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Global Networks and the Legal Profession

Laurel S. Terry



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GLOBAL NETWORKS AND THE LEGAL PROFESSION

*Laurel S. Terry**

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I. INTRODUCTION

This Article explores the topic of global legal services networks. It proceeds in three parts. Section I provides essential background information about the impact of globalization that helps explain why global legal services networks exist and why they are important resources. Section II(A) begins by introducing the reader to some of the literature

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about networks in general. After reviewing the literature about legal profession networks, Section II(B) identifies a number of opportunities available to lawyers to participate directly or indirectly in global networks. Section II(C) addresses the growth prospects for global legal profession networks and concludes that they are strong. The final section explains why this Article is relevant to lawyers outside of the United States, as well as those inside the United States, and offers concluding observations about the likely impact of global legal services networks on contemporary legal practice.

II. BACKGROUND INFORMATION

A. *Globalization and the U.S. Economy*

Globalization is an important phenomenon. This is true in Ohio, which is where this Article is published,¹ as well as the rest of the country. Starting with Ohio data, it is noteworthy that for 16 of the past 20 years, Ohio exported more each year than it had in the previous year.² For example, in 2018, Ohio exported \$54.3 billion in merchandise, which was an increase of approximately \$4 billion over its 2017 merchandise exports, although in 2019, merchandise exports dropped back to \$53

1. Because the talk on which this Article is based was delivered at the Miller-Becker Center for Professional Responsibility in Ohio, this Section provides information about Ohio, as well as the country-at-large. I was very pleased to have been invited to deliver the inaugural lecture in *Lawyers & the Globalization of Legal Services Series* and to contribute this article to the *Akron Law Review*.

2. See, e.g., *2019 NAICS Total All Merchandise Exports from Ohio*, U.S. DEPT. OF COMMERCE, INT'L TRADE ADMIN., linked from Trade Stats Express Home, <http://tse.export.gov/tse/TSEHome.aspx> [https://perma.cc/G6ZS-Y9T3]. To reach the correct data from this URL, select "State Export Data" and then select the top (or top left) choice, which states "Global Patterns of a State's Exports," then select Ohio from the drop-down menu and select years 1999–2019. The resulting page shows that the four years in which Ohio merchandise exports declined were 2009, 2015, 2016, and 2019. See also *State Exports from Ohio*, U.S. CENSUS BUREAU (2018), <https://www.census.gov/foreign-trade/statistics/state/data/oh.html> [https://perma.cc/G4CW-UBNC] (summarizing the exports statistics from 2015–2018 and providing details about products exported and destination countries).

One can use the "Trade Stats Express" website listed above to compare Ohio's exports to those in the rest of the United States. See *2019 NAICS Total All Merchandise Exports to World*, U.S. DEPT. COMMERCE, INT'L TRADE ADMIN., <http://tse.export.gov/tse/TSEHome.aspx> [https://perma.cc/G6ZS-Y9T3]. From this URL, choose the middle selection, which states, "State-by-State Exports to a Selected Market." Select "World" as the trade partner and "2019" as the "map display," then select "Go." (During 2019, Ohio had the ninth most exports of any U.S. state).

billion.³ The government has estimated that approximately 272,800 jobs in Ohio are supported by majority foreign-owned affiliates.⁴

Communities within Ohio clearly view themselves as operating within a global economy and have taken steps to advertise their expertise and advantages to global audiences.⁵ For example, both Cleveland and Akron include information on their webpages directed towards global audiences.⁶ The City of Akron has an “international” tab on its webpage.⁷ The Greater Akron Chamber of Commerce webpage also has an “international activity” tab with a wealth of information, including information about its global businesses and advantages and its Global Business Accelerator.⁸ The City of Cleveland has offered an “international business development resources” webpage that includes a number of resources.⁹

3. U.S. DEPT. OF COMMERCE, INT’L TRADE ADMIN, *supra* note 2. The NAICS statistics capture merchandise exports, rather than services exports.

4. *Foreign Direct Investment: Ohio*, SELECT USA (Nov. 2019), <https://www.selectusa.gov/servlet/servlet.FileDownload?file=015t000000004pro> [<https://perma.cc/WW82-HY99>] (indicating there was a 5,300 job increase between May and November 2019). *Compare Foreign Direct Investment: Ohio*, SELECT USA (May 2019), <https://www.selectusa.gov/servlet/servlet.FileDownload?file=015t000000004pro> [<https://perma.cc/XUE2-U5QB>].

5. See, e.g., *Economic Development Directory: Ohio*, U.S. ECONOMIC DEV. ADMIN., <https://www.eda.gov/resources/economic-development-directory/states/oh.htm> [<https://perma.cc/9CCM-4A2B>] (including links to numerous Ohio bodies); *JobsOhio*, OHIO’S ECONOMIC DEVELOPMENT CORP., <https://www.jobsohio.com> [<https://perma.cc/W56F-P3VG>] (“What happens in Ohio impacts the world and that’s why companies across the U.S. and the globe aspire to make Ohio home. It is here where world-class institutions, collaboration and talent transform big ideas into reality. The future is now, and it is in Ohio.”).

6. See *infra* notes 7–9.

7. *International*, CITY OF AKRON, <https://www.akronohio.gov/cms/international/index.html> [<https://perma.cc/6M3L-JA67>] (This webpage includes links to information about Akron’s Economic Profile, its Bounce Innovation Hub, FAQs, Technology Bridges and Agreements, the International Institute of Akron, and its Global Ties); see also *Akron Economic Profile*, CITY OF AKRON, https://www.akronohio.gov/cms/economic_profile/index.html [<https://perma.cc/S3JM-PR3J>] (appealing to international as well as domestic companies).

8. *International Activity*, GREATER AKRON CHAMBER, <https://greaterakronchamber.org/our-initiatives/international-activity> [<https://perma.cc/8W4R-MU2K>]; see also AKRON USA, <http://www.akronusa.org/> [<https://perma.cc/9VBZ-6MG9>] (providing a 2016 infographic available on Google Images that has information about Akron’s biomedical corridor, global water alliance, and global business accelerator).

9. See, e.g., *International Business Development Resources*, CITY OF CLEVELAND ECON. DEV. [<https://perma.cc/D8GN-E2X2>]; *CLE Advantages*, CITY OF CLEVELAND ECON. DEV., <https://rethinkcleveland.org/this-is-cleveland/cle-advantages> [<https://perma.cc/X2FS-SG7P>] (highlighting Cleveland’s Global Center for Health Innovation, which a later page describes as “the only facility of its kind in the world”); *Key Stats & Figures*, CITY OF CLEVELAND ECON. DEV. [<https://perma.cc/MG3V-K59G>] (showing 8 Fortune 1000 companies, 700+ biotech and biomedical companies, and one of the United States’ top four hospitals); *About*, CLEVELAND INT’L EXPOSITION CTR., <http://www.ixcenter.com/about/> [<https://perma.cc/7QAJ-6N2F>] (“[T]he I-X Center is the 9th

Globalization affects Ohio individuals as well as businesses. For example, in six of the last seven fiscal years, the number of United States passports issued in Ohio increased.¹⁰ In 2019, there were close to 500,000 passports issued, which suggests a significant amount of foreign travel by Ohio citizens.¹¹ Ohio, like most states, has a significant foreign-born population. For example, in 2017, Ohio's foreign-born population was 4.5% of its total population or approximately 528,000 individuals.¹² Some of these individuals (or those connected to these individuals) undoubtedly will need lawyers to assist them with issues such as an inheritance, immigration, or a family law matter.¹³ Some of these individuals may also use their foreign connections in order to start a small or medium sized business or may share their expertise with larger companies.¹⁴

Globalization has also had a large impact on Ohio residents' daily lives. Shopping provides one example. According to the 2019 Forbes Global 500 list, Walmart had the most sales revenue of any company in the world.¹⁵ As of January 31, 2019, Walmart United States had 175 stores

largest convention center in the world as rated by Trade Show Executive magazine. This helps to draw some of the top show producers from around the world").

10. *Passport Issuance by State or Territory by Fiscal Year 2013–2019*, U.S. DEPT. OF STATE, BUREAU OF CONSULAR AFF., <https://travel.state.gov/content/travel/en/about-us/reports-and-statistics.html> [<https://perma.cc/TN86-P8P8>].

11. *Id.* (showing approximately 485,000 passports issued for Ohio in fiscal year 2019).

12. *See, e.g., Data Hub: State Immigration Data Profiles: Ohio*, MIGRATION POLICY INST., <https://www.migrationpolicy.org/data/state-profiles/state/demographics/OH> [<https://perma.cc/C7KV-SZMP>].

13. *See, e.g.,* Laurel S. Terry, *Admitting Foreign-Trained Lawyers in States Other than New York: Why It Matters*, BAR EXAMINER, Dec. 2014, at 43, https://works.bepress.com/laurel_terry/66/ [<https://perma.cc/H9GP-5V34>] (noting that foreign-born residents may encounter issues that involve inheritance, immigration, or family law matters); Ann Laquer Estin, *Families Across Borders: The Hague Children's Conventions and the Case for International Family Law in the United States*, 62 FLA. L. REV. 47 (2010) (identifying international family law issues that can arise); Vicki Levy Eskin & Bryan John Dirscoll, *Estate Planning with Foreign Property*, GPSOLO, April/May 2011, at 43 (discussing inheritance issues that can arise); Jeremy D. Morley, *Parental Tug-of-War: Preventing International Child Abduction*, GPSOLO, April/May 2011, at 50. *See generally* *Special Issue: Small Firm, Big World*, GPSOLO, April/May 2011. Internet Google searches for "international issues for Ohio family law lawyers" and "international inheritance Ohio lawyers" produce links to a number of different Ohio lawyers or law firms, which suggests that these lawyers fill a need for Ohio residents.

14. *See generally* *Small and Medium Sized Enterprises: Characteristics and Performance*, Inv. No. 322-510, USITC Pub. 4189 (Nov. 2010) (Final) (noting that "Language or cultural barriers were reported by the second largest share (82.2 percent) of SME manufacturers[,] which explains why multilingual individuals might be useful to small and medium sized businesses"); Ekaterina Schoenefeld, *Internet Commerce in Foreign Countries*, GPSOLO, April/May 2011 (advising solo and small firm lawyers about issues that can arise when representing clients doing business elsewhere).

15. *Global 500*, FORTUNE, <https://fortune.com/global500/2019/> [<https://perma.cc/3CZX-C5E7>] (listing Walmart as #1 of "The Top Ten" with revenues of \$415,405 million). For examples of how international issues might arise in family law or other non-business settings, *see* authorities cited *supra* note 13, and Carrie Menkel-Meadow, *Why and How to Study "Transnational" Law*, 1 U.C.

in Ohio, and much of the merchandise in these stores comes from outside the United States.¹⁶ Telephones provide a second example of the impact of globalization. Ohio's residents undoubtedly are among those who carry smartphones,¹⁷ the components of which come from around the world.¹⁸

The Ohio data cited in the prior paragraphs are similar to other U.S. data, which show the widespread impact of globalization throughout the United States. For example, during 2018, the United States exported approximately \$2.5 trillion in goods and services, and it imported approximately \$3.1 trillion in goods and services.¹⁹ Both of these numbers were higher in 2018 than they were in 2017 and demonstrate the degree to which the United States economy is intertwined with the global economy.²⁰

Globalization's impact on U.S. society includes the examples cited earlier and many more.²¹ For example, the European Union's General Data Protection Regulation, or GDPR, has had a widespread impact on individuals throughout the United States who have been asked to consent to new online privacy policies and on businesses that have had to keep pace with the GDPR's privacy requirements.²² Globalization affects more

IRVINE L. REV. 97, 98–99 (2011) (citing numerous “hypotheticals” that raise global issues, many of which are based on actual situations or cases).

16. See WALMART, 2019 ANNUAL REPORT: DEFINING THE FUTURE OF RETAIL 13 (2019), https://s2.q4cdn.com/056532643/files/doc_financials/2019/annual/Walmart-2019-AR-Final.pdf [<https://perma.cc/TVV2-RUQP>] (“As a retailer and warehouse club operator, we utilize a global supply chain that includes over 100,000 suppliers located around the world, including in the United States, from whom we purchase the merchandise that we sell in our stores, clubs and online.”). 175 stores are located in Ohio, including 139 Walmart Supercenters and 27 Sam’s Clubs. *Id.* at 25.

17. See Monica Anderson, *Mobile Technology and Home Broadband 2019*, PEW RES. CTR. (June 13, 2019), <https://www.pewresearch.org/internet/2019/06/13/mobile-technology-and-home-broadband-2019/> [<https://perma.cc/Y5LL-YZZT>] (finding 81% of the U.S. population owned a smartphone in 2019).

18. See, e.g., Magdalena Petrova, *We traced what it takes to make an iPhone, from its initial design to the components and raw materials needed to make it a reality*, CNBC (Dec. 14, 2018), <https://www.cnbc.com/2018/12/13/inside-apple-iphone-where-parts-and-materials-come-from.html> [<https://perma.cc/R9U5-9RPN>].

19. See, e.g., *U.S. International Trade in Goods and Services, December 2018*, U.S. BUREAU ECON. ANALYSIS (Mar. 6, 2019), <https://www.bea.gov/news/2019/us-international-trade-goods-and-services-december-2018> [<https://perma.cc/696A-QW4J>] (“[2018] Exports were \$2,500.0 billion in 2018, up \$148.9 billion from 2017. Imports were \$3,121.0 billion, up \$217.7 billion from 2017.”).

20. *Id.*

21. See U.S. DEPT. OF STATE, BUREAU OF CONSULAR AFFAIRS, *supra* note 10; WALMART, *supra* note 16; Anderson, *supra* note 17.

22. See *Regulation 2016/679 of the European Parliament and of the Council on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Advancement of Such Data, and repealing Directive 95/46/EC*, 2016 O.J. L 119/1 [the GDPR]; Devin Chwastyk, *GDPR One Year Later: How Has the EU Privacy Law Affected US Companies?*, LEGAL INTELLIGENCER (July 19, 2019), <https://www.law.com/thelegalintelligencer/2019/07/19/gdpr-one->

than the privacy policies U.S. Internet users encounter—it also affects the risks they encounter, such as cyber-attacks, many of which originate from outside the United States.²³ The Census Bureau’s report on *The 2019 Holiday Season* provides another set of examples that illustrate the impact of globalization on our daily lives.²⁴ Moreover, developments such as blockchain are likely to change the world in ways that we cannot yet fully anticipate and will continue the globalization phenomenon.²⁵ There are many additional examples one could cite, but these should be sufficient to illustrate the profound effect that globalization has had on the U.S. economy and society and thus the clients that lawyers represent.

