasonably related to a pending or potential arbitration, mediation or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer’s practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires *pro hac vice* admission; ‘

*Are foreign lawyers allowed to appear in court under any circumstances?*

Illinois Supreme Court Rule 707 permits the appearance in court of eligible foreign attorneys in isolated cases upon submission of required papers.

*Can foreign lawyers requalify as local lawyers?*

Illinois Supreme Court Rule 705:

**[www.state.il.us/court/SupremeCourt/Rules/Art\\_VII/artvii.htm#Rule%20705](http://www.state.il.us/court/SupremeCourt/Rules/Art_VII/artvii.htm#Rule%20705).**

Graduates of foreign law schools who are licensed and in good standing in the country conferring the law degree, or in a US jurisdiction, who have actively and continuously practised under such licence(s) for five of the seven years immediately prior to making an application in Illinois, having verifiably devoted an annual minimum of 1,000 hours of practise of law where licensed, and the quality of whose legal and other education has been determined acceptable by the board, may apply to take the Bar exam.

Rule 703(b) requires a first law degree from a school approved by the American Bar Association. Rule 703 may be found at:

**[www.state.il.us/court/SupremeCourt/Rules/Art\\_VII/artVII.htm#Rule703](http://www.state.il.us/court/SupremeCourt/Rules/Art_VII/artVII.htm#Rule703).**

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements for law firms. Court Rule 721 for Certificate of Registration requirements:

**[www.state.il.us/court/SupremeCourt/Rules/Art\\_VII/artVII.htm#Rule721](http://www.state.il.us/court/SupremeCourt/Rules/Art_VII/artVII.htm#Rule721).**

Paragraph (c) of the rule imposes requirements for specified professional service entities to practise law in Illinois and



## United States – Illinois

prohibits such entities from practising law or opening a law office without a certificate of registration.

Rule 5.5(b) of the Illinois Rules of Professional Conduct provides guidance as well: '(b) A lawyer who is not admitted to practice in this jurisdiction shall not: (1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction. An FLC is permitted to open an office'.

*Even if a foreign law firm does not require a legal licence, must it register in some form in order to set up an office? (eg with a ministry of company affairs)*

See Rule 721, discussed above, at:

[www.state.il.us/court/SupremeCourt/Rules/Art\\_VII/artVII.htm#Rule721](http://www.state.il.us/court/SupremeCourt/Rules/Art_VII/artVII.htm#Rule721)

*Are there different types of foreign law firm 'licence' - eg joint law venture, or stand alone foreign licence?*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences, or on the number of branches a foreign firm can have?*

No

*Are there 'scope of practise' rules that apply directly to foreign law firms, as opposed to lawyers themselves – eg home, host, international law? If so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

See Rule 721, as discussed above

*Are there rules about the name a foreign law firm can take?*

Foreign names are permitted.

Rule 7.5 of the Illinois Rules of Professional Conduct provides applies to US attorneys practising in Illinois and would provide some guidance to foreign lawyers as well:

'(a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

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	(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.
	(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact'.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL.</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Rule 721(a)(2) requires that one or more members of a registered Rule 721 entity be a practising Illinois lawyer and paragraph (e)(5) of the rule requires that the registration application state that each member of the entity is a member of a Bar, and that no disciplinary proceeding is pending as to any member.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes – this is explicitly mentioned in the US's schedule of specific commitments on legal services
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Verified by</i>	Illinois Attorney Disciplinary Counsel (March 2014)

## United States – Indiana

<i>Is there legislation governing the legal sector?</i>	Indiana Code, Title 33, Article 43. Practice Of Law; the following rules, although not legislation, are promulgated by the Indiana Supreme Court, Indiana Admission and Discipline Rules; Indiana Rules of Professional Conduct
<i>Under what title do lawyers practise?</i>	Attorney at law
<i>How does an individual lawyer obtain a licence to practise law? How often must this be renewed?</i>	An individual must have an LLB or JD from an ABA-approved law school, satisfy character and fitness to practise requirements, and have passed the Bar exam. Annual fees are assessed to the licence for renewal.
<i>Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits.</i>	This only automatically entitles the holder to practise in Indiana. The right to practise on a temporary basis in another state, or to appear <i>pro hac vice</i> in another state, depends on the explicit permission of that state.
<i>Are there certain activities that are 'reserved' to those who are licensed to</i>	On 24 January 2002, the Indiana State Bar House of Delegates approved a recommendation calling for a

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*practise law in the jurisdiction?*

definition of the practise of law. The Bar's Unauthorized Practice of Law Committee is developing a definition.

*Fink v Peden, 17 N.E.2d 95 (1938)*

The practise of law is defined in 7 C.J.S., Attorney and Client, 703, section 3(g), as follows: 'The general meaning of the term, 'practice law' or 'practice of law', is of common knowledge, although the boundaries of its definition may be indefinite as to some transactions. As generally understood, it is the doing or performing of services in a court of justice, in any matter depending therein, throughout its various stages, and in conformity with the adopted rules of procedure; but it is not confined to performing services in an action or proceeding pending in courts of justice, and, in a larger sense, it includes legal advice and counsel, and the preparation of legal instruments and contracts by which legal rights are secured, although such matter may or may not be pending in a court. To 'practice law' is to carry on the business of an attorney at law; to do or practice that which an attorney or counsellor at law is authorized to do and practice; to exercise the calling or profession of the law; usually for the purpose of gaining a livelihood, or at least for gain; to make it one's business to act for, and by the warrant of, others in legal formalities, negotiations, or proceedings.'

*Do you need to hold local nationality to be eligible to practise law?*

No

*Which legal forms can lawyers work in? (eg: self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation).*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership, limited liability company, professional corporation, professional association, or in-house counsel. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Indiana code of professional conduct, which is modelled on the ABA model code, see:  
**[www.state.in.us/judiciary/rules/prof\\_conduct/index.html](http://www.state.in.us/judiciary/rules/prof_conduct/index.html)**.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court, but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code. A limited liability partnership, limited liability company, or professional corporation must file their business model status with the Indiana Board of Law Examiners.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Indiana Supreme Court:  
**[www.in.gov/judiciary/discipline](http://www.in.gov/judiciary/discipline)**.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in Indiana may provide legal services in modes 1-3.

## United States – Indiana

*Is the jurisdiction party to bilateral agreements, which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services, or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US firms established in Indiana.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? Do you need to obtain a licence for temporary practise?*

Indiana Rules of Court Rule 5.5. permits a lawyer, who is not admitted to practise in this jurisdiction, but who is admitted in another US jurisdiction, or in a foreign jurisdiction, and not disbarred or suspended from practise in any jurisdiction, to provide legal services in this jurisdiction, if:

(1) the lawyer does not establish an office or other systematic and continuous presence in this jurisdiction for the practise of law, and the legal services are provided to the lawyer's employer or its organisational affiliates and are not services for which the forum requires temporary admission; or

(2) the services are services that the lawyer is authorised to provide by federal law, or other law of this jurisdiction.

*Can a foreign lawyer obtain a visa to visit clients, or to market but not to practise?*

Under the WTO commitments of the US, an individual could practise law on a fly in fly out basis in Indiana provided they meet the requirements of the Indiana Bar for temporary practise (see Indiana Admission and Discipline Rule 3). In addition 'service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant (FLC) and what is the scope of this limited licence?*

Yes – a foreign lawyer can obtain a limited licence to offer advisory services in Indiana. The Indiana Supreme Court rules state that the court may license to practise in Indiana as a foreign legal consultant, without examination, an applicant

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who: (a) is a member in good standing of a recognised legal profession in a foreign country, the members of which are admitted to practise as attorneys or counsellors at law, or the equivalent, and are subject to effective regulation and discipline by a duly constituted professional body or a public authority; (b) for at least five of the seven years immediately preceding his or her application has been a member in good standing of such legal profession and has actually been engaged in the practise of law in the said foreign country, or elsewhere substantially involving or relating to the rendering of advice or the provision of legal services concerning the law of the said foreign country; (c) possesses the good moral character and general fitness requisite for a member of the Bar of Indiana; and (d) intends to practise as a foreign legal consultant in Indiana and to maintain an office in this state for that purpose. (Indiana Rules of Court, Rules for Admission to the Bar and the Discipline of Attorneys)

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)?*

Services must be supplied by a natural person. An in-state office must be maintained for licensure in Indiana (or an affiliate with an office and with other attorneys in the state)

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence (eg, prior practice)?*

Licensure is subject to meeting requirements of registration.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Indiana Rules for Admission and Discipline, Rule 3, section 2 permit limited admission on petition for foreign lawyers: [www.ai.org/judiciary/rules/ad\\_dis/index.html#r3](http://www.ai.org/judiciary/rules/ad_dis/index.html#r3).

*Can foreign lawyers requalify as local lawyers?*

There is a rule on admission from foreign jurisdictions: Rule 6, Indiana Supreme Court Rules for Admission to the Bar. However, this defines 'foreign licence' as one obtained in any other US state, or the District of Columbia: [www.in.gov/judiciary/rules/ad\\_dis/index.html#r6](http://www.in.gov/judiciary/rules/ad_dis/index.html#r6).

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. Lawyers are regulated, not law firms. An FLC is permitted to open an office.

*Even if a foreign law firm does not require a legal licence, must it register in some form in order to set up an office? (Eg with a ministry of company affairs).*

n/a

*Are there different types of foreign law firm 'licence' - eg joint law venture, or stand alone foreign licence?*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences, or on the number*

No

## United States – Indiana

*of branches a foreign firm can have?*

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves, eg home, host, international law)? If so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes

*Verified by*

Indiana Supreme Court Disciplinary Commission (January 2014)

## United States – Iowa

*Is there legislation governing the legal sector?*

Iowa Code (2013), Title Xv, Chapter 602.1206 Rules for judges and attorneys

*Under what title do lawyers practise?*

Attorney at Law

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have an LLB or JD from an ABA-approved law school, satisfy character and fitness to practise requirements and have passed the Bar exam. The applicant can also be admitted without examination after regularly engaging in the practise of law in another US jurisdiction for at least five of the last seven years. Iowa Ct. Rs. 31.12, 31.13. An applicant seeking admission on motion does not have to meet the educational requirement listed above.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits.*

This only automatically entitles the holder to practise in Iowa. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

*Iowa Supreme Court Com'n on Unauthorized Practice of Law v Sturgeon*, 635 N.W.2d 679 (Iowa 2001)  
The commission notes that this court has the inherent



## United States – Iowa

authority to define and regulate the practise of law, citing Baker (*Committee on Professional Ethics & Conduct v Baker*, 492 N.W.2d 695, 700 (Iowa 1992)). In Baker we approved the non-exclusive definition of the practise of law found in Ethical Consideration 3-5:

‘It is neither necessary nor desirable to attempt the formulation of a single, specific definition of what constitutes the practise of law. However, the practise of law includes, but is not limited to, representing another before the courts; giving of legal advice and counsel to others relating to their rights and obligations under the law and preparation or approval of the use of legal instruments by which legal rights of others are either obtained, secured or transferred, even if such matters never become the subject of a court proceeding. Functionally, the practise of law relates to the rendition of services for others that call for the professional judgment of a lawyer. The essence of professional judgment of the lawyer is the educated ability to relate the general body and philosophy of law to a specific legal problem of a client. Thus, the public interest will be better served if only lawyers are permitted to act in matters involving professional judgment. Where this professional judgment is not involved, non-lawyers, such as court clerks, police officers, abstracters, and many governmental employees, may engage in occupations that require a special knowledge of law in certain areas. But the services of a lawyer are essential in the public interest, whenever the exercise of professional judgment is required’.

- Iowa Rules of Professional Responsibility.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership, or as a professional corporation. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Iowa rules of professional conduct, which are modelled on the ABA model code.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court, but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by Iowa Supreme Court only.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on*

Under the WTO commitments of the US, an individual



## United States – Iowa

*legal services?*

practising 'as or through' a lawyer qualified in Iowa may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements, which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions, and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US firms established in Iowa.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see rule 5.5 on Unauthorized Practice of Law).

*Can a foreign lawyer obtain a visa to visit clients, or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in fly out basis in Iowa would need to be fully admitted to the Iowa Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant (FLC) and what is the scope of this limited licence?*

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (become a foreign legal consultant, or FLC). The relevant legislation is the Iowa Court Rule No 31.8. This is available online at: [www.iowacourts.gov/wfdata/frame8492-1671/file91.pdf](http://www.iowacourts.gov/wfdata/frame8492-1671/file91.pdf). In order to offer advisory services in foreign and international law, a foreign legal consultant is not required but may enter a commercial association with local lawyers. The supreme court may license to practise in the State of Iowa as a foreign legal consultant, without examination, an applicant who: a. Is a member in good standing of a recognised legal profession in a foreign country, and has been for at least five years, the members of which

## United States – Iowa

are admitted to practise as lawyers or counsellors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority; b. For at least five years preceding his or her application has been a member in good standing of such legal profession and has been lawfully engaged in the practise of law in the foreign country or elsewhere substantially involving or relating to the rendering of advice or the provision of legal services concerning the law of the foreign country; c. Possesses the good moral character and general fitness requisite for a member of the Bar of this state; and d. Intends to practise as a foreign legal consultant in this state and to maintain an office in this state for that purpose.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)?*

An FLC must be resident in the US in order to be an FLC, and is subject to the limitations listed in Rule 31.18(3), a person licensed under this rule shall be considered a foreign legal consultant affiliated with the Bar of this state and shall be entitled and subject to: a. The rights and obligations set forth in the Iowa Rules of Professional Conduct or arising from the other conditions and requirements that apply to a member of the Bar of this state under the Iowa Court Rules; and b. The rights and obligations of a member of the Bar of this state with respect to: (1) Affiliation in the same law firm with one or more members of the Bar of this state, including by: 1. Employing one or more members of the Bar of this state; 2. Being employed by one or more members of the Bar of this state or by any partnership [or professional corporation] that includes members of the Bar of this state or that maintains an office in this state; and 3. Being a partner in any partnership [or shareholder in any professional corporation] that includes members of the Bar of this state, or that maintains an office in this state; and (2) Attorney-client privilege, work-product privilege and similar professional privileges.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Licensure is subject to meeting the requirements of registration.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The Iowa code of conduct exempts other US lawyers who are not admitted to practise in Iowa from unauthorised practise of law violation, provided the legal services they are offering 'are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires *pro hac vice* admission'.

## United States – Iowa

<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Iowa Rule of Court 31.14. Admission <i>pro hac vice</i> before Iowa courts and administrative agencies.
<i>Can foreign lawyers requalify as local lawyers?</i>	<a href="http://www.legis.state.ia.us/Rules/Current/court/courtrules.pdf">www.legis.state.ia.us/Rules/Current/court/courtrules.pdf</a> <b>Rule 31.12.</b> Admission of attorneys from other jurisdictions—requirements and fees (Effective 19 January 2010, intent to practise requirement eliminated.) <a href="http://www.legis.state.ia.us/Rules/Current/court/courtrules.pdf">www.legis.state.ia.us/Rules/Current/court/courtrules.pdf</a> <a href="http://www.iowacourts.gov/wfdata/frame9885-1671/File111.pdf">www.iowacourts.gov/wfdata/frame9885-1671/File111.pdf</a>
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	n/a
<i>Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)</i>	No
<i>Is there a quota on the number of licences available?</i>	No
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	Foreign name is permitted
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes – this is explicitly recognised in Iowa's FLC rule.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes – this is explicitly recognised in Iowa's FLC rule.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes – this is explicitly recognised in Iowa's FLC rule.
<i>Other useful sources or comments or links</i>	Office of Professional Regulation, Iowa (January 2014)
<i>Verified by</i>	

## United States – Kansas

*Is there legislation governing the legal sector?*

Kansas 2012 Statute, Chapter 7 - Attorneys

*Under what title do lawyers practise?*

Attorney

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD from an ABA-approved law school, satisfy character and fitness to practise requirements and have passed the Bar exam. Residency in the US is not required, although legal status at the time of the exam is required.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits.*

This only automatically entitles the holder to practise in Kansas. The right to practise on a temporary basis in another state or to appear *pro hac vice* in another state depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

(The Kansas Bar has created a Unauthorized Practice of Law (UPL) Task Force that, among other things, is discussing the definition of the practise of law. The task force submitted a recommendation to the supreme court that the court establish a mechanism to investigate and prosecute the unauthorised practice of law. No action has been taken on that recommendation.)

*State v Schumacher*, 519 P.2d 1116 (1974)

I. What is the practise of law?

Although it may sometimes be articulated more simply, one definition has gained widespread acceptance and has been adopted by this court:

A general definition of the term frequently quoted with approval is given in *Eley v Miller*, 7 Ind.App. 529, 34 N.E. 836, as follows:

'As the term is generally understood, the 'practice' of law is the doing or performing of services in a court of justice, in any matter depending therein, throughout its various stages, and in conformity to the adopted rules of procedure. But in a larger sense it includes legal advice and counsel, and the preparation of legal instruments and contracts by which legal rights are secured, although such matters may or may not be depending in a court.' *State ex rel. v. Perkins*, 138 Kan. 899, 907, 908, 28 P.2d 765, 769 (1934).

The court, in Perkins, also pointed out that '(o)ne who confers with clients, advises them as to their legal rights, and then takes the business to an attorney and arranges with him to look after it in court is engaged in the practice of law.' 138 Kan. at 908, 28 P.2d at 770. The quotation from the Eley case has been adopted as the general rule in 7 C.J.S. Attorney and Client s 3 g (1937).

A more recent source defines the practise of law as 'the

## United States – Kansas

	rendition of services requiring the knowledge and application of legal principles and technique to serve the interests of another with his consent.' <i>R. J. Edwards, Inc. v Hert</i> , 504 P.2d 407, 416 (Okl. 1972).
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>Which legal forms can lawyers work in? (eg: self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation).</i>	A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Kansas Code of Professional Conduct, which is modelled on the ABA model code (see: <a href="http://www.kscourts.org/rules/Rule-List.asp?r1=Rules+Relating+to+Discipline+of+Attorneys">www.kscourts.org/rules/Rule-List.asp?r1=Rules+Relating+to+Discipline+of+Attorneys</a> )
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	Not from the Court, but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local State code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the Kansas courts: <b><a href="http://www.kscourts.org">www.kscourts.org</a></b>
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995
<i>Has it made any WTO commitments on legal services?</i>	Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in Kansas may provide legal services in modes 1-3.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services, or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on Mutual Recognition Agreements amongst the legal professions, and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	NAFTA lawyers have access to the professional visa programme.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	The only 'foreign' firm present in Kansas is Dentons, which is established under the US arm of its Swiss verein.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?</i>	There is no rule in Kansas allowing temporary practise either by lawyers from other US jurisdictions, or by foreign lawyers.

## United States – Kansas

*Can a foreign lawyer obtain a visa to visit clients, or to market but not to practise?*

Foreign lawyers would not be able to obtain visas to practise law in Kansas. It is possible that they may qualify under the US's WTO commitments as 'service salespersons', if they are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No – There is no FLC licensing regime in Kansas.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)?*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence (eg, prior practice)?*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

No

*Are foreign lawyers allowed to appear in court under any circumstances?*

On 9 March 2005, the Kansas Supreme Court entered an Order amending the *pro hac vice* admission rule, effective 1 July 2005. Fee: \$100

Kansas Supreme Court Rule 1.10, Admission Pro Hac Vice of Out-of-State Attorney.

Before the Kansas Appellate Courts.

**[www.kscourts.org/ctruls/2005SC25amended.pdf](http://www.kscourts.org/ctruls/2005SC25amended.pdf)**

*Can foreign lawyers requalify as local lawyers?*

1 July 2005 Admission by Motion. Reciprocity required. \$1250 fee.

**[www.kscourts.org/ctruls/2005SC11.pdf](http://www.kscourts.org/ctruls/2005SC11.pdf)**

*Can a foreign law firm obtain a licence to open an office?*

No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence)?*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on*

No



## United States – Kansas

*foreign firm licences or on the number of branches a foreign firm can have?*

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

n/a

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

n/a

*Other useful sources or comments or links*

*Verified by* Supreme Court – Kansas (February 2014)

## United States – Kentucky

*Is there legislation governing the legal sector?* Rules of the Supreme Court of Kentucky (SCR) 3.010 et seq., Practice of Law

*Under what title do lawyers practise?* Attorney at law

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?* An individual must have an LLB or JD from an ABA-approved law school, satisfy character and fitness to practise requirements and have passed the Bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits* This only automatically entitles the holder to practise in Kentucky. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state depends on the explicit permission of that state.,

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?* Rules of the Supreme Court of Kentucky (SCR) 3.020, Practice of law defined.

'The practise of law is any service rendered involving legal knowledge or legal advice, whether of representation, counsel or advocacy in or out of court, rendered in respect to the rights, duties, obligations, liabilities, or business relations of one requiring the services. But nothing herein shall prevent any natural person not holding himself out as a



## United States – Kentucky

practising attorney from drawing any instrument to which he is a party without consideration unto himself therefore. An appearance in the small claims division of the district court by a person who is an officer of, or who is regularly employed in a managerial capacity by, a corporation or partnership which is a party to the litigation in which the appearance is made shall not be considered as unauthorised practise of law’.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

See SCR 3.022, Forms of practise of law.

A lawyer may engage in the practise of law as: a sole practitioner, as an employee of a private corporation, with federal and/or state agencies or departments, with municipal agencies, in legal aid and public defender organizations, as instructors of law in a law school located in Kentucky, as a state or federal judge, or as a state or federal administrative law judge, in a general partnership or with a limited liability entity.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Kentucky Code of Professional Conduct, which is modelled on the ABA model code (see: [www.kybar.org/237](http://www.kybar.org/237))

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court, but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Pursuant to SCR 2.085, the Supreme Court authorises the issuance of certificates of admission.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in Kentucky may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US

## United States – Kentucky

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

firms established in Kentucky.

Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see rule 3.130 (5.5) on Unauthorized Practice of Law)

Under the WTO commitments of the US, an individual wishing to practise law on a fly in fly out basis in Kentucky would need to be fully admitted to the Kentucky Bar or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are: 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No – there is no FLC licensing regime in Kentucky.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

No

*Are foreign lawyers allowed to appear in court under any circumstances?*

If a foreign lawyer is licensed in another state within the United States, he/she may avail him/herself of the *pro hac vice* rule in SCR 3.030(2) by paying a per case fee, subjecting him/herself to the rules of the Supreme Court of Kentucky and the Kentucky Bar Association and engaging a Kentucky attorney as co-counsel. Additionally, the foreign lawyer may become licensed pursuant to SCR 2.014(3).

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer can obtain a full licence to practise law in this jurisdiction. An attorney who is a graduate of a foreign law school can apply to the Office of Bar Admissions for an education evaluation to determine if the applicant's legal education is substantially equivalent to an ABA-accredited Kentucky law school education. If approved, the applicant may sit the Bar exam if he/she has been actively and substantially engaged in the practise of law for three of the last five years.

## United States – Kentucky

The relevant rule is SCR 2.014(3). The responsible body is the Supreme Court of Kentucky, after receiving a recommendation from the Kentucky Board of Bar Examiners.

*Can a foreign law firm obtain a licence to open an office?*

No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

n/a

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

n/a

*Other useful sources or comments or links*

*Verified by*

Supreme Court of Kentucky (February 2014)

## United States – Louisiana

*Is there legislation governing the legal sector?*

Louisiana Revised Statutes Title 37. Professions And Occupations Chapter 4. Attorneys; Article V, section V of the Louisiana Constitution grants authority to the Louisiana Supreme Court to regulate the practise of law. Generally, see Supreme Court Rule XVII, XVIII, and XIX.

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have an LLB or JD from an ABA-approved law school, satisfy character and fitness to practise requirements, and have passed the Bar exam. A Louisiana law licence remains in effect for the life of the lawyer, contingent upon annual registration requirements, and unless removed by disciplinary order of the Supreme Court, or resignation.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Louisiana. The right to practise on a temporary basis in another state or to appear *pro hac vice* in another state depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

'Louisiana Revised Statutes Title 37. Professions And Occupations Chapter 4. Attorneys section 212.

37:212 Practice of Law defined.

'A. The Practice of law means and includes:

(1) In a representative capacity, the appearance as an advocate, or the drawing of papers, pleadings or documents, or the performance of any act in connection with pending or prospective proceedings before any court of record in this state; or

(2) For a consideration, reward, or pecuniary benefit, present or anticipated, direct or indirect;

(a) The advising or counselling of another as to secular law;

(b) In behalf of another, the drawing or procuring, or the assisting in the drawing or procuring of a paper, document, or instrument affecting or relating to secular rights;

(c) The doing of any act, in behalf of another, tending to obtain or secure for the other the prevention or the redress of a wrong, or the enforcement or establishment of a right; or

(d) Certifying or giving opinions as to title to immovable property or any interest therein or as to the rank or priority or validity of a lien, privilege or mortgage as well as the preparation of acts of sale, mortgages, credit sales or any acts or other documents passing titles to or encumbering immovable property.

B. Nothing in this section prohibits any person from attending to and caring for his own business, claims, or demands; or from preparing abstracts of title; or from insuring titles to

## United States – Louisiana

property, movable or immovable, or an interest therein, or a privilege and encumbrance thereon, but every title insurance contract relating to immovable property must be based upon the certification or opinion of a licensed Louisiana attorney authorised to engage in the practise of law. Nothing in this section prohibits any person from performing, as a notary public, any act necessary or incidental to the exercise of the powers and functions of the office of notary public, as those powers are delineated in Louisiana Revised Statutes of 1950, Title 35, section 1, et seq.

