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Lawyer Regulation Stakeholder Networks and the Global Diffusion of Ideas

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Lawyer Regulation Stakeholder Networks and the Global Diffusion of Ideas

LAUREL S. TERRY*

ABSTRACT

This Article examines the increasingly global nature of the networks to which lawyer regulation stakeholders belong. After identifying who lawyer regulation stakeholders are, the Article identifies five different kinds of opportunities these stakeholders have to interact with global counterparts or to be exposed to global perspectives. For each of the five identified opportunities, the Article provides several examples that illustrate the ways in which U.S. lawyer regulation stakeholders are connected to global networks. The Article explains the broad impact that these kinds of networks can have and concludes that global networks, and the perspectives they bring, should now be viewed as a regular part of U.S. lawyer regulation stakeholder conversations.

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This Article is written for the *Georgetown Journal of Legal Ethics*’ (“GJLE”) 2020 Symposium about the regulation and self-regulation of attorneys in the United States and internationally. Rather than addressing a specific regulation topic, such as the “competencies” lawyers need in order to practice law, this Article focuses on a “process” question related to how lawyer regulation change occurs. This Article suggests that, as a result of global networks of lawyer regulation stakeholders, it has become increasingly rare for U.S. lawyer regulation conversations to be exclusively domestic. Global networks have affected the vocabulary, content, and participants involved in U.S. lawyer regulation conversations. Thus, when approaching a lawyer regulation topic, such as the topics covered in the GJLE Symposium, one should expect the conversation to include perspectives influenced by developments and individuals outside the United States.

Although prior articles have referred to global networks of lawyer regulation stakeholders, this is the first article I am aware of that has as its central focus these global networks and the role they play in the diffusion of knowledge. This Article does not purport to offer a scientific study of these global networks. Indeed, it could not do so because the study of networks is a sophisticated “interdisciplinary field that combines ideas from mathematics, physics, biology, computer science, statistics, the social sciences, and many other areas.” Nor does this Article provide an expert application of diffusion theory. Despite these limitations, the information and examples in this Article will help explain why, when

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2. See, e.g., Mark Newman, *Networks* ix (2d ed. 2018) [hereinafter Newman, Networks]. Network science has been applied to networks as diverse as social, technology, information, and biologic networks. Id. at 14–103.

analyzing U.S. lawyer regulation and legal services issues, it is important for lawyer regulation stakeholders to be aware of global networks and the global conversations and global developments they introduce into the analysis of these issues.

This Article proceeds in the following manner. Part I identifies and categorizes U.S. lawyer regulation stakeholders. Part II identifies five ways in which U.S. stakeholders are exposed to global perspectives and connected to global networks. Part III explains the concept of diffusion and its impact on lawyer regulation stakeholder networks. The final Part offers concluding observations about the global nature of lawyer regulation stakeholder networks.

I. IDENTIFYING LAWYER REGULATION STAKEHOLDERS

Before examining the opportunities to participate in global networks available to U.S. lawyer regulation stakeholders, it is appropriate to begin by identifying those stakeholders to whom this Article refers. Some of the obvious stakeholders include clients, lawyers, and the entities that traditionally regulate lawyers. To identify entities that traditionally regulate lawyers, it is useful to ask who regulates the entry stage of the profession, who regulates the conduct stage of the profession, and who regulates lawyer discipline. In other words, it is useful to distinguish among the beginning, middle, and end stages of regulation. It is also helpful to distinguish among the traditional regulators that have overarching responsibility for regulation and the traditional regulators who are responsible for the “front-line” or day-to-day regulation of lawyers. (The term “front-line regulator” has become more common in the United States following the adoption of the 2007 U.K. Legal Services Act and the use of this term to describe U.K. regulators).

4. See, e.g., MODEL RULES OF PROF’L CONDUCT pmbl cmt. 9 (2018) [hereinafter MODEL RULES] (indirectly identifying stakeholders when observing that “[v]irtually all difficult ethical problems arise from conflict between a lawyer’s responsibilities to clients, to the legal system and to the lawyer’s own interest in remaining an ethical person while earning a satisfactory living”).


6. Id.

7. Id. at 756. It should be noted, however, that “overarching authority” does not necessarily mean that the Supreme Court has the ultimate authority to regulate lawyers. State supreme court regulation of lawyers is subject to additional federal laws. See, e.g., Bates v. State Bar of Ariz., 433 U.S. 350, 384 (1977) (finding unconstitutional an advertising ethics rules adopted by the Supreme Court of Arizona). With respect to certain issues of lawyer regulation, there may be differing viewpoints about the location of the line between the U.S. Constitution’s Supremacy Clause and its Tenth Amendment reservation of power to the states. See generally Stephen P. Mulligan, INTERNATIONAL LAW AND AGREEMENTS: THEIR EFFECT UPON U.S. LAW 18–19 (Cong. Research Serv. RL32528, Updated Sept. 19, 2018), https://crsreports.congress.gov/product/pdf/RL/RL32528 [https://perma.cc/X932-EPKT]; Marc I. Steinberg & John M. Koneck, Federalism, the Tenth Amendment, and the Legal Profession: The Power of a Federal Judge to Restrain a Convicted Attorney, as a Condition of Probation, from Practicing in the State Courts, 56 NEB. L. REV. 783 (1977).