B. *Globalization’s Impact on U.S. Legal Services*

Given the global nature of the U.S. economy and society, it is not surprising that globalization has also had an impact on U.S. lawyers who represent the clients whose global activities have been noted above. The global impact on U.S. legal services is apparent when one examines U.S. trade data. Similar to other countries,²⁶ U.S. trade data distinguishes between *trade in goods*, on the one hand, and *trade in services*, on the

year-later-how-has-the-eu-privacy-law-affected-u-s-companies/?slreturn=20200023205013 [https://perma.cc/XK33-LV6M]; Robert Ellis, *General Data Protection Regulation (GDPR)*, OHIO LAWYER, Mar. 1, 2018, <https://www.ohiobar.org/member-tools-benefits/publications/Ohio-Lawyer/the-european-general-data-protection-regulation-gdpr/> [https://perma.cc/H6KC-MDNN]. See also Paul M. Schwartz, *The EU–U.S. Privacy Collision: A Turn to Institutions and Procedures*, 126 HARV. L. REV. 1966 (2013) (providing a useful overview of the anticipated GDPR).

23. See, e.g., *Special Feature: Internet Safety*, NAT’L CRIMINAL JUSTICE REFERENCE SERV., <https://www.ncjrs.gov/internetsafety/> [https://perma.cc/7UZ7-P6ZD] (noting that “[m]alicious cyber actors across the world target U.S. citizens, businesses, and military and government entities every day. These cyber criminals cause billions of dollars in losses, making cybercrime a growing threat for law enforcement.”).

24. See, e.g., *The 2019 Holiday Season*, Release No. CB19-FF.09, U.S. CENSUS BUREAU (Oct. 29, 2019), <https://www.census.gov/newsroom/facts-for-features/2019/holiday-season.html> [https://perma.cc/5VYE-MQED] (noting that in 2018, the U.S. imported \$1.9 billion in Christmas ornaments from China, which represented 92.7% of such imports and it imported \$499 million in Christmas tree lights from China, which represented 76% of such imports).

25. See, e.g., BLOCKCHAIN LAW SOCIETY, <https://blockchainlawsociety.com/> [https://perma.cc/U8LV-GQ9U]; John Flood & Lachlan Robb, *Professions and Expertise: How Machine Learning and Blockchain Are Redesigning the Landscape of Professional Knowledge and Organization*, 73 U. MIAMI L. REV. 443 (2019); *Special Section: Blockchain Grows Up*, 62 BUSINESS HORIZONS 269–314 (2019), <https://www.sciencedirect.com/journal/business-horizons/vol/62/issue/3> [https://perma.cc/YDB3-28NY] (including articles entitled (1) *Beyond Bitcoin: What blockchain and distributed ledger technologies mean for firms*; (2) *It’s real, trust me! Establishing supply chain provenance using blockchain*; (3) *How blockchain technologies impact your business model*; and (4) *Blockchain adoption: A value driver perspective*).

26. See, e.g., *Trade and Tariff Data*, WORLD TRADE ORG., https://www.wto.org/english/res_e/statis_e/statis_e.htm [https://perma.cc/T7CZ-CRPF] (including different links for trade in goods data and trade in services data).

other hand.²⁷ Although the United States often has a trade deficit with respect to its international *trade in goods*,²⁸ it typically has a trade surplus with respect to its international *trade in services*.²⁹ For example, during 2018, the United States had a *trade-in-services* surplus of approximately \$270 billion.³⁰ Moreover, the United States has had this kind of international services trade surplus for decades.³¹

A similar situation exists with respect to the United States' international trade in legal services.³² For example, in 2018, the United States exported approximately \$10.3 billion in legal services and imported approximately \$3.4 billion in legal services, which means that the United States had a legal services trade surplus of \$6.9 billion.³³ This result is not an anomaly: in every year between 2006 and 2018, the United States exported more legal services than it imported.³⁴

Although the 2018 data cited above was the most recent data available at the time this Article was written, the most accessible sources for international legal services trade data are the "Legal Services" chapters of the government's *Recent Trends in Services Trade* annual reports.³⁵

27. See U.S. BUREAU ECON. ANALYSIS, *supra* note 19 (providing different data for the United States' international trade in goods and its international trade in services).

28. *Id.* ("Exports of goods increased \$118.5 billion to \$1,671.8 billion in 2018. . . . Imports of goods increased \$202.2 billion to \$2,563.1 billion in 2018."). There are differing opinions about the significance of having a trade deficit.

29. *Id.*

30. *Id.* (showing 2018 U.S. services exports of \$828.1 billion and services imports of \$557.9 billion, which means that the United States exported approximately \$270 billion more in services than it imported).

31. Table 2.1. *U.S. Trade in Services, by Type of Service*, U.S. BUREAU OF ECON. ANALYSIS (October 15, 2019), <https://apps.bea.gov/iTable/iTable.cfm?reqid=62&step=9&isuri=1&6210=4> [<https://perma.cc/2QZR-RC8GJ>]. Row 1 in Table 2.1 shows services exports for 1999–2018 and row 69 shows services imports for 1999–2018.

32. *Id.* Row 48 of this Excel Table shows U.S. legal services exports since 2006, and Row 116 shows U.S. legal services imports since 2006; by comparing these lines, one can see that the United States had a legal services export surplus in each of these years.

33. *Id.* (Row 48 in Table 2.1 shows that, in 2018, the United States had legal services exports of \$10,347,000,000, and Row 116 in Table 2.1 shows that, in 2018, the United States had legal services imports of \$3,398,000,000).

34. *Id.* at Rows 48, 116 (showing greater exports than imports for each year between 2006 and 2018). Because the methodology changed, Table 2.1 does not provide legal services trade statistics for the years 1999–2005. *Id.* at Table 2.1.

35. See generally *Recent Trends in U.S. Services Trade*, U.S. INT'L TRADE COMM'N, https://www.usitc.gov/research_and_analysis/recent_trends.htm [<https://perma.cc/7V97-JAYM>] (collecting USITC Recent Trends reports); U.S. INT'L TRADE COMM'N, RECENT TRENDS IN U.S. SERVICES TRADE, 2017 ANNUAL REPORT, PUB. NO. 4682 (May 2017), https://www.usitc.gov/publications/332/pub4682_1.pdf [<https://perma.cc/U376-8ZSF>] [hereinafter RECENT TRENDS 2017] (explaining that the USITC's Recent Trends reports are annual reports); *id.* at 14 n.2 (explaining that "[b]eginning in 2013, Recent Trends rotated its coverage between professional services, electronic services, distribution services, and financial services.").

According to the 2017 *Recent Trends in Services Trade* report, which is the most recent report that includes a legal services chapter, in 2015, the United States accounted for approximately one-half of the world's global legal services revenue.³⁶ The 2017 *Recent Trends* report cited the U.S. legal services trade surplus;³⁷ identified the countries that were the leading markets for U.S. legal services exports;³⁸ and highlighted the global nature of the largest U.S. law firms.³⁹

Unlike its *trade-in-goods* statistics, the U.S. Government's *trade-in-services* data is not broken down by state.⁴⁰ As a result, it is difficult to know exactly the volume of legal services that a particular state has exported and imported. In the absence of state-specific government legal services trade data, one can examine law firm activity as an alternative way to review globalization's impact on legal services in a particular state.

One might be tempted to assume that large global law firms are limited to major legal centers such as New York, Los Angeles, Chicago, and Miami. The data shows otherwise, however. For example, data captured in 2015 showed that law firms located in 47 states had a foreign office.⁴¹ A 2015 dissertation, which also captured data from law firm webpages, found that small firms were among those with foreign offices; this dissertation noted, "The firm-level data shows that AmLaw100 firms are not the most prevalent U.S. firms (by number) with international operations. For all of the years [studied, which were 1998, 2003, 2008, and 2013], about 60% of all internationally diversified, U.S.-based firms

36. RECENT TRENDS 2017, *supra* note 35, at 105, 108 (indicating the United States accounted for approximately 49% of the world's \$583 billion global legal services revenue).

37. *Id.* at 112.

38. *Id.* at 115.

39. *Id.* at 108 ("Firms in the United States and the UK accounted for 93 of the world's 100 top-grossing firms, and for 9 of the top 10 law firms in 2016 . . . Illustrating the globalization of large law firms, the top 100 firms have, on average, a presence in 10 countries.").

40. See generally U.S. BUREAU OF ECON. ANALYSIS, *supra* note 31; U.S. DEPT. OF COMMERCE, INT'L TRADE ADMIN., *supra* note 2.

41. See Laurel S. Terry, *Law Firms Located in U.S. States That Have At Least One Foreign Office based on data provided by General Counsel Metrics, LLC.*, PA. STATE UNIV. (Apr. 9, 2015), http://www.personal.psu.edu/faculty/l/s/lst3/Terry_Association_maps_and_firms.pdf [<https://perma.cc/52DC-Y3D2>] (presenting data collected in 2015 of websites of law firms with more than thirty-seven lawyers).

were not members of the AmLaw100.”⁴² Scholars as well as the popular press have tracked this “outbound” activity of U.S. law firms.⁴³

Ohio is among the states whose law firms are active globally. One of the most famous law firms in Ohio is Jones Day, which was founded in Cleveland in 1893.⁴⁴ Jones Day has clearly embraced a global perspective.⁴⁵ Its trademarked motto is “One Firm Worldwide,” and it has locations in the United States, Europe, Latin America, the Middle East, and Asia Pacific.⁴⁶ According to the American Lawyer’s 2019 *Global 100* issue, more than one-third of Jones Day’s lawyers are located outside the United States.⁴⁷ It was one of the ten law firms that opened the most foreign offices during the decade of 2009–2018.⁴⁸ Although Jones Day may be the largest Ohio law firm with global offices, it is not the only such law firm. Littler, Locke Lorde, Squire Patton Boggs, and WilmerHale are some of the other law firms that have offices in Ohio and in other countries.⁴⁹

42. Patrick H. Gaughan, *The International Diversification of Professional Service Firms: The Case of U.S. Law Firms*, 105–06 (May 2015) (unpublished Ph.D. dissertation, Cleveland State University) (on file with OhioLINK Electronic Theses & Dissertations Center), https://etd.ohiolink.edu/!etd.send_file?accession=csu1431259487&disposition=inline [https://perma.cc/JCY7-YHQM]. Professor Gaughan concluded:

We now know that the size of the U.S. firms maintaining international operations ranged from just two to thousands of attorneys. Therefore, one implication of the present research is that smaller U.S. law firms can develop international practices of their own. Clearly, internationally diverse practices are not the exclusive preserve of large firms. Many small U.S. law firms can—and do—maintain successful international operations.

Id. at 136–37.

43. See generally 2019 *Global 100*, AM. LAWYER (Oct. 2019); Carole Silver et al., *Between Diffusion and Distinctiveness in Globalization: U.S. Law Firms Go Glocal*, 22 GEO. J. LEGAL ETHICS 1431 (2009); Carole Silver, *Local Matters: Internationalizing Strategies for U.S. Law Firms*, 14 IND. U. J. OF GLOBAL LEGAL STUD. 67 (2007) (discussing the staffing of U.S. law firm foreign offices and the transition from using U.S. lawyers to local lawyers).

44. *Firm History*, JONES DAY, <https://www.jonesday.com/en/firm?tab=history-565c8d78-eb12-4229-9e55-12f1c0315999> [https://perma.cc/A6NK-EA82] (“Jones Day traces its beginnings to the firm of Blandin & Rice, formed in Cleveland, Ohio in 1893.”).

45. *Id.* This webpage states: “Since [2002], the Firm has continued to expand its presence around the globe . . . [I]t is clear that global legal demand will continue to rise in the long run, as legal issues continue to become more global, more complex, and in some cases more intractable.” *Id.* Jones Day has two locations and more than 150 lawyers in Ohio. See *Locations*, JONES DAY, <https://www.jonesday.com/en/locations> [https://perma.cc/6LUP-R6JH].

46. See *id.*

47. 2019 *Global 100*, *supra* note 43, at 33 (reporting this statistic and the fact that Jones Day had offices in 18 countries).

48. *Id.* at 57–58. Jones Day opened seven new offices during this time period and gained 292 foreign lawyers during this decade, which was the most of any *Global 100* law firm.

49. See, e.g., *Locations*, LITTLER, <https://www.littler.com/locations> [https://perma.cc/7HLD-K8XS] (locations in Cleveland, Columbus, and 20 foreign countries); *Offices*, LOCKE LORD, <https://www.lockelord.com> [https://perma.cc/33X4-VXKN] (showing offices in Cincinnati, London,

Global legal activity in individual states includes “inbound” foreign lawyers and firms as well as “outbound” U.S. lawyers and firms. For example, the University of Akron School of Law offers an accelerated J.D. program for “inbound” foreign lawyers.⁵⁰ Because Akron is an ABA-accredited law school, the foreign lawyers who successfully complete this J.D. program can become fully-qualified Ohio lawyers if they pass the bar exam and satisfy Ohio’s other requirements, such as character and fitness.⁵¹ Indeed, since all states allow graduates of ABA-accredited law schools to sit for their bar exams, a graduate of Akron’s International J.D. program can take a bar exam in any U.S. state provided that the other state requirements, such as character and fitness, are met.⁵² (Unlike some countries, the United States does not impose citizenship requirements on its lawyers.)⁵³

Brussels, and Hong Kong, among others); *Locations*, SQUIRE PATTON BOGGS, <https://www.squirepattonboggs.com/en/locations> [<https://perma.cc/LC62-UR58>] (showing offices in Cincinnati, Cleveland and Columbus as well as in Asia Pacific, Europe, and the Middle East); *Contact WilmerHale: Locations*, WILMERHALE, <https://www.wilmerhale.com/en/contact-us> [<https://perma.cc/PBH6-NTVW>] (showing offices in Dayton, Ohio, Beijing, Berlin, Brussels, Frankfurt, and London, among others).

An interesting side note: a law firm headquartered just across the river from Ohio reportedly was the first U.S. law firm to convert its London office to an “alternative business structure” or ABS. See Jemma Slingo, *Reed Smith converts to ABS in First for US Firm*, LAW SOCIETY GAZETTE (Nov. 4, 2019), <https://www.lawgazette.co.uk/news/reed-smith-converts-to-abs-in-first-for-us-firm/5102043.article> [<https://perma.cc/BL8H-FRAR>]. Although the body of this news story describes Reed Smith as “the first international practice to be granted an ABS license,” the headline is more accurate. It is more accurate to say that Reed Smith is the first to convert to an ABS because other U.S. law firms hold ABS licenses for their London offices that predate Reed Smith’s ABS license. See [UK] Solicitors Reg. Authority, *Register of licensed bodies (ABS)*, <https://www.sra.org.uk/solicitors/firm-based-authorisation/abs-register/658074/> [<https://perma.cc/7X65-YWKR>] (stating Alston & Bird (City) LLP was granted an ABS license on July 5, 2019).

50. See, e.g., *Two-Year International J.D. Program*, UNIV. OF AKRON SCH. OF LAW, <https://www.uakron.edu/law/curriculum/international-jd.dot> [<https://perma.cc/UV7N-HN84>].

51. OHIO GOV.BAR R. I(1)(C) (2006) [hereinafter OHIO, R. I, § 1(C)], which states:

To be admitted to the practice of law in Ohio, an applicant shall satisfy all of the following requirements:

....
(C) Have earned a J.D. or an L.L.B. degree from a law school that was approved by the American Bar Association at the time the degree was earned [pass a bar exam and satisfy other requirements]

52. See NAT’L CONF. OF BAR EXAMINERS, COMPREHENSIVE GUIDE TO BAR ADMISSIONS REQUIREMENTS 2019, Chart 3: Domestic Legal Education, at 9 (2019), <http://www.ncbex.org/assets/BarAdmissionGuide/NCBE-CompGuide-2019.pdf> [<https://perma.cc/2PH8-G7JL>].