C. Nothing in this section shall prohibit any partnership, corporation, or other legal entity from asserting any claim, not exceeding five thousand dollars, or defence pertaining to an open account or promissory note, or suit for eviction of tenants on its own behalf in the courts of limited jurisdiction on its own behalf through a duly authorized partner, shareholder, officer, employee, or duly authorized agent or representative. No partnership, corporation, or other entity may assert any claim on behalf of another entity or any claim assigned to it.

D. Nothing in Article V, section 24, of the Constitution of Louisiana or this section shall prohibit justices or judges from performing all acts necessary or incumbent to the authorised exercise of duties as judge advocates or legal officers.

### Louisiana Rule of Professional Conduct 5.5: Unauthorised Practise of Law

For purposes of this Rule, the practise of law shall include the following activities:

- (i) Holding oneself out as an attorney or lawyer authorised to practise law;
- (ii) Rendering legal consultation or advice to a client;
- (iii) Appearing on behalf of a client in any hearing or proceeding, or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, hearing officer, or governmental body operating in an adjudicative capacity, including submission of pleadings, except as may otherwise be permitted by law;
- (iv) Appearing as a representative of the client at a deposition or other discovery matter;
- (v) Negotiating or transacting any matter for or on behalf of a client with third parties;
- (vi) Otherwise engaging in activities defined by law or supreme court decision as constituting the practise of law.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (eg, self-employment, partnership,*

A lawyer may practise as a sole practitioner, in a general or

## United States – Louisiana

*limited liability partnership, multi-disciplinary partnership, incorporation)*

limited liability partnership, in a limited liability company. Additionally, lawyers may practice in governmental agencies. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Louisiana Rules of Professional Conduct, which are modelled on the ABA Model Rules (see: [www.ladb.org/Publications/ropc.pdf](http://www.ladb.org/Publications/ropc.pdf))

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court, but they may be subject to other notification and registration requirements depending on the form taken (eg limited liability company) and the local state code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Louisiana Supreme Court [www.ladb.org](http://www.ladb.org). Law licences are only issued to individuals.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in Louisiana may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

The only 'foreign' firm present in Louisiana is Dentons, which is established under the US arm of its Swiss verein.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorised Practise of Law; see also Supreme Court Rule XVII, section 17).



## United States – Louisiana

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in fly out basis in Louisiana would need to be fully admitted to the Louisiana Bar or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service.' Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law – that is become a foreign legal consultant. The relevant legislation is the Louisiana Revised Statutes Title 37: Professions and Occupations (REFS and ANNOS), Chapter 4 Appendix. See also: Article XIV, section 11 et al, Articles of Incorporation, State Bar of Louisiana. General requirements include that the Supreme Court of Louisiana may license a person to practise as a consultant of foreign law, without examination, if the person is a member in good standing of the profession in a foreign country, has five years of continuous practise, or has been a full-time professor for at least five years and possesses other requirements. As to scope of practise, a person may render opinions on the law of the foreign jurisdiction or jurisdictions authorised by the Supreme Court, however, they may not appear in court, render advice on the law of a state of the United States, hold themselves out as a member of the Louisiana Bar, and must use the designation 'licensed consultant of the law of [name the foreign country]'. In order to offer advisory services in foreign and international law, a foreign legal consultant is not required but may enter a commercial association with local lawyers.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

An FLC must be in good standing with his/her home Bar and use the title of FLC.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Licensure as a foreign legal consultant requires five years of practise and a certificate of good standing from the lawyer's home Bar.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

## United States – Louisiana

*Are foreign lawyers allowed to appear in court under any circumstances?*

La Sup. Ct. Rule XVII. Admission to the Bar of the State of Louisiana, section 13. Pro Hac Vice Admission.  
**[www.lasc.org/rules/supreme/RuleXVII.asp](http://www.lasc.org/rules/supreme/RuleXVII.asp)**

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer can obtain a full licence to practise law in this jurisdiction. The relevant legislation is Louisiana Supreme Court Rule XVII, which governs admission to practise in Louisiana. The relevant rule is available online at **[www.lasc.org/rules/supreme/rulexvii.asp](http://www.lasc.org/rules/supreme/rulexvii.asp)**. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers may seek admission by obtaining an equivalency determination that his or her foreign education is equivalent to that offered at an ABA-accredited law school. The foreign trained lawyer must then meet all requirements placed on applicants educated in the United States and complete 14 hours of study at an ABA-accredited law school.

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes

## United States – Louisiana

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes

*Other useful sources or comments or links*

*Verified by* Louisiana Attorney Disciplinary Board (February 2014)

## United States – Maine

*Is there legislation governing the legal sector?* Maine Revised Statutes, Title 4, Chapter 17: Attorneys At Law

*Under what title do lawyers practise?* Attorney at Law

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?* An individual must have a bachelor's degree and a JD (generally from an ABA-accredited law school), satisfy character and fitness to practise requirements and have passed the Maine Bar exam. Individuals who have been in the active practise of law in other US jurisdictions may be eligible for admission without having to pass the Maine Bar exam. Once admitted in Maine, a lawyer must register annually with the Maine Board of Overseers of the Bar.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits* Admission to practise is limited to the State of Maine. The right to practise on a temporary basis in another state or to appear *pro hac vice* in another state depends on the rules in effect in that state.

*Are there certain activities that are 'reserved to those who are licensed to practise law in the jurisdiction?* With certain exceptions, a lawyer may not practise law in Maine unless admitted in Maine. Exceptions include court rules that permit visiting US lawyers to practise in particular actions, and Rule 5.5(d) of the Maine Rules of Professional Conduct, which states:

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

- (1) are provided to the lawyer's employer or its organisational affiliates and are not services for which the forum requires *pro hac vice* admission; or
- (2) are services that the lawyer is authorised to provide by federal law, or other law of this jurisdiction.

As for what constitutes the practise of law, in *Board of Overseers of the Bar v Mangan*, 763 A.2d 1189, 1193 (Me. 2001), the Maine Supreme Judicial Court stated:

The Maine Bar Rules do not explicitly state what constitutes the 'practise of law, 'nor have we ever defined what constitutes the 'practise of law'.

*Do you need to hold local nationality to be eligible to practise law?* No, US citizenship is not required for admission in Maine.

## United States – Maine

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership, in a limited liability company, or in a professional corporation. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Maine Rules of Professional Conduct, which is modelled on the ABA model code (see: [www.mebaregulators.org/attorney\\_regulation/professional\\_conduct](http://www.mebaregulators.org/attorney_regulation/professional_conduct)).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court, but the firm must comply with whatever requirements apply to the legal entity under which it operates.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Lawyers are admitted to practise by the Maine Supreme Judicial Court, following certification by the Maine Board of Bar Examiners that the lawyer is qualified for admission.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in Maine may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no 'foreign law' firms present in Maine.

## United States – Maine

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

With certain exceptions, a lawyer may not practise law in Maine unless admitted in Maine. Exceptions include court rules that permit visiting US lawyers to practise in particular actions, and Rule 5.5(d) of the Maine Rules of Professional Conduct.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in fly out basis in Maine would need to be fully admitted to the Maine Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service.' Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No – there is no FLC licensing regime in Maine.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

A foreign lawyer can serve as an arbitrator or mediator. A foreign lawyer may not represent a party in an arbitration or mediation in Maine unless an exception applies that would permit the foreign lawyer to practise law in Maine without being admitted in Maine.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Court rules permit visiting US lawyers to practise in particular actions on certain conditions.

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer who is not otherwise qualified for admission on motion may take the Maine Bar exam, if the lawyer satisfies the educational (and, if applicable, the active practise) requirements of Maine Bar Admission Rule 10(c). For more information on the equivalency of foreign legal education, see:  
[www.mainebarexaminers.org/pages/foreign.html](http://www.mainebarexaminers.org/pages/foreign.html)

*Can a foreign law firm obtain a licence*

n/a

## United States – Maine

*to open an office?*

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

n/a

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?*

n/a

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

n/a.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

n/a

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

n/a

*Other useful sources or comments or links*

Maine Board of Bar Examiners:  
[www.mainebarexaminers.org](http://www.mainebarexaminers.org)  
 Maine Board of Overseers of the Bar:  
[www.mebaroverseers.org](http://www.mebaroverseers.org)

*Verified by*

Maine Board of Bar Examiners (January 2014)



## United States – Maryland

*Is there legislation governing the legal sector?*

Annotated Code Of Maryland Business Occupations And Professions, Title 10. Lawyers

*Under what title do lawyers practise?*

Attorney at Law

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD, satisfy character and fitness to practise requirements and have passed the Bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Maryland. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Annotated Code Of Maryland Business Occupations And Professions, Title 10. Lawyers Subtitle 1 – Definitions; General Provisions section 10-101. Definitions section. 10-101(h)

(1) 'Practise law' means to engage in any of the following activities:

- (i) giving legal advice;
- (ii) representing another person before a unit of the state government, or of a political subdivision; or
- (iii) performing any other service that the Court of Appeals defines as practising law.

(2) 'Practise law' includes:

- (i) advising in the administration of probate of estates of decedents in an orphans' court of the state;
- (ii) preparing an instrument that affects title to real estate;
- (iii) preparing or helping in the preparation of any form or document that is filed in a court, or affects a case that is or may be filed in a court; or
- (iv) giving advice about a case that is or may be filed in a court.

Section 10-206. Bar admission requirement:

(a) Except as otherwise provided by law, before an individual may practise law in the state, the individual shall:

- (1) be admitted to the Bar; and
- (2) meet any requirement that the Court of Appeals may set by rule.

(b) This section does not apply to:

- (1) a person while representing a landlord in a summary ejectment or a rent escrow proceeding in the District Court of Maryland;
- (2) A person while representing a tenant in a summary ejectment or a rent escrow proceeding in the District Court of Maryland, if the person is:

## United States – Maryland

- (i) a law student practising in a clinical law programme at a law school accredited by the ABA with the in-court supervision of a faculty member; or
- (ii) employed by a non-profit organisation receiving grants from the Maryland Legal Services Corporation and:
  - 1. The person has training and experience;
  - 2. The person is supervised by a lawyer; and
  - 3. The supervising lawyer's appearance is entered in the proceeding;
- (3) An insurance company while defending an insured through staff counsel;
- (4) an officer of a corporation, an employee designated by an officer of a corporation, a partner in a business operated as a partnership or an employee designated by a partner, a member of a limited liability company or an employee designated by a member of a limited liability company, or an employee designated by the owner of a business operated as a sole proprietorship while the officer, partner, member, or employee is appearing on behalf of the corporation, partnership, limited liability company, or business in a civil action in the District Court of Maryland if:
  - (i) the action:
    - 1. is based on a claim that does not exceed the amount set under section 4-405 of the Courts Article for a small claim action; and
    - 2. is not based on an assignment to the corporation, partnership, or business of the claim of another;
  - (ii) in the case of a designated employee, the employee:
    - 1. is not assigned on a full-time basis to appear in the District Court on behalf of the corporation, partnership or business;
    - 2. provides the court a power of attorney sworn to by the employer that certifies that the designated employee is an authorised agent of the corporation, partnership, limited liability company or sole proprietorship and may bind the corporation, partnership, limited liability company or sole proprietorship on matters pending before the court; and
    - 3. is not an individual who is disbarred or suspended as a lawyer in any state; and
  - (iii) the corporation, partnership, limited liability company, or business does not contract, hire, or employ another business entity to provide appearance services;
- (5) an individual who is authorised by a county employee to represent the employee at any step of the county's grievance procedure; or
- (6) a director or an officer of a common ownership community, while representing the common ownership

## United States – Maryland

community in a dispute, hearing or other matter before a board or commission established to oversee one or more of the following common ownership communities:

(i) a development subject to a declaration enforced by a homeowners association as defined in section 11B-101 of the Real Property Article;

(ii) a residential condominium as defined in section 11-101 of the Real Property Article; or

(iii) a cooperative housing corporation as defined in section 5-6B-01 of the Corporations and Associations Article.

(c) (1) In this subsection, 'practise patent law':

(i) means to perform professional services that the Patent and Trademark Office requires to be performed by an individual registered to practise before that office; and

(ii) includes preparing a copyright application or assignment and submitting it to the Copyright Office of the Library of Congress.

(2) While there is a Patent and Trademark Office in the state, an individual may only practise patent law in the state, if the individual is:

(i) authorised to practise law in any other state; and

(ii) registered to practise patent law before the Patent and Trademark Office.

(3) Unless otherwise authorised under this title, an individual who practises patent law under this subsection may not:

(i) appear as an attorney at law in a court; or

(ii) practise law generally in the state.

(d) (1) Subject to paragraph (2) of this subsection, this section does not apply to an individual while giving legal advice to a corporation in this state, if the individual is:

(i) employed by the corporation; and

(ii) admitted to the Bar of any other state.

(2) An individual who gives legal advice under this subsection:

(i) is subject to disciplinary proceedings as the Maryland Rules provide;

(ii) may not appear before a unit of the state government, or of a political subdivision, unless a court grants the individual a special admission in accordance with section 10-215 of this subtitle.

It is prohibited to hold oneself out as authorised to practise law by the use of a title ('lawyer'), or by description of services offered or otherwise, unless you are authorised to practise law, according to section 10-602 of this subtitle.

*Do you need to hold local nationality to be eligible to practise law?* No

## United States – Maryland

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership, in a professional association, in a limited liability company, or in a professional corporation. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Maryland Lawyers' Rules of Professional Conduct, which is modelled on the ABA model code:  
**[www.lexisnexis.com/hottopics/mdcode](http://www.lexisnexis.com/hottopics/mdcode).**

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court, but they may be subject to other business related requirements depending on the form taken (eg limited liability company) and the local state code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the state court:  
**[www.courts.state.md.us/attygrievance/index.html](http://www.courts.state.md.us/attygrievance/index.html)**

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in Maryland may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

The only 'foreign' firms present in Maryland are DLA Piper and Hogan Lovells, which are established under the US arms of their Swiss Vereins.

## United States – Maryland

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are not permitted to provide fly in fly out services. Temporary practise in Maryland is only permitted to a lawyer admitted in another US jurisdiction (see Rule 5.5 of the Maryland Lawyers' Rules of Professional Conduct on Unauthorised Practise of Law).

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in fly out basis in Maryland would need to be fully admitted to the Maryland Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No - there is no FLC licensing regime in Maryland.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

*Are foreign lawyers allowed to appear in court under any circumstances?*

Foreign lawyers are permitted to appear in court where the foreign lawyer is a member in good standing of the Bar of another state per Rule 14 entitled 'Rules Governing Admission to the Bar of Maryland':  
**[www.lexisnexis.com/hottopics/mdcode](http://www.lexisnexis.com/hottopics/mdcode).**

*Can foreign lawyers requalify as local lawyers?*

A graduate of a foreign law school may qualify to apply for a waiver to take the Maryland Bar Examination, if he or she has been admitted by exam in another US jurisdiction, or is admitted in a foreign jurisdiction and has completed a minimum of 26 credit hours of study at an ABA-approved law school in Maryland in the subjects covered in the Maryland Bar Examination. A foreign lawyer cannot obtain a full licence to practise law in this jurisdiction. However, if there is no holding out by the foreign attorney indicating ability to practise law in Maryland, he or she can advise on foreign law.

*Can a foreign law firm obtain a licence*

No

## United States – Maryland

*to open an office?*

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

n/a

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

n/a

*Other useful sources or comments or links*

*Verified by*

Bar Counsel, Attorney Grievance Commission, Maryland  
(December 2013)



## United States – Massachusetts

*Is there legislation governing the legal sector?*

Massachusetts General Laws - Part Iii - Courts, Judicial Officers And Proceedings In Civil Cases, Chapter 221m - Clerks, Attorneys And Other Officers Of Judicial Courts

*Under what title do lawyers practise?*

Attorney-at-Law

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD from a law school approved by the ABA, or authorised by Massachusetts statute to grant the degree of JD, passed the Multistate Professional Responsibility Examination, satisfied character and fitness to practise requirements and have passed the Massachusetts Bar exam. A Massachusetts licence to practise law must be renewed on an annual basis

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Massachusetts. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

*Massachusetts Conveyancers Ass'n, Inc. v Colonial Title & Escrow, Inc.*, 2001 WL 669280 (Mass.Super. 2001)

Whether a particular activity constitutes the practise of law is fact specific, see *Matter of Shoe Manufacturers Protective Association*, 295 Mass. 369, 372 (1936). While a comprehensive definition would be impossible to frame, what constitutes 'the practise of law' in general, consists of the following:

'[D]irecting and managing the enforcement of legal claims and the establishment of the legal rights of others, where it is necessary to form and to act upon opinions as to what those rights are, and as to the legal methods which must be adopted to enforce them, the practice of giving or furnishing legal advice as to such rights and methods and the practice, as an occupation, of drafting documents by which such rights are created, modified, surrendered or secured ...'

*Do you need to hold local nationality to be eligible to practise law?*

Local nationality is not required for Massachusetts licensure to practise law.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Massachusetts code of professional conduct, which is modelled on the ABA model code (see: [www.mass.gov/obcbbbo/rpcnet.htm](http://www.mass.gov/obcbbbo/rpcnet.htm))

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court but, they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code.

*Which authority issues licences? Are there different authorities for*

Licences are issued by the State courts:  
[www.mass.gov/obcbbbo](http://www.mass.gov/obcbbbo)

## United States – Massachusetts

*individuals and firms?*

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in Massachusetts may provide legal services in modes 1–3.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

The only 'foreign' firms present in Massachusetts are DLA Piper and Dentons, which are established under the US arms of their Swiss vereins.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorised Practice of Law)

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in fly out basis in Massachusetts would need to be fully admitted to the Massachusetts Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (become a foreign legal consultant). Ethical Requirements and Rules Concerning the Practice of Law of the Supreme Judicial Court of Massachusetts, Rule 3:05. This is available online at: [www.mass.gov/courts/case-legal-res/rules-of-court/sjc/sjc305.html](http://www.mass.gov/courts/case-legal-res/rules-of-court/sjc/sjc305.html). A limited licence allows a foreign

## United States – Massachusetts

	lawyer to give advice on the law of his or her home jurisdiction subject to certain limitations. In order to offer advisory services in foreign and international law, a foreign legal consultant is not required to, but may enter a commercial association with, local lawyers.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)?</i>	In-state or US residency is required for licensure as a US lawyer in: Hawaii, Iowa, Kansas, Massachusetts, Michigan, Minnesota (or maintain an office in Minnesota), Mississippi, Nebraska, New Jersey, New Hampshire, Oklahoma, Rhode Island, South Dakota, Vermont, Virginia and Wyoming.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	Licensure is subject to the registration requirements: the applicant must be a member in good standing with a recognised legal profession in his or her home country, with five years of experience, good moral character and an intention to open an office in Massachusetts for purposes of rendering advice on the law of his or her home country.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Chapter 221 of the General Laws of Massachusetts, section 46A. Practice of law; persons authorised: <b><a href="http://www.state.ma.us/legis/laws/mgl/221%2D46a.htm">www.state.ma.us/legis/laws/mgl/221%2D46a.htm</a></b>
<i>Can foreign lawyers requalify as local lawyers?</i>	A graduate from a foreign law school (other than those Canadian law schools that are prequalified) may be permitted to sit the Bar exam after taking further legal studies designated by the Board at an ABA-approved law school, or a Massachusetts-accredited law school. Foreign law school graduates must obtain a determination of their educational equivalency from the board prior to making an application. A foreign lawyer cannot obtain a full licence to practise law in this jurisdiction. The relevant impediment is that the lawyer requires full admission to the Bar like any other attorney. Foreign lawyers may be excused from sitting the examination providing they have met the following requirements: a) obtained prior board approval of their educational sufficiency and work history, b) provided verification that they have been admitted and are in good standing in another state, district, or territory of the US and have engaged in the practice of law for five out of the past seven years before making application, c) passed the Multistate Professional Responsibility Examination, and d) satisfied the board as to their moral character and fitness.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	n/a
<i>Are there different types of foreign law</i>	n/a

## United States – Massachusetts

*firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)*

*Is there a quota on the number of licences available?* n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?* No

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?* No

*Are there restrictions on the corporate form a foreign law firm can take?* n/a

*Are there rules about the name a foreign law firm can take?* n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL* n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?* n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Yes

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes

*Other useful sources or comments or links*

*Verified by* Supreme Judicial Court (January 2014)

## United States – Michigan

*Is there legislation governing the legal sector?* Act 236 Of 1961 – Revised Judicature Act Of 1961 (600.101 – 600.9948)

*Under what title do lawyers practise?* Attorney at Law

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?* An individual must have a bachelor's degree and a JD, satisfy character and fitness to practise requirements, and have passed the Bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits* This only automatically entitles the holder to practise in Michigan. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to* 600.916 Unauthorised practice of law.

## United States – Michigan

*practise law in the jurisdiction?*

Sec. 916.

The State Judicature Act defines the unauthorised practice of law as ‘(1) A person shall not practise law or engage in the law business, shall not in any manner whatsoever lead others to believe that he or she is authorised to practise law or to engage in the law business, and shall not in any manner whatsoever represent or designate himself or herself as an attorney and counsellor, attorney at law, or lawyer, unless the person is regularly licensed and authorised to practise law in this state. A person who violates this section is guilty of contempt of the supreme court and of the circuit court of the county in which the violation occurred, and upon conviction is punishable as provided by law. This section does not apply to a person who is duly licensed and authorised to practise law in another state while temporarily in this state and engaged in a particular matter’. The State Bar of Michigan defines the unauthorised practice of law as ‘When a person or company says or does something on behalf of another person that involves legal discretion or making a decision about legal matters, that is the practise of law. It is the unauthorised practice of law for a person to exercise legal discretion on behalf of another person, or practise law for another person, when they are not legally authorised to do so’. The State Bar has asked the State Supreme Court to codify Michigan’s case law on this subject *Dressel v Ameribank*, 635 N.W.2d 328 (MichApp 2001).

Michigan law prohibits the unauthorised practice of law by individuals. MCL 600.916. Moreover, M.C.L. section 450.681 specifically enjoins corporations from practising law without a licence... However, these statutes fail to define precisely what constitutes the ‘practise of law’. Rather, such determinations have been left to the discretion of the courts.

This Court agrees with the majority opinion of the states that charging a fee can take an otherwise incidental act into the realm of the unauthorised practice of law.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Michigan Code of Professional Conduct, which is modelled on the ABA model code. See: [www.michbar.org/professional](http://www.michbar.org/professional).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the court, but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code.

## United States – Michigan

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Michigan Supreme Court.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

The US has scheduled commitments for Michigan in modes 1 and 3 for the practice of home country law and international law (to the extent this is incorporated in home country law).

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

Michigan is home to a number of large national US firms, some of whom also have offices outside the US.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorised Practice of Law).

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in, fly out basis in Michigan would need to be fully admitted to the Michigan Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes – a foreign lawyer may become licensed as a foreign legal consultant (see Michigan Board of Bar Examiners, Rule 5E MI R BD LAW EXAM Rule 5(E) (Effective 1986)). The scope of an FLC licence is limited to home country law and international law to the extent it is incorporated in home country law. The practice of third country and Michigan law is not permitted.

*Are there any conditions that must*

In-state residency is required.



## United States – Michigan

*be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Licensure is subject to meeting requirements of registration, a minimum age of 18 years, an experience requirement (three of the five years preceding registration must have been spent practising law) and providing certification of registration and good standing with home-country bar.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Michigan Supreme Court Rules Concerning the State Bar of Michigan, Rule 15, section 2. Foreign Attorneys, Temporary Permission. See online: [courts.mi.gov/courts/coa/Pages/default.aspx](http://courts.mi.gov/courts/coa/Pages/default.aspx).

*Can foreign lawyers requalify as local lawyers?*

Michigan Compiled Law section 600.946.

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

Foreign name is permitted

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes – this is explicitly mentioned in the US's schedule of specific commitments on legal services

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes – this is explicitly mentioned in the US's schedule of specific commitments on legal services



## United States – Michigan

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes

*Other useful sources or comments or links*

*Verified by*

Michigan Board of Bar Examiners (December 2013)

## United States – Minnesota

*Is there legislation governing the legal sector?*

Minnesota Statute, Chapter 481 Attorneys-at-law

*Under what title do lawyers practise?*

Attorney at Law

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must meet the requirements of the Rules for Admission to the Bar, have an LLB or JD, satisfy character and fitness to practice requirements, and have passed the Bar exam in Minnesota or met the practice requirements for admission on motion. Licences are renewed annually through the Lawyer Registration Office.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Minnesota. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Subdivision 1. Prohibitions.

It shall be unlawful for any person or association of persons, except members of the Bar of Minnesota admitted and licensed to practise as attorneys at law, to appear as attorney or counsellor at law in any action or proceeding in any court in this state to maintain, conduct, or defend the same, except personally as a party thereto in other than a representative capacity, or, by word, sign, letter, or advertisement, to hold out as competent or qualified to give legal advice or counsel, or to prepare legal documents, or as being engaged in advising or counselling in law or acting as attorney or counsellor at law, or in furnishing to others the services of a lawyer or lawyers, or, for a fee or any consideration, to give legal advice or counsel, perform for or furnish to another legal services, or, for or without a fee or any consideration, to prepare, directly or through another, for another person, firm, or corporation, any will or testamentary disposition or instrument of trust serving purposes similar to those of a will, or, for a fee or any consideration, to prepare for another person, firm, or corporation, any other legal document, except in the specific cases provided for in the Minnesota Statutes (see: [www.revisor.mn.gov/statutes/?id=481.02](http://www.revisor.mn.gov/statutes/?id=481.02)).

