

International Developments and their Impact on U.S. Lawyer Regulation

One thesis of this talk is that it is important for U.S. lawyers to be aware of international lawyer regulation developments. Because of the extensive international networks that exist¹ and the range of perspectives among U.S. stakeholders, it is almost inevitable that developments that take place outside the United States will come up during U.S. lawyer regulation discussions.

International lawyer regulation developments have addressed issues related to the “who, what, when, where, why, and how” of lawyer regulation.² These developments raise questions about:

- Who* regulates lawyers?
- Whom* (or *What*) should be the object of regulation?
- When* should regulators act?
- Where* are lawyers (or their activities) regulated?
- Why* should lawyers be regulated?
- How* should lawyers be regulated?

There are several reasons why this “*who-what-when-where-why-and-how*” set of questions is a powerful device for understanding international (and domestic) lawyer regulation developments. First, these questions are easy to remember. Second, these questions provide a framework for analyzing in a methodical fashion an international development that may be complicated and unfamiliar. Third, and most significantly, this *who-what-when-where-why-and-how* framework makes it easier to “decouple” intertwined issues. For example, a U.S. regulator might decide to follow the lead of the 2007 UK Legal Services Act and adopt its own version of regulatory objectives (the “*why regulate*” question) even if that U.S. regulator did not want to follow the UK’s lead with respect to the question of “*who* should regulate lawyers” or the question of “*whom* (or *what*) is the object of regulation.”³ The pages that follow briefly elaborate upon some of the important *who-what-when-where-why-and-how* international lawyer regulation developments and provide examples of U.S. situations in which stakeholders already have or might in the future cite these international developments.

¹ See, e.g., Laurel S. Terry, *International Developments, International Networks, and their Impact on U.S. Legal Ethics and Lawyer Regulation*, Akron L. Rev. __ (2019)(forthcoming).

² See Laurel S. Terry, Tahlia Gordon, and Steve Mark, *Trends and Challenges in Lawyer Regulation: The Impact of Globalization and Technology*, 80 Fordham L. Rev. 2661 (2012). See also Laurel S. Terry, *Trends in Global and Canadian Lawyer Regulation*, 76 Saskatchewan L. Rev. 145 (2013).

³ See Laurel S. Terry, *Why Your Jurisdiction Should Consider Jumping on the Regulatory Objectives Bandwagon*, 22(1) Prof. L. 28 (Dec. 2013) (recommended that U.S. regulators follow the UK’s lead by adopting jurisdiction-specific regulatory objectives, but did not recommend that U.S. regulators follow other aspects of the 2007 UK Legal Services Act).

Who Regulates Lawyers:

In recent years, there have been dramatic changes around the world with respect to who it is that regulates lawyers. [Australia](#) has enacted several different laws in the past twenty years that have addressed the issue of “*who regulates lawyers.*” Australia’s two most populous states have enacted the Legal Profession Uniform Act and have a new [overarching regulator](#) – the Legal Services Council and the Commissioner for Uniform Legal Services Regulation. The [2007 UK Legal Services Act](#) dramatically changed the identity of lawyer regulators in England and Wales. As a result of this legislation, the overarching regulator is the [Legal Services Board](#) (LSB) which is required to have a nonlawyer Chair and a nonlawyer majority. Changes in “who” regulates lawyers have also taken place in Scotland [the [Legal Services \(Scotland\) Act](#) (2010)] and in Ireland. One of the issues that was particularly [controversial](#) in the early drafts of Ireland’s [legislation](#) was the question of whether lawyers should play any role at all in the regulatory system. Some of the pressure on Ireland and other countries came from the so-called “Troika,” which consisted of the International Monetary [IMF], the European Central Bank, and the European Commission. In 2012, the ABA and the Council of Bars and Law Societies of Europe (CCBE) sent a [joint letter](#) to the IMF to “express their growing concern about the independence of the legal profession” and to note that it was “a disturbing trend in places like Greece, Ireland and Portugal where the economic crisis and the intervention of the Troika have led Governments to propose radical reforms of the legal profession.” Important international developments related to the issue of “*who regulates lawyers*” also include antitrust initiatives in the [European Union](#), the Organisation of Economic Cooperation and Development [[OECD](#)], and [elsewhere](#) that focused on lawyer regulation issues, including the issue of separating the regulatory and “representational” arms of bar associations.