53. See *In Re Griffiths*, 413 U.S. 717 (1973) (finding unconstitutional a Connecticut Supreme Court decision that a noncitizen was ineligible to sit for the Connecticut bar exam). Compare INT’L BAR ASS’N, IBA GLOBAL REGULATION AND TRADE IN LEGAL SERVICES REPORT 2014 (2014), <https://www.ibanet.org/Document/Default.aspx?DocumentUid=1D3D3E81-472A-40E5-9D9D->

The Akron accelerated J.D. program cited in the prior paragraph is for foreign *lawyers*, but one need not be a foreign lawyer in order to obtain a U.S. J.D. degree. This is because ABA accreditation rules allow law schools to admit to their J.D. program international *students* as well as international lawyers.⁵⁴ Indeed, although there are accreditation-related undergraduate study requirements for all J.D. students, including international students, international J.D. students do not need to have received a law degree in their home country in order to enroll in an ABA-accredited J.D. program.⁵⁵ Moreover, as two scholars explained in 2019, it has become much more common for ABA-accredited law schools to include foreign students in their traditional J.D. classes:⁵⁶

[I]nternational JD students represent an important and growing demographic of new [J.D.] entrants. . . . The number of non-resident alien students reported by all ABA-approved law schools, in the

68EB5F71A70 [https://perma.cc/6MK5-VWWM] (containing information for more than 100 jurisdictions responsive to the question “do you need to hold local nationality to be eligible to practise law?”). This IBA Report question addresses licensing status and authority to practice law; this is a different issue than the question of a foreign lawyer’s immigration status.

54. ABA, ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2019–2020, 1 (2019), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2019-2020/2019-2020-aba-standards-and-rules-of-procedure.pdf [https://perma.cc/E7CX-S8NN]. Standard 502, the relevant ABA-accreditation requirement, states:

(a) A law school shall require for admission to its J.D. degree program a bachelor’s degree that has been awarded by an institution that is accredited by an accrediting agency recognized by the United States Department of Education.

(b) Notwithstanding subsection (a), a law school may also admit to its J.D. degree program:

(1) an applicant who has completed three-fourths of the credits leading to a bachelor’s degree as part of a bachelor’s degree/J.D. degree program if the institution is accredited by an accrediting agency recognized by the United States Department of Education; and

(2) a graduate of an institution outside the United States if the law school assures that the quality of the program of education of that institution is equivalent to that of institutions accredited by an accrediting agency recognized by the United States Department of Education.

55. *Id.* See also *International Transcripts*, LAW SCH. ADMISSION COUNCIL, <https://www.lsac.org/applying-law-school/jd-application-process/cas/requesting/international-transcripts> [https://perma.cc/MCN5-TJYF] (“You MUST have international transcripts, academic records, mark sheets, and degree certifications sent directly from the issuing institution IF you are applying to a law school that requires Credential Assembly Service Authentication and Evaluation (CAS A&E) and you received your bachelor’s degree from an institution outside of the United States. . . . or Canada. . .”). This LSAC page is clearly intended for international J.D. applicants because it states that “LLM degree applicants should go to the LLM Credential Assembly Service page.”

56. Swethaa S. Ballakrishnen & Carole Silver, *A New Minority? International JD Students in US Law Schools*, 44 LAW & SOC. INQUIRY 647, 653–54 (2019).

aggregate, increased by slightly more than forty percent between 2011 and 2017; as a percentage of the total JD population, the proportion of non-resident aliens increased during this same period by more than eighty-six percent (from 1.78% to 3.32%), reflecting the overall decline in law school enrollment. At a group of law schools consistently included in the top-twenty ranked positions by US News, the number of non-resident aliens almost doubled during this period, and grew from comprising just over four percent to nearly eight percent of the total JD population (footnotes omitted).⁵⁷

Although inbound foreign lawyers or students might choose to obtain a J.D. from an ABA-accredited law school, they need not do so in order to practice law in the United States. For example, under certain circumstances, foreign-educated applicants may sit for the bar exam and become fully-licensed Ohio lawyers even though they did not receive a J.D. degree from an ABA-accredited institution.⁵⁸ The majority of U.S. states have an analogous rule that allows foreign-educated graduates who meet specified requirements to sit for their bar exam.⁵⁹ As an alternative to the full license, in many U.S. jurisdictions, foreign-educated lawyers may practice in that jurisdiction pursuant to a limited law license; these lawyers are referred to as foreign legal consultants or FLCs.⁶⁰ Ohio is among the majority of states that permits FLCs;⁶¹ these FLCs may practice foreign law in Ohio, but this limited license does not give the FLC the same practice rights as a fully-qualified Ohio lawyer.⁶² Between 2012 and

57. *Id.*

58. See OHIO, R. I(1)(C), *supra* note 51. To be admitted to the practice of law in Ohio, an applicant shall satisfy all of the following requirements:

.....

(C) Have earned a J.D. or an L.L.B. degree from a law school that was approved by the American Bar Association at the time the degree was earned or, if not located in the United States, from a law school evaluated and approved in accordance with Section 2(C) or Section 9(C)(13) of this rule; . . .

See also OHIO SUPREME COURT, GUIDELINES FOR REQUESTING EVALUATION OF FOREIGN EDUCATION, <http://www.supremecourt.ohio.gov/AttySvcs/admissions/foreignApGuidelines.pdf> [https://perma.cc/VR83-JDQ9]. Ohio's rule applies to foreign-educated applicants; these applicants could hold either U.S. or foreign citizenship.

59. See LAUREL S. TERRY, JURISDICTIONS WITH RULES REGARDING FOREIGN LAWYER PRACTICE (June 5, 2018), http://www.personal.psu.edu/faculty/l/s/1st3/Laurel_Terry_map_foreign_Lawyer_policies.pdf [https://perma.cc/2U3U-YD2C] (summarizing in a two-page infographic NCBE data that shows that a majority of states have had foreign-educated lawyers sit for a bar exam).

60. See, e.g., Ohio Gov.Bar R. XI(1) (2006), <http://www.supremecourt.ohio.gov/LegalResources/Rules/govbar/govbar.pdf> [https://perma.cc/8PDK-A3PP] [hereinafter Ohio R. XI, Foreign Legal Consultants].

61. See Terry, Jurisdictions with Rules Regarding Foreign Lawyer Practice, *supra* note 59.

62. See, e.g., OHIO R. XI, Foreign Legal Consultants, *supra* note 60.

2018, 100 foreign-educated lawyers sat for the Ohio bar exam and two foreign lawyers obtained an FLC license.⁶³

Unlike the situation in some countries,⁶⁴ U.S. jurisdictions only license individual lawyers and do not license law firms.⁶⁵ Thus, a foreign law firm may open an office in Ohio so long as the lawyers who work in that office are authorized to do so.⁶⁶ This means that regardless of whether an “inbound” foreign lawyer is an FLC or a fully-qualified lawyer, that lawyer may practice on his or her own or with a U.S. or foreign law firm.⁶⁷

63. See LAUREL S. TERRY, SUMMARY OF STATISTICS OF BAR EXAM APPLICANTS EDUCATED OUTSIDE THE US 1992–2018: IT’S NOT JUST ABOUT NEW YORK AND CALIFORNIA (March 9, 2020), <http://tinyurl.com/Terry-NCBE-2018> [<https://perma.cc/P89N-P6BB>]. This compilation of NCBE statistics shows that Ohio had 13 foreign-educated applicants sit for a bar exam in 2018, 19 of such applicants in 2017, 16 applicants in 2016, 15 applicants in 2015, 20 applicants in 2014, 12 applicants in 2013, and 7 applicants in 2012 for a total of 100 foreign-educated bar applicants between 2012 and 2018. *Id.* In contrast to this data, there were 2 Foreign Legal Consultants (“FLC”) newly licensed between 2012 and 2017. See Nat’l Conf. of Bar Examiners, *Foreign Legal Consultants First Licensed in 2013–2017*, <https://thebarexaminer.org/statistics/2017-statistics/foreign-legal-consultants-first-licensed-in-2013-2017/> [<https://perma.cc/6GUR-85B2>] (showing 2 FLCs licensed in 2014); Nat’l Conf. of Bar Examiners, *NCBE 2016 Statistics: Foreign Legal Consultants First Licensed in 2012–2016*,

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<http://www.ncbex.org/pdfviewer/?file=%2Fdmtdocument%2F205> [<https://perma.cc/JX4T-V8EJ>] (showing 2 FLCs, both of which were licensed in 2014). There aren’t any public data sources regarding how many graduates of ABA-accredited law schools are foreign citizens nor is there any data about the citizenship of the U.S.-educated Ohio bar examination applicants.

64. See generally INT’L BAR ASS’N, IBA GLOBAL REGULATION AND TRADE IN LEGAL SERVICES REPORT 2014 (Oct. 2014), <https://www.ibanet.org/Document/Default.aspx?DocumentUid=1D3D3E81-472A-40E5-9D9D-68EB5F71A70> [<https://perma.cc/6MK5-VWWM>] (identifying, for each of the surveyed jurisdictions, whether there are foreign law firms in that jurisdiction); INT’L BAR ASS’N, IBA DIRECTORY OF REGULATORS OF THE LEGAL PROFESSION (2016), <https://www.ibanet.org/Document/Default.aspx?DocumentUid=199b20ec-b7ab-4ef4-99c4-cd45c7b6371b> [<https://perma.cc/R8SP-B8Y7>] (showing that some of the 100+ jurisdictions require law firms to be licensed or registered, which U.S. jurisdictions do not require).

65. See generally *Office of Bar Admissions*, SUPREME COURT OF OHIO, <http://www.supremecourt.ohio.gov/AttySvcs/admissions/default.aspx> [<https://perma.cc/25DT-M8FR>] (lacking any requirements regarding the licensing of law firms).

66. *Id.* Additional methods of practice for foreign lawyers, which are not discussed in the body of the Article, include practicing as a foreign in-house counsel and practicing in a state on a temporary basis, either pursuant to pro hac vice admission before a court or in a transactional or arbitration matter. The ABA has model rules for each of these methods; see TERRY, JURISDICTIONS WITH RULES REGARDING FOREIGN LAWYER PRACTICE, *supra* note 59 (including links to the ABA Model Rules and states that have implemented these rules; Ohio permits foreign lawyers to file a pro hac vice petition but does not have rules for the other two methods of foreign practice).

67. See generally Ohio Prof.Cond.R. 5.5 (2017) (“A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.”). The methods used to authorize foreign lawyer practice include allowing the lawyer to sit for a bar exam and become fully licensed, adopting limited license rules such as a foreign in-house counsel rule or a foreign legal consultant rule, allowing a foreign-educated lawyer to practice temporarily by appearing pro hac vice in a litigation matter, and allowing a foreign lawyer to come

It is certainly possible that there are foreign law firms that are active in Ohio, but there is not any public data on this issue.⁶⁸ Despite this lack of comprehensive data about all aspects of globalization, it is clear that in Ohio, as in the United States at large, globalization has had an impact on the legal profession and the delivery of legal services.⁶⁹

C. *Legal Services Elsewhere in the World*

The prior sections focused on the United States' inbound and outbound legal services, but international trade in legal services is not limited to the United States.⁷⁰ Virtually all countries in the world are members of the World Trade Organization,⁷¹ which is an organization established by governments to provide a forum to negotiate trade agreements, establish the rules of trade, and settle trade disputes.⁷² Even those countries that have designated themselves as "least developed countries" in the World Trade Organization are engaged in global trade.⁷³ Because there is international trade throughout the world, it follows that

into the jurisdiction on a temporary basis in order to handle a transactional or arbitration matter. *See* TERRY, JURISDICTIONS WITH RULES REGARDING FOREIGN LAWYER PRACTICE, *supra* note 59; Terry, *Admitting Foreign Lawyers*, *supra* note 13. Note that a foreign-educated lawyer might be a U.S. citizen or a foreign citizen.

68. There isn't an official source of information because Ohio regulators do not list the number of law firms in Ohio. *See generally* Ohio R. I(1)(C), *supra* note 58. Nor are there publicly available unofficial sources of information. For example, information about "inbound" foreign law firms established in the United States is not regularly included in the American Lawyer's annual *Global 100* issues. *See, e.g., The 2019 Global 100*, *supra* note 43.

69. Although the 2014 IBA *Global Legal Services Report* (*supra* note 64) includes a category for foreign firms, its entry for Ohio does not provide specifics. *See id.* at 647 ("Are there any 'foreign law' firms present in this jurisdiction? There are a number of national and international US firms established in Ohio."); *see also* Terry, *Law Firms Located in U.S. States That Have At least One Foreign Office based on data provided by General Counsel Metrics, LLC*, *supra* note 41.

70. *See, e.g.,* RECENT TRENDS 2017, *supra* note 35, at 106 (noting that in 2015, Europe had 27.2% of the global legal services trade, Asia Pacific had 4.4%, the Middle East had 1%, and the remainder of the world had 8.6%); COUNCIL FOR TRADE IN SERVICES, LEGAL SERVICES—BACKGROUND NOTE BY THE SECRETARIAT, WTO Doc. S/C/W/318 (June 14, 2010) [hereinafter *WTO 2010 Legal Services Background Note*] (discussing trade in services data from multiple countries); *id.* at 14, ¶ 48 (noting that 76 members had taken legal services commitments).

71. *Members and Observers*, WORLD TRADE ORG., https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm [<https://perma.cc/R33U-7Y63>] (listing the 164 countries that are WTO members, as well as observer governments).

72. *See What is the WTO?*, WORLD TRADE ORG., https://www.wto.org/english/thewto_e/whatis_e/whatis_e.htm [<https://perma.cc/J4MP-SSD5>] (explaining the role of the World Trade Organization).

73. *Compare Members and Observers*, *supra* note 71 (listing the countries that have chosen the designation of "least developed countries" and noting that there is no definition of this term) *with International Trade and Market Access Data*, *infra* note 74.

there is a need for international cross-border legal services throughout the world.

There are multiple sources that confirm that international trade in legal services is not limited to the United States. For example, although the World Trade Organization data webpage does not include easily-accessible information about the volume of international trade in legal services that occurs in WTO Member States,⁷⁴ individual countries collect and report this data.⁷⁵ Further proof comes from the fact that the International Bar Association, the Council of Bars and Law Societies of Europe (CCBE), and individual countries all have committees that focus on international trade in legal services, which indicates that international trade in legal services happens around the world.⁷⁶ The International Bar Association's *IBA Regulation and Trade in Legal Services Report 2014*, which surveyed legal services in more than 90 jurisdictions, provides insight into the widespread nature of this international trade in legal services phenomenon:

[I]t is striking that nearly every jurisdiction covered in the report has some kind of presence or practice by law firms from other jurisdictions. But, perhaps even more importantly, the report shows something that we might not have found a decade ago [which is] that practice in other jurisdictions is by no means the preserve of traditional 'international' law firms. 'Independent' regional practices in places such as Central Asia and South America, linguistic collaborations between Portuguese-speaking Africa, Brazil and Portugal, and foreign offices of Chinese, Korean and Japanese firms, are all relatively recent developments. They

74. See *International Trade and Market Access Data*, WORLD TRADE ORG., https://www.wto.org/english/res_e/statis_e/statis_bis_e.htm [<https://perma.cc/4JET-W3YS>] (listing data for commercial services, but not data for business services, professional services, or legal services).