## United States – Minnesota

*Do you need to hold local nationality to be eligible to practise law?*

There is no requirement for US citizenship to obtain a licence to practise law in Minnesota.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership, or in a professional firm or corporation. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Minnesota Rules of Professional Conduct, which are modelled on the ABA Model Rules of Professional Conduct (see:

**[lprb.mncourts.gov/rules/Documents/MN%20Rules%20of%20Professional%20Conduct.pdf](http://lprb.mncourts.gov/rules/Documents/MN%20Rules%20of%20Professional%20Conduct.pdf)**).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court, but they may be subject to other notification requirements depending on the form taken (eg, limited liability company) and the local state code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State Supreme Court:  
**[lprb.mncourts.gov/Pages/Default.aspx](http://lprb.mncourts.gov/Pages/Default.aspx)**.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in Minnesota may provide legal services in modes 1–3. In-state residency is required.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

The international US law firm Dorsey and Whitney has an office in Minnesota, but there are no foreign law firms present in this market.

## United States – Minnesota

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorised Practice of Law).

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in, fly out basis in Minnesota would need to be fully admitted to the Minnesota Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes – a foreign lawyer can obtain a licence to become a foreign legal consultant (see the Minnesota Rules for Admission to the Bar, available online at: [www.ble.state.mn.us/rules.html](http://www.ble.state.mn.us/rules.html)). This FLC licence entitles the holder to practise home country law and international law to the extent it is incorporated in home country law, the practise of third country law and Minnesota law is not permitted, except that a foreign legal consultant who is employed by a single corporation or entity may practise law as a foreign legal consultant without the limitations that govern other foreign legal consultants. See Rule 11E (2) of the Rules for Admission to the Bar of Minnesota.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

Ongoing adherence to the Minnesota Rules of Professional Conduct.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Licensure is subject to meeting requirements of registration, a minimum age of 26 years, an experience requirement (five of the seven years preceding registration must have been spent practising law), certification of registration and good standing with home country Bar.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes. A law licence is not required to undertake arbitration and mediation in Minnesota.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Minnesota Statutes section 481.02, Sub. 6. Attorneys of other states.

[www.revisor.leg.state.mn.us/stats/481/02.html](http://www.revisor.leg.state.mn.us/stats/481/02.html).

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer cannot obtain a full licence to practise law in this jurisdiction, unless the foreign lawyer has a JD or LLB

## United States – Minnesota

from a law school fully or provisionally approved by the ABA, and meets either the Bar exam or admission on motion requirements for admission to practise in Minnesota, as set forth in Rules for Admission to the Bar. See provisions of Rules 4, 5, 6, 7, 8, 9 and 10. The relevant impediment is Rule 4A (3), which requires graduation from an ABA-accredited law school with a JD or LLB degree.

In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must have a JD or LLB degree from an ABA-approved law school. In addition, admission may be based on a passing score and a Minnesota Bar exam, or admission in another US jurisdiction and at least five years of licensed practise. Further, the applicant must meet other requirements of the Minnesota Rules for Admission to the Bar.

*Can a foreign law firm obtain a licence to open an office?*

In order to offer advisory services in foreign and international law, a foreign legal consultant is not required to, but may enter a commercial association with local lawyers.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

Foreign name is permitted

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes

## United States – Minnesota

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes

*Other useful sources or comments or links*

*Verified by* Minnesota State Board of Law Examiners and the Minnesota Office of Lawyer Professional Responsibility.  
(December 2013)

## United States – Mississippi

*Is there legislation governing the legal sector?* Mississippi Statute, Title 73 – Professions And Vocations > Chapter 3 – Attorneys at Law

*Under what title do lawyers practise?* Attorney at law

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?* An individual must have a bachelor's degree and a JD from an ABA-approved law school, satisfy character and fitness to practise requirements, and have passed the Bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Mississippi. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state, depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

*Mississippi Com'n on Judicial Performance v Jenkins*, 725 So.2d 162 (Miss. 1998)

This court defined the practise of law to include: '... the drafting or selection of documents, the giving of advice in regard to them and the using of an informed or trained discretion in the drafting of documents to meet the needs of the person being served'. So any exercise of intelligent choice in advising another of his legal rights and duties brings the activity within the practise of the legal profession. *Oregon State Bar v Security Escrows, Inc.*, 233 Or. 80, 377 P.2d 334 (1962). *Darby v Mississippi State Bd. of Bar Admissions*, 185 So.2d 684, 687 (Miss.1966).

*Darby v Mississippi State Board of Bar Admissions*, 185 So.2d 684, 688 (1966).

The acts designated in section 8682 as constituting the practise of law are not all-exclusive, nor all-inclusive. Manifestly there are many others which might be performed by an unlicensed person, which may also constitute the practise of law. Section 8682 (Miss. Code Ann.) simply provides that the designated acts under the defined circumstances constitute the unlawful practise of law, but it does not encroach on the constitutional power of the judiciary to determine that other acts may also do so.

Mississippi Code Annotated section 73-3-55. Unlawful to practise law without licence; certain abstract companies may

## United States – Mississippi

certify titles.

It shall be unlawful for any person to engage in the practise of law in this state who has not been licensed according to the law. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished in accordance with the provisions of section 97-23-43. Any person who shall for fee or reward or promise directly or indirectly write or dictate any paper or instrument of writing to be filed in any cause or proceeding pending, or to be instituted in any court in this state, or give any counsel or advice therein, or who shall write or dictate any bill of sale, deed of conveyance, deed of trust mortgage contract, or last will and testament, or shall make or certify to any abstract of title or real estate other than his own, or in which he may own an interest, shall be held to be engaged in the practice of law. This section shall not however prevent title or abstract of title guaranty companies incorporated under the laws of this state from making abstract or certifying titles to real estate where it acts through some person as agent authorised under the laws of the State of Mississippi to practise law; nor shall this section prevent any abstract company chartered under the laws of the State of Mississippi with a paid up capital of \$50,000 or more from making or certifying to abstracts of title to real estate through the president secretary, or other principal officer of such company.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Mississippi code of professional conduct, which is modelled on the ABA model code (see: [courts.ms.gov/rules/msrulesofcourt/rules\\_of\\_professional\\_conduct.pdf](https://courts.ms.gov/rules/msrulesofcourt/rules_of_professional_conduct.pdf))

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court, but they may be subject to other notification requirements depending on the form taken (eg, limited liability company) and the local state code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Mississippi State Supreme Court.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in Mississippi may provide legal services in modes 1–3.



## United States – Mississippi

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

No – foreign lawyers are not permitted to establish in Mississippi and there are no foreign or large national or international US firms established there.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Temporary practise by both foreign lawyers and lawyers from other US states is not permitted under Mississippi rule 5.5.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Foreign lawyers would not be able to obtain visas to practise law in Mississippi. It is possible that they may qualify under the US's WTO commitments as 'service salespersons', if they are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service' Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No – there is no FLC licensing regime in Mississippi.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

*Are foreign lawyers allowed to appear in court under any circumstances?*

Mississippi Rule of Appellate Procedure 46(b) contains a rule on the Admission of Foreign Attorneys *Pro Hac Vice*, but this only covers lawyers admitted in other US states.

[www.mssc.state.ms.us/rules/RuleText.asp?RuleTitle=RULE](http://www.mssc.state.ms.us/rules/RuleText.asp?RuleTitle=RULE)

## United States – Mississippi

+46.+ADMISSION,+WITHDRAWAL,+AND+DISCIPLINE+OF+ATTORNEYS&IDNum=5.

*Can foreign lawyers requalify as local lawyers?*

Rule VI of the Rules Governing Admission to the Mississippi Bar permit experienced attorneys from other US states with five or more years of active practice to requalify. This does not appear to apply to lawyers qualified outside the US.

[www.mssc.state.ms.us/rules/msrulesofcourt/rules\\_admission\\_msbar.pdf](http://www.mssc.state.ms.us/rules/msrulesofcourt/rules_admission_msbar.pdf).

*Can a foreign law firm obtain a licence to open an office?*

No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

n/a

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

n/a

## United States – Missouri

*Is there legislation governing the legal sector?*

Chapter 484, Missouri Revised Statutes. The Supreme Court has inherent authority to regulate the practice of law.

*Under what title do lawyers practise?*

Attorney at Law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

The individual meets the requirements of Supreme Court Rule 8, including having a first professional degree in law or JD, satisfying character and fitness to practise requirements, and passing an examination or being admitted without examination because licensed in another jurisdiction.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only entitles the holder to practise in all state courts in Missouri. Each jurisdiction establishes its own criteria for who can practice law in that jurisdiction.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The practice of law as defined by the Supreme Court of Missouri is reserved to licensees. In addition, section 484.010 of the Revised Statutes of Missouri limits the practice of law for purposes of imposing sanctions on those violating its provisions. The section provides: practice of the law and law business defined.

1. The 'practice of the law' is hereby defined to be the appearance as an advocate in a representative capacity or the drawing of papers, pleadings or documents or the performance of any act in such capacity in connection with proceedings pending or prospective before any court of record, commissioner, referee or any body, board, committee or commission constituted by law or having authority to settle controversies.
2. The 'law business' is hereby defined to be and is the advising or counselling for a valuable consideration of any person, firm, association, or corporation as to any secular law, or the drawing or the procuring of, or assisting in the drawing for a valuable consideration of any paper, document or instrument affecting or relating to secular rights, or the doing of any act for a valuable consideration in a representative capacity, obtaining or tending to obtain, or securing or tending to secure for any person, firm, association or corporation any property or property rights whatsoever.

*Do you need to hold local nationality to be eligible to practise law?*

Must be a citizen or national of the US, an immigrant alien lawfully admitted for permanent residence in the US, or an alien otherwise authorised to work lawfully in the US.

## United States – Missouri

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Missouri Code of Professional Conduct, which is contained in Supreme Court Rule 4.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Only individuals are licensed. Firms must meet whatever requirements are otherwise applicable to the particular form under which the firm wishes to operate, but those forms are not regulated as a part of the practice of law.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Supreme Court of Missouri. There is no authority to license firms.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in Missouri may provide legal services in modes 1–3.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

The only 'foreign' firm present in Missouri is Dentons, which is established under the US arm of its Swiss verein.

## United States – Missouri

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see Professional Conduct Rule 4-5.5 on Unauthorised Practice of Law).

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in, fly out basis in Missouri would need to be fully admitted to the Missouri Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (become a foreign legal consultant). The relevant legislation is Supreme Court Rules 9.05 to 9.12. This is available online at [www.courts.mo.gov/page.asp?id=712](http://www.courts.mo.gov/page.asp?id=712).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

In order to offer advisory services in foreign and international law, a foreign legal consultant must enter a commercial association with local lawyers.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Licensure is subject to meeting requirements of registration, a minimum age of 26 years, an experience requirement (five of the seven years preceding registration must have been spent practising law), passing the Multistate Professional Responsibility Examination, certification of registration and good standing with home country bar. See Supreme Court Rules 9.05 to 9.12 relating to foreign legal consultants.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Arbitration and mediation do not require a law licence.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Missouri Supreme Court Rules Governing the Missouri Bar and the Judiciary. See Supreme Court Rule 9.

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer can obtain a full licence to practise law in this jurisdiction. Graduates who have passed the Bar exam in another state and hold an active law licence are eligible to take the Bar exam with either (1) full-time practice for three of the five years preceding application or (2) completion of 24 credit hours in residence at an ABA-approved law school within the three years prior to application. Graduates who are not licensed in another state must be admitted to practise law in the foreign country where the foreign law

## United States – Missouri

degree was conferred, and be in good standing with either (1) full-time practice for three of the five years preceding the application or (2) completion of 24 credit hours in residence at an ABA-approved law school within the three years prior to application. The relevant legislation is Supreme Court of Missouri Rule No 8. This is available online at [www.courts.mo.gov/pageasp?id=711](http://www.courts.mo.gov/pageasp?id=711).

In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must:

- (i) file the prescribed application forms and pay the fee;
- (ii) pass the Missouri Bar examination and the Multistate Professional Responsibility exam;
- (iii) be a citizen or national of the US, or a lawful permanent resident, or an alien authorised to work in the US;
- (iv) receive approval of the Board of Legal Examiners;
- (v) graduate with a JD or first professional degree in law from an ABA-approved law school, or if the law degree is from a foreign or non-ABA approved law school, meet the following requirements:
  - (a) be admitted to practise law in the foreign country where the applicant's law degree was conferred or in another US jurisdiction; and either
  - (b) have practised law where admitted for at least three years prior to application; or
  - (c) have completed 24 semester credit hours and residence at an ABA-approved law school.

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office, if it meets the requirements applicable to any other business.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

There may be licensing requirements imposed on all businesses in the jurisdiction where the firm seeks to establish an office.

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)*

No

*Is there a quota on the number of licences available?*

No

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?*

No



## United States – Missouri

<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Only those applicable to corporations generally.
<i>Are there rules about the name a foreign law firm can take?</i>	Supreme Court Rule 4-7.5 sets out the limitations.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	n/a
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	n/a
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	Rule 4 – <a href="http://www.courts.mo.gov/page.jsp?id=707">www.courts.mo.gov/page.jsp?id=707</a> . Rule 8 – <a href="http://www.courts.mo.gov/page.jsp?id=711">www.courts.mo.gov/page.jsp?id=711</a> . Rule 9 – <a href="http://www.courts.mo.gov/page.jsp?id=712">www.courts.mo.gov/page.jsp?id=712</a> .
<i>Verified by</i>	Missouri Board of Bar Examiners (December 2013)

## United States – Montana

*Is there legislation governing the legal sector?*

Montana Statutes, Title 37. Professions And Occupations, Chapter 61. Attorneys At Law.

*Under what title do lawyers practise?*

Attorney at law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have a JD from an ABA-approved law school, satisfy character and fitness to practise requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Montana. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state, depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Any person who holds out to the public or advertises as an attorney, or who appears in any court of record or before a judicial body, referee, commissioner, or other officer appointed to determine any question of law or fact by a court, or who engages in the business and duties and performs acts, matter and things that are usually done or performed by an attorney at law in the practice of that profession for the purposes of parts 1 through 3 of this chapter is considered to be practising law. *Pulse v North American Land Title Co. of Montana*, 707 P.2d 1105 (Mont. 1985).

What constitutes the practice of law is not easily defined. In *Cowern v Nelson* (1940), 207 Minn. 642, 290 N.W. 795, 797, the Minnesota Court stated: 'The line between what is and what is not the practice of law cannot be drawn with precision. Lawyers should be the first to recognise that between the two there is a region wherein much of what lawyers do every day in their practice may also be done by others without wrongful invasion of the lawyer's field.'

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Montana Code of Professional Conduct, which is modelled on the ABA model code (see: [www.montanaodc.org/Portals/ODC/docs/rules\\_of\\_professional\\_conduct.pdf](http://www.montanaodc.org/Portals/ODC/docs/rules_of_professional_conduct.pdf)).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court, but they may be subject to other notification requirements depending on the form taken (eg, limited liability company) and the local state code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State Bar of Montana: [www.montanabar.org](http://www.montanabar.org).

## United States – Montana

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995,

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in Montana may provide legal services in modes 1–3.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

The international US law firm Dorsey and Whitney has an office in Montana, but there are no foreign law firms present in this market.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Temporary practice by both foreign lawyers and lawyers from other US states is not permitted under Montana Rule 5.5 of professional conduct. Compliance with the Montana Supreme Court Rules on *pro hac vice* is required for lawyers from other US states.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Foreign lawyers would not be able to obtain visas to practise law in Montana. It is possible that they may qualify under the US's WTO commitments as 'service salespersons', if they are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No – there is no FLC licensing regime in Montana.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

n/a

## United States – Montana

<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	n/a
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Not permitted
<i>Can foreign lawyers requalify as local lawyers?</i>	On 7 July 2004, the Supreme Court of Montana denied a petition filed by the state Bar to revise the rules for admission to: (1) allow admission of ten year practitioners by motion under certain conditions;  (2) allow admission of five year practitioners from several neighbouring states under the constraints of a reciprocity agreement.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	n/a
<i>Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a

## United States – Montana

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?* n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?* n/a

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* n/a

*Other useful sources or comments or links*

*Verified by* Montana Bar Association (February 2014).

## United States – Nebraska

*Is there legislation governing the legal sector?*

Nebraska Statute, Chapter 7 Attorneys At Law.

*Under what title do lawyers practise?*

Attorney at law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD from an ABA-approved law school, satisfy character and fitness to practise requirements, and have passed the Bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Nebraska. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state, depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Neb. Rev. Statute 7-101 states: 'no person shall practice as an attorney or counsellor at law, or commence, conduct or defend any action or proceeding to which he is not a party, either by using or subscribing his own name, or the name of any other person, or by drawing pleadings or other papers to be signed and filed by a party, in any court of record of this state, unless he has been previously admitted to the Bar by order of the Supreme Court of this state '. See also the Neb. Ct. Rules on the Unauthorised Practice of Law, [www.supremecourt.ne.gov/supreme-court-rules/ch3/art10](http://www.supremecourt.ne.gov/supreme-court-rules/ch3/art10).

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Nebraska Code of Professional Conduct, which is modelled on the ABA model code. See: [www.supremecourt.ne.gov/supreme-court-rules/ch3/art5](http://www.supremecourt.ne.gov/supreme-court-rules/ch3/art5).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court, but they may be subject to other notification requirements depending on the form taken (eg, limited liability company) and the local state code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State Courts: [www.supremecourt.ne.gov](http://www.supremecourt.ne.gov)

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in Nebraska may provide legal services in modes 1–3.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and



## United States – Nebraska

*Do these currently include legal services or are there plans to include them in future?*

Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

NAFTA lawyers have access to the professional visa programme.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

No – foreign lawyers are not permitted to establish in Nebraska and there are no foreign or large national or international US firms established there.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorised Practice of Law).

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in, fly out basis in Nebraska would need to be fully admitted to the Nebraska Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

No – there is no FLC licensing regime in Nebraska.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

n/a

*Are foreign lawyers allowed to appear in court under any circumstances?*

Nebraska Supreme Court Rules. Admission of Attorneys. Rule 6. Admission, *Pro Hac Vice*, of Lawyers of Good Moral Character Who Are Admitted to Practise in Another State, the District of Columbia, or a Territory. See online: [court.nol.org/rules/attyadm\\_02.htm](http://court.nol.org/rules/attyadm_02.htm)

## United States – Nebraska

<i>Can foreign lawyers requalify as local lawyers?</i>	Rule 5, Nebraska Supreme Court Admission Rules for Attorneys. See online: <a href="http://court.nol.org/rules/attyadm_02.htm">court.nol.org/rules/attyadm_02.htm</a>
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	n/a
<i>Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	n/a
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	n/a
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	n/a
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	n/a
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	Counsel for Discipline, Nebraska Supreme Court (December 2013).

## United States – Nevada

*Is there legislation governing the legal sector?*

Nevada Statutes, Title 1 – State Judicial Department, Chapter 7 – Attorneys and Counsellors at Law.

*Under what title do lawyers practise?*

Attorney at law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have an LLB or JD, satisfy character and fitness to practise requirements, and have passed the Bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Nevada. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state, depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Statute 7.285 – Unlawful practice of law; criminal penalties; initiation of civil action by State Bar of Nevada.

1. A person shall not practice law in this state if the person:

(a) Is not an active member of the State Bar of Nevada or otherwise authorised to practise law in this state pursuant to the rules of the Supreme Court; or

(b) is suspended or has been disbarred from membership of the State Bar of Nevada pursuant to the rules of the Supreme Court. *Pioneer Title Ins. & Trust Co. v State Bar of Nev.*, 326 P.2d 408 (Nev. 1958)

As stated in *Lowell Bar Assn v. Loeb*, supra [315 Mass. 176, 52 N.E.2d 34], 'The actual practices of the community have an important bearing on the scope of the practice of law.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Nevada Code of Professional Conduct, which is modelled on the ABA model code. See:

**[www.leg.state.nv.us/courtrules/RPC.html](http://www.leg.state.nv.us/courtrules/RPC.html)**.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court, but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issue by the Nevada bar: **[www.nvbar.org](http://www.nvbar.org)**.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in Nevada may provide legal services in modes 1–3.

*Is the jurisdiction party to bilateral agreements that offer special*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American

## United States – Nevada

*treatment to businesses or individuals from particular countries?*

Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

The only 'foreign' firm present in Nevada is DLA Piper, which is established under the US arm of its Swiss verein.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are not permitted to provide fly in fly out services under rule 5.5 of the code of professional conduct on unauthorised practice of law. This rule also states that 'A lawyer who is not admitted to practise in this jurisdiction shall not: (i) Establish an office or other regular presence in this jurisdiction for the practice of law; (ii) Solicit clients in this jurisdiction; or (iii) Represent or hold out to the public that the lawyer is admitted to practise law in this jurisdiction'. The provision of services by lawyers in Nevada on a temporary basis is permitted to lawyers from other US jurisdictions.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in, fly out basis in Nevada would need to be fully admitted to the Nevada Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No – there is no FLC licensing regime in Nevada.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

## United States – Nevada

*Are foreign lawyers permitted to undertake arbitration and mediation?*

*Are foreign lawyers allowed to appear in court under any circumstances?*

*Pro Hac Vice* Rule, SCR 42 has been amended. The Rule now covers all arbitration, mediation or alternative dispute resolution procedures that are court-annexed or court ordered. Additionally, it is presumed, absent a showing of good cause, that more than five appearances in a three year period is excessive.

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer cannot requalify as a Nevada lawyer but must complete the full state admission requirements in order to be admitted.

*Can a foreign law firm obtain a licence to open an office?*

No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

n/a

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

n/a

*Other useful sources or comments or links*

## United States – New Hampshire

*Is there legislation governing the legal sector?*

New Hampshire Statute, – Occupations And Professions, Chapter 311 – Attorneys and Counselors

*Under what title do lawyers practise?*

Attorney at law; counsellor at law; esquire

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD, satisfy character and fitness to practise requirements and have passed the Bar exam. Registration occurs manually.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in New Hampshire. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state, depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

N.H. Sup. Ct. R. 35, Rule 1-9 – There is no satisfactory, all-inclusive definition of what constitutes the practice of law. Ethical Consideration 3-5 (E.C. 3-5) of the former Code of Professional Responsibility provided:

'It is neither necessary nor desirable to attempt the formulation of a single, specific definition of what constitutes the practice of law. Functionally, the practice of law relates to the rendition of services for others that call for the professional judgment of a lawyer. The essence of the professional judgment of a lawyer is his educated ability to relate the general body and philosophy of law to a specific legal problem of a client; and thus, the public interest will be better served if only lawyers are permitted to act in matters involving professional judgment.'

Hb 1420 – Chapter 218:1, Laws Of 2002. An Act establishing a task force to define the practice of law in New Hampshire.

The above-named task force, which was appointed to define the practice of law in New Hampshire, having duly met, offers the following final report:

'We are unable to reach a consensus of opinion in order to offer specific findings and recommendations on the practice of law in New Hampshire'.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general partnership, professional corporation or professional limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The New Hampshire Rules of Professional Conduct, which are modelled on the ABA model code. See: [www.courts.state.nh.us/rules/pcon/index.htm](http://www.courts.state.nh.us/rules/pcon/index.htm).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court, but they may be subject to other [notification] requirements depending on the form taken (eg, limited liability company) and the local state laws and



## United States – New Hampshire

*Which authority issues licences? Are there different authorities for individuals and firms?*

requirements of the Secretary of State.

Licences are issued by the State Supreme Court.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in New Hampshire may provide legal services in modes 1–3.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

No

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Temporary practice by foreign lawyers is permitted under *N.H. Sup. Ct. R. 42C*, if the services (1) are undertaken in association with a lawyer who is admitted to practise in New Hampshire and who actively participates in the matter; (2) are in or reasonably related to a pending or potential proceeding before a tribunal held or to be held in a jurisdiction outside the United States, if the lawyer, or a person the lawyer is assisting, is authorised by law or by order of the tribunal to appear in such proceeding or reasonably expects to be so authorised; (3) are in or reasonably related to a pending or potential arbitration, mediation or other alternative dispute resolution proceeding held or to be held in this or another jurisdiction, if the services arise out of, or are reasonably related to, the lawyer's practice in a jurisdiction in which the lawyer is admitted to practise; (4) are not within paragraphs (2) or (3) and (i) are performed for a client who resides or has an office in a jurisdiction in which the lawyer is authorised to practise, to the extent of that authorisation; or (ii) arise out of or are reasonably related to a matter that has a substantial connection to a jurisdiction in which the lawyer is authorised to practise to the extent of that authorisation; or (5) are governed primarily by international law or the law of a non-United States jurisdiction.

## United States – New Hampshire

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Foreign lawyers would not be able to obtain visas to practise law in New Hampshire. It is possible that they may qualify under the US's WTO commitments as 'service salespersons', if they are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes. N.H. Sup. Ct. R. 42D. A foreign lawyer may render legal services in this jurisdiction but shall not be considered admitted to practise law in this jurisdiction, or in any way hold himself or herself out as a member of the Bar of this jurisdiction, or do any of the following: (a) appear as a lawyer on behalf of another person in court (b) prepare any instrument effecting transfer or registration of title to real estate; (c) prepare instruments related to decedent's estates; (d) prepare instruments related to marital or parental rights; (e) render advice on the law of New Hampshire or the United States.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

Must comply with Rules of Professional Conduct; must comply with requirements of active membership in the New Hampshire Bar; must provide New Hampshire Supreme Court with written document affirming his or her responsibilities (N.H. Sup. Ct. R. 42D (6)(a)).

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

The New Hampshire Supreme Court may license an applicant who (a) is and for at least five years has been a member in good standing in a foreign country, and is subject to effective regulation and discipline; (b) for at least five of the seven immediately preceding years has been a member in good standing and has been primarily engaged in the active practice of law; (c) possesses the good moral character and fitness required of a member of the New Hampshire Bar; and (d) intends to practise as a foreign legal consultant in New Hampshire and to maintain an office in New Hampshire for that purpose.

