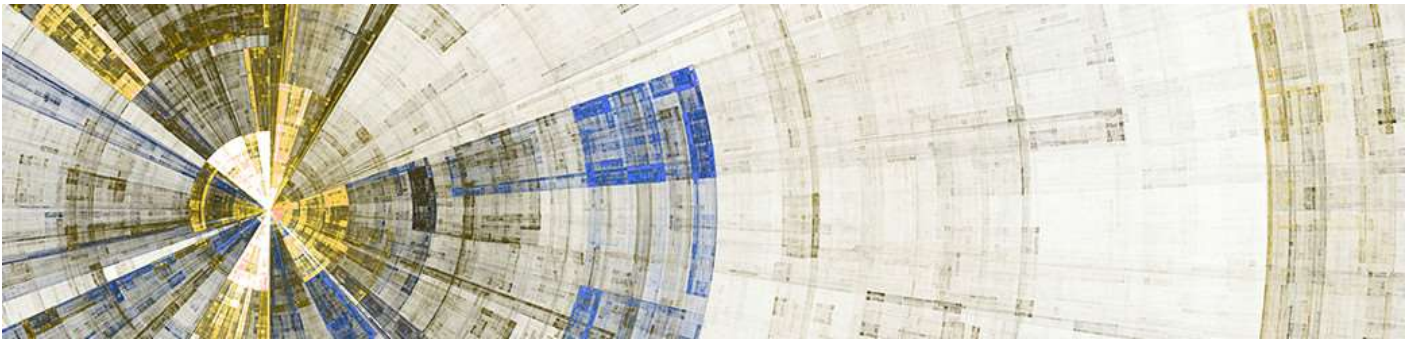


# **Legal Regulation: A World of Developing Ideas**



## **5th International Conference of Legal Regulators Conference Program**

September 15 & 16, 2016

JW Marriott Hotel

1331 Pennsylvania Avenue, NW

Washington, D.C.



International Conference of Legal Regulators

ICLR.net



## Introduction

Hosted by the Office of Disciplinary Counsel in Washington, DC, this year's conference focuses on core functions performed by attorney regulatory agencies and examines issues on the horizon for regulators.

Through a mix of plenary sessions and small group discussions, an international group of panelists will share their experiences and insights on core functions performed by attorney disciplinary agencies and issues on the horizon that affect us all.

## Wednesday, September 14, 2016

### **5:00-7:00 pm Conference Welcoming Reception**

The DC Office of Disciplinary Counsel  
515 Fifth Street, NW (between E and F Street, NW)  
Building A, Room 117

Delegates will be on their own for dinner following the reception.

## Thursday, September 15, 2016

### **8:00-9:00 am Conference Breakfast**

Salons D & E, Ballroom Level

### **8:15-9:00 am ICLR 2016 Program Committee Breakfast Meeting**

### **9:00-10:15 am Welcome and Around the Room**

Wallace E. "Gene" Shipp, Jr., United States

### **10:15-10:30 am Refreshment Break**

### **10:30-10:45 am Demonstration of the ICLR Website**

Jane Malcolm, United Kingdom



**10:45-12:00 pm Attorney Discipline System “Intake” Procedures from Around the Globe: Comparative Analyses and Best Practices**

**Moderator** Robert A. Hawley, United States  
**Panelists** Kris Dangerfield, Canada  
Edward L. Davis, United States  
Stephan Goecken, Germany  
Edward Mapara, Zimbabwe  
Paul Philip, United Kingdom  
Barbara Seymour, United States

Join a Panel of experienced counsel and staff for an interactive discussion and comparison of attorney discipline system “intake” procedures (complaint receipt, review, and investigation) from around the globe. The panel will compare and contrast the differing procedures followed by their home jurisdictions from the receipt of a complaint, to the decision to prosecute and beyond, where more investigation is warranted for trial. This program will explore best practices across international jurisdictions. Your thoughts and experiences will be sought as part of the program.

