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The Internationalization of the Practice of Law

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The Internationalization of the Practice of Law

Mary C. Daly

Abstract

In October 1991, the Stein Institute of Law and Ethics of Fordham University School of Law sponsored a two-day conference exclusively devoted to exploring the impact of cross-border legal services on the legal profession.

THE INTERNATIONALIZATION OF THE PRACTICE OF LAW

INTRODUCTION

Mary C. Daly*

The latter half of the twentieth century has witnessed an amazing transformation of the world's political and economic structures. Global politics have supplanted national politics. A global economy has replaced national economies. Capital and goods link the farthest reaches of the earth. Small as well as large businesses routinely enter into cross-border transactions. Technology and telecommunications have made differences in time and geography meaningless.

These political and economic changes are dramatically altering the structure and character of the legal profession, both in the United States and abroad. To meet their clients' business needs, U.S. corporate law firms have opened offices in Europe and the Near and Far East. U.S. lawyers regularly counsel clients on U.S. and foreign commercial law in Brussels, Moscow, Sydney, and Tokyo, and in less familiar locations such as Beijing, Budapest and Singapore. The proliferation of U.S. law firms with significant client bases outside the United States has caused an upheaval in the internal market for the delivery of legal services within host countries. Responding to the so-called "Americanization" of law practice, foreign firms are growing in size, branching out geographically, and affiliating in new structures known as networks and alliances.

In October 1991, the Stein Institute of Law and Ethics of Fordham University School of Law sponsored a two-day conference exclusively devoted to exploring the impact of cross-border legal services on the legal profession.¹ Entitled *The In-*

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1. The Stein Institute of Law and Ethics was founded in 1976 by Mr. Louis Stein to encourage members of the legal profession to assert a leadership role in assuring that society is governed by the rule of law, that justice will be duly and efficiently administered, and that the substantive law remain under constant review to increase its capability of producing a just and democratic society. To this end, the Institute

ternationalization of the Practice of Law: Professional Regulation, Ethics and Liability, the conference brought together prominent academics, bar leaders, and practitioners to examine critical issues of concern such as confidentiality, conflicts, and the regulatory frameworks for multinational practices. While the popular and legal press has commented on the transnational reshaping of the delivery of legal services, the Stein Institute conference undertook the first extended systematic inquiry into these issues. The importance of such an inquiry to the legal community in the United States and abroad is underscored by the support the conference received from the American Bar Association and the Council of Bars and Law Societies of the European Community, which were cooperating sponsors.

The Stein Institute is particularly proud of its role in encouraging reflection on, and study of, the legal profession in transition from a national to a transnational provider of services. The seventeenth century English poet John Donne observed "No man is an island." The legal profession is the bridge linking the separate islands of mankind. The Stein Institute trusts that this conference strengthened that bridge.

presents annual lectures and conferences and each year awards the Fordham-Stein Prize: a national prize that is given to a member of the legal profession whose work exemplifies outstanding standards of professional conduct, promotes the advancement of justice, and brings credit to the profession.