*Are foreign lawyers allowed to appear in court under any circumstances?*

There is a *pro hac vice* rule in New Hampshire, but it does not explicitly recognise foreign lawyers as eligible under this rule. See: [www.courts.state.nh.us/rules/scr/scr-33.htm](http://www.courts.state.nh.us/rules/scr/scr-33.htm)

*Can foreign lawyers requalify as local lawyers?*

N.H. Sup. Ct. R. 42(V)(c). A foreign lawyer may obtain a full licence to practise law in this jurisdiction if he or she meets the educational requirements of the rule and is otherwise eligible for admission through the Bar exam, or by motion. A

## United States – New Hampshire

graduate must be legally trained in common law, and a determination of educational equivalency is required. The graduate must be a member in good standing in their home jurisdiction. In addition, one of the following requirements must also be met: additional education at an ABA-approved law school or admission in another US jurisdiction. Foreign law graduates are only eligible for admission without examination if they meet other requirements for reciprocal admission for lawyers licensed in other states.

<i>Can a foreign law firm obtain a licence to open an office?</i>	n/a
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	n/a
<i>Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?</i>	n/a
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No Non- New Hampshire lawyers cannot be owners of a New Hampshire law firm
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes – not for a New Hampshire law firm, but for something else.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes – as long as they follow the rules for non-New Hampshire lawyer employees.
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	New Hampshire Supreme Court Office of Bar Admissions (February 2014)

## United States – New Hampshire

## United States – New Jersey

*Is there legislation governing the legal sector?*

New Jersey Permanent Statute, Title 2a Administration Of Civil And Criminal Justice, 53a-26: Definition of 'Licensed person'.

*Under what title do lawyers practise?*

Attorney at law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD from an ABA-approved law school, satisfy character and fitness to practise requirements, and have passed the Bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in New Jersey. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state, depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The New Jersey Committee on the unauthorised practice of law has described unauthorised practice in pragmatic terms: nearly all of the cases in this area are relatively recent. They consistently reflect the conclusion that the determination of whether someone should be permitted to engage in conduct that is arguably the practice of law is governed not by attempting to apply some definition of what constitutes that practice, but rather by asking whether the public interest is disserved by permitting such conduct. The resolution of the question is determined by practical, not theoretical, considerations: the public interest is weighed by analysing the competing policies and interests that may be involved in the case; the conduct, if permitted, is often conditioned by requirements designed to assure that the public interest is indeed not disserved.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The New Jersey Code of Professional Conduct, which is modelled on the ABA model code. See: [www.judiciary.state.nj.us/rules/apprpc.htm](http://www.judiciary.state.nj.us/rules/apprpc.htm).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court, but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences to practise in New Jersey are issued through the Supreme Court, which can be found at: [www.njbarexams.org](http://www.njbarexams.org).

## United States – New Jersey

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

The US has scheduled commitments for New Jersey in modes 1 and 3 for the practice of home country law and international law (to the extent this is incorporated in home country law) and third country law and host law, provided advice is taken from a suitably qualified person.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

The English law firm Clyde and Co has an office in New Jersey, as does the US arm of the UK/US verein DLA Piper.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorised Practice of Law).

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a flyin, fly out basis in New Jersey would need to be fully admitted to the New Jersey Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes – a foreign lawyer can obtain a licence to become a foreign legal consultant in New Jersey. A person licensed as a foreign legal consultant under this rule may render and be compensated for the performance of legal services within the state, but specifically shall not: (1) appear for another person as attorney in any court, or before any other judicial officer

## United States – New Jersey

or administrative agency in the state, or sign or file in the capacity of a lawyer or legal advisor any pleadings or any other papers in any action or proceeding brought in any such court, or before any judicial officer or administrative agency; or

(2) prepare any deed, mortgage, assignment, discharge, lease, agreement or contract of sale or any other instrument for purposes of recordation which may affect title to real estate located in the United States of America, its territories, districts or possessions; or (3) prepare: (a) any will or trust instrument effecting the disposition of any property located in the United States of America, its territories, districts or possessions and owned by a resident thereof; or (b) any instrument relating directly to the primary administration of a decedent's estate in the United States of America, its territories, districts or possessions; or (4) prepare any instrument in respect of the marital relations, rights or duties of a resident of the United States of America, its territories, districts or possessions or the custody or care of the children of such a resident; or (5) render professional legal advice on the laws of this state, or the United States of America or any other state, territory, district or possession of the United States of America, or any foreign country other than a country to the Bar of which the foreign legal consultant is admitted as an attorney or counsellor at law, or the equivalent (whether rendered incident to the preparation of legal instruments or otherwise), except on the basis of advice from a person admitted to the practice of law as an attorney of this state, or such other state, territory, district or possession, or as an attorney or counsellor at law or the equivalent in such other foreign country, who has been consulted by the foreign legal consultant in the particular matter at hand and who has been identified to the client by name; or

(6) in any way represent that such person is licensed as an attorney at law of this state, or as an attorney at law or foreign legal consultant of another state territory or district, or as an attorney or counsellor at law or the equivalent of a foreign country, unless so licensed; or (7) use any title other than 'foreign legal consultant'; provided that such person's authorised title and firm name in the foreign country in which such person is admitted to practise as an attorney or counsellor at law or the equivalent may be used, provided that the title, firm name, and the name of such foreign country are stated together with the title 'foreign legal consultant' and further provided that such use does not create the impression that the foreign legal consultant holds a plenary licence to practise law in this state. This entitles the FLC to practise home country law and international law to



## United States – New Jersey

	the extent this is incorporated in home country law. The practice of third country law and New Jersey State law is permitted provided that the FLC obtains advice from an attorney licensed in the relevant jurisdiction and identifies that person to the client.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)</i>	Under rule 1:21-9, a foreign legal consultant must 'associate and consult with a New Jersey attorney and the associating New Jersey attorney shall assume full responsibility for the conduct of the foreign legal consultant'.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	In order to be eligible to become a foreign legal consultant, a foreign lawyer must: (1) for a period of not less than five of the seven years immediately preceding the date of application have been admitted to practise and be in good standing as an attorney or the equivalent in a foreign country and have engaged either (a) in the practice of law in such country or (b) in a profession or occupation which requires as a prerequisite admission to practise and good standing as an attorney, or the equivalent in such country; and (2) possess the good moral character customarily required for admission to the practice of law in this state.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Foreign lawyers are not covered by the provisions for appearing <i>pro hac vice</i> contained in the Rules Governing the Courts of State of New Jersey (Rule 1.21-2)
<i>Can foreign lawyers requalify as local lawyers?</i>	A foreign lawyer cannot requalify as a New Jersey lawyer but must complete the full state admission requirements in order to be admitted.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	n/a
<i>Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?</i>	No

## United States – New Jersey

<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	Foreign name is permitted.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	n/a
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes – this is explicitly mentioned in the US's schedule of specific commitments on legal services.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes – this is explicitly mentioned in the US's schedule of specific commitments on legal services.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	New Jersey Board of Bar Examiners (February 2014)

## United States – New Mexico

<i>Is there legislation governing the legal sector?</i>	New Mexico Statutes
<i>Under what title do lawyers practise?</i>	Attorney at law
<i>How does an individual lawyer obtain a licence to practise law? How often must this be renewed?</i>	An individual must have a bachelor's degree and a JD, satisfy character and fitness to practise requirements and have passed the Bar exam.
<i>Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits</i>	This only automatically entitles the holder to practise in New Mexico. The right to practise on a temporary basis in another state, or to appear <i>pro hac vice</i> in another state, depends on the explicit permission of that state.
<i>Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?</i>	There are no foreign or large national or international US firms established in New Mexico
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The New Mexico Code of Professional Conduct, which is modelled on the ABA model code. See: <a href="http://public.nmcompcomm.us/nmpublic/gateway.dll/?f=templates&amp;fn=default.htm">public.nmcompcomm.us/nmpublic/gateway.dll/?f=templates&amp;fn=default.htm</a>
<i>Do law firms need to receive a licence</i>	Not from the Court, but they may be subject to other

## United States – New Mexico

*(or permission/approval) to practise law?*

notification requirements depending on the form taken (eg limited liability company) and the local state code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State Supreme Court.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in New Mexico may provide legal services in modes 1–3.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US firms established in New Mexico.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 16-505 on Unauthorised Practice of Law).

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in, fly out basis in New Mexico would need to be fully admitted to the New Mexico Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

## United States – New Mexico

<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	No – there is no FLC licensing regime in New Mexico.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)?</i>	n/a
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	n/a
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	The New Mexico Supreme Court has established a new <i>pro hac vice</i> admission rule for cases filed on or after 20 January 2005. NMRA 24-106. Practice by non-admitted lawyers before state courts. (Includes lawyers admitted in another country). Fee: \$250 <a href="http://www.nmbar.org/Template.cfm?Section=Rule_24-106_NMRA#">www.nmbar.org/Template.cfm?Section=Rule_24-106_NMRA#</a>
<i>Can foreign lawyers requalify as local lawyers?</i>	A foreign lawyer cannot requalify as a New Mexico lawyer, but must complete the full state admission requirements in order to be admitted.
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	n/a
<i>Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a

## United States – New Mexico

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?* n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?* n/a

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* n/a

*Other useful sources or comments or links*

*Verified by* Disciplinary Board of the New Mexico Supreme Court  
(January 2014)

## United States – New York

*Is there legislation governing the legal sector?* New York Consolidated Laws – Judiciary Law sections 53 and 90 and Article 15 (sections 460 through 499); Civil Practice Law and Rules Article 94.

*Under what title do lawyers practise?* Attorney-at-law, or Attorney and Counsellor-at-law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?* See New York Codes, Rules and Regulations, Part 520 (22 NYCRR part 520). An individual seeking admission to practise law has three options: (1) admission upon examination, (2) admission without examination, or (3) admission *pro hac vice*.

Admission upon examination: the individual must take and pass the New York State Bar examination after first completing a qualified course of study in law either (1) at an approved law school within the US or its territories, or in a foreign country that meets specified substantive and durational criteria, or (2) by partial completion of law school study in combination with studying law in a law office within New York State.

Admission without examination: an individual may be eligible for admission without taking the Bar exam when such individual has actually practiced law or served as a judge or similar official for five of the last seven years in another state or territory of the US, or in a foreign country whose jurisprudence is based upon the principles of English common law, and where such individual has received a law degree from an approved law school in the US.

Admission *pro hac vice*: an attorney or the equivalent who is a member in good standing of the Bar of another state, territory, district, or foreign country may be admitted *pro hac vice* (meaning ‘for this one occasion’) in the discretion of any New York court of record to participate in any matter in which the attorney is employed, for the duration of that

## United States – New York

	<p>matter.</p> <p>Every applicant for admission, regardless of method, is also required to establish proof of good moral character and general fitness to practise to the satisfaction of the court through which the applicant has applied for admission. Once admitted to practise, the admission process need not be renewed.</p>
<p><i>Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits</i></p>	<p>This only automatically entitles the holder to practise in New York. The right to practise on a temporary basis in another state, or to appear <i>pro hac vice</i> in another state depends, on the explicit permission of that state.</p>
<p><i>Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?</i></p>	<p>The New York State Judiciary Law uses the term 'unlawful practice of the law' to include (a) any act prohibited by various sections of the penal law (b) any other act forbidden by law to be done by any person not regularly licensed and admitted to practise law in this state, or (c) any act punishable by the supreme court as a criminal contempt of court.</p>
<p><i>Do you need to hold local nationality to be eligible to practise law?</i></p>	<p>No</p>
<p><i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i></p>	<p>A lawyer may practise as a sole practitioner, in a general or limited liability partnership or in a professional corporation. Fee sharing with non-lawyers is prohibited.</p>
<p><i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i></p>	<p>The New York Rules of Professional Conduct, which are modelled on the form of the ABA model code. See: <a href="http://www.nysba.org/Content/NavigationMenu/ForAttorneys/ProfessionalStandardsforAttorneys/Professional_Standards.htm">www.nysba.org/Content/NavigationMenu/ForAttorneys/ProfessionalStandardsforAttorneys/Professional_Standards.htm</a>.</p>
<p><i>Do law firms need to receive a licence (or permission/approval) to practise law?</i></p>	<p>Not from the court, but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code.</p>
<p><i>Which authority issues licences? Are there different authorities for individuals and firms?</i></p>	<p>Registration/licensure is carried out by the New York State Court of Appeal – see: <a href="http://www.nycourts.gov/ctapps/index.htm">www.nycourts.gov/ctapps/index.htm</a>. Attorney registration is biennial.</p>
<p><i>Is the jurisdiction a member of the WTO?</i></p>	<p>The US joined the WTO on 1 January 1995.</p>
<p><i>Has it made any WTO commitments on legal services?</i></p>	<p>The US has scheduled commitments for New York in modes 1 and 3 for the practice of home country law and international law (to the extent this is incorporated in home country law) and third country law and host law, including federal law and that of other US states, provided advice is taken from a suitably qualified person.</p>
<p><i>Is the jurisdiction party to bilateral agreements that offer special</i></p>	<p>The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American</p>



## United States – New York

*treatment to businesses or individuals from particular countries?*

Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are many foreign firms present in this market, including law firms from: the UK, Ireland, Germany, France, Spain, Italy, Australia, China and Canada.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Unless admitted *pro hac vice*, temporary practice by both foreign lawyers and lawyers from other US states is not permitted under New York rule 5.5.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Foreign lawyers would not be able to obtain visas to practise law in New York. It is possible that they may qualify under the US's WTO commitments as 'service salespersons', if they are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

## United States – New York

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes, a foreign lawyer can obtain a licence to become a foreign legal consultant in New York. A person licensed to practise as a legal consultant under this part may render legal services in this state; subject, however, to the limitations that he or she shall not:

(a) appear for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this state (other than upon admission *pro hac vice* pursuant to section 520.11 of this Title); (b) prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America; (c) prepare: (1) any will or trust instrument effecting the disposition on death of any property located in the United States of America and owned by a resident thereof; or (2) any instrument relating to the administration of a decedent's estate in the United States of America;

(d) prepare any instrument in respect of the marital or parental relations, rights or duties of a resident of the United States of America, or the custody or care of the children of such a resident;

(e) render professional legal advice on the law of this state or of the United States of America (whether rendered incident to the preparation of legal instruments or otherwise), except on the basis of advice from a person duly qualified and entitled (other than by virtue of having been licensed under this Part) to render professional legal advice in this state on such law;

(f) in any way hold himself or herself out as a member of the Bar of this state; or (g) carry on his or her practice under, or utilise in connection with such practice, any name, title or designation other than one or more of the following: (i) his or her own name; (ii) the name of the law firm with which he or she is affiliated; (iii) his or her authorised title in the foreign country of his or her admission to practise, which may be used in conjunction with the name of such country; and (iv) the title 'legal consultant', which may be used in conjunction with the words 'admitted to the practice of law in (name of the foreign country of his or her admission to practise)'.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

FLCs must be in good standing with their home Bar and abide by the state code of conduct.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Licensure is subject to meeting the requirements of NYCRR section 521.1, which states:

(a) In its discretion the Appellate Division of the Supreme Court, pursuant to subdivision 6 of section 53 of the Judiciary Law, may license to practise as a legal consultant, without

## United States – New York

examination, an applicant who:

(1) is a member in good standing of a recognised legal profession in a foreign country, the members of which are admitted to practise as attorneys or counsellors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority;

(2) for at least three of the five years immediately preceding his or her application, has been a member in good standing of such legal profession and has actually been engaged in the practice of law in such foreign country or elsewhere substantially involving or relating to the rendering of advice or the provision of legal services concerning the law of such foreign country;

(3) possesses the good moral character and general fitness requisite for a member of the Bar of this state;

(4) is over 26 years of age; and

(5) intends to practise as a legal consultant in this state and to maintain an office in this state for that purpose.

(b) in considering whether to license an applicant to practise as a legal consultant, the Appellate Division may in its discretion take into account whether a member of the Bar of this state would have a reasonable and practical opportunity to establish an office for the giving of legal advice to clients in the applicant's country of admission. Any member of the Bar who is seeking, or has sought to establish, an office in that country may request the court to consider the matter, or the Appellate Division may do so *sua sponte*.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Yes – foreign lawyers may appear on a case by case basis at the discretion of the Court (NYCRR section 520.11 admission *pro hac vice*: (a) general. An attorney and counsellor-at-law or the equivalent, who is a member in good standing of the Bar of another state, territory, district or foreign country may be admitted *pro hac vice*: (1) in the discretion of any court of record, to participate in any matter in which the attorney is employed. See

[www.courts.state.ny.us/ctapps/520rules.htm#11](http://www.courts.state.ny.us/ctapps/520rules.htm#11).

## United States – New York

*Can foreign lawyers requalify as local lawyers?*

Foreign qualified lawyers may sit the New York Bar Examination, if they satisfy the New York State Board of Law Examiners that they meet the legal education requirement for access to the examination both in terms of duration of study and in the substance of law studies (English common law based). If they do not meet these requirements they may cure either deficiency (but not both) by obtaining an LLM at an ABA-accredited university. The Board of Law Examiners has discretion under NYCRR section 520.10 to admit a foreign lawyer to practise in New York without examination if (i) he/she has been admitted to practise as an attorney and counselor-at-law or the equivalent in the highest court in another country whose jurisprudence is based upon the principles of the English common law; and (ii) is currently admitted to the Bar in such other jurisdiction or jurisdictions, that at least one such jurisdiction in which the attorney is so admitted would similarly admit an attorney or counselor-at-law admitted to practise in New York State to its Bar without examination. See:

**[www.courts.state.ny.us/ctapps/520rules10.htm#2](http://www.courts.state.ny.us/ctapps/520rules10.htm#2)**

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

Foreign name is permitted.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No

## United States – New York

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes – this is explicitly mentioned in the US's schedule of specific commitments on legal services.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes – this is explicitly mentioned in the US's schedule of specific commitments on legal services.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes

*Other useful sources or comments or links*

*Verified by*

New York Courts (March 2014)

## United States – North Carolina

*Is there legislation governing the legal sector?*

North Carolina General Statutes Annotated. Chapter 84. Attorneys-At-Law

*Under what title do lawyers practise?*

Attorney at law; lawyer.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must satisfy the Rules Governing Admission to the Practice of Law, as adopted by the North Carolina Supreme Court.

See also, Rule .0105 of The North Carolina State Bar: Approval Of Law Schools.

Every applicant for admission to the North Carolina State Bar must meet the requirements set out in at least one of the numbered paragraphs below:

- (1) The applicant holds an LLB or JD degree from a law school that was approved by the ABA at the time the degree was conferred; or
- (2) Prior to August 1995, the applicant received an LLB., JD, LLM., or SJD degree from a law school that was approved by the council of the North Carolina State Bar at the time the degree was conferred;
- (3) Prior to August 2005, the applicant received an LLM or SJD. degree from a law school that was approved by the ABA at the time the degree was conferred.

An individual must also satisfy character and fitness to practise requirements (See Rule .0600 of the Rules Governing Admission to the Practice of Law adopted by the North Carolina Supreme Court), and have passed the Bar exam. It does not have to be renewed.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only entitles the holder to practise in North Carolina. The right to practise on a temporary basis in another state in the US, or to appear *pro hac vice* in another state, depends on the explicit permission of that state. If federal law allowed a foreign lawyer to practise in a particular court or practice area, federalism would require North Carolina to honour that.

## United States – North Carolina

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Only licensed North Carolina lawyers may engage in the activities described in the following statute:

North Carolina General Statutes Annotated. Chapter 84. Attorneys-At-Law. Article 1. Qualifications Of Attorney; Unauthorised Practice Of Law. Section 84-2.1. 'Practice of law' defined.

The phrase 'practise law' as used in this chapter is defined to be performing any legal service for any other person, firm or corporation, with or without compensation, specifically including the preparation or aiding in the preparation of deeds, mortgages, wills, trust instruments, inventories, accounts or reports of guardians, trustees, administrators or executors, or preparing or aiding in the preparation of any petitions or orders in any probate or court proceeding; abstracting or passing upon titles, the preparation and filing of petitions for use in any court, including administrative tribunals and other judicial or quasi-judicial bodies, or assisting by advice, counsel or otherwise in any legal work; and to advise or give opinion upon the legal rights of any person, firm or corporation: Provided that the above reference to particular acts, which are specifically included within the definition of the phrase 'practice law', shall not be construed to limit the foregoing general definition of the term, but shall be construed to include the foregoing particular acts, as well as all other acts within the general definition.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A North Carolina lawyer may practise as a sole practitioner (self-employed), in a general or limited liability partnership, in a professional limited liability company and in a professional corporation. Ownership in any of these legal forms by a non-lawyer is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The North Carolina Rules of Professional Conduct, which are modelled on the ABA model code. See: [www.ncbar.com/rules/rpcsearch.asp](http://www.ncbar.com/rules/rpcsearch.asp).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

No. However, professional limited liability companies and professional corporations are required, by North Carolina statute to register with the North Carolina State Bar, the regulatory agency for the legal profession in North Carolina.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the North Carolina Board of Law Examiners.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in North Carolina



## United States – North Carolina

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

may provide legal services in modes 1–3.

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are currently 155 International Law Firms registered with the North Carolina State Bar.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see North Carolina Rule of Professional Conduct 5.5, Unauthorised Practice of Law).

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in, fly out basis in North Carolina would need to be fully admitted to the North Carolina Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes, a foreign lawyer can apply for admission as a foreign legal consultant. Legal services are limited to advice about the law of the country where the foreign legal consultant is licensed. See N.C. Gen. Stat. Chapter 84A.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

Yes, a foreign legal consultant must maintain malpractice insurance in an amount specified by the North Carolina Supreme Court; file an oath with the North Carolina Supreme Court; and maintain trust accounts according to North Carolina State Bar rules. See N.C. Gen. Stat. Sect. 84A-5.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Yes, see N.C. Gen. Stat. Sect. 84A-2. Per the requirements of the North Carolina Supreme Court, the lawyer must also have a satisfactory character and fitness review by the North Carolina Board of Law Examiners.

## United States – North Carolina

<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	No
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No
<i>Can foreign lawyers requalify as local lawyers?</i>	See response to the question: ‘how does an individual lawyer obtain a licence to practise law?’
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	If a foreign law firm has an office in North Carolina staffed by at least one North Carolina licensed lawyer, it must register with the North Carolina State Bar as a foreign law firm and must obtain a certificate of authority to transact business in North Carolina from the North Carolina Secretary of State.
<i>Are there different types of foreign law firm ‘licence’ (eg, Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there ‘scope of practice’ rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	n/a
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	n/a
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	n/a
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes, but not to provide legal services to third parties, unless the foreign lawyer has qualified as a foreign legal consultant.
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	North Carolina Board of Law Examiners (February 2014)

## United States – North Dakota

*Is there legislation governing the legal sector?*

North Dakota Statute, Chapter 27 Judicial Branch of Government.

*Under what title do lawyers practise?*

Attorney at law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD from an ABA-approved law school, satisfy character and fitness to practise requirements, and have passed the Bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in North Dakota. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state, depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

*State v Niska*, 380 N.W.2d 646 (N.D. 1986) – what constitutes the practice of law does not lend itself to an inclusive definition.

*Do you need to hold local nationality to be eligible to practise law?*

US citizenship is required for practice before the US Patent and Trademark Office.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The North Dakota Code of Professional Conduct, which is modelled on the ABA model code. See: [www.ndcourts.gov/Rules/Conduct/frameset.htm](http://www.ndcourts.gov/Rules/Conduct/frameset.htm).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the court, but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State Supreme Court.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in North Dakota may provide legal services in modes 1–3.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

## United States – North Dakota

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US firms established in North Dakota.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorised Practice of Law).

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in, fly out basis in North Dakota would need to be fully admitted to the North Dakota Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a licence to become a foreign legal consultant. The relevant rules may be found in the North Dakota Admission to Practise Rules, and Article VI, Section 3, North Dakota Constitution. A person licensed to practise as a foreign legal consultant under this law may render legal services in the state, but shall not be considered admitted to practise law in the state, or in any way hold himself or herself out as a member of the Bar of the state, or do any of the following:

1. Appear as an attorney on behalf of another person in any court or before any magistrate or other judicial officer in the state (except when admitted *pro hac vice* pursuant to Rule 3A of the Admission to Practise Rules);
2. Prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America;
3. Prepare:
  - (a) any will or trust instrument effecting disposition on death of any property located in and owned by a resident of the United States of America; or
  - (b) any instrument relating to the administration of a decedent's estate in the United States of America;
4. Prepare any instrument in respect of the marital or parental relations, rights or duties of a resident of the United States of America or the parental rights and responsibilities or care of the children of the resident;

## United States – North Dakota

5. render professional legal advice on the law of the state or of the United States of America (whether rendered incident to the preparation of legal instruments or otherwise), except on the basis of advice from a person duly qualified and entitled (other than by virtue of having been licensed under this Rule) to render professional legal advice in this state; or

6. carry on a practice under or utilised in connection with such practice in any name, title or designation other than one or more of the following:

- (a) the foreign legal consultant's own name;
- (b) the name of the law firm to which the foreign legal consultant is affiliated;
- (c) the foreign legal consultant's authorised title in the foreign country where they are admitted to practise, which may be used in conjunction with the name of the country;
- (d) the title 'foreign legal consultant', which may be used in conjunction with the words 'admitted to the practice of law in [name of country]'.