**12:00-1:30 pm Conference Lunch**

(Salons D & E, Ballroom Level)

**1:30-2:30 pm Admission to the Practice of Law**

**Moderator** Laurel S. Terry, United States  
**Panelists** T P Kennedy, Ireland  
Erica Moeser, United States  
Don Thompson, Canada

Most jurisdictions have some sort of admissions system but information about these respective systems is scant. As global mobility of lawyers increases, it is important for regulators to be aware of what our neighbours are doing and how they are doing it. This session will enable admissions regulators to share information about how their admissions systems operate and to learn from each other. This session will additionally provide a forum whereby emerging challenges in relation to admission to the legal profession can be raised and discussed. One goal of this session is the development of a centralized comprehensive resource that contains information about admission to the legal profession in various jurisdictions.



**2:30-2:45 pm Refreshment Break**

**2:45-4:00 pm Diversion: Do's & Don'ts**

**Moderator** Tracy L. Kepler, United States  
**Panelists** Marian V. De Souza, Canada  
Susan S. Fortney, United States  
Nic Swart, South Africa  
Lisa Villarreal-Rios, United States

Global studies of lawyer regulation suggest a need to look beyond prosecution and discipline, and underscore the value of reaching out to those lawyers who are having problems in their dealings with clients. Such studies advocate more creative solutions to better protect the public, while assisting those lawyers. Diversion programs provide one approach for doing so. Such programs are designed to provide awareness of ethical obligations and remedial education. This program will consider various aspects of these types of programs. Topics include how to implement a diversion program, how lawyers are identified for participation in diversion programs, various approaches used, cooperation and partnership with Lawyer Assistance Programs, and concerns related to current programs and how those concerns may be addressed.

**4:00-5:00 pm I Always Feel Like Somebody's Watching Me: Reinstatement and Supervision of Lawyers on Probation**

**Panelists** Niels Hupkes, The Netherlands  
Gloria Lim, Singapore  
Elizabeth Osler, Canada  
Paul Philip, United Kingdom  
William Slease, United States

Through the use of small group discussions, led by the above panelists with all of the attendees, this program will explore how different jurisdictions deal with reinstatement of lawyers who were removed from practice, and how to supervise lawyers on probation. Topics will include whether and how lawyers who have been suspended or disbarred from the practice of law can apply for reinstatement, including whether it is appropriate to automatically reinstate a lawyer after time served; if reinstatement is not automatic, what are the conditions for reinstatement; whether there is a requirement that the lawyer reestablish his/her character and fitness to practice and, if so,



how the lawyer meets that burden; and whether the regulator should ever support reinstatement. The program will also consider whether lawyers should be allowed to practice under probationary conditions, what type of conditions are appropriate, how to find and keep an appropriate supervising attorney, and how to respond to probation violations.

**5:00-5:30 pm    A Question of Trust – An Exploration of Professional Values and Standards and What They Mean in Practice**

**Moderator**                      Crispin Passmore, United Kingdom

A question of trust focuses on professional values and standards, and what that means in practice. This program will help us map common ground between the legal profession and the public, identifying issues that are viewed as minor and those that, by contrast, are seen as serious.

**6:30-8:15 pm    Dinner – Old Ebbitt Grill**

<http://www.ebbitt.com/>

675 15th Street, NW - between F & G Streets, NW  
(One block north and one block west of the hotel)

**8:15-10:15 pm    Trolley Bus Evening Monuments Tour**



## Friday, September 16, 2016

### 6:30-7:30 am **Fun Walk**

Led by Tracy L. Kepler, United States

### 6:45-7:30 am **Fun Run**

Led by Kathleen M. Uston, United States

### 8:00-9:00 am **Conference Breakfast**

Salons D & E, Ballroom Level

### 9:00-10:30 am **Rethinking the Application of Technology to Regulatory Work**

**Facilitators** Robert A. Hawley, United States  
David Skinner, Canada  
Karen Dunn Skinner, Canada

Discussions about technology changing the practice of law abound. What has not been discussed, and needs to be, is how regulators of lawyers can and should use technology to better accomplish their regulatory missions. This program explores how to make technology work for you; how it can enhance disciplinary and other regulatory processes, from caseload and document management to data collection and analysis to transparency initiatives. The session will be conducted as a workshop, enabling participants to work through regulatory process mapping for technology purposes, identifying common waste, frustrations, problems and solutions where regulatory process meets technology.