75. See, e.g., RECENT TRENDS 2017, *supra* note 35, at 106. Table 5.1 cites 2015 legal services statistics for the United States and countries in Europe, Asia Pacific, the Middle East region, and the rest of the world. Legal services are covered by the World Trade Organization's General Agreement on Trade in Services, or GATS; this undoubtedly is one of the factors that has contributed to international trade in legal services data collection by individual countries. See generally Laurel S. Terry, *From GATS to APEC: The Impact of Trade Agreements on Legal Services*, 43 AKRON L. REV. 875 (2010). This article was written for the inaugural symposium of the Miller-Becker Center for Professional Responsibility at the University of Akron School of Law.

76. See, e.g., *International Legal Services Committee*, COUNCIL OF BARS & LAW SOC'Y OF EUR., <https://www.ccbe.eu/actions/committees-working-groups/?idC=530&Committee=International%20Legal%20Services> [<https://perma.cc/PT43-EEVF>]; *BIC International Trade in Legal Services Committee*, INT'L BAR ASS'N, https://www.ibanet.org/PPID/Constituent/Bar_Issues_Commission/BIC_ITILS_Committee/Default.aspx [<https://perma.cc/Y9FQ-SWQF>]; *Standing Committee on International Trade in Legal Services*, ABA, https://www.americanbar.org/advocacy/governmental_legislative_work/priorities_policy/promoting_international_rule_law/internationaltradetf/ [<https://perma.cc/HWE4-PBX9>].

all underscore the fact that globalisation has been quietly transforming legal practice.⁷⁷

To illustrate the ongoing expansion of international trade in legal services, it is noteworthy that in 2018, the International Bar Association began offering international trade in legal services capacity-building seminars.⁷⁸ Bar associations in Costa Rica, Fiji, and Zimbabwe are among those that have requested and received from the IBA a workshop regarding expanding local lawyers' participation in international trade in legal services.⁷⁹ The World Trade Organization's 2010 sectoral report on legal services further illustrates the global impact of international cross-border legal practice. It noted the growth in international arbitration and included a table that cited data from dispute resolution centers in the United States, China, Hong Kong, Japan, Korea, Malaysia, England, Singapore, Sweden, Austria, and Canada.⁸⁰

While this article could cite even more data, the examples listed above should be sufficient to illustrate this Article's relevance for jurisdictions outside the United States. The information and examples cited above demonstrate that inside and outside the United States, business and individual clients live and work in a global economy, and this affects legal services around the world. Some lawyers may work full-time handling global issues for their clients.⁸¹ But even lawyers who do not handle these kinds of issues on a regular basis should expect to periodically encounter situations in which their clients are involved in matters with global connections.⁸² Although these lawyers may not choose to handle all aspects of a matter themselves, it is in their self-interest and their clients' interest to be capable of helping their clients navigate these situations. The section that follows elaborates on this point and highlights the global networks that lawyers can draw upon.

77. IBA 2014 Global Legal Services Report, *supra* note 64, at 3.

78. *BIC Projects*, INT'L BAR ASS'N, <https://www.ibanet.org/barassociations/BIC-Projects.aspx> [<https://perma.cc/5GEA-DRK3>]. The Zambian entry states: "Since the beginning of 2018, the BIC International Trade in Legal Services Committee (ITILS) has been further developing its work on assisting Bars in dealing with globalisation."

79. *Id.* (citing IBA capacity-building sessions in Zambia and in Fiji and Costa Rica to help lawyers globalize their practices).

80. WTO 2010 Legal Services Background Note, *supra* note 70, at 4–5, ¶ 11.

81. See generally *supra* notes 43–48 (citing the Global 100 firms, some of which are likely to have lawyers who regularly work on global matters); *infra* notes 143–47 and accompanying text (describing the Global 100 law firms).

82. See *supra* notes 3–26 and accompanying text (describing the globalization of the economy and society).

III. THE IMPORTANCE OF GLOBAL LEGAL PROFESSION NETWORKS

This Section explores the global nature of the existing legal profession networks. Section II(A) introduces the topic of networks. Section II(B) begins by surveying the existing literature on legal profession networks. It continues by identifying some of the networks in which lawyers participate and illustrates some of the ways in which these networks have become or are connected to global legal profession networks. Section II(C) addresses the growth prospects for global legal profession networks.

A. *Introduction: The Power of Networks*

The study of networks has its roots in a body of math—called graph theory—that was developed in the early Eighteenth Century by Leonhard Euler.⁸³ (He developed this body of math in order to solve the question of how he could cross seven bridges in Königsberg, Germany without going over any bridge twice.)⁸⁴ The study of networks has expanded significantly since Euler’s insights. According to a leading contemporary theorist, the scientific study of networks “is an interdisciplinary field that combines ideas from mathematics, physics, biology, computer science, statistics, the social sciences, and many other areas.”⁸⁵ A leading network textbook is divided into four sections that provide insight into this field of study:

Part I describes the basic types of networks studied by present-day science and the empirical techniques used to determine their structure. Part II introduces the fundamental tools used in the study of networks, including the mathematical methods used to represent network structure, measures and statistics for quantifying network structure, and computer algorithms for calculating those measures and statistics. Part III

83. See, e.g., M.E.J. Newman, *The Structure and Function of Complex Networks*, 45 SIAM REVIEW 167, 168 (2003) (“Euler’s celebrated 1735 solution of the Königsberg bridge problem is often cited as the first true proof in the theory of networks, and during the twentieth century graph theory has developed into a substantial body of knowledge.”). GARY CHARTRAND & PING ZHANG, DISCRETE MATHEMATICS 457–65 (2011) (discussing “Eulerian Graphs”).

84. See CHARTRAND & ZHANG, DISCRETE MATHEMATICS, *supra* note 83, at 457 (“While it is unclear just how and when many areas of mathematics began, such is not the case with graph theory. It is generally accepted that graph theory was born in 1736. *** A question arose that intrigued many people in Königsberg: Is it possible to take a stroll about Königsberg and cross each of its seven bridges exactly once? This problem became known as the **Königsberg Bridge Problem**. It is perhaps surprising that this question was not answered more quickly but eventually this problem came to the attention of the great Swiss mathematician Leonhard Euler, who solved the problem in a very mathematical manner.”).

85. See, e.g., Mark Newman, *Networks* ix (2d ed. 2018) [hereinafter Newman, *Networks*].

describes mathematical models of network structure that can help us predict the behavior of networked systems and understand their formation and growth. And Part IV describes applications of network theory, including models of network resilience, epidemics taking place on networks, and network search processes.⁸⁶

Although the origins of network science are quite old, the study of networks has expanded significantly during the past 30 years.⁸⁷ Scientists have applied their insights to networks that include social networks,⁸⁸ information networks,⁸⁹ technology and computer networks,⁹⁰ and biologic networks.⁹¹ Some of the topics network scientists study are likely to sound foreign to many lawyers but other topics will not.⁹² For example, in the social network context, experts may examine the affiliation networks to which individuals belong and will be interested in the “weak ties” as well as the “strong ties” of the individuals in the network.⁹³

86. *Id.*

87. *See generally* Duncan J. Watts, *Six Degrees: The Science of a Connected Age* (2004).

88. *See Newman, supra* note 83, at 169 (“Networks have also been studied extensively in the social sciences. . . . Typical social network studies address issues of centrality (which individuals are best connected to others or have most influence) and connectivity (whether and how individuals are connected to one another through the network).”). *See also id.* at 174–75 (citing studies of networks of friendships within small groups, the so-called southern women study, which focused on the social circles of women in an unnamed city in the American south in 1936; the study of social networks of factory workers in the late 1930s in Chicago; and studies of friendship networks of school children).

89. *Id.* at 176 (“Our second network category is what we will call information networks (also sometimes called ‘knowledge networks’). The classic example of an information network is the network of citations between academic papers.”).

90. *Id.* at 178–79 (“Our third class of networks is technological networks, man-made networks designed typically for distribution of some commodity or resource, such as electricity or information. The electric power grid is a good example. . . . Another very widely studied technological network is the Internet, i.e., the network of physical connections between computers.”).

91. *Id.* at 179 (“A number of biological systems can be usefully represented as networks. Perhaps the classic example of a biological network is the network of metabolic pathways, which is a representation of metabolic substrates and products with directed edges joining them if a known metabolic reaction exists that acts on a given substrate and produces a given product. . . . Another important class of biological network is the genetic regulatory network.”).

92. *See, e.g.,* NEWMAN, *Networks, supra* note 85, at vi–viii. Topics addressed in the table of contents of this leading 2018 textbook include, *inter alia*, weighted, directed, planar, bipartite, multilayer and dynamic networks, centrality, nodes, computer algorithms, small-world effects, clustering coefficients, giant versus small components, node copying models, percolation, and uniform versus nonuniform removal of nodes. *See also* WATTS, *supra* note 87, at 48–51, 303–12 (identifying advances in network scientists’ understanding of random growth, percolation theory, phase transitions, thresholds, organizational robustness, information cascades, broadcast versus directed search, the small world phenomenon, the length and strength of the paths connecting individuals, locally reinforcing clusters, blockmodels, hierarchical clustering, and multidimensional scaling, as well as a studying the individual’s place in the pattern of relations, and the degree of influence the individual exerts, and the role of dynamics).

93. *See, e.g.,* Mark S. Granovetter, *The Strength of Weak Ties*, 78 AM. J. SOC. 1360 (1973).

Even if an individual doesn't fully understand network science, most individuals will intuitively understand the power of networks.⁹⁴ They understand that the value of certain physical objects they own may depend on the size of the network to which those objects are attached.⁹⁵ For example, in the early days of the telephone, customers on one telephone network were not able to contact the customers of a different telephone network:

Like today, AT&T easily had one of the largest and most robust telephony networks. Unlike now, however, AT&T customers could only call other AT&T customers. This resulted in ridiculous scenarios where the same house might be served by multiple telephones, and where competing companies would deliberately rip up each others' lines in an effort at sabotage.⁹⁶

(The telephone incompatibility situation improved after AT&T sent a 1913 letter to the U.S. Department of Justice that promised to connect competing customers if the government dropped its antitrust investigation of AT&T.)⁹⁷

Technology developed more than 50 years after the 1913 AT&T letter—*i.e.*, the video recorder (VCR) and DVD recorder—further demonstrate how network size can affect the value of physical objects.⁹⁸

94. According to Professor Newman, Part I of his book requires “virtually no mathematical knowledge for its comprehension . . .” NEWMAN, *Networks*, *supra* note 85. Part I describes the empirical study of networks and includes chapters on technological networks, networks of information, social networks, and biologic networks.

95. When telephones were first introduced, they could only connect to phones that were on the same network. *See, e.g.*, Brian Fung, *This 100-Year-Old Deal Birthed the Modern Phone System. And It's All About To End*, WASH. POST (Dec. 19, 2013, 11:17 AM), <https://www.washingtonpost.com/news/the-switch/wp/2013/12/19/this-100-year-old-deal-birthed-the-modern-phone-system-and-its-all-about-to-end/> [<https://perma.cc/3AUC-ZGN4>] (describing the situation before the U.S. government–AT&T Kingsbury Commitment of 1913).

96. *Id.*

97. *Id.* (“In exchange for being allowed to continue as a private monopoly, which [AT&T representatives] argued was necessary to build a great telephone network, AT&T made several promises to federal regulators [including a promise to allow long distance calls to customers on competing networks].”); *see* Letter from N.C. Kingsbury, Vice President, American Telephone and Telegraphy Company, to the Attorney General (Dec. 19, 1913), *reprinted in the 1913 AT&T Annual Report*, https://www.washingtonpost.com/blogs/the-switch/files/2013/12/KC1-NC-Kingsbury-VP-of-ATT-letter-to-AG.pdf?tid=lk_inline_manual_7, [<https://perma.cc/9LTD-EKCY>].

98. *See, e.g.*, Hiroshi Ohashi, *The Role of Network Effects in the US VCR Market, 1978–1986*, 12 J. ECON. & MGMT. STRATEGY 447 (2003) (explaining that the United States' VCR market included two competing and incompatible VCR formats—VHS tapes that would not play in Sony Betamax videorecorders and vice versa, and that network effects, rather than product quality, led Sony to drop its Betamax recorders); *About DVD Region Specifications*, AMAZON, <https://www.amazon.com/gp/help/customer/display.html?ie=UTF8&nodeId=201889230> [<https://perma.cc/UYW5-FZFR>] (indicating DVD players also have network format issues. For

The 2020 “streaming” wars show that network size and compatibility issues continue to arise and can affect things beyond physical objects.⁹⁹

One need not be a scientific expert in order to understand the usefulness of *network theory*. Many individuals will have read popular press articles about the use of network theory to better understand situations such as internet dating,¹⁰⁰ the number of colors it takes to color a map,¹⁰¹ or how innovation occurs.¹⁰² Many readers will have either personally experienced or will have read or heard about examples of viral emails and internet posts; network science can help them better understand how and why things can go viral.¹⁰³ (One famous example involves a UK lawyer who forwarded to six friends a flattering email he received from a woman; within a matter of days, his email had been forwarded to *seven million readers* and the lawyer was disciplined for using his work email for personal purposes.)¹⁰⁴ In the United States, the game known as “Six Degrees of Kevin Bacon” and the play entitled “Six Degrees of Separation” have helped expand lay awareness of the power of networks, even if the lay individual is unaware of the scientific experiment that led to the coining of the “six degrees” terminology.¹⁰⁵

example, a DVD purchased in Europe (in a foreign language) probably is not a Region 1 DVD and won't work on most U.S. DVD players, which are Region 1 players).

99. See, e.g., Lucas Shaw, *What the Streaming Wars Mean for the Future of TV*, BLOOMBERG BUS. WEEK (Nov. 30, 2019, 2:00 AM), <https://www.bloomberg.com/news/articles/2019-11-30/what-the-streaming-wars-mean-for-the-future-of-tv-quicktake> [<https://perma.cc/K459-WZCB>].

100. See, e.g., Norma Bar, *Meet Markets: How the internet has changed dating*, ECONOMIST (Aug. 18, 2018), <https://www.economist.com/briefing/2018/08/18/how-the-internet-has-changed-dating> [<https://perma.cc/95LW-CQZX>].

101. See, e.g., Evelyn Lamb, *Having Fun with the 4-Color Theorem*, SCI. AM. (Mar. 1, 2013), <https://blogs.scientificamerican.com/roots-of-unity/4-color-map-theorem/> [<https://perma.cc/96ZP-VWF2>].

