

## Globalization Has Huge Ethical Impact, ABA President Says

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The president of the American Bar Association says there are “tremendous” ethical implications for the globalization of law practices.

Carolyn Lamm spoke this week at the Memphis Rotary Club in what has been an annual ritual for whoever becomes head of the national association.

The international arbitration, litigation and trade lawyer from Washington said legal services accounted for \$7.2 billion in U.S. exports in 2008.

“Today, lawyers are traveling more and working remotely using virtual servers. Some people organize themselves into virtual law firms for a particular case,” she said. “There are certain countries in the world such as China and India that have targeted the legal services sector as a sector for their growth.”

One issue is the mobility involved.

“The ethical implications of that are truly tremendous,” Lamm said. “What safeguards should we have in place to ensure the public is protected when in fact lawyers are handling matters over the Internet or lawyers have all of their confidential information stored in a cloud – which many do.”

China has applied for certification of a law school to graduate JDs who can practice American law.

“What should American firms do when they are asked to review a brief or a JD agreement prepared by an Indian company with non-U.S. lawyers preparing it?” she asked. “What are your obligations to your client? How far do you need to go? How should our ethical guidelines be updated?”

Lamm has appointed a working group to draft recommendations to consider those possibilities and more. She called it a “long-term project” that will take years.

There are also the questions raised by U.S. attorneys practicing in foreign countries.

After her speech, Lamm told The Daily News many countries have liberal barriers for U.S. attorneys doing arbitration or handling matters that don’t involve the law of that particular country.

“Some countries have eliminated, in fact, a lot of the barriers and you are permitted to take a test to then practice there,” she said. “Our barriers are probably more stringent than France, less stringent than India, less stringent than China. It really depends which legal system you are talking about.”

While in the city, Lamm talked with leaders of Memphis Area Legal Services and met with Memphis Mayor A C Wharton Jr.

Lamm said there is a growing gap in terms of legal representation for the poor.

“We have 65,000 people in the United States that confront profound legal problems – the loss of their homes in a foreclosure, domestic relation problems, consumer finance problems, healthcare problems,” Lamm said. “They must have legal representation.”

**She also complained of “repeated incursions by the federal government into the regulation of lawyers.” The ABA recently fought and won a battle over identity theft regulations with the Federal Trade Commission.**