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the legal profession®

The IBA Global Cross Border Legal Services in Latin America and the Caribbean Report 2019

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INTRODUCTION

This database was produced for the IBA Bar Issues Commission Trade in Legal Services Committee. It is an extract from a larger Global Crossborder Legal Services database which covers over 140 countries, and more than 220 jurisdictions worldwide. Given the growth of crossborder activity amongst lawyers in Latin America and the Caribbean, this extract may be a useful tool for Bar Associations and others interested in looking at how cross border legal services works in different jurisdictions on the continent.

How the database was compiled

The IBA Global Crossborder Legal Services database is available in full on the IBA's website. The jurisdictions covered in this extract have been compiled using the same methodology. This is as follows:

- First desk research was undertaken to find relevant statutory, regulatory and, where appropriate, judicial or Common Law provisions governing the regulation and supply of legal services in the various countries covered in the database.
- These initial results were then 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 organisation undertaking this verification is mentioned at the end of each jurisdiction's entry, where applicable

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 lawyer and the existence of other restrictions. Links to the sources used on a country by country basis are included in the body of the database. The World Trade Organisation services database (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 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) or Legal 500 (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). 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 which are regulated and therefore restricted to qualified lawyers (often only locally qualified lawyers) and those services which 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 which 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.

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 license only permits one to practice 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? (e.g. 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: http://www.cpacf.org.ar/inst_codigo_etica.php

Do law firms need to receive a "license" (or permission/approval) to practice 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.

Argentina

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.

Is the jurisdiction a member of the WTO?

Argentina has been a member of the WTO since 1 January 1995

Has it made any WTO commitments on legal services?

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 colegio and establish legal domicile in Argentina, a requirement which does not require residence.

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

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.

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

These agreements contain no explicit commitments on 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?

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.

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?

There is no requirement to register for activities on a fly-in, fly out basis (see below on visas).

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

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.

Argentina

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 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 license to offer advisory services in foreign and international law. There is no category such as a foreign legal consultant.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

There are no "limited licenses" in Argentina. A foreign lawyer must have his or her degree validated in Argentina, enrol with the relevant colegio and establish a legal domicile in Argentina. For example, to enrol with the Colegio de Abogados de la Capital Federal a foreign lawyer must 1) Establish permanent residence in the country; 2) Have his or her law degree recognized and legalized by the competent national authority; 3) Report his or her place of 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 practise of the profession in Article 3 of Law 23,187. 5) Take a professional oath (Article 10 of the Rules of Procedure); 6) pay the fees established by the regulation.

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

None specified

Are foreign lawyers permitted to undertake arbitration and mediation?

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.

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

No, not without requalifying.

Can foreign lawyers requalify as local lawyers?

Yes, foreign lawyers may requalify in Argentina by having their law degree recognised. Ease of recognition depends on the country of their first qualification.

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 register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

No legal license 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

Argentina

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| | under the same rules that apply to a local or foreign business. |
| <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> | 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)? (E.g. 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 Commerce |
| <i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i> | Not applicable |
| <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. |

Argentina

Other useful sources or comments or links

For links to professional and regulatory bodies: Colegio Publico de abogados de la Capital Federal (Bar of the Federal Capital - body admitting lawyers to practise in Buenos Aires): <http://www.cpacf.org.ar/index.php>
Colegio de Abogados de la Ciudad de Buenos Aires (City Bar of Buenos Aires - representative body for lawyers in Buenos Aires) <http://www.colabogados.org.ar/>
Federacion Argentina de Colegios de Abogados (Federation of Bars of Argentina): <http://www.faca.org.ar/>

Verified by

Negri Busso & Farina Abogados: <http://www.negri.com.ar/> (October 2013).

Belize

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| <i>Is there legislation governing the legal sector</i> | Legal Profession Act Chapter 320 |
| <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> | Individuals must apply to the Supreme Court to be admitted to practise law. If s/he satisfies the Supreme Court that s/he: is a Belizean citizen and holds a Legal Education Certificate; or has obtained adequate training in the law and is suitably qualified and competent to practise law in Belize; or possesses suitable practical experience and competence and is qualified to practise law in any country which the Chief Justice, after consultation with the Council, designates by Order published in the Gazette as having a sufficiently analogous system of laws, and is of good character, shall be admitted to practise law and be entered on the Roll by order of the court. A Practising Certificate is valid for the year in which it is issued and shall expire on 31st January of the following year. |
| <i>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</i> | A licensed lawyer can practise throughout the country. |
| <i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i> | Only registered attorneys-at-law may practise as barristers, solicitors or as attorneys-at-law, or undertake or perform the functions of a barrister, solicitor or attorney-at-law. |
| <i>Do you need to hold local nationality to be eligible to practise law?</i> | Yes. Belizean citizenship is a requirement for admission. |
| <i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i> | The law does not address this issue. Attorneys-at-law may practise in sole practice, in partnerships, or in limited liability partnerships. |
| <i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i> | The Chief Justice together with the General Legal Council prescribes the standards of conduct for Legal Practitioners. |
| <i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i> | There is no explicit law firm licensing regime which regulates these arrangements. |
| <i>Which authority issues licences? Are there different authorities for individuals and firms?</i> | The Registrar of the Supreme Court of Belize maintains the roll of practising attorneys-at-law and issues practising certificates. Law firms are not licensed. |
| <i>Is the jurisdiction a member of the WTO?</i> | Belize joined the WTO on 1 January 1996 |

Belize

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| <i>Has it made any WTO commitments on legal services?</i> | Belize has made no sectoral GATS commitments on legal services. |
| <i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i> | Belize is a member state of the Caribbean Community (CARICOM), which enables it to participate in the Economic Partnership Agreement (EPA) between CARIFORUM and the European Union (EU). It also has a partial scope agreement (PSA) with Guatemala on goods. |
| <i>Do these currently include legal services or are there plans to include them in future?</i> | The Economic Partnership Agreement (EPA) between CARIFORUM and the EU reaffirms the obligations arising from each individual jurisdiction's commitments under the GATS as regards the entry and temporary stay of contractual services suppliers and independent professionals, including lawyers. |
| <i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i> | Yes - CARIFORUM and EU States both allow the temporary supply of service providers (including legal consultants) into their territory from signatory States. Lawyers who are qualified to practise law in another CARICOM Member State are entitled to be entered on to the Roll and practise law in Belize. |
| <i>Are there any 'foreign law' firms present in this jurisdiction?</i> | A number of local law firms are members of international networks and alliances but there are no foreign law firm branches or subsidiaries present. |
| <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> | The Legal Profession Act does not explicitly address temporary practice. |
| <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> | There is no foreign lawyer licence available. However, foreign lawyers (e.g. from CARICOM countries) may be able to requalify and gain full admission to the local Bar. |
| <i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i> | Not applicable |
| <i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i> | Not applicable |

Belize

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| <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> | Only if they have been admitted to the Roll by the Supreme Court. |
| <i>Can foreign lawyers requalify as local lawyers?</i> | Yes, if their expertise and home law compatability is recognised by the Supreme Court they can be admitted to the Bar and can practise local 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? (E.g. with a ministry of company affairs etc.)</i> | All companies must register with the Belize Companies & Corporate Affairs Registry. Foreign investments in Belize must be registered at the Central Bank of Belize (CBB) in order to facilitate inflows and outflows of foreign currency during transactions, including transfers, and repatriation of profits and dividends. |
| <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> | Not beyond the requirements on individual foreign lawyers |
| <i>Are there restrictions on the corporate form a foreign law firm can take?</i> | Not applicable |
| <i>Are there rules about the name a foreign law firm can take?</i> | Not applicable |
| <i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i> | Not applicable |

Belize

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| <i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i> | Not applicable |
| <i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i> | There are no restrictions provided in the law. |
| <i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i> | There are no restrictions provided in the law. |
| <i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i> | There are no restrictions provided in the law. |
| <i>Other useful sources or comments or links</i> | <u>Bar Association of Belize</u> http://www.belizebar.bz/ |
| <i>Verified by</i> | NOT VERIFIED |