102. See, e.g., Michele DeStefano, *Nonlawyers Influencing Lawyers: Too Many Cooks in the Kitchen or Stone Soup?*, 80 FORDHAM L. REV. 2791 (2012); STEVEN JOHNSON, *WHERE GOOD IDEAS COME FROM: THE NATURAL HISTORY OF INNOVATION* (2010).

103. See, e.g., Watts, *supra* note 87, at 159–60. Professor Watts' very-readable book cites several examples, including a North Carolina sixth grade social studies class that asked students' families and friends to forward an email to family and friends and ask them to forward it so that they could measure how many people had been reached. He reports that by a few weeks later, the class had received over 450,000 responses from every state and 83 countries.

104. *Id.* at 165.

105. See *id.* at 39–40, 94–95. Professor Watts explains that the origins of the “six degrees” language is based on an experiment conducted by Harvard Professor Stanley Milgram:

When Milgram asked people how many steps it would take to get a letter from one place [Boston] to the other [Nebraska], when they could only send the letter to someone they knew on a first-name basis, they typically estimated it in the hundreds. The result was more like six – a result that was so surprising at the time, it led to the phrase “six degrees of separation,” after which John Guare named his 1990 play and which has spawned a

Although it is useful to know that network science exists, this Article proceeds on the assumption that one need not fully understand or apply that network science in order to recognize and appreciate the value of networks. The Article assumes that there is value in identifying some of the global networks that are available to legal services professionals in the United States and elsewhere. These global networks are important tools that can help lawyers better represent their clients.

B. *Domestic and Global Legal Profession Networks*

Legal profession networks not only exist, but are among the networks that have been the subject of scholarly study. One of the earliest of such studies was the study of lawyers in Chicago.¹⁰⁶ Professors Heinz and Laumann found that lawyers in Chicago tended to practice in one of two “hemispheres,” with little crossover between the two groups of lawyers¹⁰⁷—*i.e.*, the lawyers operated within different networks. One group of lawyers primarily represented entity clients whereas the other group of lawyers primarily represented individual clients, such as those involved in criminal, tort, or domestic law matters.¹⁰⁸

The Chicago lawyers’ study is a classic in the field of law, and its “two-hemisphere” insights continue to be influential. For example, both the original Chicago lawyers’ study, as well as the 1998 follow-up study,¹⁰⁹ continue to be widely cited.¹¹⁰ In 2018, Professor Bill Henderson cited the Chicago lawyers’ study in the influential *Legal Market*

number of parlor games, not to mention an infinite number of conversations at cocktail parties.

See also Newman, *supra* note 83, at 175 (“A classic, though rather frivolous, example of such a network is the collaboration network of film actors, which is thoroughly documented in the online Internet Movie Database.”); ALAIN DEGENNE & MICHEL FORSE, INTRODUCING SOCIAL NETWORKS 14–15 (Arthur Borges trans., 1999) (citing the Milgram study in a section on “the small world problem”). For additional information about the parlor game, see *Six Degrees of Kevin Bacon*, WIKIPEDIA, https://en.wikipedia.org/wiki/Six_Degrees_of_Kevin_Bacon [https://perma.cc/8ER3-9MFW].

106. See John P. Heinz & Edward O. Laumann, CHICAGO LAWYERS: THE SOCIAL STRUCTURE OF THE BAR (1982).

107. *Id.* at 1121–22 (Table 1), 1126 (summarizing Table 1 results).

108. *Id.*

109. John P. Heinz et al., *The Changing Character of Lawyers’ Work: Chicago in 1975 and 1995*, 32 L. & SOC’Y REV. 751 (1998) (studying Chicago lawyers 20 years after the original study).

110. See, e.g., Bryant G. Garth, *Notes on the Future of the Legal Profession in the United States: The Key Roles of Corporate Law Firms and Urban Law Schools*, 65 BUFF. L. REV. 287 (2017); Skylar Powell & Moowoon Rhee, *Economic Status, Social Status, and Rate of Internationalization in US Law Firms*, 25 INT’L J. LEGAL PROF. 127 (2018); see also Google Scholar, *Chicago Lawyers: The Structure of the Bar* (showing more than 50 citations since 2018).

Landscape Report that he prepared for the State Bar of California;¹¹¹ this study has been circulated to several other states that are considering, or have adopted, lawyer regulation reform initiatives.¹¹²

The *Chicago Lawyers* study may be the most famous legal profession network study, but it is not the only study that has examined legal profession and legal services-related networks. More recent examples include analyses of the networks and interactions among lawyers in geographic areas other than Chicago,¹¹³ lawyers in elite law firms,¹¹⁴ political lawyers,¹¹⁵ public interest lawyers,¹¹⁶ conservative lawyers,¹¹⁷

111. See WILLIAM D. HENDERSON, LEGAL MARKET LANDSCAPE REPORT (July 2018), <http://board.calbar.ca.gov/docs/agendaitem/Public/agendaitem1000022382.pdf> [https://perma.cc/X2KM-UTL5] (starting on page 5 of this online agenda item).

112. See, e.g., ARIZONA TASK FORCE ON DELIVERY OF LEGAL SERVICES, ELECTRONIC BRIEFING BOOK (Jan. 2019), <https://www.azcourts.gov/Portals/74/LSTF/Meetings/010719/BriefingBookReduced.pdf?ver=2019-01-03-154308-780> [https://perma.cc/DR5R-WBH3] (including Professor Henderson's report in Part 2; the Task Force used this report at the outset of its work); see also UTAH WORK GROUP ON REGULATORY REFORM, NARROWING THE ACCESS-TO-JUSTICE GAP BY REIMAGINING REGULATION: REPORT AND RECOMMENDATIONS 14–15 (Aug. 2019), <https://www.utahbar.org/wp-content/uploads/2019/08/FINAL-Task-Force-Report.pdf> [https://perma.cc/VR5Y-3UXE] (citing the State Bar of California Task Force recommendations, although it did not cite Professor Henderson's report that influenced those recommendations). For information on the current status of regulatory initiatives, see IAALS' *Unlocking Regulation Knowledge Center*, <https://perma.cc/STRQ-ST6K>.

113. See, e.g., Damon J. Phillips, *Organizational Genealogies and the Persistence of Gender Inequality: The Case of Silicon Valley Law Firms*, 50 ADMIN. SCI. Q. 440 (2005); Kevin T. McGuire, *Lawyers and the U.S. Supreme Court: The Washington Community and Legal Elites*, 37 AM. J. POL. SCI. 365 (1993); Bill McEvily, Jonathan Jaffee & Marco Tortoriello, *Not All Bridging Ties Are Equal: Network Imprinting and Firm Growth in the Nashville Legal Industry 1933–1978*, 23 J. ORGANIZATIONAL SCI. 547 (2011).

114. See, e.g., David Wilkins & Mitu Gulati, *Reconceiving the Tournament of Lawyers: Tracking, Seeding, and Information Control in the Internal Labor Markets of Elite Law Firms*, 84 VA. L. REV. 1581 (1998); Monica C. Higgins & David A. Thomas, *Constellations and Careers: Toward Understanding the Effects of Multiple Developmental Relationships*, 22 J. ORGANIZATIONAL BEHAV. 223, 229 (2001) (studying New York corporate lawyers and the relationship between work satisfaction and developmental relationships).

115. See, e.g., Anthony Paik et al., *Political Lawyers: The Structure of a National Network*, 36 L. & SOC. INQUIRY 892 (2011); John P. Heinz, *Lawyers' Professional and Political Networks Compared: Core and Periphery*, 53 ARIZ. L. REV. 455 (2011).

116. See, e.g., Symposium, *Ethical Issues in Movement Lawyering*, 47 HOFSTRA L. REV. 61 (2018) (including six case studies, a movement lawyering reading guide, and a bibliography on African American women's activism); Scott L. Cummings *Bibliography*, UCLA LAW, <https://law.ucla.edu/faculty/faculty-profiles/scott-l-cummings/bibliography/> [https://perma.cc/TZA5-GQ7W].

117. See, e.g., Anthony Paik et al., *Lawyers of the Right: Networks and Organization*, 32 L. & SOC. INQUIRY 883, 885 (2007).

corporate lawyers,¹¹⁸ criminal justice lawyers¹¹⁹—as well as more general studies of lawyer networks.¹²⁰ Those who study legal profession networks have drawn upon the insights of the broader study of networks.¹²¹ Many of these legal profession network studies have been published in books or journals other than law reviews.¹²² All of this literature shows the existence and importance of networks.

Although networks can be informal, contemporary U.S. lawyers have a wealth of formal networks they may join. There are lawyer networks organized by geography,¹²³ subject-matter expertise,¹²⁴

118. See, e.g., Robert L. Nelson, *PARTNERS WITH POWER: THE SOCIAL TRANSFORMATION OF THE LARGE LAW FIRM* (1988); Marc Galanter & Thomas Palay, *TOURNAMENT OF LAWYERS: THE TRANSFORMATION OF THE BIG LAW FIRM* (1991); John Flood, *Corporate Lawyer–Client Relationships: Bankers, Lawyers, Clients and Enduring Connections*, 19 *Legal Ethics* 76 (2016); James Faulconbridge, *Relational Knowledge Networks in Transnational Law Firms*, 38 *Geoforum* 925 (2005); Emmanuel Lazega & Philippa E. Pattison, *Multiplexity, Generalized Exchange and Cooperation in Organizations: A Case Study*, 41 *Soc. Networks* 67 (1999).

119. See, e.g., John P. Heinz & Peter M. Manikas, *Networks Among Elites in a Local Criminal Justice System*, 26 *L. & SOC’Y REV.* 831 (1992).

120. See generally Jonathan Ashong-Lampsey, *Bicultural Experience in the Legal Profession: A Developmental Network Approach*, 83 *FORDHAM L. REV.* 2369 (2015); Aarti Ramaswami, George F. Dreher, Robert Bretz & Carolyn Wiethoff, *The Interactive Effects of Gender and Mentoring on Career Attainment: Making the Case for Female Lawyers*, 37 *J. CAREER DEV.* 692 (2010); Harris H. Kim & Edward O. Laumann, *Network Endorsement and Social Stratification in the Legal Profession*, in 20 *THE GOVERNANCE OF RELATIONS IN MARKETS AND ORGANIZATIONS* 243 (2003); see also Shoshana R. Dobrow & Monica C. Higgins, *Developmental Networks and Professional Identity: A Longitudinal Study*, 10 *CAREER DEV. INT’L* 567 (2005) (including a useful literature review); YVES DEZALAY & BRYANT GARTH, *LAWYERS AND THE RULE OF LAW IN AN ERA OF GLOBALIZATION* (Yves Dezalay & Bryant Garth, eds., 2011).

121. See, e.g., Ashong-Lampsey, *supra* note 120, at 2378 (“The features used to measure a developmental network borrow from social network theories: network density and network range and refer to the extent that the protégé has access to information and the quality of the information available.”) (internal citations omitted); McGuire, *supra* note 113, at 371–72 (“In examining the Supreme Court’s bar, I employ two distinct theoretical approaches—a *shared social characteristics model* and a *personal professional attribute model*. . . . To shed light on the contours of the social hierarchy of the bar, I construct a multivariate equation, one that incorporates predictors from both models.”); Harris H. Kim, *Networks, Information Transfer, and Status Conferral: The Role of Social Capital in Income Stratification among Lawyers*, 50 *SOC. Q.* 61 (2009); see also Salmon A. Shomade & Roger E. Hartley, *The Application of Network Analysis to the Study of Trial Courts*, 31 *JUST. SYS. J.* 144 (2010).

122. See, e.g., Phillips, *supra* note 113, at 469–72 (including a bibliography in this study of Silicon Valley lawyers that cites articles published in journals other than law reviews).

123. See, e.g., *History of the PBA*, PA. BAR ASS’N, <http://www.pabar.org/site/About-PBA/History-of-the-PBA> [https://perma.cc/F3T7-FN6G]; CUMBERLAND CTY. BAR ASS’N, <https://cumberlandbar.com/> [https://perma.cc/CHY9-7RCY] (“Promoting education, fellowship and ethics among local attorneys and fostering public awareness of the legal system and individual’s rights and responsibilities.”).

124. See, e.g., *About AIPLA*, AM. INTELLECTUAL PROP. LAW ASS’N, <https://www.aipla.org/about> [https://perma.cc/3RA4-KVCS]. For additional networks organized by substantive law expertise, see *ABA Groups*, ABA, <https://www.americanbar.org/groups/>

employer type,¹²⁵ affinity group,¹²⁶ legal education background,¹²⁷ political orientation,¹²⁸ and special interests.¹²⁹ To illustrate this point,

[<https://perma.cc/2HJU-GHXR>] (“ABA member groups are groups that focus on a unique area of law or business - allowing for more in-depth examination of issues, regulations, and national trends. . . . Connect with other legal professionals across the country to share information and best practices. Member Groups include more than 3,604 committees that produce valuable resources, newsletters, webinars, teleconferences and so much more.”).

125. See, e.g., *About ACC*, ASS’N OF CORP. COUNSEL, <https://www.acc.com/about> [<https://perma.cc/TW87-5X6Q>] (“The Association of Corporate Counsel (ACC) is a global bar association that promotes the common professional and business interests of in-house counsel through information, education, networking opportunities, and advocacy initiatives.”); *Association*, ILL. LOCAL GOV’T LAWYERS ASS’N, <https://www.ilgl.us> [<https://perma.cc/37BS-NK6T>] (“The Illinois Local Government Lawyers Association is a not-for-profit professional organization founded in 1992 to serve the needs of the practicing local government attorney. Since its inception, the Association has served as a conduit for the timely publications, workshops, conferences and website. The Association enables local government lawyers to share information and solutions to problems of mutual interest by providing an open forum for the exchange of ideas and “no holds barred” discussions of issues.”).

126. See, e.g., *Home*, NAT’L BAR ASS’N, <https://nationalbar.org/> [<https://perma.cc/4VVX-MCQA>] (“The National Bar Association was founded in 1925 and is the nation’s oldest and largest national network of predominantly African-American attorneys and judges.”); *About*, ARMENIAN BAR ASS’N, <https://armenianbar.org/about/> [<https://perma.cc/T8QA-KK78>] (“The Armenian Bar Association was formed in 1989 to provide an arena for lawyers of Armenian heritage to come together socially and professionally and to address the legal concerns of the Armenian community. . . . The Armenian Bar Association is a forum in which attorneys with different backgrounds and at different stages of their careers share their expertise and insight.”). *About NAWJ*, NAT’L ASS’N OF WOMEN JUDGES, <https://www.nawj.org/about-nawj> [<https://perma.cc/6Q6J-39DY>]; *Welcome to APABA’s Website*, ASIAN PACIFIC AM. BAR ASS’N OF LOS ANGELES CTY., <http://apaba.org> [<https://perma.cc/CE4U-ELB9>]; *About*, NAT’L LGBT BAR ASS’N, <https://lgbtbar.org/about/about-us/> [<https://perma.cc/9WQY-SNHD>].