Because the issue of “*who regulates lawyers?*” is also relevant in the United States and because international networks promote the free flow of information, international developments such as these have or will become part of U.S. lawyer regulation conversations. For example, the issue of “who regulates lawyers” is currently being addressed by the Washington Supreme Court’s [Bar Structure](#) Work Group, which held its first meeting in March 2019. Among other things, this group will analyze the impact on the unified State Bar of Washington of the U.S. Supreme Court’s [No. Carolina State Board of Dental Examiners v. FTC](#) and [Janus v. Am. Fed. of State, County, and Municipal Employees](#) cases. Legal Zoom cited the Dental Board case when it filed a [\\$10.5 million antitrust suit](#) against the North Carolina Bar Association because of the bar’s efforts to prevent LegalZoom from selling two prepaid legal services plans in North Carolina. This suit [settled](#), but there have been other challenges based on the North Carolina Dental Board case, as this ABA Center for Professional Responsibility [webpage](#) documents. Even before the Supreme Court’s [Dental Board](#) case, there had been challenges to the status quo of “*who regulates lawyers.*” For example, there have been [legislative proposals](#) in Arizona and South Carolina to change who it is that regulates lawyers; the South Carolina bill would have placed authority for bar admission and attorney discipline in a newly created Commission under the Department of Labor. In 2017, Anthony Davis, Jim Jones, and others [co-wrote an article](#) in the Georgetown Journal of Legal Ethics that included a proposed federal statute that would, *inter alia*, authorize lawyer multijurisdictional practice whenever federal law or interstate commerce was involved. In 2019, Anthony Davis urged [The Future of Lawyering Committee](#) of the Association of Professional Responsibility Lawyers [APRL] to endorse this article’s proposal.

International intergovernmental developments, as well as foreign developments, have affected U.S. conversations about “*who regulates lawyers*.”⁴ For example, in December 2016, the United States received its [Mutual Evaluation](#) from the intergovernmental organization called the Financial Action Task Force [FATF]. This FATF report recommended as one of its “priority actions” that the United States “[a]pply appropriate [anti-moneylaundering] obligations . . . on the basis of a specific vulnerability analysis, to lawyers. . . .” A lawyer who is on the ABA Board of Governors and one of the most knowledgeable FATF experts in the country has called for the adoption of a new [ABA Model Rule](#) that requires client due diligence efforts. Commentators that include [this author](#) and Akron Professor [Jack Sahl](#) have emphasized that if U.S. lawyers are not able to show that they have – and honor – client due diligence obligations, they may find themselves subject to onerous obligations imposed on them through federal legislation.

Another international intergovernmental development that has affected U.S. lawyer regulation conversations is the World Trade Organization’s General Agreement on Trade in Services or GATS. The GATS was the first global agreement that applied to trade in legal services. The GATS has changed who talks about U.S. lawyer regulation and it arguably has indirectly affected the content of U.S. lawyer regulation. For example, in 2015, the Conference of Chief Justices [CCJ] adopted a [resolution](#) that urged its members to adopt the ABA’s model resolutions regarding limited practice rights for [inbound](#) foreign lawyers. The ABA has a [Standing Committee on International Trade in Legal Services](#) [ITILS] whose mission includes monitoring U.S. trade negotiations such as the GATS negotiations so that the ABA ITILS can “educate and engage in outreach to interested entities.” The ABA ITILS webpage shows the many instances in which it has been asked to communicate with federal government officials and foreign lawyers and bar associations regarding U.S. state regulation of lawyers. In sum, there have been significant international developments with respect to “*who regulates lawyers*” and these developments have become part of U.S. stakeholder conversations regarding this issue.

Whom (or What) Is the Object of Regulation:

There have been significant international developments that address the **object of regulation** rather than the who the regulator is – in other words, the issue of “*whom (or what) is regulated*.” Some international discussions have focused on whether the object of regulation should be **providers** (e.g., lawyers, barristers, solicitors, paralegals, etc.) or whether the object of regulation should be “legal **services**” regardless of whom provides these services. In the past, there was a more complete overlap between the concepts of *providers* and *services* because legal services were the things provided by lawyers. Today, however, there is an increasing likelihood of divergence between these concepts. What we might call “legal services” are increasingly provided by those who are not licensed lawyers. For example, a shareholder-owned company such as [LegalZoom](#) arguably provides legal services, yet they are not regulated as lawyers and do not hold themselves out as providing “legal services.” Lists of legal services “start-up” companies found [here](#) and [here](#) show the large number of “providers” in the legal services “space.”