Bolivia

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| <i>Is there legislation governing the legal sector</i> | Ley del Ejercicio de la Abogacía Ley 387- 9 de Julio 2013 |
| <i>Under what title do lawyers practise?</i> | Abogado/a |
| <i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i> | To become an abogado in Bolivia, a candidate must complete a law degree at one of the eight Bolivian law faculties (9-10 semesters) and then submit a graduation certificate and certificate of good civil standing to the Ministry of Justice. |
| <i>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</i> | A licensed lawyer can practise throughout the country. |
| <i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i> | Only lawyers registered with the Ministry of Justice may practise law in the territory of Bolivia (article 6, Ley del Ejercicio de la Abogacia). |
| <i>Do you need to hold local nationality to be eligible to practise law?</i> | No. |
| <i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i> | Abogados may work in partnerships, corporations or in sole practice. There are not limitations indicated in law. |
| <i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i> | The Code of Ethics is contained in Supreme Decree No 26052 |
| <i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i> | Yes - Firms must submit a written request to the Ministry of Justice along with photocopy of the act or deed of incorporation, copy of the deposit proving the payment for registration to the MoJ, certification that certifies the registration of all members of the corporation, and a document containing the structure, regulations and internal procedures of the company. The MoJ through the Public registry of Lawyers will verify the compliance with the requirements to proceed with the registration. |
| <i>Which authority issues licences? Are there different authorities for individuals and firms?</i> | The Ministry of Justice licences individual practitioners and registers law firms. |
| <i>Is the jurisdiction a member of the WTO?</i> | Bolivia joined the WTO on 12 September 1995 |
| <i>Has it made any WTO commitments on legal services?</i> | Bolivia has made no sectoral GATS commitments on legal services |
| <i>Is the jurisdiction party to bilateral agreements which offer special</i> | Bolivia is a member of MERCOSUR (with Argentina, Brazil, Paraguay, Venezuela and Uruguay) , of the Andean |

Bolivia

treatment to businesses or individuals from particular countries?

Community (CAN) with Peru, Colombia, Ecuador; and of ALADI (Latin American Integration Association), with Argentina, Brazil, Chile, Colombia, Cuba, Ecuador, Mexico, Panama, Paraguay, Peru, Uruguay and Venezuela

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

MERCOSUR establishes a common market including the free circulation of goods, services, capital and labour between the member countries. Andean Community makes provision for the free trade in services between Peru, Bolivia, Colombia and Ecuador, excluding financial services. ALADI facilitates the creation of a Latin American Common Market between 13 member countries including MERCOSUR and Andean Community member states.

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

Trade in legal services is not explicitly covered in these agreements, although the free movement of business persons is encouraged.

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

Yes. There are regional South American law firms with offices in Bolivia (e.g. Ferrere).

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?

Foreign companies or individuals may carry out isolated or occasional acts in Bolivia without having to register or incorporate. If, however, these acts are habitual, registration or incorporation is mandatory.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Special-Purpose visas are granted for reasons of work, health and family for a stay of 30 days, and 180 days for temporary work for those who carry out remunerated activities. A Multiple Entry Visa is granted for a stay in Bolivia of 1 year and is given to those individuals who carry out investment and business activities in Bolivia.

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 foreign lawyer licensing regime.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Not applicable

Bolivia

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| <i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i> | Not applicable |
| <i>Are foreign lawyers permitted to undertake arbitration and mediation?</i> | Parties can only choose lawyers who are licensed to practise in Bolivia to represent them in arbitrations in Bolivia. (Bolivian Arbitration and Conciliation Law No 1770/1997) |
| <i>Are foreign lawyers allowed to appear in court under any circumstances?</i> | Following registration with the MoJ and approval of foreign qualification credentials, foreign lawyers are permitted to appear in court. |
| <i>Can foreign lawyers requalify as local lawyers?</i> | Yes |
| <i>Can a foreign law firm obtain a licence to open an office?</i> | Any foreign company may incorporate a branch office in Bolivia without limitation. |
| <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? (E.g. with a ministry of company affairs etc.)</i> | In order to establish a branch office, the following documents are required: articles of incorporation; bylaws; certificate of good standing; and board resolution approving the establishment of a branch. |
| <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> | No |
| <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> | Not beyond the requirements that all individual lawyers must be registered to practise law in Bolivia. |
| <i>Are there restrictions on the corporate form a foreign law firm can take?</i> | According to the law, foreign investors entering into joint venture contracts must establish a legal domicile in Bolivia. Under Bolivian law, joint venture agreements do not have legal status, and must be notarized and registered before the Commerce Registry. Foreign companies investing in certain regulated industries are required to enter into joint venture agreements. |

Bolivia

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| <i>Are there rules about the name a foreign law firm can take?</i> | The law does not cover this issue. |
| <i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i> | The Ministry of Justice is responsible for all registration of law firms. (http://www.justicia.gob.bo/) |
| <i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i> | There are no limitations or special restrictions for foreign partners or shareholders; in the case of a foreign entity, a certificate of good standing is required. |
| <i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i> | Yes - expatriates may comprise only 15% of the workforce of a company registered and domiciled in Bolivia |
| <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> | Colegio Nacional de Abogados de Bolivia, and Ilustre Colegio de Abogados de La Paz https://www.icalp.org.bo/ |
| <i>Verified by</i> | NOT VERIFIED |

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 license only permits one to practice 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? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Multi-disciplinary partnerships are not allowed. Brazilian law firms are organized 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 "license" (or permission/approval) to practice law?

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

Brazil

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 (Brazilian Bar Association) - OAB

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 which 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.
(<http://www.oab.org.br/msProvimentoPrint.asp?id=129/2008&str=%20&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? I.e. 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, even if they are not permitted to practise law?

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

Foreign lawyers not requalified with OAB may work in Brazil but only as foreign legal consultants (consultor de direito estrangeiro) following authorization granted by

Brazil

consultant and what is the scope of this limited licence?

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 authorization, 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) 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 practice consultancy on foreign law is valid for three years and is renewable for successive three-year terms.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Must have residency visa.

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

Requirements can differ from state to state - the OAB can request to see additional documents such as your career history record.

Are foreign lawyers permitted to undertake arbitration and mediation?

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.

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

No, not without requalifying.

Can foreign lawyers requalify as local lawyers?

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

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 register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

Foreign law firms need to undergo the usual legal registration procedures, either with the State Board of Commerce (Junta Comercial) or the National Companies Registry Office (Cartório de Registro de Pessoa Jurídica). A foreign law firm should also register its firm's office with the OAB.

Brazil

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| <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> | 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 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i> | Not applicable |
| <i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i> | Not permitted |
| <i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i> | No - not if the domestic lawyer wants to practise Brazilian law. |
| <i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i> | No - not if the domestic lawyer wants to practise Brazilian law. |
| <i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i> | No - not if the domestic lawyer wants to practise Brazilian law. |
| <i>Other useful sources or comments or links</i> | Brazilian Bar: www.oab.org.br |
| <i>Verified by</i> | Tozzini Freire Advogados: http://www.tozzinifreire.com.br/ (October 2013). |

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) that 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 practice law in Chile. Obtaining a license to practice requires that a candidate has graduated from a Chilean university with a degree of Bachelor of Law, is no less than twenty years of age, has no criminal record or pending criminal prosecutions, can present evidence of good moral character, is a Chilean national or has permanent residence and has completed a period (6 months) of internship in a Corporación de Asistencia Judicial, which is a government pro bono entity, doing pro bono legal work. There is 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 license only permits one to practice 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 practice 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? (e.g. 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

Chile

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| | the conflict of roles/functions and the conflicts of interests. |
| <i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i> | There is no explicit law firm licensing regime which regulates these arrangements. |
| <i>Which authority issues licences? Are there different authorities for individuals and firms?</i> | The Corte Suprema/Supreme Court is charged with granting licenses to practice law in Chile. |
| <i>Is the jurisdiction a member of the WTO?</i> | Chile has been a member of the WTO since 1st January 1995. |
| <i>Has it made any WTO commitments on legal services?</i> | 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 authorized 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. |
| <i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i> | 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, EU. Chile is an associate member of MERCOSUR. |
| <i>Do these currently include legal services or are there plans to include them in future?</i> | None of its bilateral agreements include 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> | The only foreign firms present in the Chilean legal market, apart from Baker and McKenzie are the legal branches of the large accounting networks. These are all locally established entities. |
| <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> | 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, even if they are not permitted to practise law?</i> | Yes, lawyers can apply for a business visa. |
| <i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal</i> | A foreign lawyer does not need to obtain a limited license entitling him/her to offer advisory services in |

Chile

consultant and what is the scope of this limited licence?

foreign and international law (i.e.. become a foreign legal consultant)

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. 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? (e.g. prior practice)

Not applicable

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 law

Can foreign lawyers requalify as local lawyers?