127. See, e.g., *Harvard Law School Association*, HARVARD, <https://hls.harvard.edu/alumni/harvard-law-school-association/> [<https://perma.cc/B7MF-NADD>] (“The oldest association of its kind, the Harvard Law School Association (HLSA) has been a Harvard Law School tradition since its founding in 1886. . . . Hosted by local chapters, HLSA events happen regularly around the world, from California to China. They include discussions on trending topics, presentations by fellow alumni and thought leaders, **networking events**, and other social activities, including happy hours, dinners, and more.” (emphasis added)). See *News: Penn State named No. 1 ‘powerful college network’ by College Magazine*, PA. STATE UNIV. (July 28, 2016), <https://news.psu.edu/story/418938/2016/07/28/rankings/penn-state-named-no-1-‘powerful-college-network’-college-magazine> [<https://perma.cc/Y2G9-BSA5>] (“Penn State has been named No. 1 by College Magazine in its recent ranking of the ‘10 Most Powerful College Networks,’ . . . The Penn State Alumni Association, with 140 chapters in cities across the United States and the largest dues-paying alumni association in the world, gives its alumni a professional and social network that spans the globe.”).

128. See, e.g., *History*, NAT’L LAWYERS GUILD, <https://www.nlg.org/about/history/> [<https://perma.cc/YX7Q-X5WM>]; *About Us*, FEDERALIST SOC’Y, <https://fedsoc.org/about-us> [<https://perma.cc/55LT-NMQL>] (“The Federalist Society for Law and Public Policy Studies is a group of conservatives and libertarians interested in the current state of the legal order.”).

129. See, e.g., *TEN Hiking Lawyers (The Esquire Network)*, MEETUP, <https://www.meetup.com/TEN-Hiking-Lawyers-The-Esquire-Network/> [<https://perma.cc/5QGA-XB9V>] (“This group is for attorneys and designed to facilitate networking among legal professionals

consider the committees page of the ABA Section of International Law: it lists more than fifty committees, including committees organized according to geography, subject-matter expertise, employer type, affinity group, and special interests.¹³⁰ State bar associations also offer a wide range of committees—*i.e.*, formal networks—that lawyers may join.¹³¹ Local bar associations, which can be large or small, also provide network opportunities for lawyers.¹³²

Many of the seemingly “domestic” bar association and other networks to which lawyers belong have global connections that link the network members to a larger, global network. For example, U.S. lawyers who specialize in the “law of lawyering” are likely to join the Association of Professional Responsibility Lawyers (APRL).¹³³ Although APRL seems at first blush like a domestic network, it is actually a global network as evidenced by the fact that it includes non-U.S. members,¹³⁴ holds some of its conferences outside the United States,¹³⁵ has co-sponsored conferences with organizations outside the United States,¹³⁶ and it

in an effortless way while also doing something fun and being active.”); Laurel S. Terry & Carole Silver, *Transnational Legal Practice* [2014], 49 ABA/SIL (n.s.) 413 (2015) (using Transnational Legal Practice Nets or TLP-Nets as a framework to discuss 2014 year-in-review activities).

130. See, e.g., *International Law Section Committees*, ABA, https://www.americanbar.org/groups/international_law/committees/ [https://perma.cc/B8CH-3GNH]. The Section of International Law’s committees include those that focus on geography (e.g., the Africa, Asia/Pacific, Canada, and China Committees); subject matter expertise (e.g., the Art & Cultural Heritage Law and Cross-Border Real Estate Practice Committees); employer type (e.g., the International Corporate Counsel Committee); legal education (e.g., Law Student, LL.M., & New Lawyer Outreach Committee); affinity groups (e.g., the Seasoned Lawyers Interest Network, Sexual Orientation and Gender Identity Issues Network (GIN), U.S. Lawyers Practicing Abroad Committee, and the Women’s Interest Network); and special interests (e.g., the International Pro Bono Committee).

131. See, e.g., *Committees*, PA. BAR ASS’N, <https://www.pabar.org/public/committees/> [https://perma.cc/39K4-44Z6].

132. See, e.g., *Committee Listing*, N.Y.C. BAR ASS’N, <https://www.nycbar.org/member-and-career-services/committees/committee-listing/committees> [https://perma.cc/6HZE-WHEC] (indicating a large local bar association with many committees); *About the Cumberland County Bar Association*, CUMBERLAND CTY. BAR ASS’N, <https://cumberlandbar.com/About/About-CCBA> [https://perma.cc/7TXS-MAYJ] (indicating a smaller bar association that does not list committees).

133. See generally Ass’n Prof. Responsibility Lawyers, *About APRL*, <https://aprl.net/about-aprl/> [https://perma.cc/4GCV-LEWE].

134. See Ass’n Prof. Responsibility Lawyers, *Member Listings by State or Country*, <https://aprl.net/member-listings-state-country/> [https://perma.cc/3BHH-A744].

135. See, e.g., *2008 Global Legal Practice Symposium*, 27 PENN ST. INT’L L. REV. 269 (2008), <https://elibrary.law.psu.edu/psilr/vol27/iss2/> (containing articles from an APRL conference in Amsterdam); *Global Legal Practice Symposium*, 22 PENN STATE INT’L L. REV. 527 (2004), (containing articles from an APRL conference in Florence).

136. See, e.g., Ass’n Prof. Responsibility Lawyers/L. Soc’y of England and Wales, *CRISSCROSSING THE POND: TRANSATLANTIC ISSUES IN LEGAL ETHICS AND LAW FIRM REGULATION AGENDA* (Nov. 8–9, 2018), <https://aprl.net/wp-content/uploads/2018/11/Agenda.pdf> [https://perma.cc/F4UX-KDJZ].

includes non-U.S. experts in some of its committee work.¹³⁷ Some of the ABA Section of International Law committees cited above include foreign lawyers, as well as U.S. lawyers, and thus link U.S. committee members to an international network.¹³⁸ Many other examples exist of networks that appear to be domestic but have global connections.¹³⁹

U.S. lawyers can join formal *international* networks, as well as national, state, and local networks that have global members or members with global connections. Two “general purpose” international bar associations that provide global networks for U.S. lawyers are the International Bar Association and the Union Internationale des Avocats.¹⁴⁰ There are also specialized international networks for lawyers such as the International Criminal Court Bar Association and a bar association for lawyers who do customs and international trade work.¹⁴¹ Some of these

137. See, e.g., Ass’n Prof. Responsibility Lawyers, *The Future of Lawyering Special Committee*, <https://aprl.net/aprl-future-of-the-legal-profession-special-committee/> [https://perma.cc/2J8U-CCSL].

138. See, e.g., ABA, *supra* note 130. The author has personal knowledge that several of SIL’s committees include foreign lawyers or U.S. lawyers working for firms that were originally established in another country.

139. See, e.g., Laurel Terry, *The Impact of Global Developments on U.S. Legal Ethics During the Past Thirty Years*, 30 GEORGETOWN J. OF LEGAL ETHICS 365 (2017) (noting the ways in which law schools and law professors have been exposed to global perspectives, which influences their scholarship and the information they share with students). As the asterisk footnote to this Article observed, I have written a companion article to this Article, which focuses on one subset of global legal profession networks, namely those involving lawyer regulation stakeholders. It contains many other examples. See generally Laurel S. Terry, *Lawyer Regulation Stakeholder Networks and the Global Diffusion of Ideas*, 33(3) GEORGETOWN J. LEGAL ETHICS __ (2020) (forthcoming).

140. See *About the International Bar Association, Int’l Bar Ass’n*, https://www.ibanet.org/About_the_IBA/About_the_IBA.aspx [https://perma.cc/B97G-JF8W]; *About Us*, UNION INTERNATIONALE DES AVOCATS, <https://www.uianet.org/en/about-us> [https://perma.cc/64N3-A5TU]. Some might include the International Law Association (ILA) on a list of general purpose international bar associations. See generally *About Us*, INT’L LAW ASS’N, <https://www.ila-hq.org/index.php/about-us> [https://perma.cc/KHJ6-KNEL]. I did not include the ILA in the text as a general purpose international network because the ILA has a limited number of committees; see Laurel S. Terry, *Lawyers, GATS, and the WTO Accountancy Disciplines: The History of the WTO’s Consultation, the IBA GATS Forum and the September 2003 IBA Resolutions*, 22 PENN STATE INT’L L. REV. 695, 698–700 and nn. 7 and 172 (2004) (noting that the IBA and the UIA were the two general purposes bar associations the World Trade Organization consulted regarding legal services since their membership was open to lawyers from all WTO member states).

141. See *Homepage*, INT’L CRIMINAL COURT BAR ASS’N, <https://www.iccba-abcpi.org/home> [https://perma.cc/E4LU-PJ6S] (“Full Membership of the ICCBA is open to all lawyers admitted to the ICC List of Counsel or those who are eligible to practice before the ICC as independent defence or victims counsel.”); *About CITBA*, CUSTOMS & INT’L TRADE BAR ASS’N, <https://citba.org/about-citba/> [https://perma.cc/KFB7-2MRQ].

formal international networks are quite old whereas others are of relatively recent origin.¹⁴²

Many U.S. lawyers have access to a formal international network because they work for a law firm that has offices in multiple countries. The American Lawyer's annual *Global 100* issue provides information about some of these formal international legal profession networks—*i.e.*, law firms with offices in multiple countries.¹⁴³ One of the charts in the 2019 *Global 100* issue is entitled “Most Lawyers.”¹⁴⁴ In addition to listing the total number of lawyers in each of the *Global 100* firms, this chart lists the number of countries in which the 2019 *Global 100* law firms have offices. All but 13 of these firms had offices in multiple countries.¹⁴⁵ Moreover, although there has been both expansion and contraction of United States law firms' foreign offices over the past 50 years,¹⁴⁶ it is undeniable that there are a large number of United States lawyers who have access to a global network through their law firm's foreign office(s).¹⁴⁷ For example, during the past decade, the largest law firms reportedly added more than 6,500 lawyers and approximately 200 foreign offices.¹⁴⁸ Some of this growth has occurred through law firm mergers, including transatlantic and international law firm mergers.¹⁴⁹ In 2014, the

142. Compare CUSTOMS & INT'L TRADE BAR ASS'N, *supra* note 141 (“[CITBA] was founded in 1917 and incorporated in 1926. Its members are attorneys who are interested in the field of customs law, international trade law and related matters.”) with *Our Mission*, INT'L CRIM. CT. BAR ASS'N, <https://www.iccba-abcpi.org/aboutus> [<https://perma.cc/PL2Q-5N5H>] (“The [ICCBA's] establishment in July 2016 . . . marked the fulfillment of a long-standing goal to establish a much-needed representative association of legal practitioners focused on matters relevant to the work of List Counsel and Support Staff before the International Criminal Court (ICC).”).

143. See, e.g., *The 2019 Global 100*, *supra* note 43, at 32–34 (indicating the firms with the most lawyers and the number of countries in which that firm has offices). See also *supra* notes 41–42.

144. *Id.*

145. *Id.*

146. See generally *id.* at 56; see also Deborah Jones Merritt, *What Happened to the Class of 2010 - Empirical Evidence of Structural Change in the Legal Profession*, 2015 MICH. ST. L. REV. 1043, 1049 (2015); Carol Silver, *Winners and Losers in the Globalization of Legal Services: Situating the Market for Foreign Lawyers*, 45 VA. J. INT'L L. 897 (2005).

147. *The 2019 Global 100*, *supra* note 43, at 56.

148. *Id.* *The 2019 Global 100* issue contains this data:

[A] review of 10 years of data for the 2019 Am Law 200 firms shows that the 110 firms on that list with international lawyers have added 6,626 lawyers and 198 offices outside the United States, when accounting for mergers, openings, closings, hirings and departures. . . . That amounts to an 8% increase in offices around the world and 35% growth in global lawyers employed by the biggest law firms.

But see Gaughan, *supra* note 42, at 104–14, who found a decrease in the number of foreign offices and lawyers of the U.S. firms he studied. It is beyond the scope of this article to address this discrepancy, but it may reflect differences in the law firms measured.

149. See, e.g., *The 2019 Global 100*, *supra* note 43, at 24 (“There were two significant mergers last year between U.S.-based firms and two significant trans-Atlantic mergers.”); see also Legal

American Lawyer noted its surprise at how global U.S. law firms had become when it reported that more than 25,000 lawyers from the “AmLaw 200” law firms practiced in 70 foreign countries.¹⁵⁰ These are a lot of global connections for the U.S.-based lawyers who work in AmLaw 200 firms. Moreover, as noted previously, in 2015 law firms located in 47 states also had foreign offices.¹⁵¹

Although many U.S. lawyers have access to an international network because they work for a single law firm that has global offices, many more U.S. lawyers have access to an international network because the law firm for which they work belongs to an *international network of law firms*. Stephen McGarry, who founded the law firm network Lex Mundi, has published a series of online books that describe these global law firm networks.¹⁵² The 2019 edition of McGarry’s book, which is entitled *Handbook of Law and Accounting Networks*, states that the 20 largest networks have 252,447 attorneys, whereas the 100 largest law firms only have 130,000 attorneys.¹⁵³ Some of the global law firm networks are general purpose networks,¹⁵⁴ but others specialize in a particular area of law, such as advertising, environmental, franchising, immigration,

Executive Institute, *2019 Report on the State of the Legal Market* 14, THOMPSON REUTERS, [https://perma.cc/PM8Y-5WW2] (“The 2017 mergers included 15 cross-border mergers, also breaking the previous record of 11 in 2016.”); GEORGETOWN LAW CENTER FOR THE STUDY OF THE LEGAL PROFESSION, 2013 REPORT ON THE STATE OF THE LEGAL MARKET 8 (2013), https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1003&context=cslp_papers [https://perma.cc/H3RU-AF3U] (noting that 96 global cross-border law firm mergers were announced in 2012 and 56 U.S. law firms opened a new foreign office in 2012).

150. *The Global 100: Outward Bound*, AM. LAWYER 1, 107 (Oct. 2014) (“We knew that the AM LAW 200 had become far more international in recent years. When we crunched the numbers, though, we couldn’t help but be surprised at just how global big U.S. firms have become. . . . More than 25,000 lawyers from Am Law 200 firms work in foreign offices in more than 70 countries.”). See also *The 2019 Global 100*, *supra* note 43, at 56–59 (summarizing data from the past decade regarding the international offices of AmLaw 200 law firms).

151. See Terry, *supra* note 41.

152. See STEPHEN G. MCGARRY, *THE HANDBOOK OF LAW AND ACCOUNTING NETWORKS* (2019) [hereinafter MCGARRY NETWORKS 2019]. I periodically receive listserv-type emails from Stephen McGarry notifying me about the new editions of his online handbook; see, e.g., Email from Stephen G. McGarry to author (Jan. 29, 2019) (on file with author). For an example of a prior edition, see STEPHEN G. MCGARRY *THE HANDBOOK OF LAW FIRM NETWORKS* (2017), http://online.flipbuilder.com/smcgarry/idfm/mobile/index.html [https://perma.cc/7M46-88LW]. For another example of an additional online book, see LawandAccountants.com, *Directory of Law and Accounting Networks Executives* (Aug. 8, 2018), http://online.flipbuilder.com/smcgarry/nxlm/mobile/index.html [https://perma.cc/8SQC-4JEZ].