⁴ See, e.g., Laurel S. Terry, [U.S. Legal Profession Efforts to Combat Money Laundering & Terrorist Financing](#), 59 N. Y. L. S. L. Rev. 487 (2015); Laurel S. Terry, [From GATS to APEC: The Impact of Trade Agreements on Legal Services](#), 43 Akron L. Rev. 875 (2010); Laurel Terry, [The Future Regulation of the Legal Profession: The Impact of Treating the Legal Profession as “Service Providers,”](#) 2008 J. Professional Lawyer 189 (2008).

Australia and the UK are international jurisdictions that have had some of the most significant developments related to the issue of *whom (or what) should be regulated*. Australia was the first country to have a publicly traded law firm – [Slater & Gordon](#). In the UK, the [2007 Legal Services Act](#) changed the law regarding “*what (or whom) is regulated*” and paved the way for “alternative business structures” [ABS] that include nonlawyer partners and ownership. The “frontline regulator” for solicitors began issuing ABS licenses [in 2012](#); it published a [study](#) in mid-2018 that reported that there were more than 700 ABSs and that ABSs were no riskier and were more innovative than other business models. Those [who have established or invested in ABS firms](#) include entities related to The Cooperative, hedge funds, all Big 4 accounting firms, British Telecom, US law firms, Legal Zoom, and LexisNexis.

Canadian provinces (and [academics](#)) have also been addressed the question of “*whom (or what) should be regulated*.” The [Law Society of Ontario](#), for example, has [successfully](#) regulated paralegals for the past five years. More recently, its *Compliance-Based Entity Regulation Task Force* has considered entity regulation issues. The Prairie Provinces of Alberta, Manitoba, and Saskatchewan are also exploring [entity regulation](#). [British Columbia](#) and [Nova Scotia](#) already have the power to regulate law firms as well as individual lawyers.

The question of “*whom (or what) is regulated*” is also a topic of interest in the United States. After more than [ten years](#) of effort, which was largely led by its Supreme Court, Washington now permits – and [regulates](#) - Limited License Legal Technicians (LLLTs). The Arizona and Utah Supreme Courts have also [adopted](#) limited licenses rules; their providers are called Certified Legal Document Preparers (AZ) and Licensed Paralegal Practitioners (UT). [New York](#) has adopted a “Court Navigator” [program](#) in which non-lawyers help clients at the courthouse. U.S. bar associations have also examined the issue of “*whom (or what) should be regulated*.” For example, the State Bar of California, which is a unified bar, has a [Task Force on Access Through Innovation of Legal Services](#) that is examining [three broad topics](#), one of which is non-lawyer ownership and investment in law firms. A March 2019 [memo](#) to its *Subcommittee on UPL and Artificial Intelligence* was entitled “Provider regulation vs. ‘Legal Advice Device’ regulation.” The memo explained that the committee had received a proposal whose regulating AI legal “devices” whose inspiration for was the FDA’s process for approval of medical devices. The ABA has also considered the issue of “*who or what is regulated*.” When the [ABA Task Force on the Future of Legal Education](#) issued its 2014 final report, one of its [key findings](#) was that “to expand access to justice, state supreme courts, state bar associations, admitting authorities, and other regulators should devise and consider for adoption new or improved frameworks for licensing or otherwise authorizing providers of legal and related services. This should include authorizing bar admission for people whose preparation may be other than the traditional four-years of college plus three-years of classroom-based law school education, and licensing persons other than holders of a J.D. to deliver limited legal services.” The [ABA Commission on the Future of Legal Services](#) issued its final report in August 2016 and one of [its findings](#) was that the “traditional law practice business model constrains innovations that would provide greater access to, and enhance the delivery of, legal services.” [Recommendations](#) 2.2, 2.3, and 2.4 in that Report addressed the issue “*whom (or what) should be regulated*” and encouraged continued exploration of new regulatory models. In many of the U.S. initiatives described above, it is common to find stakeholders citing “access to

justice” data and noting that some of the *whom (or what) is regulated* international developments have articulated goals that include expanding access to legal services.