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:

I. 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 a) diploma, b) grades, c) evidence of the existence of the University that awarded the degree; d) a proof of citizenship, as the candidate has to be national of Chile or of the other signatory country. This is the case of Brazil, Colombia, Ecuador, Spain, Peru, Uruguay; and those countries which signed the Mexico City Convention in 1902, which are Bolivia, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Peru.

II. 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.

Chile

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| <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? (E.g. with a ministry of company affairs etc.)</i> | 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.). |
| <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> | 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 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i> | Not applicable |
| <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 |

Chile

Other useful sources or comments or links

For links to licensing and representative bodies:
Supreme Court (registration authority for lawyers):
<http://www.poderjudicial.cl/index.php> ; Chilean Bar Association (voluntary representative Bar Association):
<http://www.colegiodeabogados.cl/>

Verified by

Alessandri Attorneys at Law <http://www.alessandri.cl>
(January 2014).

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 recognized 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) To 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 USD\$27.
There is no expiry date for a Lawyer Professional License.

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

Holders of a professional licence are entitled to practice 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: (i) arbitrators in international arbitration proceedings conducted in Colombia; (ii) arbitrators ruling on local arbitration proceedings related to disputes that not involve the use and interpretation of law (i.e. technical disputes, ex aequo et bono decisions); (iv) individuals litigating their own causes as long as the claim's value does not exceed the amount permitted by law (US \$12.410 approx.); (iii) Judges of Peace ("Jueces de Paz").

Colombia

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

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: (i) arbitrators in international arbitration proceedings conducted in Colombia; (ii) arbitrators ruling on local arbitration proceedings related to disputes that not involve the use and interpretation of law (i.e. technical disputes, ex aequo et bono decisions); (iv) individuals litigating their own causes as long as the claim's value does not exceed the amount permitted by law (US \$12.410 aprox.); (iii) Judges of Peace ("Jueces de Paz").

What legal forms can lawyers work in? (e.g. 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 "license" (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 practice 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 licenses 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 April 30th of 1995.

Has it made any WTO commitments on legal services?

Colombia entered on the General Agreement on Trade in Services.

Colombia

Is the jurisdiction party to bilateral agreements which 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 recognize mutually professional licenses 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 jurisdictions treated differently as a result of any such agreements?

No

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 recognized by local authorities (Norton Rose, Holland & Knight, Garrigues, Baker & McKenzie, 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? I.e. Do you need to obtain a licence for temporary practice?

Foreign lawyers are allowed to practice 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, even if they are not permitted to practise law?

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.

Colombia

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 (e.g. residency requirement)

Not applicable

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

Not applicable

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 October 12 of 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 practice law in Colombia only if they obtain their Professional Licence before the Consejo Superior de la Judicatura.

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 recognized by local authorities. Lawyers, who are members of those local partnerships or subsidiaries, and intending to practice 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? (E.g. 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' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

Not applicable

Colombia

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| <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> | Not applicable |
| <i>Are there restrictions on the corporate form a foreign law firm can take?</i> | Not applicable |
| <i>Are there rules about the name a foreign law firm can take?</i> | Not applicable |
| <i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i> | Not applicable |
| <i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i> | No. However, foreign investments in the legal sector in Colombia would need to comply with 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> | Yes |
| <i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i> | Yes. But if the foreign lawyer intends to practice law in Colombia, he/she must hold a local professional licence. |
| <i>Other useful sources or comments or links</i> | National Registry of Attorneys website: http://gacetadelforo.ramajudicial.gov.co/gaceta_del_foro/ Ministry of Commerce, Industry and Tourism. Section of bilateral and multilateral agreements which offer special treatment in Colombia to businesses or individuals from particular countries: http://www.mincit.gov.co/tlc/publicaciones.php?id=5398 |
| <i>Verified by</i> | Prieto Carrizosa www.prietocarrizosa.com (October 2013) |

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 practise?

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 license only permits one to practice 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? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Costa Rican lawyers may work as sole practitioners or in corporations (sociedad anónima, or SA), limited liability companies (sociedad de responsabilidad limitada, SRL or LLC), 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 "license" (or permission/approval) to practice law?

There is no explicit law firm licensing regime which 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.

Costa Rica

Is the jurisdiction party to bilateral agreements which 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.

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? I.e. 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, 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?

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 (i.e. become a foreign legal consultant)

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Not applicable

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

Not applicable

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

Costa Rica

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? (E.g. 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 nationality of its owners or officers. Foreigners may (i) act as officers, directors, partners or trustees in local companies, (ii) make use of negotiable commercial documents and (iii) execute any kind of legal contract. Foreign companies may register branch offices, which are only liable for income tax on Costa Rican source income.

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

Not applicable

Is there a quota on the number of licences available?

Not applicable

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

Not applicable

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?

Not beyond the requirements on individual foreign lawyers

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.

Costa Rica

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| <i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i> | Not applicable |
| <i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i> | Not known |
| <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: http://www.abogados.or.cr/index.php?option=com_content&view=article&id=56&Itemid=66 |

Verified by

Dominican Republic

Is there legislation governing the legal sector

Ley 91-83 which establishes the Bar Association of the Dominican Republic

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?

The requirements are:

1. A law degree from a Dominican Law School or the revalidation at the University of Santo Domingo (UASD) of a law degree obtained in a foreign university.
2. Registration with the Supreme Court and attendance at an oath hearing.
3. Registration with the Executive Branch, following the Supreme Court hearing. At some point later that same year the Dominican President will include these individuals in the Exequatur Presidential Decree authorising them to practise law.
4. Obtaining membership of the Dominican Bar Association (Colegio de Abogados de la Republica Dominicana) who will then issue a lawyer's license which entitles the lawyer to practise in the Dominican Republic.
5. Swearing in as a lawyer at the Supreme Court.
6. Registration with the lawyer's local court.

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

A licensed lawyer can practise throughout the country

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

Appearing in court, advising on the law of the Dominican Republic

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

Yes in order to appear before the courts or to render public notary services. A non-Dominican Republic citizen can render legal services other than those related to the judicial function if they are a member of the Colegio de Abogados (Bar Association).

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

A Dominican abogado may practise individually, or through limited liability partnerships and corporations.

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

The Code of Ethics of the Bar Association of the Dominican Republic

Do law firms need to receive a "license" (or permission/approval) to practice law?

There is no law firm licensing regime.

Dominican Republic

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

The Bar Association of the Dominican Republic issues licenses to individual lawyers.

Is the jurisdiction a member of the WTO?

The Dominican Republic joined the WTO on 9 March 1995

Has it made any WTO commitments on legal services?

The Dominican Republic has made GATS commitments across modes 1-3 in (CPC 86190 - legal advisory and information services), defined by the UN as "Advisory services to clients related to their legal rights and obligations and providing information on legal matters not elsewhere classified. Services such as escrow services and estate settlement services are included".

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

The Dominican Republic is a party to the CARIFORUM - European Union Economic Partnership Agreement (EPA) and to the US-Central American and Dominican Republic Free Trade Area (CAFTA-DR), it has a trade agreement with CARICOM and a preferential trade agreement with Panama.

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

The CAFTA-DR Free Trade Agreement between the Dominican Republic, Central America, and the United States, in force since 2007 includes legal services (including a commitment to allowing foreign legal consultancy from jurisdictions party to the agreement).

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

Foreign legal consultants from the US and Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua are automatically permitted. Foreign legal consultants from other jurisdictions may also be permitted to practise in the Dominican Republic provided that they originally qualified to practise in a jurisdiction which permits lawyers from the Dominican Republic to practise as foreign legal consultants.

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

Yes. The US law firm Squire Patton Boggs has an office in the Dominican Republic and a number of Central American/Caribbean law firms also have branches in the DR.