153. See MCGARRY NETWORKS 2019, *supra* note 152, at appendix 3, p. 92.

154. See, e.g., Lex Mundi, *infra* note 160.

insolvency, insurance, labor law, maritime, or tax law.¹⁵⁵ Some of these global law firm networks focus on a principal region such as Latin America or Europe, whereas other networks are not limited.¹⁵⁶ McGarry's *2019 Handbook* contains information about law firm networks that is not readily available from other sources.¹⁵⁷ For example, it includes information about the listed networks' approach to issues such as fee sharing and infrastructure.¹⁵⁸ The *2019 Handbook* differentiates among four different "levels" of networks:

Each network is different in its structure and sophistication. Some networks are informal groups of selected firms that have organized for very limited reasons. . . . **Level 1** networks are informal clubs. . . . Some clubs are referred to as "best friends" networks that, as a rule, may not have a website, do not list their friends, and are generally secretive because the members may also have other "best friends" who are not part of this club. The group may meet several times a year. Each member pays his/her own expenses, since a Level 1 network has little or no budget. **Level 2** networks are more formal and have a budget, a small administrative staff, a website, a brochure, and annual meetings. They are generally volunteer networks where the staffs of the members themselves are the principal support of the network. . . . **Level 3** networks are formal and institutional structures that generally are more than 10 years old. The annual budgets can be quite substantial, up to many millions of dollars. The networks are formal businesses in their structure, governance, and operations, and have institutionalized member programs that have been executed over a number [of] years. . . . **Level 4** professional services networks are found primarily in accounting and, to a limited extent, in the legal profession. . . . If vereins in the legal profession are networks, they aspire to be Level 4 networks with full integration of their members.¹⁵⁹ (Footnotes and paragraph breaks omitted.)

155. MCGARRY NETWORKS 2019, *supra* note 152, at appendix 6, p. 112–13 (discussing "Specialty Legal Networks").

156. *Id.* at 112 (listing RIELA in Latin America and IT Law Group Europe).

157. See MCGARRY NETWORKS 2019, *supra* note 152, at 7–8 (explaining that the information and categorizations he provides are "[b]ased upon a review of websites" as well as knowledge of the networks). Stephen McGarry may have access to this information because he currently serves as president of an organization he founded entitled the Association of International Law Firm Networks or AILFN. See AILFN Professional Team, ASS'N OF INT'L LAW FIRM NETWORKS, <https://www.ailfn.com/team> [<https://perma.cc/P5A7-YJMP>] (listing him as AILFN president and states that he founded Lex Mundi, which is the largest global network of law firms).

158. See MCGARRY NETWORKS 2019, *supra* note 152, at 6 (discussing issues such as fee sharing and infrastructure).

159. *Id.* at 7–10; see also *id.* at 9–10 (containing a chart entitled *Summary Four Levels of Network Development* that presents this information in a table format). The McGarry description

The 2019 *Handbook* explains that some law firm networks, such as Lex Mundi, include mostly large law firms,¹⁶⁰ but other networks, such as Meritas and TerraLex, include small or mid-size law firms.¹⁶¹ It is beyond the scope of this article to provide a history of law firm networks, but it is worth noting that the 2019 McGarry book contains useful historical information¹⁶² as well as appendices that include: an alphabetical listing of law firm and professional networks, their website URL, contact information, information about the profession(s) covered by the network, the number of member firms, the number of professionals, and their revenue.¹⁶³

It is easy to imagine why large law firms that represent multinational companies would join a global network such as those outlined above, but why would small and medium-sized U.S. and foreign law firms join these kinds of global networks? A survey of Philadelphia Bar Association members helps answer this question. This survey found that 67.5% of those responding had worked on a matter in the past five years that required them to “know something about foreign and/or international law,” even though only 3.4% described their primary geographic client base as “international.”¹⁶⁴ The paragraph that is reprinted below cites additional data that explains why a lawyer might periodically encounter a client with global needs and thus might find it helpful to have access to a global law firm network:

refers to “vereins.” Some law firms have chosen to use a Swiss “verein” legal structure, rather than a partnership or LLC corporate structure. For more information, see Debra Cassens Weiss, *Dentons Says \$32.3M Malpractice Verdict Was ‘Simply Wrong,’ And It Will Appeal*, ABA J. (Feb. 26, 2020), <https://www.abajournal.com/news/article/dentons-says-32.3m-malpractice-verdict-was-simply-wrong-and-it-will-appeal> [https://perma.cc/WNB7-CRFM].

160. MCGARRY NETWORKS 2019, *supra* note 152, at 9 (citing Lex Mundi and WSG as examples); see also *Our Member Firms, Our Locations*, LEX MUNDI, https://www.lexmundi.com/lexmundi/Member_Firms.asp [https://perma.cc/4Y3N-EP2Y] (indicating Lex Mundi firms in the U.S. include large law firms such as Alston & Bird, Baker Botts, Foley Hoag, Jenner & Block, Morrison & Foerster, Pepper Hamilton, Steptoe & Johnson).

161. See MCGARRY NETWORKS 2019, *supra* note 152, at 9 (listing Meritas as an example of a network of midsize firms and TerraLex as an example of a network with firms of mixed sizes).

162. *Id.* at 17–20. Appendix 4 at pp. 93–110 is entitled Leading Network Executives and provides contact information for these networks.

163. See generally *id.* at Appendices 4–7. The Appendices in MCGARRY NETWORKS 2019 are organized differently than the appendices in the 2017 edition of the book.

164. See Susan L. DeJarnatt & Mark C. Rahdert, *Preparing for Globalized Law Practice: The Need to Include International and Comparative Law in the Legal Writing Curriculum*, 17 J. LEGAL WRITING INST. 3, 19–20 (2011). But see *id.* at n.53 (“We do not claim to have a statistically valid sample that precisely represents the practicing bar in Philadelphia. We see the survey results as informative, not as proof of a scientifically established truth.”).

According to the U.S. Census Bureau, [as of 2013] more than 20% of married couple households in the United States have at least one non-native spouse. In 1960, approximately two-thirds of U.S. states had a foreign-born population of less than 5%, but by 2010, the numbers were reversed and approximately two-thirds of U.S. states had a foreign-born population greater than 5%. Moreover, the jurisdictions that have seen the greatest percentage increase in their foreign-born population are not the ones that you might immediately think of. For example, in Alabama, the District of Columbia, Indiana, Iowa, Kentucky, Louisiana, Mississippi, North Dakota, South Carolina, South Dakota, Tennessee, West Virginia, and Wyoming, more than 25% of their foreign-born population entered the United States between 2005 and 2010. Another statistic that shows the interaction between U.S. residents and the rest of the world is the fact that there have been approximately 250,000 foreign-born children adopted by U.S. families between 1999 and 2013. . . . [T]he findings of AFTER THE JD II, which was the second installment of a longitudinal study tracking the careers of a broad cross-section of approximately 4,000 lawyers who graduated from law school in 2000 [provides additional insight. [It] found that 44% of the surveyed lawyers had done at least some work that involved clients from outside the United States. This included two-thirds of lawyers in the largest law firms and 65% of inside counsel. What is even more interesting, however, is that 61% of the surveyed legal services and public defense lawyers had done work that involved non- U.S. clients or non-U.S. law or in cross-border matters.¹⁶⁵

The prior paragraphs emphasized global networks opportunities for lawyers who work in *law firms*. But private-practice lawyers are not the only ones who participate in global networks. In-house counsel also participate in global networks. For example, many lawyers who work as in-house counsel belong to the Association of Corporation Counsel, or ACC, which has created a global network.¹⁶⁶ In 2003, in order to reflect its global nature and global network, ACC dropped the word “American” from its name and became the Association of Corporate Counsel, rather than the American Corporate Counsel Association, which was its previous

165. Terry, *Admitting Foreign Lawyers*, *supra* note 13, at 43.

166. See, e.g., *FAQs about ACC membership: Who Belongs to ACC?*, ASS’N OF CORP. COUNSEL, <https://www.acc.com/membership/benefits-of-membership/faqs> [<https://perma.cc/3BYL-64Y2>] (“ACC’s membership includes a diverse mix of more than 45,000 in-house lawyers who represent more than 10,000 companies in 85 countries.”); *Networks*, ASS’N OF CORP. COUNSEL, <https://www.acc.com/chapters-networks/networks> [<https://perma.cc/PS76-SBYT>] (ACC’s networks include a “Small Law Department” network in which most members will practice in departments with between one and five attorneys).

name.¹⁶⁷ ACC members, who belong to both large and small in-house legal staffs, are exposed to issues from around the world and have reported that they frequently encounter international cross-border issues.¹⁶⁸

Public sector lawyers, as well as private sector lawyers, also belong to formal global networks.¹⁶⁹ For example, when U.S. prosecutors need to obtain evidence or extradite witnesses from other countries they can obtain assistance from the U.S. Department of Justice's Office of International Affairs, which regularly works with their counterparts outside the United States.¹⁷⁰ State and local prosecutors (and the organizations for which they work) may choose to belong to the International Association of Prosecutors, which provides a forum to share expertise on global problems such as cybercrime and trafficking.¹⁷¹ U.S. antitrust, labor, securities, and banking law regulators have participated in international networks¹⁷² as have lawyers at the United States Department of Education, who have monitored or helped implement international

167. See *About Us: Our History*, ASS'N OF CORP. COUNSEL, <https://www.acc.com/about/our-history> [<https://perma.cc/S84L-DV4H>] ("In 2003, ACCA became ACC, the Association of Corporate Counsel, reflecting our increasingly global interests and the needs of our ever-growing membership.").

168. See ASS'N OF CORP. COUNSEL, 2015 ACC GLOBAL CENSUS: A PROFILE OF IN-HOUSE COUNSEL 10 (2015), https://www.acc.com/sites/default/files/resources/vl/purchaseOnly/1411926_2.pdf [<https://perma.cc/4E8Z-KYY6>] (indicating that, in the prior year, survey respondents had handled international cross-border issues at the following rates: 75% in the aerospace/aviation industry; 72% in the life sciences/biotech field; 51% in finance and banking; 80% in pharma/medical devices; 67% in telecommunications; and 64% in all other industries). The 2019 survey did not ask this question. See generally *2019 ACC Chief Legal Officers Survey*, ASS'N OF CORP. COUNSEL, <https://www.acc.com/sites/default/files/resources/upload/2019-ACC-Chief-Legal-Officers-Survey.pdf> [<https://perma.cc/MM4E-RESN>].

169. See generally Jenia I. Turner, *Transnational Networks and International Criminal Justice*, 105 MICH. L. REV. 985, 986 (2007) ("Investigators, prosecutors, and judges dealing with international crimes are beginning to collaborate, both in horizontal networks across borders and in vertical networks with their counterparts at the international criminal tribunals.").

170. See *Office of International Affairs (OIA)*, U.S. DEP'T OF JUSTICE, <https://www.justice.gov/criminal-oia> [<https://perma.cc/5X3Y-ADDH>] ("OIA attorneys also provide advice to federal and state prosecutors regarding novel and complex legal issues arising in litigation and stemming from the international aspects of their prosecutions.").

171. See, e.g., INT'L ASS'N OF PROSECUTORS, BROCHURE (May 2018), [https://www.iap-association.org/getattachment/About/IAP-Brochure_May-2018_EN-\(1\).pdf.aspx](https://www.iap-association.org/getattachment/About/IAP-Brochure_May-2018_EN-(1).pdf.aspx) [<https://perma.cc/86LZ-DSHR>]. The IAP webpage includes links to additional resources such as the GPEN (e-crime) network; *Global Prosecutors E-Crime Network*, INT'L ASS'N OF PROSECUTORS, <https://www.iap-association.org/GPEN/Home.aspx> [<https://perma.cc/64B3-XAMW>].

172. See Laurel S. Terry, *Preserving the Rule of Law in the 21st Century: The Importance of Infrastructure and the Need to Create a Global Lawyer Regulatory Umbrella Organization*, 2012 MICH. ST. L. REV. 735, 741-48 (2012) (describing global networks of these kinds of regulators).

initiatives in higher education.¹⁷³ The International Conference of Legal Regulators, which held its first meeting in 2012, is a global network that brings together legal services regulators from around the world.¹⁷⁴ U.S. regulators not only participate in this organization, but will host its 2020 meeting.¹⁷⁵

In addition to lawyers who work in the private sector and lawyers who work for government, lawyers who work for nonprofit organizations also participate in international networks. For example, one of my former law students was interested in disability law and decided that for her seminar paper she would investigate whether there were any international networks for lawyers interested in this field. She discovered several such networks, including an annual summer workshop held at the University of Galway, Ireland.¹⁷⁶ This summer program has helped create a global network of lawyers interested in disability law.¹⁷⁷ As a result of her research, she attended this summer program and gave a poster presentation.¹⁷⁸ Her participation in this summer program connected her to this global network and in 2019, she gave a talk about her seminar paper topic at the “*Disability Dignity and Inclusion Conference*” at McGill University, which participates in the Disability Rights Scholars Program.¹⁷⁹ This global network is not an anomaly. Lawyers who practice in other kinds of nonprofit areas also participate in global networks.¹⁸⁰

On an individual state level, Ohio illustrates the impact of global legal profession networks. As noted previously, law firms located in Ohio

173. See, e.g., Laurel S. Terry, *International Initiatives That Facilitate Global Mobility in Higher Education*, 2011 MICH. ST. L. REV. 305, 352–56 (2011) (describing U.S. Department of Education participation in international higher education initiatives).

174. See Laurel S. Terry, *Creating an International Network of Lawyer Regulators: The 2012 International Conference of Legal Regulators*, BAR EXAMINER, June 2013, at 18 (describing the first meeting in London of what has become the International Conference of Legal Regulators); see generally INT’L CONF. LEGAL REGULATORS, <https://iclr.net/> [<https://perma.cc/K9UQ-DJWR>].

175. Int’l Conf. Legal Regulators, *supra* note 174 (“This year the 2020 ICLR Annual Conference will be hosted by Attorney Registration and Disciplinary Commission of Illinois in Chicago, USA, from 28–30 October 2020.”). For additional examples of global networks of lawyer regulation stakeholders, see Terry, *Global Lawyer Regulation Stakeholder Networks*, *supra* note 139.

176. See, e.g., *Summer School 2016*, NUI Galway (June 20–24, 2016), <https://www.nuigalway.ie/centre-disability-law-policy/trainingandevents/pastsummerschools/summerschool2016/> [<https://perma.cc/8WKM-VW27>].

177. See Email from Darlene Hemerka to author (Dec. 14, 2019) (on file with author).

178. *Id.*; see also Darlene Hemerka, LINKEDIN, <https://www.linkedin.com/in/darlene-hemerka-0a386b59/> (last visited Feb. 27, 2020).

179. See Email from Darlene Hemerka, *supra* note 177. This grant program has created an extensive network of international disability rights lawyers.

