



CCBE RESOLUTION IN SUPPORT OF COOPERATION AMONG AMERICAN AND EUROPEAN DISCIPLINARY BODIES

Conseil des barreaux européens – Council of Bars and Law Societies of Europe

association internationale sans but lucratif

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

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

WHEREAS the Conference of Chief Justices (CCJ) and the Council of Bars and Law Societies of Europe (CCBE) have each 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 CCBE encourages the competent lawyer disciplinary body in each European country to consider:

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

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

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

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