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?

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, even if they are not permitted to practise law?

Yes

Dominican Republic

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 who is not a member of the Colegio de Abogados may supply foreign legal consulting services provided that the foreign lawyer is licensed to practice law in a jurisdiction that permits Dominican nationals to supply foreign legal consulting services. 'Foreign legal consulting service' means providing advice regarding matters with respect to which the lawyer or law firm is authorized to render legal services in his, her, or its home market. A foreign lawyer does not need to obtain a limited licence entitling him/her to offer advisory services in foreign and international law (i.e. become a foreign legal consultant)

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

No

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

No

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. A foreign lawyer may become a member of the Colegio de Abogados: (a) by obtaining a law degree in the Dominican Republic; (b) by obtaining revalidation of a law degree issued in a foreign country; or (c) if the government of a jurisdiction in which the foreign national has a license to practice law has an agreement with the Dominican Republic establishing reciprocal treatment for Dominican lawyers.

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

There is no explicit foreign law firm licensing regime

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 companies setting up a branch or permanent establishment in the Dominican Republic or that regularly engage in commercial transactions in the country must be registered in the Commercial Register and join the National Taxpayers Registry kept by the Directorate General of Internal Revenue.

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

Not applicable

Is there a quota on the number of licences available?

Not applicable

Dominican Republic

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| <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> | 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 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i> | Not applicable |
| <i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i> | Not applicable |
| <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> | Colegio de Abogados de la República Dominicana https://colegiodeabogados.org.do/ |
| <i>Verified by</i> | Guzman Ariza Abogados y Consultores |

Ecuador

Is there legislation governing the legal sector

Organic Code of the Judiciary (Codigo Orgánico de la Función Judicial); Regulation of Disciplinary Regime for Lawyers Sponsoring Legal Causes. (Reglamento Regimen Disciplinario de abogados en Patrocinio de Causas); Regulation for the registration before the Ecuadorian bar (Reglamento para el Registro en el Foro de Abogados del Ecuador); Regulation for the registration of collective partnerships or law firms (Reglamento para el Registro de Estudios Jurídicos Colectivos); and Organic law of the Ecuadorian Bar Association (Decreto Supremo 201).

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 obtain a license to practice, lawyers must possess a professional degree granted by a university in Ecuador which has to be recognised by the Secretary of Higher Education, Science, Technology and Innovation (Secretaria de Educación Superior, Ciencia, Tecnología e Innovación). They must complete a Pre-Professional Practice Program in a given public institution for at least 500 hours. And finally obtain registration in the Lawyers' Forum of the Judicial Council (Foro de Abogados del Consejo de la Judicatura). Registration in the Lawyers Forum of the Judicial Council (Foro de Abogados del Consejo de la Judicatura) does not need to be periodically renewed.

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

A licensed lawyer can practise throughout the country

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

Article 49 of the Organic Law on the Ecuadorian Bar Association states that "Only lawyers in the exercise of their profession may appear in court as prosecutors and attend meetings, hearings and other proceedings, on behalf of the parties".

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

No, there is no nationality requirement, but lawyers must obtain a degree that is issued or recognised by an Ecuadorian university. Foreign practitioners may register in the Lawyers Forum of the Judicial Council (Foro de Abogados del Consejo de la Judicatura) and obtain the license to practice law, once they have met the aforementioned requirements.

Ecuador

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

The law does not make specific provision on this point, although abogados appearing in court must practise from a suitable office (Article 80 of the law)

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

Licensed lawyers must comply with the "Regulation of Disciplinary Regime for Lawyers Sponsoring Legal Causes" (Reglamento Regimen Disciplinario de Abogados en Patrocinio de Causas). Local and regional bar associations, in which the membership is voluntary and optional, may choose to have their own additional code of professional ethics.

Do law firms need to receive a "license" (or permission/approval) to practice law?

There is no law firm licensing regime, however abogados must register the name and address of their firm or office with the Foro del Consejo de la Judicatura.

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

The Foro del Consejo de la Judicatura issues licences for individual lawyers and registers their practising addresses.

Is the jurisdiction a member of the WTO?

Ecuador joined the WTO on 21 January 1996

Has it made any WTO commitments on legal services?

Ecuador has made commitments in modes 1-3 for the provision of legal services (CPC 861) covering advisory services in foreign and international law (and excluding advice and litigation in national law). Its horizontal commitments require any employer with a staff of more than 10 employees to employ Ecuadoreans in proportions of not less than 90 per cent of the staff of ordinary workers, and not less than 80 per cent of skilled employees or specialists, administrative staff or persons in posts of responsibility.

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

Ecuador is a member of the Andean Community (CAN) and ALADI (Latin American Integration Association)

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

The Andean Community makes provision for free trade in services between Peru, Bolivia, Colombia and Ecuador, but negotiations are currently suspended.

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

Foreign lawyers may obtain recognition in Ecuador provided reciprocal arrangements exist for the recognition of qualifications in the foreign lawyer's home jurisdiction.

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

Yes. There are regional South American law firms active and with offices in Ecuador (e.g. Ferrere).

Ecuador

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?

There are no explicit rules on fly in fly out advisory practice by foreign lawyers.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

The law does not make specific provision for foreign lawyer visas/visits. If no practice of law will be carried out, there will be no problem to obtain a visa to visit clients or to market.

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 licensing regime for foreign legal consultants in Ecuador.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Not applicable

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

Not applicable

Are foreign lawyers permitted to undertake arbitration and mediation?

In both domestic and international arbitrations in Ecuador, parties must be represented by lawyers licensed to practice in Ecuador. (Ecuadorian Law on Arbitration and Mediation 1997)

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

A foreign lawyer cannot conduct cases in Ecuadorian courts if his degree has not been issued or registered by an Ecuadorian university. A foreign lawyer may appear in court if the following process is achieved: Obtaining recognition, homologation and registration of the law related degree in the Secretary of Higher Education, Science, Technology and Innovation (Secretaría de Educación Superior, Ciencia, Tecnología e Innovación). Then the foreign lawyer must complete the Pre-Professional Practice Program in a given public institution for at least 500 hours. And finally obtain registration in the Lawyers Forum of the Judicial Council (Foro de Abogados del Consejo de la Judicatura).

Ecuador

Can foreign lawyers requalify as local lawyers?

A foreign lawyer may requalify as a local lawyer if the following process is achieved:
Obtaining recognition, homologation and registration of the law related degree in the Secretary of Higher Education, Science, Technology and Innovation (Secretaría de Educación Superior, Ciencia, Tecnología e Innovación). Then the foreign lawyer must complete the Pre-Professional Practice Program in a given public institution for at least 500 hours. And finally obtain registration in the Lawyers Forum of the Judicial Council (Foro de Abogados del Consejo de la Judicatura). Please note that there is a strong possibility that the local authority may require the foreign lawyer to undergo additional courses of study in a local university in order to revalidate a foreign law related degree.

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

There is no explicit foreign law firm licensing regime

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.)

Yes, most law firms are incorporated as Limited Liability Companies or as Corporations, which are regulated by the Superintendence of Companies.

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

Not applicable

Is there a quota on the number of licences available?

Not applicable

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

Not applicable

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?

No explicit rules have been made governing foreign law firm practice.

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

Not beyond those applying to local law firms

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.

Ecuador

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| <i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i> | Not applicable |
| <i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i> | No - foreign lawyers are permitted to have ownership in local firms. |
| <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> | <u>El Foro de Abogados del Ecuador</u> (https://app.funcionjudicial.gob.ec/ForoAbogados/inicio/frmlInicio.jsp) |
| <i>Verified by</i> | Ferrere Abogados (Ecuador). |

El Salvador

Is there legislation governing the legal sector

The Judicial Law (Ley Orgánica Judicial Decreto N°123)

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?

Admission to the Bar requires: (i) A doctorate in jurisprudence or legal studies; (ii) Evidence of supervised work experience; (iii) Provision of at least 3 character witnesses to ensure the candidate is held in good standing. The Supreme Court of Justice reviews/approves applications and issues attorney identity cards. The card needs to be renewed every 10 years.

