

CONFERENCE OF CHIEF JUSTICES

Resolution 2

In Support of Cooperation Among United States and European Disciplinary Bodies

WHEREAS, the provision of legal services in Europe by lawyers admitted to practice in a United States state, territory or the District of Columbia (U.S. lawyers) and the provision of legal services in the United States by lawyers whose Bar or Law Society is a full member of the Council of Bars and Law Societies of Europe (European lawyers) have become significant elements in transatlantic trade; and

WHEREAS, a system of cooperation between the competent disciplinary bodies of the home jurisdiction (the jurisdiction in which the lawyer has been admitted to the bar) and the host jurisdiction (the jurisdiction in which the lawyer renders cross-border legal services) will increase cross-border legal services and better protect the public; and

WHEREAS, the Conference of Chief Justices (the Conference) and the Council of Bars and Law Societies of Europe (CCBE) have indicated an interest in strengthening communication and cooperation among the competent lawyer disciplinary bodies of the United States and Europe through the adoption of parallel resolutions.

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices encourages the competent lawyer disciplinary body in each United States state, territory or the District of Columbia (U.S. jurisdictions) to consider:

1. Informing the competent disciplinary body of the home jurisdiction of a European lawyer (European disciplinary body) of the grounds for and nature of the sanction(s) imposed whenever it has disciplined a European lawyer for violation of a professional regulation (any provision or rule governing the professional activity of a lawyer, including a code of conduct); and
2. Informing the European disciplinary body of an alleged violation of a professional regulation by a European lawyer if he/she left the host jurisdiction before a determination whether discipline is warranted was made by the competent disciplinary body of that jurisdiction; and
3. Informing the European disciplinary body whether the host jurisdiction, in its discretion under the applicable state professional regulations, will take disciplinary action and if so, the nature of the sanction(s) that it will impose when it receives information from that European disciplinary body that:
 - a. The European disciplinary body has disciplined a United States or European lawyer, who is admitted to practice in the host jurisdiction, for violation of a professional regulation; or

- b. A U.S. lawyer who is admitted to practice in the host jurisdiction is alleged to have violated the professional regulations of the European country but left that country before a determination whether discipline is warranted was made by the competent European disciplinary body; and

BE IT FURTHER RESOLVED that the Conference will use its best efforts to enable the above described disciplinary cooperation, in particular by:

1. Providing to the CCBE and regularly updating a list of names and addresses of the competent disciplinary body in each U.S. jurisdiction;
2. Distributing to its members the list of the names and addresses of the competent disciplinary bodies that it receives from the CCBE; and
3. Facilitating, if called upon, communications between U.S. and European disciplinary bodies.

Adopted as proposed by the CCJ International Agreements Committee and the CCJ Professionalism and Competence of the Bar Committee at the Midyear Meeting on January 28, 2009.