

## The City of London Law Society at the Annual Conference of the International Bar Association

6-11 October 2013 | By [Alasdair Douglas](#)

Last week I was in Boston, Massachusetts, for the annual conference of the International Bar Association.

The event has become a key fixture in the calendars for leading lawyers from around the world. The IBA puts together a packed programme of over 140 legal practice development sessions, as well as showcase sessions and a social programme.

As a global leader in legal services, City of London firms are at the forefront of the debate on several issues of importance for the profession and the global legal services sector. Our City of London firms were well-represented at the conference, and I attended a number of their receptions. During the week, I also participated in many thought-provoking sessions and met Bar Association leaders from other jurisdictions and discussed common issues. We lawyers are, by in large, careful and measured in our thinking and it takes a lot to grab our imaginations, but for me a couple of particularly interesting discussions emerged during the week.

### **International regulatory regimes and working abroad**

At the International Bar Association conference in Boston IBA Boston, England was lauded as having the most liberal regulatory regime in the world for foreign lawyers wanting to practise here - there are no regulatory constraints whatsoever, as long as you don't call yourself a solicitor and avoid reserved matters. On the flipside, the current immigration policy in the UK was criticised as being as effective a trade barrier as any protectionist local bar rules.

At a roundtable debate I attended, the issues for lawyers working outside their home jurisdictions centred on protectionism and the practical immigration difficulties for lawyers travelling abroad. Every lawyer at the conference who called or emailed a client would have been in breach of the local bar rules – you cannot advise on law in Massachusetts without being registered with the local bar association – and would have breached US immigration rules if he or she had been able to bill for the work done there, as that would have taken the lawyer outside the conditions for obtaining the “business visitor” entry that most of the 5000 foreign lawyers would have travelled to the US on.

Suits and briefcases in practice usually guarantee “business visitor” entry for lawyers in most countries around the world although they might not strictly comply with the letter of the law, but the tightening of the business visitor requirements for the UK by the introduction of business visitor bonds for certain countries was roundly condemned.

Speaking at the conference, I commented that it was pretty embarrassing when we are lobbying for access rights for English lawyers to developing countries in Africa and Asia to be told that we are worse than them when it comes to freedom to fly in to advise clients, let alone set up shop.

### **Pro bono – an awful lot of lawyers in Brazil**

You might have thought that no-one would disagree with the concept of lawyers, perhaps alone amongst the professions, providing their services for free to those who cannot afford them. Not so. At the International Bar Association conference in Boston, the issue of providing services pro bono polarised debate. At one end of the spectrum were the lawyers from the New York State bar. Their take was that pro bono work was such an important obligation on lawyers that, from 2015, anyone wanting to be admitted to the New York State Bar would have to have done 50 hours free legal work for low income individuals before applying to join the Bar. In other words, pro bono in New York will be mandatory. The State Bar is working on the assumption that the hours will be put in by students in university free law clinics while they are doing their law degrees, but the students will have to be supervised by qualified lawyers, so law firms will have to devote time and personnel to underpin the initiative.

At the other end of the spectrum lie the lawyers from Brazil where it is against the local bar rules to carry out any legal work on a pro bono basis, so, of course, no-one does it. Why so? The fact that Brazil has 800,000 lawyers, most of whom earn less than their clients, is the reason and pro bono by the wealthier lawyers would take what little bread there is out of the poor lawyers' mouths. Law diploma factories were to blame for the gross surfeit of lawyers, according to the leader of the pro bono movement in Brazil.

Listening to the debate, I felt it was an irony that an over-lawyered country where lawyers are cheap fails the poorest in society by denying them access to justice, whilst one of the wealthiest areas of the US, which likewise fails the poorest, forces lawyers to work for free.

*Alasdair Douglas is the Chairman of the City of London Law Society*