In order to offer advisory services in foreign and international law, a foreign legal consultant is not required to, but may enter into a commercial association with local lawyers.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

A foreign lawyer licensed as a foreign legal consultant in this state must maintain a practising office in North Dakota.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

In order to qualify for a limited licence:

1. For at least five years, the person must have been a member in good standing of a recognised legal profession in a foreign country, the members of which are admitted to practise as attorneys or counsellors-at-law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or public authority;
2. For at least five of the seven years immediately preceding application, has been a member in good standing of such legal profession and has been lawfully engaged in such legal profession and has been lawfully engaged in the practice of law in the foreign country or elsewhere substantially involved in or relating to the rendering of advice or the provision of legal services concerning the law of the foreign country;
3. Possess the good moral character and general fitness requisite for a member of a Bar of the State;
4. Intend to practise as a foreign law consultant in the state and maintain an office in the state for that purpose.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Admission to Practice Rule 3. *Pro Hac Vice* Admission and Registration of Non-resident Attorneys.

## United States – North Dakota

	Similar to ABA Model Rule on <i>Pro Hac Vice</i> Admission. Also provides for the registration of in-house counsel.
<i>Can foreign lawyers requalify as local lawyers?</i>	<p>A foreign lawyer can obtain a full licence to practise law in this jurisdiction. The relevant legislation is Article 6, Section 3 of the North Dakota Constitution; Chapter 27-11 of the North Dakota Century Code; North Dakota Admission to Practise Rules; North Dakota Rules of Professional Conduct. This is available online at:</p> <p><b><a href="http://www.ndcourts.gov/rules/admission/frameset.htm">www.ndcourts.gov/rules/admission/frameset.htm</a>;</b>  <b><a href="http://www.legis.nd.gov/constitution">www.legis.nd.gov/constitution</a>;</b>  <b><a href="http://www.legis.nd.gov/cencode/t27c11.pdf">www.legis.nd.gov/cencode/t27c11.pdf</a>.</b></p> <p>In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must be a graduate of an ABA-approved law school. These requirements are the same as those applicable to a local applicant.</p>
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	n/a
<i>Are there different types of foreign law firm 'licence'? (eg, Joint Law Venture, stand-alone foreign licence etc)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	n/a
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	n/a
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes



## United States – North Dakota

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes

*Other useful sources or comments or links*

*Verified by* North Dakota Supreme Court (February 2014)

## United States – Ohio

*Is there legislation governing the legal sector?*

Article IV, Section 2, of the Ohio Constitution; Rule I of the Supreme Court Rules for the Government of the Bar of Ohio. Pursuant to the Ohio Constitution, the Supreme Court of Ohio has exclusive jurisdiction over admission and regulation of the practice of law in Ohio. Gov. Bar R. I governs admission to the practice of law.

*Under what title do lawyers practise?*

Attorney at law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

Gov. Bar R. I sets forth the requirements for admission to the practice of law in Ohio. An applicant must be 21 years of age, have earned a bachelor's degree from an accredited college or university, have earned a JD or LLB from a law school approved by the ABA, satisfy character and fitness to practise requirements, and either (1) have passed the Bar examination and the Multistate Professional Responsibility Examination or (2) been approved by the Supreme Court for admission on motion. Once admitted attorneys must comply with attorney registration and continuing legal education/new lawyers training requirements. Attorneys registered for active status are required to register and pay a registration fee on a biennial basis.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

An attorney admitted to the practice of law in Ohio and registered for active status may engage in the practice of law in Ohio. Attorneys seeking to practise on a temporary basis in another state must comply with that state's requirements for such practice.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Yes. The 'unauthorised practice of law' is defined in Gov. Bar R. VII, Section 2, which also incorporates divisions (A)(1) and (2) and (B)(1) of section 4705.07 of the Ohio Revised Code. Supreme Court decisions related to the unauthorised practice of law from 1995 to the present may be found at: [supremecourt.ohio.gov/Boards/UPL/SupCo\\_opinions.asp](http://supremecourt.ohio.gov/Boards/UPL/SupCo_opinions.asp).

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

## United States – Ohio

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Ohio Code of Professional Conduct, which is modelled on the ABA model code (see: [www.sconet.state.oh.us/LegalResources/Rules/ProfConduct/profConductRules.pdf](http://www.sconet.state.oh.us/LegalResources/Rules/ProfConduct/profConductRules.pdf)).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the court, but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Attorneys are admitted to practise (licensed) by the Supreme Court of Ohio.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

The US has scheduled commitments for Ohio in modes 1 and 3 for the practice of home country law and international law (to the extent this is incorporated in home country law) and third country law and host law, provided advice is taken from a suitably qualified person. An in-state office is required.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are a number of national and international US firms established in Ohio.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorised Practice of Law).

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in, fly out basis in Ohio would need to be fully admitted to the Ohio Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the

## United States – Ohio

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

A foreign lawyer can obtain a licence to become a foreign legal consultant (FLC). See Rule XI of the Supreme Court Rules for the Government of the Bar of Ohio (Effective January 1, 1989), available online at:

**[www.supremecourt.ohio.gov/LegalResources/Rules/govbar/govbar.pdf](http://www.supremecourt.ohio.gov/LegalResources/Rules/govbar/govbar.pdf)**.

The scope of practice permitted to an FLC includes: practice of home country and international law; practice of third country or US/state law, provided the FLC obtains advice from an attorney licensed in that jurisdiction and identifies that person to the client.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

FLCs must be in good standing with their home Bar and abide by the state code of conduct

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Licensure is subject to meeting the requirements of registration: a minimum age of 21 years, has been in good standing or the equivalent in the foreign country of admission for four of the six years immediately preceding application as a FLC, certification of admission to practise and good standing with home country Bar, satisfy character and fitness requirements, has intent to practise as a FLC in Ohio and to maintain an office for such practice, meeting the professional liability insurance requirement and being subject to the Ohio Code of Professional Responsibility and the disciplinary procedural rules applicable in Ohio.

*Are foreign lawyers allowed to appear in court under any circumstances?*

See, Gov. Bar R. XI, Section 5, for scope of practice for a FLC. Also see Gov. Bar R. XII, *pro hac vice* admission.

**[www.supremecourt.ohio.gov/RuleAmendments/Archive.aspx](http://www.supremecourt.ohio.gov/RuleAmendments/Archive.aspx)**.

Effective 1 January 2011, out-of-state attorneys seeking permission to appear *pro hac vice* in an Ohio proceeding must first register with the Supreme Court Office of Attorney Services. *Pro hac vice* registration is also available to attorneys admitted to practise in the courts of a foreign state, who are in good standing. After an out-of-state or foreign attorney completes the registration requirements and receives a Certificate of *Pro Hac Vice* Registration, the attorney must file a Motion for Permission to Appear *Pro Hac Vice* with the tribunal. If the out-of-state or foreign attorney receives permission to appear *pro hac vice* in an Ohio proceeding, the attorney must file a Notice of Permission to Appear *Pro Hac Vice* with the Office of Attorney Services.

## United States – Ohio

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer can obtain a full licence to practise law in this jurisdiction.

The relevant Supreme Court Rule is Gov. Bar R. I. The governing body is the Supreme Court of Ohio. The relevant rules are available at pages 3-26 of the document available online at:

**[www.sconet.state.oh.us/legalresources/rules/govbar/govbar.pdf](http://www.sconet.state.oh.us/legalresources/rules/govbar/govbar.pdf)**. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must be admitted by examination, must have undergraduate and legal education approved by the Supreme Court of Ohio and must meet all requirements of the Bar exam applicants, including receiving final character and fitness approval. If seeking admission without examination, education again must be approved by the Cour, if obtained outside the US, and the applicant must have sat and passed a Bar exam in another state in the US and have practised law full time in another US jurisdiction in which they were licensed for at least five full years out of the past ten at the time the application is submitted.

These requirements are different from the rules applicable to a local applicant in that if either undergraduate or legal education were obtained outside the US, pursuant to the rules for the government of the Bar, the applicant's education must be evaluated and approved by the Court. All other requirements between foreign lawyers and local lawyers seeking a full licence are the same. If an applicant's legal education was not received in the US, the education must be evaluated and approved by the Supreme Court as equivalent to ABA-approved law school education. For equivalency, an applicant must show successful completion of 30 credit hours at an ABA-approved law school, in addition to a foreign law degree showing at least three years of full-time study. The registration application may not be processed until the education is approved by the Supreme Court. At least three additional years of full-time post-secondary education are required.

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

n/a

## United States – Ohio

<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	Foreign name is permitted.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes – this is explicitly mentioned in the US's schedule of specific commitments on legal services.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	Supreme Court of Ohio (February 2014)

## United States – Oklahoma

<i>Is there legislation governing the legal sector?</i>	Yes – the Oklahoma statute requires US citizenship for the practice of law.
<i>Under what title do lawyers practise?</i>	Attorney at law
<i>How does an individual lawyer obtain a licence to practise law? How often must this be renewed?</i>	An individual must have a bachelor's degree and a JD from an ABA-approved law school, satisfy character and fitness to practise requirements and have passed the Bar exam.
<i>Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits</i>	This only automatically entitles the holder to practise in Oklahoma. The right to practise on a temporary basis in another state, or to appear <i>pro hac vice</i> in another state, depends on the explicit permission of that state.
<i>Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?</i>	Oklahoma <i>R.J. Edwards, Inc. v Hert</i> , 504 P.2d 407 (1972) Our decisions definitely spell out the concept of the practice of law: the rendition of services requiring the knowledge and the application of legal principles and technique to serve the interests of another with his consent.

## United States – Oklahoma

*State Bar of Arizona v Arizona Land Title & Trust Co.*, 90 Ariz. 76, 366 P.2d 1 (1961);

*Beach Abstract & Guaranty Co. v Bar Assoc. of Arkansas*, 230 Ark. 494, 326 S.W.2d 910 (1930);

*Arkansas Bar Assoc. v Union Nat. Bank*, 224 Ark. 48, 273 S.W.2d 408 (1954);

*Biakanja v Irving*, 49 Cal.2d 647, 320 P.2d 16, 65 A.L.R.2d 1358 (1958);

*Title Guar. & Trust Co. v Denver Bar Assoc.*, 135 Colo. 423, 312 P.2d 1011 (1937);

*People ex rel. Illinois State Bar Assoc. v People's Stock Yards State Bank*, 344 Ill. 462, 176 N.E. 901 (1931);

*People ex rel. Chicago Bar Assoc. v Tinkoff*, 399 Ill. 282, 77 N.E.2d 693 (1948);

*State ex rel. Boynton v Perkins*, 138 Kan. 899, 28 P.2d 765 (1934);

*Depew v Wichita Assoc. of Credit Men, Inc.*, 142 Kan. 403, 49 P.2d 1041 (1935);

*Frazee v Citizens Fidelity Bank & Trust Co.*, 393 S.W.2d 788 (Ky.1965);

*Fritchette v Taylor*, 191 Minn. 582, 254 N.W. 510, 94 A.L.R. 356;

*Liberty Mut. Ins. Co. v Jones*, 344 Mo. 932, 130 S.W.2d 945 (1919);

*Hulse v Criger*, 363 Mo. 26, 247 S.W.2d 855 (Mo.1952);

*Hoffmeister v Tod*, 349 S.W.2d 5 (Mo.1961);

*State ex rel. Johnson v Childe*, 147 Neb. 527, 23 N.W.2d 720 (1940);

*People v Alfani*, 227 N.Y. 234, 125 N.E. 671 (1919);

*People v Lawyers Title Corp.*, 282 N.Y. 513, 27 N.E.2d 30 (1940);

*Judd v City Trust & Savings Bank*, 133 Ohio St. 81, 12 N.E.2d 288 (1937);

*Oregon State Bar v John H. Miller & Co.*, 235 Ore. 341, 385 P.2d 181 (1965);

*In re Morse*, 98 Vt. 85, 126 A. 550 (1924);

*Washington State Bar Assoc. v Washington Assoc. of Realtors*, 41 Wash.2d 697, 251 P.2d 619 (1953);

*State ex rel. Reynolds v Dinger*, 14 Wis.2d 193, 109 N.W.2d 685.

In view of our own prior statements, and of this long line of like statements elsewhere, it was unnecessary that we should otherwise have defined 'practice of law' to include specific acts as a prerequisite to the exercise of the proper



## United States – Oklahoma

	jurisdiction of the judicial department.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	Yes – the Oklahoma statute requires US citizenship for the practice of law.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Oklahoma Code of Professional Conduct, which is modelled on the ABA model code. See: <b><a href="http://www.oscn.net/applications/oscn/Index.asp?ftdb=STOKRUPR&amp;level=1">www.oscn.net/applications/oscn/Index.asp?ftdb=STOKRUPR&amp;level=1</a></b> .
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	Not from the court, but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the State Supreme Court.
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	Under the WTO commitments of the US, an individual practising ‘as or through’ a lawyer qualified in Oklahoma may provide legal services in modes 1–3.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on M mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	NAFTA lawyers have access to the professional visa programme.
<i>Are there any ‘foreign law’ firms present in this jurisdiction?</i>	There are no foreign or large national or international US firms established in Oklahoma.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?</i>	Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorised Practice of Law).
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	Under the WTO commitments of the US, an individual wishing to practise law on a fly in, fly out basis in Oklahoma would need to be fully admitted to the Oklahoma Bar, or to the Bar of another US state. ‘Service salespersons’ are permitted to enter the US for periods of up to 90 days.

## United States – Oklahoma

‘Service salespersons’ are ‘persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service’. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No – there is no FLC licensing regime in Oklahoma.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

*Are foreign lawyers allowed to appear in court under any circumstances?*

The Oklahoma *pro hac vice* admission rule was amended to require registration and the payment of a \$350 fee.  
Oklahoma Supreme Court Rules Creating and Controlling the Oklahoma Bar, Article II, Section 5. Out-of-State Attorneys. [www.okbar.org/out\\_of\\_state/Rules.htm](http://www.okbar.org/out_of_state/Rules.htm)

*Can foreign lawyers requalify as local lawyers?*

The Oklahoma *pro hac vice* admission rule was amended to require registration and the payment of a \$350 fee.  
Oklahoma Supreme Court Rules Creating and Controlling the Oklahoma Bar, Article II, Section 5. Out-of-State Attorneys. [www.okbar.org/out\\_of\\_state/Rules.htm](http://www.okbar.org/out_of_state/Rules.htm)

*Can a foreign law firm obtain a licence to open an office?*

No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm ‘licence’ (eg, Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there ‘scope of practice’ rules that*

No

## United States – Oklahoma

*apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?*

*Are there restrictions on the corporate form a foreign law firm can take?* n/a

*Are there rules about the name a foreign law firm can take?* n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL* n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?* n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?* n/a

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* n/a

*Other useful sources or comments or links*

## United States – Oregon

*Is there legislation governing the legal sector?* Oregon Revised Statutes, Chapter 9 — Attorneys; Law Libraries

*Under what title do lawyers practise?* Attorney at Law

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?* An individual must have an LLB or JD, satisfy character and fitness to practise requirements, and have passed the Bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits* This only automatically entitles the holder to practise in Oregon. The right to practise in another state depends on the laws and rules of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?* Except as otherwise provided by law, a person may not practice law in this state, or represent that the person is eligible to practise law in this state, unless the person is an active member of the Oregon State Bar. ORS 9.160. In *Oregon State Bar v Security Escrows, Inc.*, 377 P.2d 334 (Or. 1962), the Oregon Supreme Court held:

‘The present statutes contain no definition of the practice of law. From 1919 to 1937 there was a statutory definition. See sections 32-505, Oregon Code 1930, repealed by Oregon Laws 1937, chapter 343.

Even so, we have found no authority for the proposition that legislative silence in this instance is the equivalent of a

## United States – Oregon

legislative definition of the practice of law. We must hold that the legislature has not attempted to define the practice of law, and, accordingly, there is no need to inquire whether it has the power to do so.

Before we may proceed with the case at Bar, however, it is necessary to have before us enough of a definition so that we can decide whether the court below should have issued the injunction. We must mark out at least enough of the boundaries of the practice of law so that we can decide whether or not the activities complained of fall within them, leaving to future cases such other definitional problems as may remain unresolved.

There have been numerous attempts elsewhere to define the practice of law; none has been universally accepted. The Arizona Supreme Court has said that an exhaustive definition is impossible. Perhaps it is. See *State Bar of Arizona v Arizona Land Title & Trust Co.*, 90 Ariz. 76, 366 P.2d 1, 9 (1961), on petition for rehearing, 91 Ariz. 293, 371 P.2d 1020 (1962).

For the purposes of this case, we hold that the practice of law includes the drafting or selection of documents and the giving of advice in regard thereto any time an informed or trained discretion must be exercised in the selection or drafting of a document to meet the needs of the persons being served. The knowledge of the customer's needs obviously cannot be had by one who has no knowledge of the relevant law. One must know what questions to ask. Accordingly, any exercise of an intelligent choice, or an informed discretion in advising another of his legal rights and duties, will bring the activity within the practice of the profession. We reject such artificial or haphazard tests as custom, payment, or the quality of being 'incidental.'

*Do you need to hold local nationality to be eligible to practise law?*

No, not to be eligible for admission to the Oregon State Bar.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited. See RPC 5.4(a).

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Oregon Rules of Professional Conduct, which are modelled on the ABA model rules. See: [www.osbar.org/\\_docs/rulesregs/orpc.pdf](http://www.osbar.org/_docs/rulesregs/orpc.pdf). Also, the Oregon Revised Statutes, Chapter 9. Oregon requires all active members of the state Bar who are engaged in the private practice of law and whose principal offices are in Oregon to carry professional liability insurance through the Oregon State Bar Professional Liability Fund. ORS 9.080(2).

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the court or the Oregon State Bar, but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state

## United States – Oregon

	code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the Oregon Supreme Court.
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	The US has scheduled commitments for Oregon in modes 1, 2 and 3 for the practice of home country law and international law (to the extent this is incorporated in home country law) and third country law and host law, provided advice is taken from a suitably qualified person.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	NAFTA lawyers have access to the professional visa programme.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There are a number of national and international US firms established in Oregon.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?</i>	Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see Oregon RPC 5.5(c)).
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	Under the WTO commitments of the US, an individual wishing to practise law on a fly in, fly out basis in Oregon would need to be fully admitted to the Oregon Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	Yes – a foreign lawyer can obtain a licence to become a foreign law consultant pursuant to ORS 9.242 and Oregon Supreme Court Admission Rule 12.05. The scope of practice permitted to an FLC includes: practice of home country law

## United States – Oregon

and international law to the extent it is incorporated in home country law; the practice of third country law, if the FLC obtains advice from an attorney licensed in that jurisdiction and identifies that person to the client; the practice of US/state law is permitted, if the FLC obtains advice from an attorney licensed in the relevant jurisdiction and identifies that person to the client.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

FLCs must be in good standing with their home Bar and abide by the provisions of ORS Chapter 9 (including the requirement to maintain professional liability insurance), the Oregon Rules of Professional Conduct and the Oregon State Bar Rules of Procedure.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

FLC licensure is subject to meeting requirements of registration, a minimum age of 18 years, an experience requirement (five of the seven years preceding registration must have been spent practising law), and certification of registration and good standing with home country Bar, possession of good moral character and fitness to practise law, intention to practise as a foreign law consultant in Oregon, meeting the professional liability insurance requirement, and agreement to comply with ORS Chapter 9, the Oregon Rules of Professional Conduct and the Oregon State Bar Rules of Procedure.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Unsure.

*Are foreign lawyers allowed to appear in court under any circumstances?*

An FLC may not appear in Oregon courts. However, a foreign lawyer may appear in Oregon courts, if the foreign lawyer is fully licensed in Oregon (see Oregon Supreme Court Admission Rule 12.05 and 15.05) or pursuant to the Attorney Exchange Program (see Oregon Supreme Court Admission Rule 14.05—14.25).

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number*

No



## United States – Oregon

*of branches a foreign firm can have?*

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

Foreign name is permitted.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

A foreign law firm may need to register with the Oregon Secretary of State in order to do business in the state of Oregon. See: [sos.oregon.gov/business/Pages/default.aspx](http://sos.oregon.gov/business/Pages/default.aspx).

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes – this is explicitly mentioned in the US's schedule of specific commitments on legal services.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes – this is explicitly mentioned in the US's schedule of specific commitments on legal services.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes

*Other useful sources or comments or links*

The rules and regulations relating to the practice of law in Oregon may all be found here: [www.osbar.org/rulesregs](http://www.osbar.org/rulesregs).

*Verified by*

General Counsel, Oregon State Bar (December 2013).

## United States – Pennsylvania

*Is there legislation governing the legal sector?*

Pennsylvania Consolidated Statutes, Title 42- Judiciary And Judicial Procedure, Chapter 25 – Representation of Litigants, Subchapter B. Attorneys and Counsellors.

*Under what title do lawyers practise?*

Attorney at law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD, satisfy character and fitness to practise requirements, and have passed the Bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Pennsylvania. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state, depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

The Pennsylvania Consolidated Statute states that 'any person, including, but not limited to, a paralegal or legal assistant, who within this Commonwealth shall practice law, or who shall hold himself out to the public as being entitled to practise law, or use or advertise the title of lawyer, attorney at law, attorney and counsellor at law, counsellor,

## United States – Pennsylvania

	or the equivalent in any language, in such a manner as to convey the impression that he is a practitioner of the law of any jurisdiction, without being an attorney at law or a corporation complying with 15 Pa.C.S. Ch. 29 (relating to professional corporations), commits a misdemeanour of the third degree upon a first violation’.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Pennsylvania Code of Professional Conduct, which is modelled on the ABA model code. See: <a href="http://www.pacode.com/secure/data/204/chapter81/s81.4.html">www.pacode.com/secure/data/204/chapter81/s81.4.html</a> .
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	Not from the court, but they may be subject to other notification requirements depending on the form taken (eg, limited liability company) and the local state code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the State Supreme Court.
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	Under the WTO commitments of the US, an individual practising ‘as or through’ a lawyer qualified in Pennsylvania may provide legal services in modes 1–3.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	NAFTA lawyers have access to the professional visa programme.
<i>Are there any ‘foreign law’ firms present in this jurisdiction?</i>	The only ‘foreign’ firms present in Pennsylvania are DLA Piper and Hogan Lovells, which are established under the US arms of their Swiss verein.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?</i>	Rule 5.5 of the Pennsylvania Rules of Professional Conduct allows lawyers admitted in foreign jurisdictions to practise on a temporary basis in the state. Rule 5.5 states: ‘A lawyer admitted in another United States jurisdiction or in a foreign jurisdiction, and not disbarred or suspended from practice in

## United States – Pennsylvania

	<p>any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:</p> <ul style="list-style-type: none"><li>(1) are undertaken in association with a lawyer who is admitted to practise in this jurisdiction and who actively participates in the matter;</li><li>(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorised by law or order to appear in such proceeding or reasonably expects to be so authorised.</li></ul>
<p><i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i></p>	<p>Under the WTO commitments of the US, an individual could practise law on a fly in, fly out basis in Pennsylvania provided they meet the requirements of the Pennsylvania Bar for temporary practice. In addition 'service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.</p>
<p><i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i></p>	<p>Yes a foreign lawyer can obtain a licence to become a foreign legal consultant. See: Chapter 71. Pennsylvania Bar Admission Rules, Subchapter C. Restricted Practice of Law, Foreign Legal Consultants.</p>
<p><i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)</i></p>	<p>FLCs must be in good standing with their home Bar and abide by the state code of conduct</p>
<p><i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i></p>	<p>Licensure is subject to meeting the requirements of registration, a minimum age and experience requirement and certification of registration and good standing with home country Bar.</p>
<p><i>Are foreign lawyers allowed to appear in court under any circumstances?</i></p>	<p>The Pennsylvania Rules of Court, Rule 301 of the Pennsylvania Bar Admission Rules, effective September 2007, state:</p> <p>'An attorney who is not admitted to the Bar of the Commonwealth of Pennsylvania, but is admitted to the Bar of and authorised to practise law in the highest court of another state or foreign jurisdiction'.</p> <p><a href="http://www.aopc.org/OpPosting/Supreme/out/418spct.1attach.pdf">www.aopc.org/OpPosting/Supreme/out/418spct.1attach.pdf</a></p>

## United States – Pennsylvania

<i>Can foreign lawyers requalify as local lawyers?</i>	Pa.B.A.R., Rule 204, 42 Pa.C.S.A., Pennsylvania Bar Admission Rule 204.  <a href="http://www.pabarexam.org/Admission_Rules/rules_and_regulations/204.htm">www.pabarexam.org/Admission_Rules/rules_and_regulations/204.htm</a> .  The applicant must have completed law study in a foreign law school, have been admitted and in good standing at the Bar of a foreign jurisdiction and have practised in the jurisdiction for five out of the last eight years. The applicant must also complete 30 credit hours taken in specified subjects at an ABA-approved law school.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	n/a
<i>Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	n/a
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	n/a
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	

## United States – Rhode Island

*Is there legislation governing the legal sector?*

No, the Rhode Island Supreme Court has the exclusive jurisdiction to regulate the practice of law. Accordingly, the Supreme Court rules govern the legal sector.

*Under what title do lawyers practise?*

Attorney at law, counsellor, and other similar titles.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must meet the requirements in the Supreme Court Rules. The general requirements are a JD degree from an ABA-accredited law school, satisfying the character and fitness requirements, and having passed the Rhode Island Bar Examination. The Rhode Island Supreme Court Rules allow attorneys licensed in another US jurisdiction to take our Bar examination without a JD degree from an ABA-accredited law school with five years of active, full-time practice of law within the ten years of applying to take the Rhode Island Bar Examination. Once issued, the licence to practise law issued by the Rhode Island Supreme Court remains in effect, unless an attorney resigns from the Rhode Island Bar, or action is taken against the licence – either administratively for failure to register or pay mandatory Bar dues, or because of disciplinary action.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

Whether attorneys licensed to practise law in Rhode Island can practice law in other US jurisdictions depends on the rules of those other jurisdictions.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

General Laws Of Rhode Island, 1956 Title 11. Criminal Offenses Chapter 27. Law Practice. Sections 11-27-2, Practice of law defined.