180. See, e.g., *PILnet: The Global Network for Public Interest Law*, <https://www.pilnet.org/> [<https://perma.cc/Q67C-YHR4>].

have foreign offices.¹⁸¹ Ohio also has firms that participate in the kinds of global law firm networks described previously.¹⁸² Ohio law firms belong to networks that include Ally Law, Geneva Group International, The Interlex Group, Lex Mundi, MSI Global Alliance, and The Harmonie Group; both large and small law firms in Ohio are members of these networks.¹⁸³ Ohio government lawyers as well as private practice lawyers are among those who are connected to global networks and conversations.¹⁸⁴ Ohio lawyers take advantage of different kinds of opportunities to connect – directly or indirectly – to global legal profession networks.¹⁸⁵ Ohio lawyers can read Ohio law journal articles that include global perspectives.¹⁸⁶ Moreover, it is not just lawyers who participate in global networks. Ohio law students have opportunities to

181. See *supra* note 46–49 and accompanying text.

182. See, e.g., *Search AILFN Members in 160 Countries by Expertise*, ASS'N OF INT'L L. FIRM NETWORKS, <https://www.ailfn.com/search-ailfn?m=s&t=law&v=Ohio> (also on file with author) (listing Ohio lawyers or firms as participants in global law firm networks that included Ally Law, Geneva Group International, The Interlex Group, MSI Global Alliance, and The Harmonie Group in Dec. 2019).

183. *Id.*; *The Firm: Lex Mundi*, CALFEE, <https://www.calfree.com/firm-Lex-Mundi-Calfee-Global-Reach> [<https://perma.cc/3TEC-UK5X>] (“Calfee is the exclusive member firm in Ohio for Lex Mundi – the world’s leading network of independent law firms with in-depth experience in 100+ countries worldwide.”).

184. See, e.g., *2019 Law Enforcement Conference Speakers*, OHIO ATTORNEY. GEN., <https://www.ohioattorneygeneral.gov/Law-Enforcement/Ohio-Peace-Officer-Training-Academy/Ohio-Attorney-General-s-Law-Enforcement-Conference/2019-Law-Enforcement-Conference-Speakers> [<https://perma.cc/X7GP-KPNF>] (listing speakers that included Dr. Lina Alathari, chief of the National Threat Assessment Center, Protective Intelligence and Assessment Division, U.S. Secret Service, who frequently speaks to international security agencies).

185. To prepare for my Miller Becker talk, *supra* note 1, I reviewed the bios of the members of the Advisory Board of the Joseph G. Miller and William C. Becker Center for Professional Responsibility. For all of the members of the Board, I was able to identify ways in which they were directly or indirectly connected to global legal profession networks.

In addition to the network opportunities described in this Article, my companion article describes five settings in which lawyers might be directly or indirectly connected to global legal profession network: 1) through in-person meetings and interactions; 2) through virtual meetings and interactions; 3) by reading legal literature; 4) by following law reform initiatives, such as those in Arizona, California, and Utah; and 5) by participating in listservs and other activities of legal profession groups, including seemingly “domestic” groups. See Terry, *Global Lawyer Regulation Stakeholders*, *supra* note 139, at Section II(B).

186. See, e.g., David V. Snyder, *Private Lawmaking*, 64 OHIO ST. L.J. 371 (2003) (discussing the ways in which global private law might be analogous to state law); Carole Silver, *What We Don’t Know Can Hurt Us: The Need for Empirical Research in Regulating Lawyers and Legal Services in the Global Economy*, 43 AKRON L. REV. 1009 (2010); W. Bradley Wendel, *Paying the Piper But Not Calling the Tune: Litigation Financing and Professional Independence*, 52 AKRON L. REV. 1 (2018) (discussing third party litigation financing, which is an international and U.S. phenomenon that originated outside the United States).

hear about global developments;¹⁸⁷ they have even worked with global stakeholders to help come up with a design for an international commercial aviation dispute resolution program.¹⁸⁸ This Article could cite many more examples, but these examples illustrate the broad range of global networks available to lawyers. These examples also show how law firms or organizations that might initially appear to be “domestic” organizations may be part of a global network.

C. *Growth Prospects for Global Legal Profession Networks*

In light of recent political events, some readers might question the relevance of this Article. At the time this Article was written, it seemed as though there were a significant number of groups in countries throughout the world who were embracing a more nationalist approach to the world and were rejecting “globalist” perspectives.¹⁸⁹ For example, the United Kingdom voted in favor of Brexit, and it left the European Union at the end of January, 2020.¹⁹⁰ In the United States, President Trump refused to sign the Trans-Pacific Partnership (TPP),¹⁹¹ repudiated international agreements such as the Paris Climate Accord,¹⁹² took steps that weakened

187. See, e.g., University of Akron School of Law Miller-Becker Lecture, *supra* note 1; Catherine Rogers, Lecture at Ohio St. U. Moritz College of Law: 2020 Schwartz Lecture on Dispute Resolution: The Key to the Diversity Paradox in International Arbitration (Feb. 4, 2020), <https://moritzlaw.osu.edu/program-on-dispute-resolution/2020-schwartz-lecture-on-dispute-resolution/> [<https://perma.cc/JC25-LAY4>].

188. See, e.g., *Aviation Dispute Resolution Initiative*, OHIO ST. U. MORITZ C. OF LAW, <https://moritzlaw.osu.edu/program-on-dispute-resolution/resources/aviation-dispute-resolution/> [<https://perma.cc/ZJ5E-V8ZT>]; OSU AVIATION DESIGN PROJECT, A MACRO LOOK AT COMMERCIAL DISPUTES AMONG BUSINESSES WITHIN THE AVIATION INDUSTRY AND PROPOSED PROCESSES TO EFFECT POSITIVE CHANGE 65 (2014), https://aviation.osu.edu/sites/aviation.osu.edu/files/uploads/design_aviation_report_spring_semester_2014.pdf [<https://perma.cc/EH8C-JETJ>] (identifying interviewees that included representatives from foreign airlines and manufacturers and international organizations).

189. See, e.g., Jack Snyder, *The Broken Bargain: How Nationalism Came Back*, 98 FOREIGN AFF. 54, 54, 58–60 (2019) (describing the rise of nationalist parties in a variety of countries).

190. See, e.g., Congressional Research Service, *Brexit: Status and Outlook* (Updated Feb. 13, 2020), <https://crsreports.congress.gov/product/pdf/R/R45944> [<https://perma.cc/UB9L-P97M>]; *Brexit: All you need to know about the UK leaving the EU*, BBC NEWS (Jan. 2, 2020), <https://www.bbc.com/news/uk-politics-32810887> [<https://perma.cc/XVT9-SSJS>].

191. See, e.g., Trans-Pacific Partnership (TPP), OFFICE OF THE U.S. TRADE REPRESENTATION, <https://ustr.gov/trade-agreements/free-trade-agreements/trans-pacific-partnership> [<https://perma.cc/7C6J-THQG>] (stating the USTR “issued a letter to signatories of the Trans-Pacific Partnership Agreement that the United States has formally withdrawn from the agreement per guidance from the President of the United States.”).

192. See, e.g., Michael R. Pompeo, *Secretary of State on the U.S. Withdrawal from the Paris Agreement*, U.S. DEP’T OF ST. (Nov. 4, 2019), <https://www.state.gov/on-the-u-s-withdrawal-from-the-paris-agreement/> [<https://perma.cc/YY2T-4QZK>].

the World Trade Organization's dispute resolution system,¹⁹³ and advised the United Nations that "the future does not belong to globalists."¹⁹⁴ Nationalist parties throughout Europe have gained more power.¹⁹⁵ Global law firms have been advised that there is the "potential for major disruption."¹⁹⁶ Moreover, as I was reviewing the final edits on this Article, the COVID-19 coronavirus was sweeping the globe.¹⁹⁷ These kinds of developments might lead one to question the value of global legal profession networks.

Despite these recent events, I predict that the growth prospects for global legal services networks are strong. Major disruptions certainly are

193. See Jamey Keaten & Paul Wiseman, *World Trade Without Rules? US Shuts Down WTO Appeals Court*, ASSOCIATED PRESS (Dec. 9, 2019), <https://apnews.com/8e0accfe7fb3fc10b97c87c2b7e00cd8> [https://perma.cc/6UQS-7E4X]. This footnote cites an AP story because a 2019 poll of Democrats and Republicans rated AP the second least-biased news source after PBS. The United States has invoked the WTO's dispute resolution system and has—in essence—been the equivalent of a "plaintiff" as well as the equivalent of a "defendant." See, e.g., *Disputes by Member*, WORLD TRADE ORG., https://www.wto.org/english/tratop_e/dispu_e/dispu_by_country_e.htm [https://perma.cc/85BT-V2SF] (showing the U.S. has filed 124 cases as complainant, has been involved in 155 cases as respondent, and 156 cases as a third party).

194. President Donald Trump, Remarks made to the 74th Session of the United Nations General Assembly (Sept. 25, 2019), <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-74th-session-united-nations-general-assembly/> [https://perma.cc/Q9E6-A4BR].

195. *Europe and right-wing nationalism: A country-by-country guide*, BBC (Nov. 13, 2019), <https://www.bbc.com/news/world-europe-36130006> [https://perma.cc/L3ST-A7R4].

196. See, e.g., MP McQueen, *Pain and Gain*, 52 AM. LAW (Oct. 2019). This article, which was included in the American Lawyer's 2019 *Global 100* issue included a section on the potential impact of trade tensions which stated:

Most lawyers interviewed for this article have short-term confidence in their own firms and practices, but they also believe escalating tensions with China, financial market volatility, signs of a global economic slowdown and the general atmosphere of uncertainty are likely to hamper some firms' finances in the coming months. And they share a concern that instability could take a lasting toll on the world's economy, which wouldn't be good for anyone, law firms included.

The potential for major disruption is there and we are all expecting an economic slowdown, but the magnitude of that slowdown could turn into something more serious if our world leaders do not play their cards right," Trujillo says. "If the planets align in a certain way, we have to brace ourselves.

Stephen Kho, an international trade policy and dispute resolution partner who joined Akin Gump after nine years at the Office of the U.S. Trade Representative, where he was associate general counsel and acting chief counsel on China enforcement, acknowledges that uncertainty can drive activity at firms. But, Kho points out, "these are short-term problems that don't lead to long-term growth or long-term deals. This situation is not ideal.

Stability and predictability are good for everyone, but that is not what we have right now.

Id. at 55.

197. See, e.g., U.S. Centers for Disease Control and Prevention, *About Coronavirus Disease 2019 (COVID-19)*, <https://www.cdc.gov/coronavirus/2019-ncov/about/index.html> [https://perma.cc/F7AW-7D3Q].

possible. But absent cataclysmic global events that permanently, rather than temporarily, disrupt the world in which we live, it seems likely that clients will continue to be involved directly or indirectly in a global economy. The transportation, communication, and technology developments, which make it easy for clients to disaggregate tasks and engage in global activities, are part of the reason why “the legal world is flat.”¹⁹⁸ As long as clients participate in international supply chains (although perhaps different ones than previously), individuals travel overseas, individuals and businesses take advantage of technology that allows disaggregation, and individuals use the Internet, then global transactions and global disputes will occur. And if clients are engaged in global activities, then global networks will be valuable resources for the lawyers who represent these clients. These global help lawyers better understand the issues their clients have or will face, and they help lawyers identify resources to help their clients.

IV. CONCLUSION (INCLUDING WHY THIS ARTICLE IS RELEVANT TO LAWYERS OUTSIDE THE UNITED STATES)

This article began by noting the degree to which client activity, and thus legal services, are part of a global economy. The second part of this Article highlighted some of the recent scholarly research that has been conducted about networks, including legal profession networks. The Article continued by identifying some of the global network opportunities available to lawyers who work in private law firms, lawyers who work in-house for entity clients, government lawyers, and lawyers who work for nonprofit organizations. Among other things, it noted the importance of global law firm networks and provided sources of information about these networks.

What lessons should U.S. lawyers and legal services stakeholders draw from this information about global networks? In my view, it is useful for U.S. lawyers to be aware of the literature about the power of networks and to be mindful of all of the different opportunities they have to participate in networks—both individually and as part of the organization for which they work. Moreover, it is important for U.S. lawyers to recognize the global nature and opportunities in many legal services networks and to consider whether they (and their employer) are taking full

198. See generally Laurel S. Terry, *The Legal World is Flat: Globalization and its Effect on Lawyers Practicing in Non-Global Law Firms*, 28 NW. J. INT'L L. & BUS. 527 (2008); Terry, *U.S. Legal Ethics During the Past Thirty Years*, *supra* note 139, at 372 n.27 (listing in a single paragraph factors discussed in *The Legal World is Flat*, *supra*).

advantage of these global opportunities. It seems clear that globalization provides both opportunities and challenges for lawyers in private practice and that lawyers who ignore global opportunities may find themselves at a competitive disadvantage.¹⁹⁹ For example, although there are a number of law firms in Ohio that are members of global law firm networks, most Ohio law firms are not part of a formal global law firm network, even though there are many law firm networks that do not yet have any Ohio law firm members.²⁰⁰ The law firms that are not connected to a global network in some fashion are likely to have a more difficult time representing their clients on those occasions when a global issue arises. As their clients increasingly face global issues, lawyers who are not in private practice also are likely to benefit by access to global legal profession networks.

What lessons should lawyers and law firms *outside* the United States draw from this Article? In my view, the lessons are similar to the lessons for U.S. lawyers and the organizations for which they work. Although the examples in this Article are primarily drawn from the United States, the lessons are intended to be much broader. Section II(A) on the science of networks is not limited to U.S. networks—networks are important throughout the world, not just in the United States. Moreover, although Section II(B) of this Article cited scholarly literature about U.S. legal profession networks, rather than the literature from other countries, and although many of the examples in this Article had a U.S.-focus, I have no doubt that lawyers located outside the United States have similar opportunities to connect to global legal profession networks. For example, a single law firm may have a network, or a law firm may belong to a network of law firms, or a government lawyer may belong to a network of government entities with similar regulatory interests. With respect to corporate counsel, given the global reach of the Association of Corporate Counsel, lawyers who work in-house for an entity have opportunities to belong to a global network. As noted previously, there are global networks for lawyers interested in particular substantive law areas, whether it is disability, antitrust, intellectual property, or another area of law. Some of the networks to which lawyers belong may be more intentionally global than other networks, but it is likely that many of the legal services

199. *The Legal World is Flat*, *supra* note 198, at 559 (“In sum, even U.S. lawyers who don’t work in global law firms should assume that ‘the legal world is flat.’ They should consider both the opportunities and the challenges presented by globalization, recognizing that both their client base and their competitors now come from around the world. . .”).

200. *See generally supra* notes 182–83 and accompanying text (noting the law firm networks that include Ohio law firms, which is much less than the available networks).

networks outside the United States are also connected indirectly, if not directly, to the global networks and sources of information. Thus, this Article's information about global networks is relevant to lawyers outside the United States, as well as lawyers inside the United States.

In sum, global networks have affected and will continue to affect lawyers around the world. These networks affect the topics of discussion inside and outside the United States, who participates in the discussions, and ensure that ideas do not remain within the physical confines or borders of a particular jurisdiction. Despite the global trend towards nationalism and changes in the way that globalization is sometimes discussed, I believe that globalization—and global networks—are a crucial part of the contemporary legal services landscape and that it is in the best interests of lawyers—and the clients they serve—to be aware of, and take advantage of the opportunities these global networks provide.