When Should Lawyer Regulation Occur:

A third contemporary issue concerns timing and the issue of “*when should lawyer regulation occur?*” Much of the interest in this “*when to regulate*” issue was prompted by data from New South Wales, Australia. After the adoption of a new law that allowed incorporated law practices (ILPs), the New South Wales regulator required ILPs to complete a “self-assessment” form that asked the lawyer completing the form to evaluate the ILP’s performance with respect to ten common problem areas.⁵ An [empirical study](#) concluded that after implementation of this system, client complaints were reduced by approximately two-thirds and another survey found that most of the surveyed ILPs [reviewed or changed their internal systems](#).⁶ Canadian regulators are among those who have taken notice of this Australian data. After conducting a [pilot project](#) and issuing several reports, Nova Scotia [adopted](#) a profession-wide mandatory self-assessment program. [British Columbia](#), [Ontario](#), and the [Prairie Provinces](#) have all launched self-assessment pilot projects in an effort to help *prevent* lawyer problems, rather than waiting until after the problems arise to respond.

The question of “*when should regulation occur*” is of increasing interest in the United States. After [hearing](#) about the Australian data, the Colorado Supreme Court Office of Attorney Regulation Counsel developed a set of [self-assessment](#) forms that are voluntary (but can be used for CLE credit). Illinois was also familiar with the Australian experience and it has [implemented](#) a mandatory self-assessment program for Illinois lawyers who represent private clients but do not have malpractice insurance. Although some Illinois lawyers are *required* to complete Illinois’ online interactive [self-assessment course](#), all Illinois lawyers can take the free eight-module course and receive CLE credit. Other states and organizations are also interested in this issue. The National Organization of Bar Counsel [NOBC], which is an organization of lawyer regulators, has prepared an [FAQ document](#) on proactive legal regulation. The [committee](#) members who worked on this document included regulators from Australia, Canada, and the UK. The ABA expects to introduce a resolution at the August 2019 Annual Meeting that would encourage jurisdictions to consider adopting proactive management-based regulation or PMBR.⁷ I am among those who have cited international developments when urging U.S. regulators to take a more proactive, prevention-oriented approach to lawyer regulation.⁸

⁵ The ten issues that New South Wales included in its self-assessment form are similar to problem areas that one sees in U.S. legal practice and elsewhere. See Appendices 2 and 3 [here](#). The ten issues included client complaints about lawyer communication, delay, fees, missed deadlines, and conflicts of interest among other things. *Id.*

⁶ For a four-page blog post summarizing some of this data, see Laurel Terry, *When it Comes to Lawyers... Is an Ounce of Prevention Worth a Pound of Cure?*, JOTWELL (July 13, 2016) (reviewing Susan Saab Fortney, *Promoting Public Protection through an “Attorney Integrity” System: Lessons from the Australian Experience with Proactive Regulation System*, 23 Prof. Law. 16 (2015)), <https://legalpro.jotwell.com/when-it-comes-to-lawyers-is-an-ounce-of-prevention-worth-a-pound-of-cure/>.

⁷ See the *Ounce of Prevention* Jotwell post, *supra*, for a discussion of the origin of the PMBR acronym.

⁸ See Laurel S. Terry, [The Power of Lawyer Regulators to Increase Client & Public Protection Through Adoption of a Proactive Regulation System](#), 20 Lewis & Clark L. Rev. 717 (2016). This article contained two recommendations. It urged regulators to adopt a mindset in which they view their mission as trying to prevent problematic lawyer behavior, as well as responding to such behavior after it occurs. It also urged them to add to lawyer bar dues statements two questions about Rule 5.1 and have a webpage with practice management and other resources.

Where Should Lawyers or their Activities be Regulated:

The fourth question listed above was “*where should lawyers or their activities be regulated.*” Regulators traditionally have regulated those who were licensed in their jurisdiction (and perhaps those who practiced in their jurisdiction [even if they weren’t licensed there.](#)) As a result of technology, lawyers can practice across borders using their phones and email and can choose to have only a “virtual” office. Despite these developments, lawyer regulatory systems are primarily geography-based, which means that difficult issues can arise when lawyers practice electronically. For example, in Canada there have been disagreements between regulators and virtual law firms (*see* n. 138 [here](#)). The size of the legal profession’s monopoly affects the complexity of this “*where should lawyers be regulated*” issue. If the reserved activities (or monopoly) are limited to court appearances, as is true in some countries, then this issue is less difficult than in [jurisdictions](#) in which the profession’s monopoly includes transactional work.