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

A licensed lawyer can practise throughout the country

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

Appearing in court, providing advocacy, advising on the law of El Salvador. Lawyers may also provide public notarial services although lawyers are selected at random to sit a notarial examination (which runs once a year) with 90 days notice.

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

No, although a foreigner wishing to practise as a lawyer in El Salvador must be a graduate of a Salvadorian university. Salvadorian nationality is required for practice as a notary. Only Salvadorians and lawyers from Central America can provide public notarial services.

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

A Salvadorian abogado may practise individually, or through limited liability partnerships and corporations.

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

There is a code of conduct for those appearing before the Courts.

Do law firms need to receive a "license" (or permission/approval) to practice 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 issues licenses to individual lawyers.

Is the jurisdiction a member of the WTO?

El Salvador joined the WTO on 7 May 1995

Has it made any WTO commitments on legal services?

El Salvador has made commitments in modes 1-3 for legal advisory and information services (CPC 86190 -

El Salvador

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

defined by the UN as "Advisory services to clients related to their legal rights and obligations and providing information on legal matters not elsewhere classified. Services such as escrow services and estate settlement services are included").

El Salvador is party to the US-Central American-Dominican Republic free trade agreement (CAFTA-DR) and to the Central American Common Market (CACM)-Chile, CACM-Mexico and CACM-Panama free trade agreements as well as the Central America-EU Association Agreement. In 2007, El Salvador and Honduras signed a Free Trade Agreement with Taiwan, and the Northern Triangle (El Salvador, Guatemala, and Honduras), signed a Free Trade Agreement with Colombia. El Salvador is also a member of the Central American Economic Integration System (SIECA) along with Honduras, Guatemala, Nicaragua, Costa Rica, and Panama.

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

El Salvador is a party to the CAFTA-DR Free Trade Agreement between the Dominican Republic, Central America, and the United States. This includes legal (notarial) services. The trilateral agreement between El Salvador, Honduras and Chinese Taipei also covers legal services.

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

Nationals of Central American countries may act as notary publics (usually reserved to El Salvador nationals)

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

Yes. The international law firm Dentons has an office in San Salvador. The consulting firms EY and Deloitte are also active in the legal sector and there are a number of regional 'Central American' firms present in the jurisdiction (e.g. Arias).

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?

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, 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?

Foreign lawyers can advise in El Salvador 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

El Salvador

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| | offer advisory services in foreign and international law (i.e. become a foreign legal consultant) |
| <i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i> | Not applicable |
| <i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i> | Not applicable |
| <i>Are foreign lawyers permitted to undertake arbitration and mediation?</i> | If the substantive law of the arbitration is the law of El Salvador and if the arbitration is a de jure arbitration, then counsel and arbitrators must be attorneys licensed in El Salvador. If the arbitration is in equity or the case will be decided on the basis of the arbitrators' technical expertise and arbitrators' rulings will be based on their specialised knowledge rather than the law, counsel must be licensed in El Salvador, but arbitrators can be foreign. For arbitrations under foreign law seated in El Salvador, both counsel and arbitrators may be foreign nationals. |
| <i>Are foreign lawyers allowed to appear in court under any circumstances?</i> | No |
| <i>Can foreign lawyers requalify as local lawyers?</i> | Lawyers from Central America can apply to have their degree authorised by the University of El Salvador and subsequently requalify if the degree is accepted and/or undertake further training to meet the requirements. Other foreign lawyers wishing to practise as a lawyer in El Salvador must be a graduate of a Salvadorian university. |
| <i>Can a foreign law firm obtain a licence to open an office?</i> | There is no explicit foreign law firm licensing regime |
| <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? (E.g. with a ministry of company affairs etc.)</i> | Foreign companies setting up a branch or permanent establishment in El Salvador need to register with the Ministry of Commerce |
| <i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i> | No |
| <i>Is there a quota on the number of licences available?</i> | No |

El Salvador

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| <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)? (E.g. 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 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i> | Not applicable |
| <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> | <u>Supreme Court of El Salvador</u> http://www.csj.gob.sv/idioma.html |
| <i>Verified by</i> | NOT VERIFIED |

Guatemala

Is there legislation governing the legal sector

Law on Enrolment in a Professional Association, Decree 72-2001 of the Congress of the Republic (Ley de Colegación Profesional Obligatoria Decreto 72-2001)

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?

To be admitted as a lawyer it is necessary to hold a certificate of competence issued by the Supreme Court of Justice and be registered with the College of Attorneys and Notaries. To obtain a certificate the following requirements must be met: the applicant must be a Guatemalan national and have a professional qualification in law awarded by a recognized university. To practise as a notary it is necessary to be Guatemalan by birth, to be legally resident in Guatemala and to have obtained a professional qualification.

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

A licensed lawyer can practise throughout the country

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

Only Guatemalan lawyers have rights of audience in court and can provide advice on Guatemalan law.

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

Yes

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

Guatemalan abogados may practise as individual practitioners or through limited liability partnerships. Law may not be practised through public limited companies.

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

Ethical requirements are set out in the Código de Ética Profesional del Colegio de Abogados y Notarios de Guatemala, 13 December 1994.

Do law firms need to receive a "license" (or permission/approval) to practice 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 issues licenses to individual lawyers.

Is the jurisdiction a member of the WTO?

Guatemala joined the WTO on 21 July 1995

Has it made any WTO commitments on legal services?

Guatemala has made no sectoral GATS commitments on legal services

Guatemala

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

Guatemala is a party to the US-Central America-Dominican Republic Free Trade Agreement (CAFTA-DR). Guatemala has also signed bilateral or regional free trade agreements with Chile, Mexico, Colombia, Taiwan, Panama, the European Union, Peru, and the European Free Trade Association (EFTA) and is currently negotiating a free trade agreement with South Korea. Guatemala has also signed partial agreements with Belize, Ecuador, Cuba, Trinidad and Tobago, and Venezuela, which cover a reduced number of products and do not include chapters beyond trade. Guatemala is also a member of the Central American Economic Integration System (SIECA) along with Honduras, El Salvador, Nicaragua, Costa Rica, and Panama.

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?

Yes. The Central American law firm Arias, the international law firm Dentons, EY Legal and Deloitte Legal all have offices in Guatemala City.

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?

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, 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?

Under the terms of international agreements, foreign attorneys may provide consultancy services exclusively in relation to international law and the legislation of the jurisdiction in which the foreign attorney is qualified. These consultancy services may not include appearing before the tribunals, courts or judicial authorities.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

No

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

No

Guatemala

Are foreign lawyers permitted to undertake arbitration and mediation?

This matter remains a “grey area” owing to silence on the issue from the Arbitration Act. Some hold the view that a foreign lawyer can serve as advocate in arbitral proceedings in Guatemala, whilst other experts consider that such activity needs prior bar registration as it is serving advocacy in Guatemala. In practice, it is better for foreign lawyers to work in a team with local lawyers, especially for written submissions.

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?

There is no explicit foreign law firm licensing regime

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 companies setting up a branch or permanent establishment in Guatemala must register with the Commercial Registry: (www.registromercantil.gob.gt). The application to register must be published once in the Official Gazette and in one commercial newspaper, so that any potentially affected party can object to the registration.

Are there different types of foreign law firm ‘licence’ (e.g. Joint Law Venture, stand alone 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)? (E.g. home, host, international law), if so, what are they?

No

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.

