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## Introduction

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# Introduction

## Charles W. Kettlewell\*

The day of the country lawyer dealing with a small constituency of families and small businesses solely on local issues is changing. Time and commerce have ushered in specialist lawyers who practice throughout the world. International law firms, large and small, exist to meet the needs of international businesses and a transient population. This affects where and how law is practiced.

The country “squire” or big-firm lawyer can sit anywhere and, via the Internet, represent clients on legal issues that involve the law of multiple countries or jurisdictions within countries. Lawyers are regulated by a variety of rules, which vary from local to state, to national, to international, to treaty and beyond. Little has been done to create understanding of these differing regulations, let alone to seek some degree of uniformity.

Who can that consumer of legal services turn to? Must they continue, in the historic mode, to incur the expense of hiring a separate lawyer in each jurisdiction? Is that really necessary to protect the clients’ interests? Why should the customer not be permitted to utilize the talents of a lawyer with great expertise on a national and international level, without the sometimes purely “cosmetic” effect of retaining “local counsel” to sanitize what might otherwise be viewed as the unauthorized practice of law? Should the various legal professions be permitted to maintain their “turf wars”? That is just one of the related issues.

It is clear that adequate methods of regulating lawyers exist to enable the client to accomplish the legal representation in various jurisdictions without all of the additional costs. This has long been true in the United States; but, the desire of states to protect their own turf, often to the detriment of clients, has prevented development of better rules. Europe has led the way, and consumers and the Bar, worldwide,

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should demand changes.

While these and other related questions are being answered on an international level, as well as within various countries, certain things are clear. (1) Many lawyers today are admitted into more than one jurisdiction. (2) Few, if any, jurisdictions have identical ethics or disciplinary rules regulating their lawyers. (3) The gap in uniformity is growing, when it should be narrowing. (4) The ethics or disciplinary rules affect not only the way lawyers can practice, but also the Rule of Law.

It is all these matters that the Association of Professional Responsibility Lawyers ("APRL") works with in a never-ending effort to improve the protection of lawyers and clients. The objective of APRL's Florence, 2002 program, as well as prior programs in Shanghai, China (2000), Cambridge, England (2000), and Paris, France (1996), was to identify and explore the problem areas so as to facilitate understanding for individual lawyers and law firms, and to help to lead legal professions worldwide to reasonable and uniform rules that regulate the legal profession.

APRL is keenly aware of these problems. The bulk of our membership consists of United States lawyers. It serves as a microcosm of international legal ethics problems. Ethics rules in the various states differ, and, in some regards, very significantly. What a lawyer may be required to maintain as a confidence or secret in one jurisdiction, the same lawyer, in another jurisdiction, may be required to disclose. Analysis of conflicts, and screening for lateral moves, differs significantly. These are but a few of many examples that cause problems in the United States today. These problems are even greater on an international level, and far less studied or understood.

APRL, in co-sponsorship with Oxford University, presented APRL's Fourth APRL Global Forum on International Legal Ethics and Risk Management, in Florence, Italy, in 2002. The program brought together speakers and attendees from many nations to identify and discuss significant ethics rules on an international scale [for information on the program content, email [aprladmin@aol.com](mailto:aprladmin@aol.com)]. The program also dealt with risk management issues when a law firm has international offices. Michael J. Flaherty of Flaherty & Jacobson in Chicago, Illinois, ably organized that part of the program.

Did we accomplish all our objectives? My answer is no. But every attendee came away with some new understanding and thoughts. That, in my opinion, is what it is all about. The next APRL Global Forum, which is to occur in 2005, will expand on the never-ending goal of facilitating reasonable regulations of international practice.

I have practiced almost exclusively in the area of legal ethics since

1977. It is an ever-changing subject, with new or amended rules, new consumer demands, and increased importance to recognize and solve problems. Such is the plight of the lack of cooperation between jurisdictions to standardize their ethics rules, as well as the consequence of the imaginations of both customers and lawyers in creating ever-new problems for regulation.

I wish to thank Christopher Whelan, Associate Director, International Law Programs, University of Oxford, and Michael J. Flaherty of Flaherty & Jacobson, Chicago, Illinois, and all the speakers and attendees, as well as APRL, for making the program possible. I also want to give special thanks to the *Penn State International Law Review*, and Professor Terry for publishing papers from the Forum, as well as from others.

I hope you enjoy the materials, and I hope you will find the time to join APRL at its next international program dealing with these issues. Information about APRL can be found on its web site at <http://www.aprl.net>.