The term 'practice law' as used in this chapter shall be deemed to mean the doing of any act for another person usually done by attorneys at law in the course of their profession, and, without limiting the generality of the foregoing, shall be deemed to include the following:

- (1) The appearance or acting as the attorney, solicitor, or representative of another person before any court, referee, master, auditor, division, department, commission, board, judicial person, or body authorised or constituted by law to determine any question of law or fact or to exercise any judicial power, or the preparation of pleadings or other legal papers incident to any action or other proceeding of any kind before or to be brought before the court or other body;
- (2) The giving or tendering to another person for a consideration, direct or indirect, of any advice or counsel pertaining to a law question or a court action or judicial proceeding brought or to be brought;
- (3) The undertaking or acting as a representative or on behalf

## United States – Rhode Island

	of another person to commence, settle, compromise, adjust, or dispose of any civil or criminal case or cause of action;
	(4) The preparation or drafting for another person of a will, codicil, corporation organisation, amendment or qualification papers, or any instrument which requires legal knowledge and capacity and is usually prepared by attorneys at law.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	The Rhode Island Supreme Court Rules require that applicants be a United States citizen or legal resident of good character.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practice as a sole practitioner, a general partnership and as a limited liability entity. In order to practise as a limited liability entity (LLC, LLP or PC), attorneys must first obtain a licence from the Rhode Island Supreme Court.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Rhode Island Code of Professional Conduct, which is modelled on the ABA model code. See: <a href="http://www.courts.ri.gov/PublicResources/disciplinaryboard/PDF/Article5.pdf">www.courts.ri.gov/PublicResources/disciplinaryboard/PDF/Article5.pdf</a> .
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	Yes, attorneys must obtain a licence from the Rhode Island Supreme Court, if they practise law as a limited liability entity (LLC, LLP or PC).
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Rhode Island Supreme Court licenses attorneys and limited liability entities.
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in Rhode Island may provide legal services in modes 1–3.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	NAFTA lawyers have access to the professional visa programme.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There are no foreign or large national or international US firms established in Rhode Island.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to</i>	Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US



## United States – Rhode Island

<i>obtain a licence for temporary practise?</i>	states (see Professional Conduct rule 5.5 on Unauthorized Practice of Law).
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	Under the WTO commitments of the US, an individual wishing to practise law on a fly in, fly out basis in Rhode Island would need to be fully admitted to the Rhode Island Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	No – there is no FLC licensing regime in Rhode Island. Attorneys admitted in other US jurisdictions may provide limited legal services.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)</i>	n/a
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	n/a
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	In Rhode Island arbitrators and mediators need not be licensed to practise law. Any person authorised or licensed by the appropriate authority to arbitrate and/or mediate cases can perform those services in Rhode Island.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No. The Rhode Island Supreme Court Rules only provide for <i>pro hac vice</i> admission of attorneys licensed in another US jurisdiction and for out-of-state attorneys to provide limited legal services in Rhode Island.
<i>Can foreign lawyers requalify as local lawyers?</i>	Only by full admission to practise law in Rhode Island. <b><a href="http://www.courts.state.ri.us/supreme/bar/rules.pdf">www.courts.state.ri.us/supreme/bar/rules.pdf</a></b> .
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	n/a
<i>Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of</i>	n/a

## United States – Rhode Island

*licences available?*

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?* No

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?* No

*Are there restrictions on the corporate form a foreign law firm can take?* n/a

*Are there rules about the name a foreign law firm can take?* n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL* n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?* n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?* n/a

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* n/a

*Other useful sources or comments or links*

*Verified by* Clerk to the Rhode Island Supreme Court (January 2014)

## United States – South Carolina

*Is there legislation governing the legal sector?* South Carolina Statutes, Title 40 – Professions And Occupations, Chapter 5 – Attorneys-At-Law.

*Under what title do lawyers practise?* Attorney at law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?* An individual must have an LLB or JD from an ABA-approved law school, satisfy character and fitness to practise requirements, and have passed the Bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits* This only automatically entitles the holder to practise in South Carolina. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state, depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?* *In re Duncan*, 65 S.E. 210 (1909)  
According to the generally understood definition of the practice of law in this country, it embraces the preparation of pleadings, and other papers incident to actions and special proceedings, and the management of such actions and proceedings on behalf of clients before judges and courts,

## United States – South Carolina

	and, in addition, conveyancing, the preparation of legal instruments of all kinds, and, in general, all advice to clients, and all action taken for them in matters connected with the law.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The South Carolina code of professional Conduct, which is modelled on the ABA model code. See: <a href="http://www.sccourts.org/courtReg">www.sccourts.org/courtReg</a> .
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	Not from the court, but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the State Supreme Court.
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in South Carolina may provide legal services in modes 1–3.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	NAFTA lawyers have access to the professional visa programme.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There are no foreign or large national or international US firms established in South Carolina.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?</i>	Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorized Practice of Law).
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	Under the WTO commitments of the US, an individual wishing to practise law on a fly in, fly out basis in South Carolina would need to be fully admitted to the South Carolina Bar, or to the Bar of another US state. 'Service

## United States – South Carolina

salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

The Supreme Court of South Carolina has adopted a foreign legal consultant rule, effective 2 November 2006. Appellate Court Rules. Section IV. Rules Governing the Practice of Law Rule 424, Licensing of Foreign Legal Consultants.

**[www.sccourts.org/courtReg/displayRule.cfm?ruleID=424.0&subRuleID=&ruleType=APP](http://www.sccourts.org/courtReg/displayRule.cfm?ruleID=424.0&subRuleID=&ruleType=APP)**.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

FLCs must be in good standing with their home Bar and abide by the State code of conduct.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Licensure is subject to meeting requirements of registration, a minimum age and experience requirement and certification of registration and good standing with home country Bar.

*Are foreign lawyers allowed to appear in court under any circumstances?*

South Carolina Appellate Court Rules, Rule 404, Admission *Pro Hac Vice*. Requires application and a \$250 fee and applies to arbitration, mediation and other alternative dispute resolution proceedings.

**[www.judicial.state.sc.us/courtReg/newrules/Rule404.htm](http://www.judicial.state.sc.us/courtReg/newrules/Rule404.htm)**

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer cannot requalify as a South Carolina lawyer, but must complete the full state admission requirements in order to be admitted.

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

n/a

## United States – South Carolina

<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	n/a
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	n/a
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	

## United States – South Dakota

<i>Is there legislation governing the legal sector?</i>	South Dakota Statutes, Title 16 – Courts And Judiciary, Chapter 16 – Admission Of Attorneys To Practice.
<i>Under what title do lawyers practise?</i>	Attorney at law.
<i>How does an individual lawyer obtain a licence to practise law? How often must this be renewed?</i>	An individual must have an LLB or JD from an ABA-approved law school, satisfy character and fitness to practise requirements and have passed the Bar exam.
<i>Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits</i>	This only automatically entitles the holder to practise in South Dakota. The right to practise on a temporary basis in another state, or to appear <i>pro hac vice</i> in another state, depends on the explicit permission of that state.
<i>Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?</i>	In 2001, a Bar Association task force proposed a definition of 'practice of law', which has since been withdrawn and is currently being reworked.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-</i>	A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

## United States – South Dakota

*disciplinary partnership, incorporation)*

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The South Dakota Code of Professional Conduct, which is modelled on the ABA model code. See:

**[www.sdbar.org/Rules/Rules/PC\\_Rules.htm](http://www.sdbar.org/Rules/Rules/PC_Rules.htm)**.

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the court, but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State Supreme Court.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in South Dakota may provide legal services in modes 1–3.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US firms established in South Dakota.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorised Practice of Law).

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in, fly out basis in South Dakota would need to be fully admitted to the South Dakota Bar, or to the Bar of another US State. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service' Entry for persons named in this section



## United States – South Dakota

	is limited to a 90 day period.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	No – there is no FLC licensing regime in South Dakota.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)</i>	n/a
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	n/a
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	South Dakota Code, Section 16-18-2. Appearance by non-resident attorneys permitted. <b><a href="http://legis.state.sd.us/statutes/Index.cfm?FuseAction=DisplayStatute&amp;FindType=Statute&amp;txtStatute=16-18-2">legis.state.sd.us/statutes/Index.cfm?FuseAction=DisplayStatute&amp;FindType=Statute&amp;txtStatute=16-18-2</a></b>
<i>Can foreign lawyers requalify as local lawyers?</i>	On 29 September 2003 the Court adopted an Admission by Motion Rule, effective January 1, 2004. SDCL 16-16-12.1 and 2.
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	n/a
<i>Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	n/a
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership</i>	n/a

## United States – South Dakota

*share of foreign lawyers in a law firm?*

*May a domestic lawyer be employed by a foreign lawyer or law firm?* n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?* n/a

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* n/a

*Other useful sources or comments or links*

*Verified by* State Bar of South Dakota (February 2014)

## United States – Tennessee

*Is there legislation governing the legal sector?* Tennessee Code Annotated, Title 23. Attorneys-At-Law.

*Under what title do lawyers practise?* Attorney at Law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?* An individual must have a bachelor's degree and a JD, satisfy character and fitness to practise requirements, and have passed the Bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits* This only automatically entitles the holder to practise in Tennessee. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state, depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?* Tennessee Code Annotated, Title 23. Attorneys-At-Law Chapter 3. Unauthorised Practice And Improper Conduct Part 1--General Provisions Sections: 23-3-101. Definitions. As used in this chapter, unless the context otherwise requires: (1) 'Law business' means the advising or counselling for a valuable consideration of any person, firm, association, or corporation, as to any secular law, or the drawing or the procuring of, or assisting in, the drawing for a valuable consideration of any paper, document or instrument affecting or relating to secular rights, or the doing of any act for a valuable consideration in a representative capacity, obtaining or tending to secure for any person, firm, association or corporation any property or property rights whatsoever, or the soliciting of clients directly or indirectly to provide such services; and (2) 'Practice of law' means the appearance as an advocate in a representative capacity, or the drawing of papers, pleadings or documents, or the performance of any act in such capacity in connection with proceedings pending or prospective before any court, commissioner, referee or any body, board, committee or commission constituted by law, or having authority to settle

## United States – Tennessee

	controversies, or the soliciting of clients directly or indirectly to provide such services.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No.
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Tennessee Code of Professional Conduct, which is modelled on the ABA model code. See: <a href="http://www.tsc.state.tn.us/rules/supreme-court/8">www.tsc.state.tn.us/rules/supreme-court/8</a> .
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	Not from the court, but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the State Supreme Court.
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in Tennessee may provide legal services in modes 1–3.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	NAFTA lawyers have access to the professional visa programme.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There are no foreign or large national or international US firms established in Tennessee.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?</i>	Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorised Practice of Law).
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	Under the WTO commitments of the US, an individual wishing to practise law on a fly in, fly out basis in Tennessee would need to be fully admitted to the Tennessee Bar or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory

## United States – Tennessee

of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No – there is no FLC licensing regime in Tennessee.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

*Are foreign lawyers allowed to appear in court under any circumstances?*

The Tennessee Supreme Court revised its *pro hac vice* rule, but not closely following the ABA model. Amended *pro hac vice* admission rule, effective 1 October 2004.

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer can obtain a full licence to practise law in this jurisdiction. The relevant legislation is Rule 7 of the Tennessee Supreme Court Rules. This is available online at [tsc.state.tn.us/opinions/tsc/rules/tnrulesofcourt/scindex.htm](http://tsc.state.tn.us/opinions/tsc/rules/tnrulesofcourt/scindex.htm).

In order to obtain a full license to practise law in this jurisdiction, foreign lawyers must meet educational requirements of the Tennessee Supreme Court Rule No 7, sections 7.01 and 2.01 and pass the Tennessee Bar examination.

These rules are different from the rules applicable to a local applicant. They differ in that local lawyers must meet the educational requirements of Rule 7, section 2.01 and pass the Tennessee Bar examination. The foreign applicant's total education must be found to be substantially equivalent and the applicant must complete 24 hours at an ABA-approved law school, or 1/3 credits needed at a Tennessee-approved law school.

*Can a foreign law firm obtain a licence to open an office?*

No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

## United States – Tennessee

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)* n/a

*Is there a quota on the number of licences available?* n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?* No

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?* No

*Are there restrictions on the corporate form a foreign law firm can take?* n/a

*Are there rules about the name a foreign law firm can take?* n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL* n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?* n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?* n/a

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* n/a

*Other useful sources or comments or links*

*Verified by* Board of Professional Responsibility, Supreme Court of Tennessee (January 2014)

## United States – Texas

*Is there legislation governing the legal sector?* Texas Statutes And Codes. Government Code. Title 2. Judicial Branch. Subtitle G. Attorneys.

*Under what title do lawyers practise?* Attorney at law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?* An individual must have a bachelor's degree and a JD, satisfy character and fitness to practise requirements, and have passed the Bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits* This only automatically entitles the holder to practise in Texas. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state, depends on the explicit permission of that state.

*Are there certain activities that are* Texas Statutes And Codes. Government Code. Title 2. Judicial

## United States – Texas

*'reserved' to those who are licensed to practise law in the jurisdiction?*

Branch. Subtitle G. Attorneys. Chapter 81. State Bar. Subchapter G. Unauthorised Practice Of Law. Sections 81.101. Definition.

(a) In this chapter the 'practice of law' means the preparation of a pleading or other document incident to an action, or special proceeding, or the management of the action, or proceeding on behalf of a client before a judge in court, as well as service rendered out of court, including the giving of advice or the rendering of any service requiring the use of legal skill or knowledge, such as preparing a will, contract, or other instrument, the legal effect of which under the facts and conclusions involved must be carefully determined.

(b) The definition in this section is not exclusive and does not deprive the judicial branch of the power and authority under both this chapter and the adjudicated cases to determine whether other services and acts not enumerated may constitute the practice of law.

(c) In this chapter, the 'practice of law' does not include the design, creation, publication, distribution, display, or sale, including publication, distribution, display, or sale by means of an internet web site, of written materials, books, forms, computer software, or similar products, if the products clearly and conspicuously state that the products are not a substitute for the advice of an attorney. This subsection does not authorise the use of the products or similar media in violation of Chapter 83, and does not affect the applicability or enforceability of that chapter.

In April 2001, the Texas UPL Task Force recommended changing section 81.101 to the following:

A. The 'practice of law,' as used in this chapter, includes

1. Providing legal representation;
2. Providing legal advice;
3. Preparing or negotiating, in whole or in part, a will, trust, contract, conveyance, pleading, or other instrument to the extent such preparation or negotiation is performed or offered explicitly or implicitly to provide legal advice or legal representation; or
4. Those activities described in section 81.102.B.

B. 'Legal representation' means acting as an advocate in governmental adjudicative proceedings in a court or administrative agency to determine the specific rights or obligations of one or more persons.

C. 'Legal advice' means acting in a professional capacity as a personal advisor to another person as to the specific rights or obligations of one or more persons through the interpretation and application of laws, regulations and other legal standards;



## United States – Texas

D. 'In a professional capacity' means acting i) with the expectation that compensation for such advice will be provided by or on behalf of the person receiving the advice, or that such compensation, although ordinarily expected by the provider, will be waived for charitable or civic reasons, ii) with the express or implied representation that the provider is an attorney or lawyer, or iii) as part of a pattern of recurring conduct in which the provider holds himself or herself out as an advisor having special competence in the interpretation and application of laws, regulations and other legal standards.

E. 'Individual' means a human being.

F. 'Person' means an individual, corporation, organisation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or any legal entity.

G. 'Attorney' or 'lawyer' means an individual who is a member of the state Bar, or who is otherwise licensed and in good standing to practise law in another state of the United States.

H. The definition of the practice of law in this section is not exclusive and does not deprive the judicial branch of the power and authority to determine whether other services and acts not enumerated may constitute the practice of law.

### Section 83.001, Prohibited Acts

(a) A person, other than a person described in Subsection (b), may not charge or receive, either directly or indirectly, any compensation for all or any part of the preparation of a legal instrument affecting title to real property, including a deed, deed of trust, note, mortgage, and transfer or release of lien.

(b) This section does not apply to:

- (1) an attorney licensed in this state;
- (2) a licensed real estate broker or salesman performing the acts of a real estate broker pursuant to The Real Estate License Act (Article 6573a, Vernon's Texas Civil Statutes); or
- (3) a person performing acts relating to a transaction for the lease, sale, or transfer of any mineral or mining interest in real property.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

## United States – Texas

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Texas Code of Professional Conduct, which is modelled on the ABA model code. See:

**[www.supreme.courts.state.tx.us/rules/rules.asp](http://www.supreme.courts.state.tx.us/rules/rules.asp)**

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court, but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State Bar of Texas.

**[www.texasbar.com/am/template.cfm?section=home](http://www.texasbar.com/am/template.cfm?section=home)**

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

The US has scheduled commitments for Texas in modes 1, 2 and 3 for the practice of home country law and international law to the extent it is incorporated in home country law. In-state residency is required.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

The only 'foreign' firms present in Texas are DLA Piper, Dentons, Norton Rose Fulbright and Hogan Lovells, which are established under the US arms of their Swiss vereins.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers may not practise on a temporary basis, but must maintain an office in Texas in order to practise law in the state – Texas Board of Legal Examiners Rule XIV – Foreign Legal Consultants.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Foreign lawyers would not be able to obtain visas to practise law in Texas. It is possible that they may qualify under the US's WTO commitments as 'service salespersons', if they are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

## United States – Texas

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes – A foreign lawyer can obtain a licence to become a foreign legal consultant, see Texas Supreme Court Rules available online at: [www.ble.state.tx.us/one/flc\\_main2.htm](http://www.ble.state.tx.us/one/flc_main2.htm). The scope of practice permitted to Foreign Legal Consultants includes: The practice of home country law; the practice of international law, to the extent it is incorporated in home country law, the practice of third country law and US law are not permitted. The Supreme Court may register anyone who: (a) is a member in good standing of a recognised legal profession in a foreign country, the members of which are admitted to practise as attorneys or counsellors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority; (b) for at least three of the five years immediately preceding his or her application has been a member in good standing of such legal profession, and has actively and substantially been engaged in the lawful practice of law of the said foreign country in that country or elsewhere; (c) possesses the good moral character and general fitness requisite for a member of the Texas Bar; (d) is at least 26 years of age; and (e) intends to practise as a Foreign Legal Consultant in Texas and to maintain an office in Texas for that purpose.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

FLCs must be in good standing with their home Bar and abide by the state code of conduct

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Licensure is subject to meeting the requirements of registration, a minimum age of 26 years, an experience requirement (five of the seven years preceding registration must have been spent practising law), meeting the professional liability insurance requirement, providing a certification of registration and good standing with home country bar, and taking an oath to abide by the State Bar Act, the State Bar Rules, and the Texas Disciplinary Rules of Professional Conduct.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Effective 1 September 2003, section 82.0361 of subchapter B of chapter 82 of the Texas Government Code, was amended to establish a *pro hac vice* fee of \$250 for out-of-state lawyers who petition a Texas court to appear in a specific Texas case. These fees are to be deposited into the Basic Civil Legal Services Fund for low-income Texans.

## United States – Texas

*Can foreign lawyers requalify as local lawyers?*

A graduate of a foreign non-correspondence law school accredited by its jurisdiction can take the exam if he/she holds a valid law licence issued by that jurisdiction provided: he/she has five out of last seven years of lawful practice in the foreign nation or elsewhere and either demonstrates that the law of the foreign nation or elsewhere is comparable to that of Texas, or holds an LLM from an ABA-approved law school (not by correspondence or distance learning); or he/she has three out of last five years of lawful practice in the foreign nation or elsewhere, demonstrates that the law of the foreign nation is comparable to that of Texas, and holds an LLM from an ABA-approved law school (not by correspondence or distance learning). In all events, the applicant must demonstrate that he/she holds the equivalent of a JD.

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

Foreign name is permitted.

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes – this is explicitly mentioned in the US's schedule of specific commitments on legal services.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes – this is explicitly mentioned in the US's schedule of specific commitments on legal services.

## United States – Texas

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes

*Other useful sources or comments or links*

*Verified by* Office of Chief Disciplinary Counsel, State Bar of Texas  
(January 2014)

## United States – Utah

*Is there legislation governing the legal sector?*

Utah statutes, Title 78A – Judiciary and Judicial Administration, Chapter 09 – Attorneys.

*Under what title do lawyers practise?*

Attorney at Law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have an LLB or JD, satisfy character and fitness to practise requirements, and have passed the Bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Utah. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state, depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Rule 14-802. Authorisation to practise law.

(a) Except as set forth in subsection (c) of this rule, only persons who are active, licensed members of the Bar in good standing may engage in the practice of law in Utah.

(b) For purposes of this rule:

(b)(1) The 'practice of law' is the representation of the interests of another person by informing, counselling, advising, assisting, advocating for or drafting documents for that person through application of the law and associated legal principles to that person's facts and circumstances.

(b)(2) The 'law' is the collective body of declarations by governmental authorities that establish a person's rights, duties, constraints and freedoms and consists primarily of:

(b)(2)(A) constitutional provisions, treaties, statutes, ordinances, rules, regulations and similarly enacted declarations; and

(b)(2)(B) decisions, orders and deliberations of adjudicative, legislative and executive bodies of government that have authority to interpret, prescribe and determine a person's rights, duties, constraints and freedoms.

(b)(3) 'Person' includes the plural as well as the singular and legal entities as well as natural persons.

(c) Whether or not it constitutes the practice of law, the following activity by a non-lawyer, who is not otherwise claiming to be a lawyer or to be able to practise law, is

## United States – Utah

permitted:

(c)(1) Making legal forms available to the general public, whether by sale or otherwise, or publishing legal self-help information by print or electronic media.

(c)(2) Providing general legal information, opinions or recommendations about possible legal rights, remedies, defences, procedures, options or strategies, but not specific advice related to another person's facts or circumstances.

(c)(3) Providing clerical assistance to another to complete a form provided by a municipal, state or federal court located in the State of Utah when no fee is charged to do so.

(c)(4) When expressly permitted by the court, after having found it clearly to be in the best interests of the child or ward, assisting one's minor child or ward in a juvenile court proceeding.

(c)(5) Representing a party in small claims court as permitted by Rule of Small Claims Procedure 13.

(c)(6) Representing without compensation a natural person, or representing a legal entity as an employee representative of that entity in an arbitration proceeding, where the amount in controversy does not exceed the jurisdictional limit of the small claims court set by the Utah Legislature.

(c)(7) Representing a party in any mediation proceeding.

(c)(8) Acting as a representative before administrative tribunals or agencies as authorised by tribunal or agency rule or practice.

(c)(9) Serving in a neutral capacity as a mediator, arbitrator or conciliator.

(c)(10) Participating in labour negotiations, arbitrations or conciliations arising under collective bargaining rights or agreements or as otherwise allowed by law.

(c)(11) Lobbying governmental bodies as an agent or representative of others.

(c)(12) Advising or preparing documents for others in the following described circumstances and by the following described persons:

(c)(12)(a) a real estate agent or broker licensed by the state of Utah may complete state-approved forms, including sales and associated contracts directly related to the sale of real estate and personal property for their customers.

(c)(12)(B) an abstractor or title insurance agent licensed by the state of Utah may issue real estate title opinions and title reports and prepare deeds for customers.

(c)(12)(C) financial institutions and securities brokers and dealers licensed by Utah may inform customers with respect to their options for titles of securities, bank accounts,



## United States – Utah

annuities and other investments.

(c)(12)(D) insurance companies and agents licensed by the state of Utah may recommend coverage, inform customers with respect to their options for titling of ownership of insurance and annuity contracts, the naming of beneficiaries, and the adjustment of claims under the company's insurance coverage outside litigation.

(c)(12)(E) healthcare providers may provide clerical assistance to patients in completing and executing durable powers of attorney for healthcare and natural death declarations when no fee is charged to do so.

(c)(12)(F) Certified Public Accountants, enrolled IRS agents, public accountants, public bookkeepers and tax preparers may prepare tax returns.

And

Rule 5.5. Unauthorised Practice of Law; Multijurisdictional Practice of Law.

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practise in this jurisdiction shall not:

(b)(1) except as authorised by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(b)(2) hold out to the public or otherwise represent that the lawyer is admitted to practise law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(c)(1) are undertaken in association with a lawyer who is admitted to practise in this jurisdiction and who actively participates in the matter;

(c)(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorised by law or order to appear in such proceeding or reasonably expects to be so authorised;

(c)(3) are in or reasonably related to a pending or potential arbitration, mediation or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practise and are not services for which the forum requires *pro hac vice* admission; or

## United States – Utah

	<p>(c)(4) are not within paragraphs (c)(2) or (c)(3) and arise out of, or are reasonably related to, the lawyer's practice in a jurisdiction in which the lawyer is admitted to practise.</p> <p>(d) A lawyer admitted in another United States jurisdiction and not disbarred or suspended from practice in any jurisdiction may provide legal services in this jurisdiction that:</p> <p>(d)(1) are provided to the lawyer's employer or its organisational affiliates and are not services for which the forum requires <i>pro hac vice</i> admission; or</p> <p>(d)(2) are services that the lawyer is authorised to provide by federal law, or other laws of this jurisdiction.</p>
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Utah Code of Professional Conduct, which is modelled on the ABA model code. See: <b><a href="http://www.utcourts.gov/resources/rules/ucja/index.htm#Chapter 13">www.utcourts.gov/resources/rules/ucja/index.htm#Chapter 13</a></b> .
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	Not from the court, but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the Bar: <b><a href="http://www.utahbar.org/opc/Welcome.html">www.utahbar.org/opc/Welcome.html</a></b> .
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in Utah may provide legal services in modes 1–3.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	NAFTA lawyers have access to the professional visa programme.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There are a number of US national and international law firms established in Utah.