Guatemala

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| <i>Are there rules about the name a foreign law firm can take?</i> | No |
| <i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i> | Not applicable |
| <i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i> | Not more than 10% of a firm can be made up of foreign/non-Guatemalan workers |
| <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> | The law is unclear on this point. |
| <i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i> | Yes |
| <i>Other useful sources or comments or links</i> | Colegio de Abogados y Notarios de Guatemala (http://www.cang.org.gt) |
| <i>Verified by</i> | NOT VERIFIED |

Honduras

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| <i>Is there legislation governing the legal sector</i> | Ley Organica del Colegio de Abogados de Honduras, 1977 |
| <i>Under what title do lawyers practise?</i> | Abogado/a |
| <i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i> | Admission as a lawyer requires: (i) A degree in Legal and Social Sciences, which has been issued by a recognised university (recognised by the National Autonomous University of Honduras); (ii) No criminal record; (iii) Registration with the Supreme Court and swearing of an oath; (iv) Registration with the Honduras Bar Association. |
| <i>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</i> | A licensed lawyer can practise throughout the country |
| <i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i> | Only members of the Honduran Bar Association may practise notarial functions and provide litigation and representational services in judicial, administrative and contentious-administrative matters, subject to some exceptions provided for in the Labor Code. |
| <i>Do you need to hold local nationality to be eligible to practise law?</i> | No |
| <i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i> | A Honduran abogado may practise as a sole practitioner or through a limited company |
| <i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i> | The Code of Professional Ethics of the Bar Association of Honduras |
| <i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i> | There is no explicit mention of law firms, or other structures for cooperation between lawyers, in the law. |
| <i>Which authority issues licences? Are there different authorities for individuals and firms?</i> | The Bar Association of Honduras issues licences to individual lawyers. |
| <i>Is the jurisdiction a member of the WTO?</i> | Honduras joined the WTO on 1 January 1995 |
| <i>Has it made any WTO commitments on legal services?</i> | Honduras has made no sectoral GATS commitments on legal services |
| <i>Is the jurisdiction party to bilateral agreements which offer special</i> | Honduras is a party to the US-Central America-Dominican Republic Free Trade Agreement (CAFTA-DR) and to the |

Honduras

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| <i>treatment to businesses or individuals from particular countries?</i> | Central American FTAs with Chile, Colombia and Mexico. It has bilateral FTAs with Canada, Colombia, Panama, Peru, and Taiwan. It is also a member of the Central American Economic Integration System (SIECA) along with Guatemala, El Salvador, Nicaragua, Costa Rica, and Panama. |
| <i>Do these currently include legal services or are there plans to include them in future?</i> | No |
| <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> | Yes. EY Legal and Central American firm Arias have offices in Honduras |
| <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> | There are no regulatory restrictions on foreign lawyers working on 'fly in/fly out' transactions. |
| <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> | Foreign lawyers can advise in Honduras 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 (i.e. become a foreign legal consultant). |
| <i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i> | Not applicable |
| <i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i> | Not applicable |
| <i>Are foreign lawyers permitted to undertake arbitration and mediation?</i> | The Honduran Conciliation and Arbitration Law (2000) distinguishes between domestic and international arbitration, as well as between arbitration at law and arbitration at equity. In domestic arbitrations at law, arbitrators must be lawyers licensed to practice in Honduras. Arbitration proceedings must be conducted in Spanish. Representation by foreign lawyers is not permitted in domestic arbitration. |

Honduras

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| <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 no provision in the law for the recognition of foreign professional qualifications. A foreign lawyer would need to get their academic qualifications recognised by the University of Honduras and follow domestic admission procedures. |
| <i>Can a foreign law firm obtain a licence to open an office?</i> | There is no explicit foreign law firm licensing regime |
| <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? (E.g. with a ministry of company affairs etc.)</i> | According to Honduran commercial legislation, persons or entities that systematically conduct their business in Honduras must establish themselves as merchants. There are basically two ways to become a merchant in Honduras. The First is to open a local branch of a foreign entity. The second is to become a "regular merchant" under Honduran Law. All businesses have to obtain at least a Municipal Operations Permit, a Tax Number and notification of beginning of business. All firms that are going through an M&A process have to file a notification to the authority in order to receive authorization. |
| <i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone 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)? (e.g. 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> | 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> | No |
| <i>What entity grants a 'license' to foreign law firms? If that entity is</i> | Not applicable |

Honduras

on the Internet, please provide the URL

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

Not applicable

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?

Although article 56 of the lawyers' code of ethics states that fees can only be shared between abogados and in relation to their involvement in work carried out for clients.

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

Yes

Other useful sources or comments or links

Colegio de Abogados de Honduras:
<https://www.colegiodeabogadoshn.com>

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NOT VERIFIED

Jamaica

Is there legislation governing the legal sector

The Legal Profession Act, 1972
<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 2 years 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 3 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 5 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 license only permits one to practice 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" to 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? (e.g. 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?

Not applicable

Do law firms need to receive a "license" (or permission/approval) to practice law?

In Jamaica attorneys from other jurisdictions cannot practise without acceptance by the Jamaica Bar Association.

Jamaica

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.

Is the jurisdiction party to bilateral agreements which 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 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? I.e. Do you need to obtain a licence for temporary practice?

Not applicable

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:
<http://www.jhcuk.org/visitors/visa-requirements/do-i-need-a-visa-to-enter-jamaica>

Jamaica

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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> | A foreign lawyer does not need to obtain a limited license entitling him/her to offer advisory services in foreign and international law (i.e. become a foreign legal consultant) |
| <i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i> | Not applicable |
| <i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i> | Not applicable |
| <i>Are foreign lawyers permitted to undertake arbitration and mediation?</i> | There are no restrictions on foreign lawyers participating in international arbitration in Jamaica. |
| <i>Are foreign lawyers allowed to appear in court under any circumstances?</i> | Not unless they are qualified in another English-speaking Caribbean jurisdiction or requalify as Jamaican attorneys. |
| <i>Can foreign lawyers requalify as local lawyers?</i> | Yes, lawyers from a common law jurisdiction can undertake a 6 month conversion course at the Norman Manley Law school. |
| <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? (E.g. 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' (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> | No |
| <i>Are there restrictions on the corporate form a foreign law firm can take?</i> | No |

Jamaica

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| <i>Are there rules about the name a foreign law firm can take?</i> | No |
| <i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i> | Not applicable |
| <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> | http://www.clecaribbean.com/about.php |
| <i>Verified by</i> | |

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 authorized 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 4 and 5 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% 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

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| <p><i>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</i></p> | <p>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.</p> |
| <p><i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i></p> | <p>Only Mexican lawyers have rights of audience in court and can provide advice on Mexican law.</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? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i></p> | <p>Lawyers may establish to practise as sole proprietors, in general partnership or may form companies. Most choose the form Civil Enterprise (Sociedad Civil, S.C.) 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.</p> |
| <p><i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i></p> | <p>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.</p> |
| <p><i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i></p> | <p>There is no explicit foreign law firm licensing regime which regulates these arrangements.</p> |
| <p><i>Which authority issues licences? Are there different authorities for individuals and firms?</i></p> | <p>The federal Ministry of Education (Secretaría de Educación Pública, SEP) grants licences to lawyers.</p> |
| <p><i>Is the jurisdiction a member of the WTO?</i></p> | <p>Mexico has been a member of the WTO since 1 January 1995</p> |
| <p><i>Has it made any WTO commitments on legal services?</i></p> | <p>Mexico has made no commitments on legal services in the GATS</p> |
| <p><i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i></p> | <p>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 NAFTA</p> |
| <p><i>Do these currently include legal services or are there plans to include them in future?</i></p> | <p>NAFTA includes a chapter on legal services which covers the establishment of mutual foreign legal consultancy regimes.</p> |
| <p><i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i></p> | <p>No</p> |
| <p><i>Are there any 'foreign law' firms present in this jurisdiction?</i></p> | <p>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:</p> |

Mexico

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| | (including: DLA Piper, White and Case, Holland and Knight, Greenberg Traurig, Haynes and Boone, Jones Day, DAC Beachcroft, Uria Menendez and Baker McKenzie). |
| <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> | 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, even if they are not permitted to practise law?</i> | 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. |
| <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 does not need to obtain a limited licence entitling him/her to offer advisory services in foreign and international law (i.e.. become a foreign legal consultant) |
| <i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i> | There are no additional requirements |
| <i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i> | Not applicable |
| <i>Are foreign lawyers permitted to undertake arbitration and mediation?</i> | Yes, foreign lawyers regularly intervene as advocates in arbitral proceedings in Mexico. |
| <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> | "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 3 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." |

Mexico

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. 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% 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? (E.g. with a ministry of company affairs etc.)

The National Foreign Investment Commission (CNIE) oversees the registration of foreign companies in the Public Registry of Commerce and the establishment of foreign legal entities of a civil nature:
<http://www.economia.gob.mx/trade-and-investment/direct-foreign-investment/national-foreign-investment-commission>

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc?)

Not applicable

Is there a quota on the number of licences available?

Not applicable

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

Not applicable

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?

