

Globalising your practice – challenges and opportunities

*A seminar presented by the
BIC International Trade in Legal Services Committee*

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Part I – Introduction to cross-border legal services

Topics covered in Part I:

- How do cross-border legal services [CBLS] work?
- What are the methods by which CBLS are delivered?
- What terminology is used to describe these legal services?
- What role do trade agreements play?

How do cross-border legal services work?

- **To begin**: a snapshot of fellow audience members & CBLS
 - By geography
 - By practice setting
 - By expertise
 - Size & rationale for cross-border legal services
- Clients **or** lawyers may cross an int'l border to work with **you**;
- **You** may travel across an int'l border to provide services; and/or
- You, clients, lawyers, or firms may cross an int'l border **virtually**.
- **Note**: CBLS can be transactional, regulatory, or litigation

When delivering *cross-border legal services*, you may:

- Provide your services *directly to the client*
 - *Entity clients may use in-house counsel for this*
- Provide your services **to another law firm** (*see Part 3*)
- Have some sort of **association** with a law firm or lawyers located in another country and work together (*see Part 2*)

What model for
cross-border joint
practice?



A handbook for bar associations



What terminology is used to describe these services?

- *It depends who you ask!*

- Government trade officials (Modes 1-4 plus e-commerce)
- Data collectors (“exports” and “imports”)
- Legal services regulators (for both “inbound” & “outbound”)
- Lawyers (*see* Parts 2-4 of this IBA Seminar); or
- Clients (who care about solving their issue(s), not terminology).
- Note: Each CBLS interaction can be described multiple ways
- Most countries have both [*outbound*] legal services “**exports**” & [*inbound*] legal services “**imports**”
- IBA terminology: host & home jurisdictions; host & home country law, 3rd country law, international law


Government & Trade Officials' CBLS Terminology

- Mode 1: the legal services product crosses your int'l border
- Mode 2: a client crosses an int'l border to get services
- Mode 3: a foreign firm establishes itself in another country (ignores the question of WHETHER local or foreign lawyers work there)
- Mode 4: a lawyer crosses your international border



Membership status :

 WTO Member

 Observer negotiating accession



WORLD TRADE
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What role do trade agreements play?

- Legal services are covered by [many] trade agreements
- They set minimum requirements your country agreed to
- Bilateral & regional agreements may increase demand for legal services by promoting international trade
- Agreements can “jump start” conversations about cross-border legal services (including opportunities)
- Look for opportunities that go far beyond the agreements
- ***Note the networking break in this Seminar!***