## United States – Utah

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorised Practice of Law).

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in, fly out basis in Utah would need to be fully admitted to the Utah Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes, if he or she meets the qualifications listed in Rule 14-718:

'(d) Scope of practice. A person licensed to practise as a Foreign Legal Consultant under this rule may render legal services in this state with respect to the law of the foreign county in which such person is admitted to practise law subject, however, to the limitations that she or he shall not violate any provision of the Rule 14-802 and further specifically, shall not:

(d)(1) appear for a person other than herself or himself as attorney in any court, or before any magistrate or other judicial officer, in Utah, other than upon qualified admission *pro hac vice* pursuant to Rule 14-806; or

(d)(2) prepare any instrument effecting the transfer or registration of title to real estate located in the United States; or

(d)(3) prepare any will or trust instrument effecting the disposition on death of any property located in the United States and owned by a resident of the United States, or any instrument relating to the administration of a decedent's estate in the United States; or

(d)(4) prepare any instrument in respect of the marital or parental relations, rights or duties of a resident of the United States, or the custody or care of the children of such a resident; or

(d)(5) render professional legal advice on the law of this state or of the United States – whether rendered incident to the preparation of legal instruments or otherwise, except on the basis of advice from a person duly qualified and entitled to

## United States – Utah

render professional legal advice in this state;

(d)(6) be, or in any way hold herself or himself out as a member of the Bar; or

(d)(7) carry on her or his practice under, or utilise in connection with such practice, any name, title or designation other than the following:

(d)(7)(A) her or his own name;

(d)(7)(B) the name of the law firm or other entity with which she or he is affiliated, in each case only in conjunction with the title 'Foreign Legal Consultant' as set forth below;

(d)(7)(C) her or his authorised title in the foreign county of her or his admission to practise, in each case only in conjunction with the title 'Foreign Legal Consultant' as set forth below; and

(d)(7)(D) the title 'Foreign Legal Consultant', which shall be used in conjunction with the words 'admitted to the practice of law only in [name of the foreign country or her or his admission to practise].'

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

An office must be maintained in the state and annual licensing fees must be paid.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Rule 14-718:

'The burden of proof is on the applicant to establish by clear and convincing evidence that she or he:

(a)(1) is a member in good standing of a recognised legal profession in a foreign country, the members of which are admitted to practise as attorneys or counsellors-at-law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority; and

(a)(2) has paid the prescribed fee and filed a Complete Application as a Foreign Legal Consultant Applicant;

(a)(3) is of the good moral character and satisfies the requirements of Rule 14-708;

(a)(4) intends to practise as a legal consultant in this state and to maintain an office in this state for that purpose; and

(a)(5) has passed the Multistate Professional Responsibility Examination.

(b) Proof required: an Applicant shall file with the Bar's Admissions Office:

(b)(1) a certificate from the professional body or public authority in such foreign county having final jurisdiction over professional discipline, certifying as to the Applicant's admission to practise and the date, and as to her or his good standing as such attorney or counsellor-at-law, or the

## United States – Utah

equivalent;

(b)(2) a duly authenticated English translation of such certificate, if it is not in English; and

(b)(3) such other evidence as to the Applicant's educational and professional qualifications, good moral character and general fitness, and compliance with the requirements of this rule as the Bar may require.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Utah Supreme Court Rules of Professional Practice, Rule 11-302. Admission *Pro Hac Vice*.

**[www.utcourts.gov/resources/rules/ucja/11\\_gen/11-302.htm](http://www.utcourts.gov/resources/rules/ucja/11_gen/11-302.htm)**

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer with a law degree from an English common law jurisdiction may sit the Bar exam after practising law for two years in a common law jurisdiction and completing 24 semester hours at an ABA-approved law school. See Rule 14-703(b).

*Can a foreign law firm obtain a licence to open an office?*

No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

n/a

## United States – Utah

*Can a domestic lawyer enter into partnership with a foreign lawyer?* n/a

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* n/a

*Other useful sources or comments or links*

*Verified by* Utah State Bar (February 2014)

## United States – Vermont

*Is there legislation governing the legal sector?* Vermont Statutes, Title 04 – Judiciary, Chapter 23 – Attorneys

*Under what title do lawyers practise?* Attorney at law

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?* An individual must have an LLB or JD, satisfy character and fitness to practise requirements, and have passed the Bar exam.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Vermont. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state, depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

*In re Welch*, 185 A.2d 458 (1962)

In general, one is deemed to be practising law whenever he furnishes to another advice or service under circumstances which imply the possession and use of legal knowledge and skill. The practice of law includes all advice to clients, and all actions taken for them in matters connected with the law.

Practice of law includes the giving of legal advice and counsel, and the preparation of legal instruments and contracts of which legal rights are secured.

Where the rendering of services for another involves the use of legal knowledge or skill on his behalf – where legal advice is required and is availed of, or rendered in connection with such services – these services necessarily constitute or include the practice of law.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Vermont Code of Professional Conduct, which is modelled on the ABA model code. See: [www.law.cornell.edu/ethics/vt/code/VT\\_CODE.HTM](http://www.law.cornell.edu/ethics/vt/code/VT_CODE.HTM)

*Do law firms need to receive a licence (or permission/approval) to practise*

Not from the court, but they may be subject to other notification requirements depending on the form taken (eg



## United States – Vermont

<i>law?</i>	limited liability company) and the local state code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the State Supreme Court.
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in Vermont may provide legal services in modes 1–3.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	NAFTA lawyers have access to the professional visa programme.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There are no foreign or large national or international US firms established in Vermont.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?</i>	Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorised Practice of Law).
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	Under the WTO commitments of the US, an individual wishing to practise law on a fly in, fly out basis in Vermont would need to be fully admitted to the Vermont Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	No – there is no FLC licensing regime in Vermont.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been</i>	n/a

## United States – Vermont

*granted a limited licence (eg, residency requirement)*

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)* n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

*Are foreign lawyers allowed to appear in court under any circumstances?*

*Can foreign lawyers requalify as local lawyers?*

Foreign law school graduates can be admitted on motion, if admitted in another US jurisdiction. Otherwise, if the applicant has been admitted to practise before the highest court of a foreign country, which is a common law jurisdiction, the board may allow credit for such study as it deems proper, and the applicant must pursue the study of law in Vermont for at least two years immediately preceding examination under the supervision of an attorney who has practiced for at least three years in Vermont.

*Can a foreign law firm obtain a licence to open an office?* No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)* n/a

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)* n/a

*Is there a quota on the number of licences available?* n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?* No

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?* No

*Are there restrictions on the corporate form a foreign law firm can take?* n/a

*Are there rules about the name a foreign law firm can take?* n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL* n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?* n/a

## United States – Vermont

*Can a domestic lawyer enter into partnership with a foreign lawyer?* n/a

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* n/a

*Other useful sources or comments or links*

## United States – Virginia

*Is there legislation governing the legal sector?* Annotated Code Of Virginia Rules Of The Supreme Court Of Virginia.

*Under what title do lawyers practise?* Attorney at law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?* An individual must have a JD from a law school approved by the ABA, satisfy character and fitness to practise requirements, have passed the Bar exam or meet the qualifications for admission on motion, and be an active member of the Virginia State Bar.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits* This entitles the holder to practise in Virginia. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state, depends on the authority granted by that state or federal law, if the lawyer's practice is limited exclusively to an area of federal law.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?* Subject to some limited exceptions, only licensed attorneys may give legal advice to, prepare legal instruments for, or represent a client before a tribunal. Annotated Code Of Virginia Rules of The Supreme Court of Virginia Part Six. Integration of The State Bar Section I. Unauthorised Practice Rules and Considerations Practice Of Law in the Commonwealth Of Virginia.

Part 6, Section 1. Practice of Law in the Commonwealth of Virginia.

(A) No non-lawyer shall engage in the practice of law in the Commonwealth of Virginia, or in any manner hold himself out as authorised or qualified to practise law in the Commonwealth of Virginia, except as may be authorised by rule or statute. (B) Definition of the Practice of Law. The principles underlying a definition of the practice of law have been developed through the years in social needs and have received recognition by the courts. It has been found necessary to protect the relation of attorney and client against abuses. Therefore, it is from the relation of attorney and client that any practice of law must be derived. The relation of attorney and client is direct and personal, and a person, natural or artificial, who undertakes the duties and responsibilities of an attorney is nonetheless practicing law though such person may employ others to whom may be

## United States – Virginia

committed the actual performance of such duties. The gravity of the consequences to society resulting from abuses of this relation demands that those assuming to advise or to represent others shall be properly trained and educated, and be subject to a peculiar discipline. That fact, and the necessity for protection of society in its affairs and in the ordered proceedings of its tribunals, have developed the principles which serve to define the practice of law. Generally, the relation of attorney and client exists, and one is deemed to be practicing law whenever he furnishes to another advice or service under circumstances which imply his possession and use of legal knowledge or skill. Specifically, the relation of attorney and client exists, and one is deemed to be practicing law whenever

(1) One undertakes for compensation, direct or indirect, to advise another, not his regular employer, in any matter involving the application of legal principles to facts or purposes or desires.(2) One, other than as a regular employee acting for his employer, undertakes, with or without compensation, to prepare for another legal instruments of any character, other than notices or contracts incident to the regular course of conducting a licensed business.(3) One

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undertakes, with or without compensation, to represent the interest of another before any tribunal--judicial, administrative, or executive--otherwise than in the presentation of facts, figures, or factual conclusions, as distinguished from legal conclusions, by an employee regularly and bona fide employed on a salary basis, or by one specially employed as an expert in respect to such facts and figures when such representation by such employee or expert does not involve the examination of witnesses or preparation of pleadings.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership, professional limited liability company or a professional corporation. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Virginia Rules of Professional Conduct which is modelled on the ABA model code. [www.vsb.org/pro-guidelines/index.php](http://www.vsb.org/pro-guidelines/index.php)

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (eg, limited liability company) and the local State code. Law firms that are formed as limited liability entities must register biannually

## United States – Virginia

*Which authority issues licences? Are there different authorities for individuals and firms?*

with the Virginia State Bar. Part 6.Sec. IV, Para. 14 of the Rules of the Supreme Court of Virginia. [www.vsb.org/pro-guidelines/index.php/bar-govt/ppc-pllc-llp](http://www.vsb.org/pro-guidelines/index.php/bar-govt/ppc-pllc-llp)

Licences are issued by the Supreme Court of Virginia through the Board of Bar Examiners.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising ‘as or through’ a lawyer qualified in Virginia may provide legal services in modes 1–3.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any ‘foreign law’ firms present in this jurisdiction?*

The only ‘foreign’ firms present in Virginia are DLA Piper and Hogan Lovells, under the US arms of their Swiss vereins.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are permitted to practise temporarily in Virginia. A ‘foreign lawyer’ is defined as ‘a person authorised to practise law by the duly constituted and authorised governmental body of any state or territory of the United States or the District of Columbia, or a foreign nation, but is neither licensed by the Supreme Court of Virginia or authorised under its rules to practise law generally in the Commonwealth of Virginia, nor disbarred or suspended from practice in any jurisdiction’. The Virginia Rules of Professional Conduct 5.5(d) (2) state that ‘A Foreign Lawyer shall not, except as authorised by these Rules or other law: (i) establish an office or other systematic and continuous presence in Virginia for the practice of law, which may occur even if the Foreign Lawyer is not physically present in Virginia; or (ii) hold out to the public or otherwise represent that the Foreign Lawyer is admitted to practise law in Virginia. (3) A Foreign Lawyer shall inform the client and interested third parties in writing: (i) that the lawyer is not admitted to practise law in Virginia; (ii) the jurisdiction(s) in which the lawyer is licensed to practise; and (iii) the lawyer’s office address in the foreign jurisdiction. (4) A foreign lawyer may, after informing the client as required in 3(i)-(iii) above,

## United States – Virginia

provide legal services on a temporary and occasional basis in Virginia that:

- (i) are undertaken in association with a lawyer who is admitted to practise without limitation in Virginia or admitted under Part I of Rule 1A:5 of this Court and who actively participates in the matter;
- (ii) are in or reasonably related to a pending or potential proceeding before a tribunal in Virginia or another jurisdiction, if the Foreign Lawyer, or a person the Foreign Lawyer is assisting, is authorised by law or order to appear in such proceeding or reasonably expects to be so authorised;
- (iii) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in Virginia or another jurisdiction, if the services arise out of or are reasonably related to the Foreign Lawyer's practice in a jurisdiction in which the Foreign Lawyer is admitted to practise and are not services for which the forum requires *pro hac vice* admission; or (iv) are not within paragraphs (4)(ii) or (4)(iii) and arise out of or are reasonably related to the representation of a client by the Foreign Lawyer in a jurisdiction in which the Foreign Lawyer is admitted to practise or, subject to the foregoing limitations, are governed primarily by international law. (5) A foreign legal consultant practicing under Rule 1A:7 of this Court and a corporate counsel registrant practicing under Part II of Rule 1A:5 of this Court are not authorised to practise under this rule.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the US, an individual could practise law on a fly in, fly out basis in Virginia provided they meet the requirements of the Virginia Bar for temporary practise. In addition 'service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Effective 1 January 2009, Virginia Supreme Court adopted a rule that allows a non-US attorney to practise in Virginia as a Foreign Legal Consultant: [www.vsb.org/pro-guidelines/index.php/foreign-legal-consultant](http://www.vsb.org/pro-guidelines/index.php/foreign-legal-consultant).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency*

FLCs must be in good standing with their home Bar and abide by the state code of conduct.



## United States – Virginia

requirement)

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

*Are foreign lawyers allowed to appear in court under any circumstances?*

No. Admission *pro hac vice* is limited to US admitted lawyers. We have a Rule: Virginia Supreme Court . Rule 1A:4. Foreign Attorneys – When Allowed by Comity to Participate in the Trial of a Case.

**[www.vsb.org/pro-guidelines/index.php/pro-hac-vice](http://www.vsb.org/pro-guidelines/index.php/pro-hac-vice)**

*Can foreign lawyers requalify as local lawyers?*

No. Virginia Supreme Court Rule 1A:1.

**[barexam.virginia.gov/motion/motion.html](http://barexam.virginia.gov/motion/motion.html)**

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes

## United States – Virginia

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes

*Other useful sources or comments or links*

*Verified by* Virginia State Bar, Ethics Council (January 2014).

## United States – Washington

*Is there legislation governing the legal sector?*

Washington Court Rules Part I. Rules of General Application. General Rules, and, Admission and Practice Rules. (See, [www.courts.wa.gov/court\\_rules/?fa=court\\_rules.state&group=ga](http://www.courts.wa.gov/court_rules/?fa=court_rules.state&group=ga))

*Under what title do lawyers practise?*

Lawyer; Attorney; Attorney at Law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must satisfy character and fitness to practise requirements, and pass the Bar exam. An individual qualifies for the Bar exam by:

- (i) having a JD from an ABA- approved law school;
- (ii) having a JD from non-ABA approved law school and an LLM 'for the practice of law' from an ABA-approved law school; or
- (iii) completing the APR 6 Law Clerk Programme (apprenticeship)

There is no formal renewal, however, to maintain good standing, a lawyer must, among other things, pay an annual license fee and keep current on mandatory continuing legal education.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Washington. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state, depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Washington Court Rules Part I. Rules Of General Application General Rules, Gr 24

Definition of the Practice of Law

(a) General definition: The practice of law is the application of legal principles and judgment with regard to the circumstances or objectives of another entity or person(s) which require the knowledge and skill of a person trained in the law. This includes but is not limited to:

- (1) Giving advice or counsel to others as to their legal rights or the legal rights or responsibilities of others for fees or other consideration.
- (2) Selection, drafting, or completion of legal documents or agreements which affect the legal rights of an entity or person(s).

## United States – Washington

(3) Representation of another entity or person(s) in a court, or in a formal administrative adjudicative proceeding or other formal dispute resolution process, or in an administrative adjudicative proceeding in which legal pleadings are filed or a record is established as the basis for judicial review.

(4) Negotiation of legal rights or responsibilities on behalf of another entity or person(s).

(b) Exceptions and exclusions: whether or not they constitute the practice of law, the following are permitted:

(1) Practising law authorised by a limited licence to practise pursuant to Admission to Practice Rules 8 (special admission for: a particular purpose or action; indigent representation; educational purposes; emeritus membership; house counsel), 9 (legal interns), 12 (limited practice for closing officers), or 14 (limited practice for foreign law consultants).

(2) Serving as a court house facilitator pursuant to court rule.

(3) Acting as a lay representative authorised by administrative agencies or tribunals.

(4) Serving in a neutral capacity as a mediator, arbitrator, conciliator or facilitator.

(5) Participation in labour negotiations, arbitrations or conciliations arising under collective bargaining rights or agreements.

(6) Providing assistance to another to complete a form provided by a court for protection under RCW chapters 10.14 (harassment) or 26.50 (domestic violence prevention) when no fee is charged to do so.

(7) Acting as a legislative lobbyist.

(8) Sale of legal forms in any format.

(9) Activities which are pre-empted by federal law.

(10) Such other activities that the Supreme Court has determined by published opinion do not constitute the unlicensed or unauthorised practise of law, or that have been permitted under a regulatory system established by the Supreme Court.

(c) Non-lawyer assistants: Nothing in this rule shall affect the ability of non-lawyer assistants to act under the supervision of a lawyer in compliance with Rule 5.3 of the Rules of Professional Conduct.

(d) General information: Nothing in this rule shall affect the ability of a person or entity to provide information of a general nature about the law and legal procedures to members of the public.

(e) Governmental agencies: Nothing in this rule shall affect the ability of a governmental agency to carry out

## United States – Washington

	responsibilities provided by law.
	(f) Professional Standards: Nothing in this rule shall be taken to define or affect standards for civil liability or professional responsibility.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, or as a partner, shareholders of a professional corporation, or member of a professional limited liability company or partnership, or an employee of any of those entities or as in-house counsel (Washington RPC 7.5, Additional Washington Comment 3). Fee sharing with non-lawyers is prohibited.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Washington state Rules of Professional Conduct (RPC), modelled on the ABA model code. See: <a href="http://www.courts.wa.gov/court_rules/?fa=court_rules.list&amp;group=ga&amp;set=RPC">www.courts.wa.gov/court_rules/?fa=court_rules.list&amp;group=ga&amp;set=RPC</a> ; Rules for the Enforcement of Lawyer Conduct (ELC) (see: <a href="http://www.courts.wa.gov/court_rules/?fa=court_rules.list&amp;group=ga&amp;set=ELC">www.courts.wa.gov/court_rules/?fa=court_rules.list&amp;group=ga&amp;set=ELC</a> ); and the Admission and Practice Rules (APR) (see: <a href="http://www.courts.wa.gov/court_rules/?fa=court_rules.list&amp;group=ga&amp;set=APR">www.courts.wa.gov/court_rules/?fa=court_rules.list&amp;group=ga&amp;set=APR</a> ).
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	Not from the court (Washington licenses individuals only, not law firms) but they may be subject to other notification requirements depending on the form taken (eg limited liability company) and the local state code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the Washington Supreme Court through the Washington State Bar Association (WSBA), see: <a href="http://www.wsba.org/Licensing-and-Lawyer-Conduct">www.wsba.org/Licensing-and-Lawyer-Conduct</a> .
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	The US has scheduled commitments for Washington in modes 1, 2 and 3 for the practice of home country law and international law to the extent it is incorporated in home country law.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a</i>	NAFTA lawyers have access to the professional visa

## United States – Washington

*result of any such agreements?*

programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

The only 'foreign' firm present in Washington State is DLA Piper, which is established under the US arm of its Swiss *verein*. Note: The Washington Supreme Court and the WSBA do not license law firms or track the status of law firms as to whether they are foreign or US. Washington does license foreign law consultants who are permitted to advise only regarding the law of the foreign country in which they are licensed.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are not permitted to provide fly in fly out services, this is only permitted to lawyers from other US states (see RPC 5.5 on Multijurisdictional Practice)

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in, fly- out basis in Washington would need to be fully admitted to the Washington Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes – a foreign lawyer can obtain a licence to become a foreign law consultant (see [www.courts.wa.gov/court\\_rules/?fa=court\\_rules.display&group=ga&set=APR&ruleid=gaapr14](http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=APR&ruleid=gaapr14)). The scope of practice permitted to Foreign Law Consultants is: Practice of home country law and international law to the extent that it is incorporated in home country law. The practice of third country law and US/state law is not permitted.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

FLCs must be in good standing with their home Bar, abide by the state code of conduct and comply with annual licensing requirements in APR 14.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

Licensure is subject to meeting the requirements of registration, an experience requirement (five of the seven years preceding registration must have been spent practising law), providing certification of registration and good standing with home country bar, and agreeing to be bound by the discipline rules for lawyers and the Rules of Professional Conduct.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes, see General Rule 24, Definition of the Practice of Law.

## United States – Washington

<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No.
<i>Can foreign lawyers requalify as local lawyers?</i>	Foreign lawyers must satisfy character and fitness requirements and pass the Bar exam. Foreign lawyers from English common law jurisdictions qualify for the Bar exam, if they have active legal experience for at least three of the last five years prior to the application. All foreign lawyers qualify for the Bar exam, if they earn an LLM degree for the practice of law from an ABA-approved law school.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	n/a
<i>Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	n/a
<i>Are there rules about the name a foreign law firm can take?</i>	Foreign name is permitted.
<i>Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	no
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes; but the employing foreign lawyer or law firm may not engage in the practice of law in Washington unless the employing foreign lawyer is also licensed to practise in Washington.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes; see answer above
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes; see answer above
<i>Other useful sources or comments or links</i>	



## United States – Washington

*Verified by*

Washington State Bar Association, Regulatory Services  
(December 2013)

## United States – West Virginia

*Is there legislation governing the legal sector?*

Annotated Code Of West Virginia, Chapter 51. Courts and their Officers.

*Under what title do lawyers practise?*

Attorney at Law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must be at least 18 years old; have an AB, BS, or its equivalent; have an LLB or JD from an approved law school; satisfy character and fitness to practise requirements; have passed the Multistate Professional Responsibility Examination; and either have passed the Bar exam or qualified for admission without examination.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in West Virginia. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state, depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Annotated Code Of West Virginia, Chapter 51. Courts and their Officers, Article 1. Supreme Court of Appeals  
WV ST section 51-1-4a

Section 51-1-4a Rules governing practice of law; creation of West Virginia State Bar; providing its powers and fees for administration.

The supreme court of appeals of West Virginia shall, from time to time, prescribe, adopt, promulgate, and amend rules:

(a) Defining the practice of law.

*Brammer v Taylor*, 338 S.E.2d 207 (W.Va. 1985)

This Court has promulgated a definition of the practice of law, pursuant to our 'power to promulgate rules ... for all of the courts of the State relating to ... practice ...,' ' W.Va. Const. art. VIII, section 3, and pursuant to the express provision of W.Va.Code, 51-1-4a(a) [1945] to promulgate rules defining the practice of law. This definition, [FN7] emphasising the need for protection of the public from legal advice and representation from and by persons who are 'unqualified and undisciplined' is to be read in *pari materia* with W.Va.Code, 30-2-4 [1931] and W.Va.Code, 30-2-5 [1972], which impose misdemeanor criminal penalties for the unauthorised practice of law by a natural person or by a corporation or association.

FN7. Adopted in 1947 and last amended in 1961, our 'Definition of the Practice of Law' is as follows (after a preamble reciting the importance of licensing and regulation

## United States – West Virginia

of persons performing legal services):

‘In general, one is deemed to be practicing law whenever he or it furnishes to another advice or service under circumstances which imply the possession of [or] use of legal knowledge and skill. More specifically but without purporting to formulate a precise and completely comprehensive definition of the practice of law or to prescribe limits to the scope of that activity, one is deemed to be practicing law whenever (1) one undertakes, with or without compensation and whether or not in connection with another activity, to advise another in any matter involving the application of legal principles to facts, purposes or desires; (2) one undertakes, with or without compensation and whether or not in connection with another activity, to prepare for another legal instrument of any character; or (3) one undertakes, with or without compensation and whether or not in connection with another activity, to represent the interest of another before any judicial tribunal or officer, or to represent the interest of another before any executive or administrative tribunal, agency or officer otherwise than in the presentation of facts, figures or factual conclusions as distinguished from legal conclusions in respect to such facts and figures ‘.

Vol. 1A, W.Va.Code, at 267-68 (1982 Repl.Vol.).

WV ST Section 30-2-4 – Practise without license or oath; penalty; qualification after institution of suits.

It shall be unlawful for any natural person to practise or appear as an attorney-at-law for another in a court of record in this state, or to make it a business to solicit employment for an attorney, or to furnish an attorney or counsel to render legal services, or to hold himself out to the public as being entitled to practise law, or in any other manner to assume, use, or advertise the title of lawyer, or attorney and counsellor-at-law, or counsellor, or attorney and counsellor, or equivalent terms in any language, in such manner as to convey the impression that he is a legal practitioner of law, or in any manner to advertise that he, either alone or together with other persons, has, owns, conducts or maintains a law office, without first having been duly and regularly licensed and admitted to practise law in a court of record of this state, and without having subscribed and taken the oath required by the next preceding section [section 30-2-3]. Any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars; but this penalty shall not be incurred by any attorney who institutes suits in the circuit courts after obtaining a licence, if he shall qualify at the first term thereafter of a circuit court of any

## United States – West Virginia

county of the circuit in which he resides.