### 10:30-10:45 am **Refreshment Break**

### 10:45-12:00 pm **Challenges Facing Emerging Regulatory Systems**

**Moderator** Alison Hook, United Kingdom  
**Panelists** Joan Janssen, Singapore  
Dancia Penn, British Virgin Islands  
Wilbert Mandinde, Zimbabwe

How do you take an unregulated legal profession and transform it into one that supports access to justice and the demands of a modernizing economy? How do emerging systems with few resources and competing priorities decide what needs to be done first? How does an emerging legal regulator manage



relations with both government and the profession?  
This session will look at some of the challenges being faced by those with responsibility for regulating the legal profession in different parts of the world and examine how they are rising to meet them. It will consider the political, organizational and above all cultural hurdles that must be overcome in order to embed the principles of sound regulation?

**12:00-1:30 pm Conference Lunch**

Salons D & E, Ballroom Level

**1:30-2:30 pm Reimagining the Future: How Proactive Measures Can Reshape a “Lawyer Discipline System” into a “Lawyer Integrity System”**

**Panelists** James C. Coyle, United States  
Susan S. Fortney, United States  
Steve Mark, Australia  
Darrel Pink, Canada  
Laurel S. Terry, United States

Many jurisdictions are revisiting how to best regulate the practice of law. Ideally, proactive programs help prevent misconduct and improve client services, providing more public protection than reactive approaches. This session focuses on Proactive and Management Based Regulation (PMBR) programs that have been implemented and ones under development. The session will give audience members an opportunity to consider whether such programs could be adopted or adapted for use in their own jurisdictions. The session will also include brainstorming for further innovation on how to best regulate the practice of law in the upcoming decades.

**2:30-2:45 pm Refreshment Break**

**2:45-4:00 pm Cooperative Efforts and Agreement between International Jurisdictions**

**Moderator** Motlatsi Molefe, South Africa  
**Panelists** Thomas Harban, South Africa  
Niels Hupkes, The Netherlands

More and more legal regulators deal with lawyers who practice in more than one international jurisdiction. It is in the interest of the public that the regulators in both jurisdictions exchange relevant information about such lawyers, especially when a



lawyer is no longer allowed to practice in one jurisdiction (disbarred or suspended). In practice, it is often not possible to exchange such information due to the privacy rules and regulations of each jurisdiction.

At the end of 2015, the IBA launched draft guidelines for an international regulatory information exchange regarding disciplinary sanctions against lawyers. The purpose of these guidelines is to enhance the exchange of information about whether a lawyer is admitted and authorized to practice and provide information about the lawyer's disciplinary history. Although the guidelines are voluntary the IBA encourages the adoption of protocols or regulations coming as close as possible to the guidelines.

In this session we will present the results of a survey on what kind of information already can be exchanged and then discuss with the participants the needs for the future.

**4:00-5:00 pm    The Take Away – What Have We Learned, what do We Take Home, and What is the Future of Lawyers and Regulation?**

**Moderators**            James C. Coyle, United States  
                                 Paul Philip, United Kingdom  
                                 Julia L. Porter, United States  
                                 William D. Slease, United States

In this final ICLR session, conference participants will have already absorbed two full days of ICLR programming and materials in eight separate sessions. This session will be fully interactive and is intended to tie together what we have just learned with what we know are major challenges to the legal profession, and to develop some basic principles in how we as regulators might meet those challenges.

**5:00 pm    2017 ICLR in Singapore – a preview**

Joan Janssen, Singapore

**Closing Remarks**

Wallace E. "Gene" Shipp, Jr, United States





## Acknowledgements

We would like to extend a special thank you to the International Conference of Legal Regulators' Program Committee for their special insights, hard work, and remarkable dedication to creating meaningful programming.  
Lawrence Bloom, Program Chair

### **Program Committee**

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Darrel Pink, Canada  
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