International developments, such as trade negotiations, play a role in keeping this thorny and unresolved issue front and center. For example, the GATS requires WTO Member States (which is most countries in the world, including the United States) to use four “[Modes of Supply](#)” its legal services specific commitments (if any). “Mode 1” involves virtual legal practice, in which the legal services “product” rather than the legal services “provider” crosses an international border. Thus, the GATS has forced regulators, lawyers, and government trade negotiators to [discuss](#) what UPL laws do and don’t allow with respect to virtual law practice.

U.S. regulators and [lawyers](#), like those elsewhere, face challenging issues that arise because our geographic-based system of licensing doesn’t match the virtual world in which we live and the ways in which lawyers electronically (by phone, internet, or email) deliver services across borders. In 2002, as the quid-pro-quo for expanded multijurisdictional practice rights, the ABA amended [Model Rule of Professional Conduct 8.5](#) to make lawyers accountable to the disciplinary systems of jurisdictions in which lawyers provide services, as well as jurisdictions in which they are licensed. After the ABA’s Feb. 2013 [adoption](#) of several model rules regarding limited practice rights for inbound foreign lawyers, the ABA adopted its [Guidelines for an International Regulatory Information Exchange](#) that promote international accountability. (Several years later the International Bar Association adopted the [IBA Guidelines for an International Regulatory Information Exchange Regarding Disciplinary Sanctions against Lawyers](#) which help promote international accountability and look substantially similar to the ABA’s Guidelines.) There have been other settings in which U.S. lawyers and regulators have discussed the issue of *where should lawyers or their activities be regulated*. This was a major focus of the work of [the ABA Commission on Ethics 20/20](#), which addressed [some but certainly not all](#) of the regulatory issues that technology and globalization have created. As noted in the “*what (or whom) is regulated*” discussion, a number of regulators and others (e.g., the [California Task Force](#) and [APRL](#) task force) currently are examining issues that are related to the “locus” of regulation. The issue of lawyers who have [virtual offices](#), rather than “bricks and mortar” offices is just one subset of this issue of “*where should lawyers or their activities be regulated.*”

Why Should Lawyers Be Regulated (i.e., what are the goals or ‘regulatory objectives’ of regulation):

While “purpose” statements in legislation are not new, the 2007 UK Legal Services Act brought heightened interest to their use in lawyer regulation settings. [Section 1](#) of the UK Act was entitled “The Regulatory Objectives” and set forth the goals that it said UK lawyer regulation should be trying to achieve. Following the adoption of the UK Legal Services Act, international commentators pointed out the benefit of jurisdictions adopting explicit statements of their regulatory goals.⁹ Several jurisdictions, including some in [Australia](#) and [Canada](#), thereafter adopted or revised objectives that set forth the goals they were trying to achieve – in other words, *why lawyers should be regulated*.

U.S. regulators are increasingly interested in the topic of regulatory objectives. In 2016, upon the recommendation of the ABA Task Force on the Future of Legal Services, the ABA adopted a [resolution](#) encouraging U.S. jurisdictions to adopt the *ABA Model Regulatory Objectives for the Provision of Legal Services*. The Supreme Courts in Colorado, Illinois, and Washington have [adopted](#) their own versions of regulatory objectives and other U.S. jurisdictions are considering adopting a statement that sets forth their views about *why lawyers should be regulated*. (You can see U.S. and foreign regulatory objectives, with cites and links, at this “[Examples of Regulatory Objectives](#)” [document](#) that I post on my website. I am among those who have [called upon](#) U.S. jurisdictions to adopt regulatory objectives for legal profession regulation, although I prefer the Nova Scotia version to the ABA version.) Regardless of which particular regulatory objectives a jurisdiction adopts, it is undeniable that international developments have influenced U.S. views about the value of explicitly stating the regulator’s views about *why lawyers should be regulated*.