WV ST section 30-2-5 – Practice by corporations or voluntary associations; penalties; limitations of section.

Except as provided by section 5a [section 30-2-5a] of this article, it shall be unlawful for any corporation or voluntary association to practise or appear as an attorney-at-law for any person in any court of this state or before any judicial body, or to hold itself out to the public as being entitled to practise law, or to render or furnish legal services or advice, or to furnish an attorney or counsel to render legal services of any kind in actions or proceedings of any nature, or in any other manner to assume to be entitled to practise law, or assume, use or advertise the title of lawyer in such manner as to convey the impression that it is entitled to practise law or to furnish legal advice, services or counsel, or to advertise that, either alone or together with or by or through any person, whether a duly and regularly admitted attorney-at-law or not, it has, owns, conducts or maintains a law office for the practice of law, or for furnishing legal advice, services or counsel. It shall be unlawful further for any corporation or voluntary association to solicit, itself or by or through its officers, agents or employees, any claim or demand for the purpose of bringing an action thereon, or of settling the estate of any insolvent debtor, or of representing as attorney-at-law, or of furnishing legal advice, services or counsel to, a person sued or about to be sued in any action or proceeding, or against whom an action or proceeding has been or is about to be brought, or who may be affected by any action or proceeding which has or may be instituted in any court or before any judicial body, or for the purpose of so representing any person in the pursuit of any civil or criminal remedy. Any corporation or voluntary association violating the provisions of this section, or any officer, trustee, director, agent or employee of such corporation or voluntary association who directly or indirectly engages in any of the acts herein prohibited, or assists such corporation or voluntary association to do such prohibited acts, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars. The fact that any such officer, trustee, director, agent or employee shall be a duly and regularly admitted attorney-at-law shall not be held to permit or allow any such corporation or voluntary association to do the acts prohibited herein, nor shall such fact be a defence upon the trial of any of the persons mentioned herein for a violation of the provisions of this section.

This section shall not apply to a partnership composed of licensed attorneys, or to a corporation or voluntary association lawfully engaged in examining and insuring the

## United States – West Virginia

titles to real property, nor shall it prohibit a corporation or voluntary association from employing an attorney or attorneys in and about its own immediate affairs, or in any litigation to which it is or may be a party, nor shall it apply to organisations organised for benevolent or charitable purposes, or for the purpose of assisting persons without means in the pursuit of any civil remedy.

*Do you need to hold local nationality to be eligible to practise law?*

No. There is no requirement of US citizenship for licensure in West Virginia, but additional requirements apply to those who receive their legal education in a foreign country.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general partnership or as a member of a law firm that is organised as a limited liability company or registered limited liability partnership (collectively, 'limited liability organisations') solely to render professional legal services under the laws of West Virginia, including, but not limited to, the Uniform Limited Liability Act, W. Va. Code ss 31B-1-101, et seq., and the Uniform Partnership Act, W. Va. Code ss 47B-1-1, et seq., and may practice in or as such a limited liability organisation, provided that such lawyer is otherwise licensed to practise in West Virginia and such law firm is registered pursuant to rules promulgated by The West Virginia State Bar. A law firm organised as a limited liability organisation under the laws of any other state or jurisdiction of the US solely for the purpose of rendering professional legal services and authorised to do business in West Virginia, and which has at least one lawyer licensed to practise law in West Virginia, may register in West Virginia as a limited liability organisation under this rule by registering pursuant to rules promulgated by The West Virginia State Bar. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The West Virginia Code of Professional Conduct, which is modelled on the ABA model code. See: [www.wvdc.org/ropc.htm](http://www.wvdc.org/ropc.htm)

*Do law firms need to receive a licence (or permission/approval) to practise law?*

Not from the court, but depending on its form, they will need to comply with obligations under the Uniform Limited Liability Act, W. Va. Code section 31B-1-101, et seq., and the Uniform Partnership Act, W. Va. Code section 47B-1-1.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences to practise law are issued by the State Supreme Court.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in West Virginia may provide legal services in modes 1–3.

*Is the jurisdiction party to bilateral*

The US has bilateral agreements with: the Dominican

## United States – West Virginia

*agreements that offer special treatment to businesses or individuals from particular countries?*

Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are a couple of US national firms established in West Virginia.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Temporary practice by both foreign lawyers and lawyers from other US states is not permitted under West Virginia Rule 5.5.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Foreign lawyers would not be able to obtain visas to practise law in West Virginia. It is possible that they may qualify under the US's WTO commitments as 'service salespersons', if they are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No – there is no FLC licensing regime in West Virginia.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

*Are foreign lawyers allowed to appear in court under any circumstances?*

West Virginia Rules for Admission to the Practice of Law, Rule 8.0. Admission *pro hac vice*.

[www.state.wv.us/wvsca/rules/rule8.htm](http://www.state.wv.us/wvsca/rules/rule8.htm)

- (a) *General rule.* Whenever it shall appear that a person, who has not been lawfully licensed and admitted to the practice of the law in the State of West Virginia,

## United States – West Virginia

has been duly licensed to be admitted to practise before a court of record of general jurisdiction in any other state or country or in the District of Columbia, and is in good standing as a member of the Bar of such jurisdiction, he or she may appear in a particular action, suit, proceeding or other matter in any court of this state or before any judge, tribunal or body of this state upon full compliance with the requirements of this rule, if like courtesy or privilege is extended to members of the West Virginia State Bar in such other jurisdiction.

NB. Reciprocity and involvement of local counsel are required.

*Can foreign lawyers requalify as local lawyers?*

Rule 3.0(b)(4), West Virginia Supreme Court of Appeals Rules for Admission to the Practice of Law in West Virginia  
**[www.state.wv.us/wvsca/Bd%20of%20Law/lawprac.htm](http://www.state.wv.us/wvsca/Bd%20of%20Law/lawprac.htm)**

The applicant may sit for examination, if they are a law school graduate from a foreign country where the common law of England forms the basis of jurisprudence, if the educational requirements for admission in said country are substantially the same as in West Virginia and the applicant is admitted in good standing there, and if the applicant successfully completes 30 credit hours of basic courses at an ABA-approved law school.

*Can a foreign law firm obtain a licence to open an office?*

No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

n/a



## United States – West Virginia

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

n/a

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

n/a

*Other useful sources or comments or links*

*Verified by*

West Virginia Board of Law Examiners (February 2014)

## United States – Wisconsin

*Is there legislation governing the legal sector?*

Wisconsin Statutes, Chapter 751. Supreme Court, 751.12 Rules of Pleading and Practice.

*Under what title do lawyers practise?*

Attorney at Law.

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?*

An individual must have an LLB or JD, satisfy character and fitness to practise requirements, and have passed the Bar exam. Admission requirements are found in Wisconsin Supreme Court Rules, Chapter 40.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

This only entitles the holder to practise in Wisconsin. The right to practise on a temporary basis in another state, or to appear *pro hac vice* in another state, depends on the explicit permission of that state.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Wisconsin Supreme Court Rules, Chapter 23, define the practice of law and activities reserved to those licences in Wisconsin.

Wisconsin Statutes Annotated Courts Chapter 757. General Provisions Concerning Courts of Record, Judges, Attorneys and Clerks

WI ST 757.30 Penalty for practicing without licence

(2) Every person who appears as agent, representative or attorney, for or on behalf of any other person, or any firm, partnership, association or corporation in any action or proceeding in or before any court of record, court commissioner, or judicial tribunal of the United States, or of any state, or who otherwise, in or out of court, for compensation or pecuniary reward gives professional legal advice not incidental to his or her usual or ordinary business,

## United States – Wisconsin

	or renders any legal service for any other person, or any firm, partnership, association or corporation, shall be deemed to be practising law within the meaning of this section.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Wisconsin Code of Professional Conduct, which is modelled on the ABA model code. See: <a href="http://legis.wisconsin.gov/rsb/scr/5200.pdf">legis.wisconsin.gov/rsb/scr/5200.pdf</a> , or <a href="http://www.wicourts.gov/supreme/sc_rules">www.wicourts.gov/supreme/sc_rules</a> .
<i>Do law firms need to receive a licence (or permission/approval) to practise law?</i>	Under SCR 20.5.5 of the Professional Code of Conduct: 'A lawyer or law firm that is organised as a limited liability organisation shall file an annual registration with the state Bar of Wisconsin in a form and with a filing fee that shall be determined by the state Bar. The annual registration shall be signed by a lawyer who is licensed to practise law in this state and who holds an ownership interest in the organisation seeking to register under this rule.'
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the State Supreme Court: <a href="http://www.wicourts.gov/services/public/lawyerreg/file.htm">www.wicourts.gov/services/public/lawyerreg/file.htm</a>
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in West Virginia may provide legal services in modes 1–3.
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	NAFTA lawyers have access to the professional visa programme.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	No, but there are around seven firms which have a presence in other US states and one (Foley and Lardner) with an international presence.
<i>Are there any explicit rules or restrictions other than visas on fly-in,</i>	Wisconsin Supreme Court Rules, Rule 20:5.5 generally restricts practice, but provides authorisation in limited

## United States – Wisconsin

<i>fly-out practice of law? Do you need to obtain a licence for temporary practise?</i>	circumstances. See also Wisconsin Supreme Court Rule 10.03(4)(f).
<i>Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?</i>	Foreign lawyers would not be able to obtain visas to practise law in Wisconsin. It is possible that they may qualify under the US's WTO commitments as 'service salespersons', if they are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90-day period.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	No – there is no FLC licensing regime in Wisconsin
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)</i>	n/a
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	n/a
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	SCR 10.03(4)(a)-(e). On 30 July 2008, the court entered an order amending the <i>pro hac vice</i> rule. Amended rule similar to ABA Model Rule. US\$50 fee required. Administrative proceedings would be covered. No language on limitation of appearances
<i>Can foreign lawyers requalify as local lawyers?</i>	SCR 40.05 Legal competence requirement; proof of practice elsewhere. Admission requires proof of admission to practise in a US jurisdiction, and proof of substantial practice in a US jurisdiction for three of the last five years.
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	n/a
<i>Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of</i>	n/a

## United States – Wisconsin

*licences available?*

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?* n/a

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?* n/a

*Are there restrictions on the corporate form a foreign law firm can take?* n/a

*Are there rules about the name a foreign law firm can take?* n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL* n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?* n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?* n/a

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* n/a

*Other useful sources or comments or links*

*Verified by* Office of Lawyer Regulation, Wisconsin Supreme Court (December 2013)

## United States – Wyoming

*Is there legislation governing the legal sector?* Wyoming Statute, Title 33 – Professions And Occupations, Chapter 5 – Attorneys at law

*Under what title do lawyers practise?* Lawyer, Attorney, Attorney at Law

*How does an individual lawyer obtain a licence to practise law? How often must this be renewed?* Only active members of the Wyoming State Bar are authorised to practise law in the state. Admission to the Bar is gained by compliance with Wyoming Supreme Court's rules for admission to the practice of law (see [www.courts.state.wy.us/CourtRules\\_Entities.aspx?RulesPage=PracticeOfLawAdmission.xml](http://www.courts.state.wy.us/CourtRules_Entities.aspx?RulesPage=PracticeOfLawAdmission.xml)). Once admitted by the Wyoming Supreme Court, lawyers must pay an annual licence fee and comply with Continuing Legal Education requirements in order to maintain their licences.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the* No

# United States – Wyoming

## *jurisdictional limits*

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Rules of the Supreme Court of Wyoming Providing for the Organization and Government of the Bar Association and Attorneys at Law of the State of Wyoming (see: [www.courts.state.wy.us/CourtRules\\_Entities.aspx?RulesPage=OrganizationAndGovernmentOfWyoBarAssociation.xml](http://www.courts.state.wy.us/CourtRules_Entities.aspx?RulesPage=OrganizationAndGovernmentOfWyoBarAssociation.xml))

Rule 11 defines the practice of law as 'providing any legal service for any other person, firm or corporation, with or without compensation, or providing professional legal advice or services where there is a client relationship of trust or reliance, including appearing as an advocate in a representative capacity; drafting pleadings or other documents; or performing any act in such capacity in connection with a prospective or pending proceeding before any court.' Only active members of the Wyoming State Bar may practice law in this state.

Rule 11.1 prohibits the unauthorised practice of law by non-lawyers and provides limited exceptions to that prohibition.

*Do you need to hold local nationality to be eligible to practise law?*

Wyoming Statute section 33-5-105 states: 'No one shall be admitted to the Bar of this state who shall not be an adult citizen of the United States and a person of good moral character.'

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, general partnership, limited liability company or professional corporation. Business association including fee sharing with non-lawyers is not permitted.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

In addition to paying annual licence fees and fulfilling annual requirements for Continuing Legal Education, Wyoming lawyers must comply with the Wyoming Rules of Professional Conduct, which are similar but not identical to the ABA model rules (see:

[courts.state.wy.us/CourtRules\\_Entities.aspx?RulesPage=AttorneysConduct.xml](http://courts.state.wy.us/CourtRules_Entities.aspx?RulesPage=AttorneysConduct.xml))

*Do law firms need to receive a licence (or permission/approval) to practise law?*

No, but the individual lawyers in the firm must be active members of the Wyoming State Bar.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Membership in the Wyoming State Bar can only be granted by order of the Wyoming Supreme Court.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the US, an individual practising 'as or through' a lawyer qualified in Wyoming may provide legal services in modes 1–3.

*Is the jurisdiction party to bilateral agreements that offer special*

The US has bilateral agreements with: the Dominican

## United States – Wyoming

*treatment to businesses or individuals from particular countries?*

Republic – Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on mutual recognition agreements amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa programme.

*Are there any 'foreign law' firms present in this jurisdiction?*

No

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

Foreign lawyers are not permitted to engage in the active, authorised practice of law in Wyoming.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practise?*

Under the WTO commitments of the US, an individual wishing to practise law on a fly in, fly out basis in Wyoming would need to be fully admitted to the Wyoming Bar, or to the Bar of another US state. 'Service salespersons' are permitted to enter the US for periods of up to 90 days. 'Service salespersons' are 'persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service'. Entry for persons named in this section is limited to a 90 day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No – there is no FLC licensing regime in Wyoming

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

n/a

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

*Are foreign lawyers permitted to undertake arbitration and mediation?*

*Are foreign lawyers allowed to appear in court under any circumstances?*

An out-of-state lawyer may qualify for limited admission in a particular litigation matter, if he or she is a member of the Bar of another state, district or territory of the United States and complies with the requirements of Rule 11(c) of the Rules of the Supreme Court of Wyoming Providing for the



## United States – Wyoming

Organization and Government of the Bar Association and Attorneys at Law of the State of Wyoming (see [www.courts.state.wy.us/CourtRules\\_Entities.aspx?RulesPage=OrganizationAndGovernmentOfWyoBarAssociation.xml](http://www.courts.state.wy.us/CourtRules_Entities.aspx?RulesPage=OrganizationAndGovernmentOfWyoBarAssociation.xml))

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer cannot qualify for admission to the Wyoming State Bar unless he or she is a US citizen (see [www.courts.state.wy.us/CourtRules\\_Entities.aspx?RulesPage=PracticeOfLawAdmission.xml](http://www.courts.state.wy.us/CourtRules_Entities.aspx?RulesPage=PracticeOfLawAdmission.xml)).

*Can a foreign law firm obtain a licence to open an office?*

No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

n/a

*Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)*

n/a

*Is there a quota on the number of licences available?*

n/a

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

n/a

*Are there rules about the name a foreign law firm can take?*

n/a

*Which entity grants a licence to a foreign law firm? If that entity is on the internet, please provide the URL*

n/a

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

n/a

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

n/a

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

n/a

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

n/a

*Other useful sources or comments or links*

*Verified by*

Wyoming Office of Bar Counsel (December 2013)

# Uzbekistan

*Is there legislation governing the legal sector?*

The Law 'On Advocacy' of 27 December 1996, the Law 'On Guarantees for Protecting Legal Practice and Social Security of Lawyers' of 25 December 1998 and Decree of the President of the Republic of Uzbekistan of 1 May 2008 NoYP-3993 'On Measures on Further Reforming of the Bar in the Republic of Uzbekistan'.

*Under what title do lawyers practise?*

Advocate.

*Does a lawyer need a licence to practise, if so how does he/she obtain a licence and how often must this be renewed?*

According to the Law 'On Advocacy', an advocate must be a citizen of the Republic of Uzbekistan, hold a University degree in law and have obtained a licence to practise. Licences are issued following an examination set by the Higher Qualifications Commission and the swearing of an oath. Candidates must be legally competent and not have any unspent criminal convictions. Since the passage of the new law in 2008, licensing has been carried out by the Chamber of Advocates and membership is compulsory. A postgraduate three year training course was launched in 2010 for new advocates.

*Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits*

The licence to practise law in Uzbekistan is national.

*Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?*

Uzbek legislation is unclear on the areas of work reserved to advocates. However, it is the case that only licensed advocates can provide legal aid to any persons, including assistance in the course of representation in court.

*Do you need to hold local nationality to be eligible to practise law?*

Only an Uzbek national can become an advocate.

*What legal forms can lawyers work in? (eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

An Uzbek advocate may work as a sole practitioner, set up his/her own law office, work in a college of advocates, or create a law firm jointly with other lawyers.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Advocates must adhere to the requirements of legislation and professional ethics (Law 'On Legal Profession' (Article 7, p 1). The Rules of Professional Ethics of Uzbekistani Lawyers were adopted by the Founding Conference of the Chamber of Lawyers of Uzbekistan on 12 September 2008.

*Do law firms need to receive a licence (or permission/approval) to practise law in addition to any individual licences?*

Law offices, colleges of advocates and law firms, as well as lawyers' associations, must be registered with the Ministry of Justice, or Regional Departments of Justice.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Chamber of Uzbek Lawyers is responsible for issuing licences to advocates.

*Is the jurisdiction a member of the WTO?*

Uzbekistan is currently negotiating membership of the WTO

# Uzbekistan

<i>Has it made any WTO commitments on legal services?</i>	n/a
<i>Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?</i>	Uzbekistan is a member of the Commonwealth of Independent States and has bilateral agreements with the Kyrgyz Republic and Ukraine.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The coverage of Uzbekistan's bilateral agreements is limited to goods.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	No.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There are three to four foreign law firms in Uzbekistan including a UK firm, a Ukrainian firm and a regional CIS firm, but all of the lawyers working in these firms appear to be Uzbek lawyers.
<i>Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?</i>	The boundaries of regulated legal work are unclear in the legislation, but there are no explicit rules relating to fly in fly out practice of law, or any requirement to obtain a temporary licence.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Citizens of Kyrgyzstan (up to 60 days), Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Moldova, Russia and Ukraine do not need visas to visit Uzbekistan. Citizens of other countries may receive visas on the basis of invitations from natural or juridical persons.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no clear licensing system for foreign lawyers.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)</i>	Not beyond the general requirements for the issuance of work permits to foreign nationals.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)</i>	n/a
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	The Arbitration Tribunal Act limits arbitrators to those of Uzbek nationality.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No.
<i>Can foreign lawyers requalify as local lawyers?</i>	There is a nationality requirement which makes it impossible for non-Uzbek citizens to requalify as advocates.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no requirement for foreign law firms to obtain special licences to practise law beyond the usual company registration procedures.

## Uzbekistan

<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)</i>	Registration of foreign companies must be made with the local authority for state registration (khokimiyat, or the Inspectorate for Registration of Entrepreneurial Entities).
<i>Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	There are no quantitative limitations on law firms
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	There are no geographical restrictions on law firms
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	Ministry of Justice – <a href="http://www.minjust.uz">www.minjust.uz</a>

## Venezuela

<i>Is there legislation governing the legal sector?</i>	Lawyers' Act (1967)
<i>Under what title do lawyers practise?</i>	Abogado/a lawyer
<i>How does an individual lawyer obtain a licence to practise law? How often must this be renewed?</i>	The route to qualification is via a degree course (five or more years in duration) at one of the country's law schools. Upon completion of the degree any law graduates can register with a local Colegio de Abogados (Bar Association), without further examination, and almost all do so, although only a small group are active and pay their annual fees. Every law graduate who performs any legal professional activity must join a Colegio and register with Impreabogado, a form of social security for lawyers.
<i>Does this entitle the holder to practise throughout the country? If the law licence only permits one to practise on a sub-national level, please explain the jurisdictional limits.</i>	There are no limits on practice within the country. Registration is with regional Bar Associations, but you do not need to work in the region you register in.
<i>Are there certain activities that are 'reserved' to those who are licensed to practise law in the jurisdiction?</i>	Only Venezuelan lawyers have rights of audience in court and can provide advice on the law of Venezuela.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in?</i>	The ethical rules governing legal practice in Venezuela do

# Venezuela

*(eg, self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

not appear to prevent lawyers from adopting any particular legal form for conducting their business. Commercial law firms have adopted a range of forms including: general limited companies and civil companies.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

‘Codigo de Etica Profesional de Abogados’ / ‘Lawyers’ Ethics Code ‘

*Do law firms need to receive a licence (or permission/approval) to practise law?*

There is no explicit foreign law firm licensing regime that regulates these arrangements.

*Which authority issues licences? Are there different authorities for individuals and firms?*

In order to practise any form of law, lawyers must register with the relevant local Colegio de Abogados (Bar Association).

*Is the jurisdiction a member of the WTO?*

Venezuela has been a member of the WTO since 1 January 1995.

*Has it made any WTO commitments on legal services?*

Venezuela has made commitments in mode 2 for legal services, but is otherwise unbound for cross-border and commercial presence.

*Is the jurisdiction party to bilateral agreements that offer special treatment to businesses or individuals from particular countries?*

Venezuela is party to the MERCOSUR free trade agreement and to free trade agreements between MERCOSUR and India, Israel, Egypt and the Palestinian Authority.

*Do these currently include legal services or are there plans to include them in future?*

None of Venezuela’s bilateral agreements include legal services.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No

*Are there any ‘foreign law’ firms present in this jurisdiction?*

There are a handful of US and UK firms with a presence in Venezuela: Baker McKenzie, Squire Sanders Dempsey, Hogan Lovells, DLA and Clyde and Co.

*Are there any explicit rules or restrictions other than visas on fly-in, fly-out practice of law? Do you need to obtain a licence for temporary practise?*

There is no requirement to register for activities permitted on a fly in, fly out basis.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Yes, lawyers can apply for a business visa.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer needs to be authorised by the relevant local Bar in order to practise foreign and international law as a foreign legal consultant.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (eg, residency requirement)*

There are no additional requirements.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (eg, prior practice)*

n/a

# Venezuela

*Are foreign lawyers permitted to undertake arbitration and mediation?*

In Venezuela arbitration is viewed as an activity involving advocacy and it will be, as a general rule, be reserved to Venezuelan qualified lawyers. However, article 14 of the Regulations of the Lawyers' Act stipulates that foreign lawyers could be authorised by the local bar association to practise in Venezuela, if they have been hired by a private person or company for the performance of functions involving legal knowledge, as in the case for an international arbitration.

*Are foreign lawyers allowed to appear in court under any circumstances?*

No, not without requalifying.

*Can foreign lawyers requalify as local lawyers?*

'Lawyers from Colombia, Bolivia, Ecuador, Spain and Peru can practise Venezuelan Law as long as they take an exam similar to a bar exam. If they are successful in passing this exam, they will not have to fulfil the requirement of attending a Venezuelan Law School prior to admission.

Foreign lawyers from other jurisdictions must submit their law school syllabus to a Venezuelan Law School for validation. The law school will decide which classes the foreign lawyer will need to take prior to being admitted to practise law in Venezuela. It may also be necessary to complete a legal dissertation and/or a 20 week unpaid governmental legal placement '.

*Can a foreign law firm obtain a licence to open an office?*

There is no explicit foreign law firm licensing regime that regulates these arrangements. Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law, subject to the limits on foreign participation in the legal sector.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (eg, with a ministry of company affairs etc)*

Foreign firms must register with the commercial registry. Foreign investment is defined by Law 2095 as: 1) contributions originating from outside the country, belonging to foreign nationals, that will become part of a firm's capital, in freely exchangeable currency or tangible goods, such as industrial plants, new or refurbished machines, new or refurbished equipment, replacements, parts, primary materials or intermediate products. 2) investments or re-investments that follow this law, made in national currency, that are the property of foreign nationals or firms, originating from utilities, capital gains, interest, or loan payments. Participation in firms and other rights or resources over which foreign investors have the right to transfer abroad. 3) the conversion of foreign debt into investment that is the property of foreign nationals, or 4) tangible technological contributions such as brands, industrial models, technical assistance and patented non-presented methods that may be present in physical



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	goods, technical documents or instructions.
<i>Are there different types of foreign law firm 'licence' (eg, Joint Law Venture, standalone foreign licence etc.?)</i>	n/a
<i>Is there a quota on the number of licences available?</i>	n/a
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	n/a
<i>Are there 'scope of practice' rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (eg, home, host, international law), if so, what are they?</i>	Not beyond the requirements on individual foreign lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	There are no additional requirements on law firms beyond those imposed on foreign companies in general.
<i>Are there rules about the name a foreign law firm can take?</i>	There are no additional limitations on names for foreign law firms beyond those imposed on companies in general.
<i>What entity grants a 'licence' to foreign law firms? If that entity is on the internet, please provide the URL</i>	n/a
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Foreign equity participation in professional firms is restricted to a maximum of 19.9 per cent.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	For links to licensing bodies including regional Bars in Venezuela: Colegio de Abogados de Caracas, Ofc.301. Av. Paéz, El Paraíso Tel: 461-2874 <a href="http://www.ilustrecolegiodeabogadosdecaracas.com">www.ilustrecolegiodeabogadosdecaracas.com</a>