Not beyond the requirements on individual foreign lawyers

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 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.

What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL

Not applicable

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

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% 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.

Mexico

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, 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% requires a favourable resolution from the Foreign Investment National Commission (CNIIE) and that in order to practise local law, they have to hire local professionals.

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

Other useful sources or comments or links For links to licensing and representative bodies: Barra Mexicana (Representative Bar Association) <http://www.bma.org.mx/index.php>; Ministry of Public Education (licensing authority): <http://www.sep.gob.mx/>

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Nicaragua

Is there legislation governing the legal sector

Ley No. 260: Ley Organica del Poder Judicial de la Republica de Nicaragua.

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?

The requirements for admission as an abogado/a are: (i) Nicaraguan nationality; (ii) A law degree from an authorised university in Nicaragua. If the law degree is from another jurisdiction it must be assessed and recognised by the CNU (National Council of Universities). Obtaining a licence to practise requires (i) Admission by the Supreme Court of Justice; (ii) Registration with the local Mayor's office and (iii) Registration in the Registry and Control Office of Lawyers and Public Notaries. The lawyer's licence needs to be renewed annually.

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

A licensed lawyer can practise throughout the country

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

Only a licensed lawyer may appear in court and advise on the law of Nicaragua.

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

Yes

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

Self-employment is not allowed under the Nicaraguan legal system. However, a lawyer may exercise commercial activities on his/her own by registering him/herself at the Public Registry of Commerce, obtaining his/her corresponding Taxpayer Number and complying with all tax, national and municipal, obligations; using a commercial name, different from his/her natural name). Otherwise lawyers may form limited liability partnerships or limited companies.

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

Ethical requirements are set out in Decree No.658, regulating the Responsibilities of Lawyers and Notaries

Do law firms need to receive a "license" (or permission/approval) to practice 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 issues licences to individual lawyers.

Is the jurisdiction a member of the WTO?

Nicaragua joined the WTO on 3 September 1995

Nicaragua

Has it made any WTO commitments on legal services?

Nicaragua has made no sectoral GATS commitments on legal services

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

Nicaragua is a party to the US-Central America–Dominican Republic Free Trade Agreement (CAFTA-DR) and to the Central American FTAs with Chile, Colombia and Mexico. It has also been part of the Central American group of countries negotiating a free trade agreement with Korea and is a member of the Central American Economic Integration System (SIECA) along with Guatemala, El Salvador, Nicaragua, Costa Rica, and Panama.

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 number of regional law firms present in Nicaragua (e.g. Arias and Lexincorp) as well as offices of EY Legal and international law firm Dentons.

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?

The Registration and Control of Lawyers website states that a foreign lawyer cannot practise in Nicaragua and does not differentiate between types of potential legal activity (home, international, Nicaraguan law, fly-in-fly-out, permanent/temporary establishment etc.)

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?

There is no legal consultancy regime for foreign lawyers. The Registration and Control of Lawyers website states that a foreign lawyer cannot practise in Nicaragua, but does not differentiate between types of potential legal activity (home, international, Nicaraguan law, fly-in-fly-out, permanent/temporary establishment etc.)

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Not applicable

Nicaragua

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| <i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i> | Not applicable |
| <i>Are foreign lawyers permitted to undertake arbitration and mediation?</i> | The law distinguishes between arbitration at equity and arbitration at law. In arbitrations at law, all members of the arbitration tribunal must be lawyers. Parties can choose foreign lawyers to represent them in arbitrations in Nicaragua. |
| <i>Are foreign lawyers allowed to appear in court under any circumstances?</i> | No |
| <i>Can foreign lawyers requalify as local lawyers?</i> | No, not unless the foreign lawyer can claim Nicaraguan nationality. |
| <i>Can a foreign law firm obtain a licence to open an office?</i> | There is no explicit foreign law firm licensing regime |
| <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? (E.g. with a ministry of company affairs etc.)</i> | All companies must register with the Ministry of Commerce |
| <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> | Not applicable |
| <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> | No |
| <i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i> | Not applicable |
| <i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i> | Not known, but headcount for all companies operating in Nicaragua must be at least 90% Nicaraguan. |

Nicaragua

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?

The law does not cover this issue.

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

The law does not cover this issue.

Other useful sources or comments or links

Dirrecion General de Registros y Control de Abogados y Notarios Publicos
(<https://www.poderjudicial.gob.ni/consayn/default2.asp>)

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Panama

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| <i>Is there legislation governing the legal sector</i> | Law 9 (April 18, 1984), as amended by Law 8 (1993) |
| <i>Under what title do lawyers practise?</i> | Abogado |
| <i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i> | 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 recognized 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 practise of law. |
| <i>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</i> | Yes |
| <i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i> | Only Panamanian lawyers have rights of audience in court and can provide advice on Panamanian law. |
| <i>Do you need to hold local nationality to be eligible to practise law?</i> | Yes |
| <i>What legal forms can lawyers work in? (e.g. self employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i> | 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. |
| <i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i> | The National Law Society [Colegio Nacional de Abogados] has adopted a code of ethics. |
| <i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i> | There is no explicit law firm licensing regime which regulates these arrangements. |
| <i>Which authority issues licences? Are there different authorities for individuals and firms?</i> | The Supreme Court of Justice |
| <i>Is the jurisdiction a member of the WTO?</i> | Panama joined the WTO on 6 September 1997 |
| <i>Has it made any WTO commitments on legal services?</i> | 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, |

Panama

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| | maritime or arbitral authorities in Panama, nor the drafting of legal documents. |
| <i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i> | Panama has bilateral trade agreements with: Canada, Singapore, USA, 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. |
| <i>Do these currently include legal services or are there plans to include them in future?</i> | Under the GATS, Panama made full specific commitments 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. |
| <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> | No, but there are some foreign lawyers working in Panamanian firms as legal consultants |
| <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> | There are no regulatory restrictions on foreign lawyers working on 'fly in/fly out' transactions. |
| <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> | 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 (i.e. become a foreign legal consultant) |
| <i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i> | Not applicable |

Panama

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| <i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i> | Not applicable |
| <i>Are foreign lawyers permitted to undertake arbitration and mediation?</i> | "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. " |
| <i>Are foreign lawyers allowed to appear in court under any circumstances?</i> | No |
| <i>Can foreign lawyers requalify as local lawyers?</i> | No, only Panamanian nationals can qualify as Panamanian lawyers |
| <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? (E.g. with a ministry of company affairs etc.)</i> | It is necessary to hire a local lawyer to serve as Resident Agent of the corporation and prepare its Articles of Association and then register at the Mercantile Division of the Public Registry. |
| <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> | 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: https://www.panamaemprende.gob.pa/publico.php?pag=quienesomos |

Panama

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| <i>Are there rules about the name a foreign law firm can take?</i> | See the business portal Panama Emprende: https://www.panamaemprende.gob.pa/publico.php?pag=quienesomos |
| <i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i> | Not applicable |
| <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 abogados. |
| <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: http://www.cnapanama.com/ ; Link to Panamanian law on lawyers: http://www.lawyers-abogados.net/en/Resources/pma/translation-law9-1984-practice-law.htm#ARTICLE_1 |

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Paraguay

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| <i>Is there legislation governing the legal sector</i> | Decree No. 17.296 of March 2, 1943 |
| <i>Under what title do lawyers practise?</i> | Abogado |
| <i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i> | 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: a) hold a qualification and be registered for the exercise of the profession, b) not hold an incompatible public office; c) not be affected by incompatibilities or disabilities that prevent the exercise of the profession, d) be of good character and e) be current in the payment of membership fees. The Supreme Court maintains the register of practising lawyers. |
| <i>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</i> | The licence to practise is a single licence but Paraguayan abogados can only be registered in one city |
| <i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i> | Only Paraguayan lawyers have rights of audience in court and can provide advice on Paraguayan 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? (e.g. self employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i> | Lawyers may work as sole practitioners or in partnerships |
| <i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i> | The Colegio has promulgated a code of ethics |
| <i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i> | There is no law firm licensing regime |
| <i>Which authority issues licences? Are there different authorities for individuals and firms?</i> | The Supreme Court of Justice |
| <i>Is the jurisdiction a member of the WTO?</i> | Paraguay joined the WTO on 1 January 1995 |
| <i>Has it made any WTO commitments on legal services?</i> | Paraguay has made no commitments on legal services under the GATS. |
| <i>Is the jurisdiction party to bilateral agreements which offer special</i> | Paraguay is party to the Mercosur agreement with India. This only covers trade in goods. |

Paraguay

treatment to businesses or individuals from particular countries?