How Should Lawyers Be Regulated:

The final issue in the *who-what-when-where-why-and-how* framework is the issue of *how should lawyers be regulated*. International developments have addressed this issue, too. For example, the Solicitors Regulation Authority [SRA] is the “frontline” regulator for solicitors in England and Wales. In 2011, it debuted a new “[Handbook](#)” that emphasized its “outcomes-based” approach to regulation, rather than detailed prescriptive rules. In a webpage that is no longer active, the SRA described [outcome based regulation](#) as follows: “Outcomes-focused regulation [OFR] focuses on the high-level principles and outcomes that should drive the provision of legal services for consumers. It replaces a detailed and prescriptive rulebook with a targeted, risk-based approach concentrating on the standards of service to consumers. There is greater flexibility for firms in how they achieve outcomes (standards of service) for clients.” The SRA expects to replace its Handbook in 2019 with [Standards and Regulations](#), [including](#) one code for individuals and one code for firms. Although references to “outcomes focused” regulation has faded, the SRA has increased its references to its “[risk-based](#)” regulation. [Other jurisdictions](#) have also embraced a “risk-based approach” to regulation. Another “*how to regulate*” issue concerns the evidence needed to justify regulation and who has the “burden of proof.” This issue [has arisen](#) in the Organisation of Economic Cooperation and Development

⁹ See, e.g., Laurel S. Terry, Steve Mark, and Tahlia Gordon, *Adopting Regulatory Objectives for the Legal Profession*, 80 Fordham L. Rev. 2685 (2012), <https://ir.lawnet.fordham.edu/flr/vol80/iss6/14/>.

[OECD]. (Similar issues have also arisen in [antitrust initiatives](#) around the world that have focused on the regulation of the legal profession.) The OECD's Services Trade Restrictiveness Index [[STRI](#)] initiative, and its [analysis](#) of legal services, includes “*how to regulate*” issues.

In my view, until recently, there had been relatively little discussion of the “*how to regulate*” issue compared to the discussion of the other *who-what-when-where-why-and-how* issues. Many years ago, Professor Mary Daly wrote a [law review](#) article that focused on the differences between rules and standards and contrasted U.S. legal ethics rules with the approach taken in other countries. During the U.S. MDP [multidisciplinary practice] debates, there was some discussion of the differing approaches to this “burden of proof” [issue](#), but the issue did not receive extensive analysis. The situation seems to be changing, however. In 2014, Fordham's Stein Center for Law and Ethics [published](#) papers from its Colloquia on “The Legal Profession's Monopoly” and several articles addressed the “*how to regulate*” issue. U.S. and Canadian legal regulators now have a listserv and try to schedule a networking session during the ABA's [annual](#) legal ethics conferences. These ABA ethics meetings have included discussions of Canadian regulators' “risk-based” approach to regulation. The question of “*how should lawyers be regulated?*” may soon receive additional attention in the United States because of Professor Elizabeth Chambliss' forthcoming [Evidence-Based Regulation](#) article. After observing that the United States is moving towards an evidence-based lawyer regulation system, she offers “strategies for institutionalizing independent research norms within the profession and making empirical assessment a required feature of professional self-regulation.” While this article relies primarily on U.S. developments that include the Supreme Court's [No. Carolina Dental Board](#) case, the international developments cited above are likely to increase the pressure on U.S. lawyer regulators to rely on evidence- that is, to change *how* they regulate lawyers.

Conclusion:

As this brief summary has shown, there have been significant lawyer regulation developments outside the United States. One way to think about these developments and to help untangle their many threads is to use the *who-what-when-where-why-and-how* framework set forth in the articles cited in footnote 2 of this document.¹⁰ In my view, the *who-what-when-where-why-and-how* framework makes it easier to recognize lawyer regulation issues and also to “decouple” lawyer regulation issues and analyze them separately. Finally, this framework makes it easier to recognize similarities and differences among U.S. and international developments.

This summary has also shown that because of the extensive international networks that exist among lawyer regulation stakeholders,¹¹ one should expect that lawyer regulation developments elsewhere in the world will be discussed in the United States and may prompt changes. In short, I think all lawyers should be aware of international developments, international networks, and their impact on U.S. legal ethics and lawyer regulation.

¹⁰ In addition to the information found in the articles cited supra note 2, you can find additional information at <https://tinyurl.com/laurelterryslides> and at https://works.bepress.com/laurel_terry/.

¹¹ I discuss these international networks in my forthcoming Akron Law Review article; in Laurel S. Terry, *The Impact of Global Developments on U.S. Legal Ethics During the Past Thirty Years*, 30 Georgetown J. of Legal Ethics 365 (2017), http://works.bepress.com/laurel_terry/68/; and in Laurel S. Terry and Carole Silver, *Transnational Legal Practice* [2014], 49 ABA/SIL [n.s.] 413 (2015), http://works.bepress.com/laurel_terry/22/.