

SUPREME COURT OF WISCONSIN

In the Matter of the Creation of
Supreme Court Rules: SCR (proposed)
SCR Chapter 41 -Licensing Foreign
Legal Consultants

ORDER
No. 95-13

On November 14, 1995, the court held a public hearing on the proposal of the State Bar of Wisconsin and the International Practice Section of the State Bar for the adoption of rules by which the court would license attorneys from foreign countries as foreign legal consultants in Wisconsin, who would be able, with specified restrictions, to render legal services in Wisconsin. The court has considered the petition, the materials submitted in support of it, the presentation of the proponents at the public hearing and materials subsequently filed with the court and has determined that a procedure for the licensing of foreign legal consultants in Wisconsin should not be adopted at this time.

The licensing of foreign lawyers to render legal services in the United States is the province of each licensing jurisdiction, as illustrated by the differing provisions of the rules for the licensing of foreign legal consultants that have been adopted in some 15 states. Yet, recent international trade agreements and the rapid growth of transnational legal practice strongly suggest the need for uniformity among the states licensing foreign legal

consultants, in part to enable lawyers from the United States to enjoy reciprocal privileges abroad.

The Model Rule for the Licensing of Legal Consultants adopted by the American Bar Association in 1993 was explicitly intended to achieve uniform standards for the licensing of lawyers of foreign countries to engage in international legal practice in a United States jurisdiction and to ensure that the public interest would be fully protected. At the same time, the Model Rule was directed to enabling the United States legal profession to conduct a transnational legal practice. Significantly, some of the provisions in the proposal before the court are not consistent with those of the ABA Model Rule.

Further, the court is not convinced of the need for the creation of a somewhat complex, expensive procedure, one that would create additional work for the already overburdened office of the clerk of the court. There has been no assertion that foreign lawyers have sought to engage in practice in Wisconsin but have been precluded from doing so because of the absence of a procedure for licensing foreign legal consultants. The proponents do suggest, however, that Wisconsin lawyers seeking to engage in practice in some foreign countries are being denied the opportunity because there is no reciprocal opportunity afforded the citizens of those countries to practice here.

IT IS ORDERED that the petition for the adoption of rules for licensing foreign legal consultants is denied.

Dated at Madison, Wisconsin, this 13th day of November,
1996.

BY THE COURT:

Marilyn L. Graves, Clerk