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? The Uruguayan firm Ferrere has an office in Paraguay which is staffed entirely by Paraguayan qualified lawyers.

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? 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? Lawyers may obtain business visas to enter Paraguay for business purposes but must not earn money in Paraguay.

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 foreign legal consultant licensing regime. The practice of law is not regulated outside of the courts.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement) Not applicable

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice) Not applicable

Are foreign lawyers permitted to undertake arbitration and mediation? Paraguay's arbitration law is modelled on UNCITRAL and does not require arbitrators to be nationals nor to be lawyers.

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? There is no explicit foreign law firm licensing regime which regulates these arrangements.

Paraguay

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| <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? (E.g. 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' (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> | 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> | Not applicable |
| <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>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i> | Not applicable |
| <i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i> | Not applicable |
| <i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i> | Not applicable |
| <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: http://www.colegiodeabogados.org.py/ |
| <i>Verified by</i> | |

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 license only permits one to practice 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" to 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? (e.g. 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 "license" (or permission/approval) to practice law?

There is no explicit foreign law firm licensing regime which 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

Peru

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| <i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i> | 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. |
| <i>Do these currently include legal services or are there plans to include them in future?</i> | None of its bilateral agreements include 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> | The Spanish firm Uria Menendez 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. |
| <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> | 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, even if they are not permitted to practise law?</i> | Yes, nationals of all countries except Brazil require a Business Visa. |
| <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 does not need to obtain a limited license entitling him/her to offer advisory services in foreign and international law (i.e.. become a foreign legal consultant) |
| <i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i> | There are no additional requirements |
| <i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i> | Not applicable |
| <i>Are foreign lawyers permitted to undertake arbitration and mediation?</i> | There are no limits for a foreign lawyer to act as counsel in any case (domestic or international). Article 37, paragraph 4, Arbitration Act. |
| <i>Are foreign lawyers allowed to appear in court under any circumstances?</i> | No, not without requalifying |

Peru

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 International Agreements for the Recognition of Degrees, these degrees must be validated by one of the universities (21 universities established nationwide) authorized by the National Assembly of Rectors.

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.

The regulation applicable for the issuance of full licenses is contained in the Statutory Rules of the Lima Bar Association."

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. 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? (E.g. with a ministry of company affairs etc.)

Legal services are not included in the list of sectors for which foreign investment requires prior approval.

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

Not applicable

Is there a quota on the number of licences available?

Not applicable

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

Not applicable

Peru

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| <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> | 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>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i> | Not applicable |
| <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> | For links to licensing bodies including regional bars in Peru: Bar Association of Lima: http://www.cal.org.pe/ |

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Uruguay

Is there legislation governing the legal sector

Law No. 15750 of June 24 1985 - Organic Law of the Judiciary and Organisation of the Courts (Title V - Of the Lawyers and Attorneys)

Under what title do lawyers practise?

Abogado

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

To practice as an abogado/a, a candidate must: (i) Possess a qualifying degree issued by the University of the Republic or other authorized private University; (ii) be at least 21 years of age, and (iii) be enrolled in the Court register and have taken an oath before the Supreme Court of Justice.

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

A licensed lawyer can practise throughout the country

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

Article 137 of the Law states that 'to practise law' one must be a qualified abogado. In effect, this only covers practice before the courts.

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)

The legal form in which lawyers may work is not restricted and allows lawyers to share fees so long they are in formal partnership. Multidisciplinary partnerships are also permitted, as long as the client is made aware of this partnership and structure.

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

Ethical requirements for Uruguayan abogados are set out in theCodigo de Etica (2003) of the Colegio de Abogados del Uruguay.

Do law firms need to receive a "license" (or permission/approval) to practice law?

There is no required licensing procedure for law firms.

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

The Registrar of the Supreme Court of Justice registers qualified lawyers after the swearing of an oath before the court.

Is the jurisdiction a member of the WTO?

Uruguay joined the WTO on 1 January 1995.

Has it made any WTO commitments on legal services?

Uruguay has made no sectoral GATS commitments on legal services.

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

Uruguay is a member of MERCOSUR and of the Latin American Integration Association (ALADI) and has a Free Trade Agreement with Mexico.

Uruguay

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

MERCOSUR establishes a common market including the free circulation of goods, services, capital and labour between the member countries. ALADI facilitates the creation of a Latin American Common Market between 13 member countries including MERCOSUR and Andean Community member states.

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

Trade in legal services is not explicitly covered in these agreements, although the free movement of business persons is encouraged.

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

There are a number of regional South American law firms active and with offices in Uruguay.

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?

The law does not make specific provision for fly in fly out practice of law

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Visas are not required from most countries, other than Africa and South/South East Asia, for stays 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?

There is no foreign legal consultancy regime in Uruguay.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Not applicable

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

Not applicable

Are foreign lawyers permitted to undertake arbitration and mediation?

Uruguay's Arbitration Act, No. 19.636, was passed in October 2018 and is based on the UNCITRAL model law. It only governs international arbitration but does allow for the free choice of arbitrators.

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

A foreign lawyer may appear in court so long as their qualification as a foreign lawyer has been validated and he/she has sworn an oath before the Supreme Court of Justice. They must also meet a residency requirement.

Can foreign lawyers requalify as local lawyers?

A foreign lawyer wishing to practice the legal profession in Uruguay must have obtained his legal degree in the Republic of Uruguay or had his title recognised and sworn an oath before the Supreme Court. In this way, foreign lawyers may be entitled to practice law before the courts of the Republic under the same conditions as Uruguayan nationals.

Uruguay

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| <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? (E.g. with a ministry of company affairs etc.)</i> | No |
| <i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i> | Foreign law firms may set up permanent establishments in the form of branch offices or representative offices. However, representative offices are restricted to conducting market research and promoting parent company's products and services. |
| <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)? (E.g. 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>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i> | Not applicable |
| <i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i> | Yes - at least one director representative must be resident in Uruguay. Additionally, a Uruguay branch office is not considered a separate legal entity and therefore its parent company is liable for its obligations and activities. |
| <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 |

Uruguay

Other useful sources or comments or links

Colegio de Abogados (Bar Association):
www.colegiodeabogados.org

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Ferrere Abogados

Venezuela

Is there legislation governing the legal sector

Lawyers' Act (1967)

Under what title do lawyers practise?

Abogado/a - lawyer

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

The route to qualification is via a degree course (5+ 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.

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

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" to those who are licensed to practise law in the jurisdiction?

Only Venezuelan lawyers have rights of audience in court and can provide advice on the law of Venezuela

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)

The ethical rules governing legal practice in Venezuela do 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 "license" (or permission/approval) to practice law?

There is no explicit foreign law firm licensing regime which 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 crossborder and commercial presence.

Venezuela

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| <i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i> | Venezuela is 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> | None of its bilateral agreements include 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> | 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. |
| <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> | 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, even if they are not permitted to practise law?</i> | Yes, lawyers can apply for a business visa. |
| <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 needs to be authorised by the relevant local bar in order to practise foreign and international law as a foreign legal consultant. |
| <i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i> | There are no additional requirements |
| <i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i> | Not applicable |
| <i>Are foreign lawyers permitted to undertake arbitration and mediation?</i> | 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 practice 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. |
| <i>Are foreign lawyers allowed to appear in court under any circumstances?</i> | No, not without requalifying |

Venezuela

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 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 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? (E.g. 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 goods, technical documents or instructions.

Are there different types of foreign law firm ‘licence’ (e.g. Joint Law Venture, stand alone foreign licence etc.?)

Not applicable

Is there a quota on the number of licences available?

Not applicable

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

Not applicable

Venezuela

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| <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> | 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 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i> | Not applicable |
| <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 percent |
| <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 Paraiso Tel: 461-2874 http://www.ilustrecolegiodeabogadosdecaracas.com/ |

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