In the United States, each jurisdiction’s highest court (which will be referred to for the sake of simplicity as the state supreme court) typically is the regulatory body that has the **overarching** responsibility for lawyer regulation. Its regulatory authority applies to the beginning, middle, and end stages of lawyer regulation. **Front-line** regulatory responsibility, on the other hand, varies from state to state. For example, in some states, especially those with a unified state bar, the state supreme court may have delegated to the **same entity** the initial responsibility for handling the administration of the supreme court’s lawyer admissions authority and its discipline authority. In other states, however, the state supreme court has delegated to **different entities** within that state the front-line responsibility for admissions issues on the one hand, and discipline issues on the other hand.

Although lawyer regulation stakeholders clearly include clients, lawyers, and the traditional regulators, the list of lawyer regulation stakeholders is much broader. Professor David Wilkins’ groundbreaking article entitled, *Who Should Regulate Lawyers?*, as well as his follow-up article, helped us better understand potential stakeholders. After identifying the potential stakeholders, his articles...
evaluated the comparative strengths of disciplinary, liability, institutional, and legislative controls for lawyer enforcement systems.\textsuperscript{14} Later articles have provided additional insights about stakeholders interested in lawyer regulation issues.\textsuperscript{15} Recent articles and policy papers remind us that individuals who are not receiving legal services are also stakeholders in the lawyer regulatory system.\textsuperscript{16}

There undoubtedly are many different ways in which one might classify lawyer regulation stakeholders, and it is beyond the scope of this Article to examine and apply stakeholder theories developed in other contexts.\textsuperscript{17} This Article defines the

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\textsuperscript{14} Wilkins, Follow-up Regulation Article, supra note 13, at 467.


Despite this literature about lawyer regulation stakeholders, when researching this Article, I was unable to locate any resources that contained a comprehensive list of lawyer regulation stakeholders.


\textsuperscript{17} See, e.g., Bobby Parmar et al., Stakeholder Theory: The State of the Art, 4 ACAD. MGMT. ANNALS 403–45 (2010) (summarizing stakeholder theory in a corporate setting); Andrew Crane & Trish Ruebottom, Stakeholder Theory and Social Identity: Rethinking Stakeholder Identification, 102 J. BUS. ETHICS 77 (Mar. 2011); Erika Rizzoa, Brownfield Regeneration in Europe: Identifying Stakeholder Perceptions, Concerns, Attitudes and Information Needs, 48 LAND USE POL’Y 437, 438 (2015) (citing Reed’s definition of stakeholders as “any organisation, group or person who takes an interest in a project, or those who have the ability to influence its outcomes”).

From a network perspective, stakeholders might be thought of as the “nodes” or points that are connected to one another. See Newman, NETWORKS, supra note 2, at 1 (“A network is, in its simplest form, a collection of points joined together in pairs by lines. In the nomenclature of the field a point is referred to as a node . . . thinking of [systems] in this way can lead to new and useful insights.”). Network scientists have developed sophisticated theories that help them determine how many different communities there are within a network. See, e.g., M. E. J. Newman & Gesine Reinert, Estimating the Number of Communities in a Network (Phys. Rev. Lett. Ser. No. 117.078301, Aug. 23, 2016), available at https://www.semanticscholar.org/paper/Estimating-the-number-of-communities-in-a-network-Newman-Reinert/81bf82198d038a6c46fa2ff94e6de276b3f39b8a [https://perma.cc/Y42E-7KXM]. The abstract explains that:

Community detection, the division of a network into dense subnetworks with only sparse connections between them, has been a topic of vigorous study in recent years. However, while there exist a range of powerful and flexible methods for dividing a network into a specified number of communities, it is an open question how to determine exactly how many communities one should use. Here we describe a mathematically principled approach for finding the number of communities in a network using a maximum likelihood method. We demonstrate the approach on a range of real-world examples with known community structure, finding that it is able to determine the number of communities correctly in every case.
term “stakeholders” broadly and includes within its definition groups and individuals who take an interest in, are affected by, or have the ability to influence lawyer regulation. In other words, the stakeholders listed in Table 1, infra, include those who are interested in the outcome of lawyer regulation issues, in addition to those for whose benefit lawyer regulation provisions are enacted.

Some of the stakeholders in Table 1 are described generically (e.g., clients), whereas others are identified by name, such as the Conference of Chief Justices. The stakeholders in Table 1 have different levels of control: some of the stakeholders exercise what might be called “hard law” power whereas others exercise indirect or “soft law” power and still others have little or no power but are affected by the lawyer regulatory system. This Article groups these stakeholders into the following ten categories:

1) Those on whose behalf regulations are adopted;
2) Traditional U.S. lawyer regulators;
3) Groups that represent, and are primarily comprised of, traditional U.S. lawyer regulators;
4) Groups that purport to offer expert balanced advice to traditional U.S. lawyer regulators;
5) Other U.S. regulators whose actions directly affect lawyer regulation;
6) Those who do not have “hard law” regulatory authority over lawyers, but interact with lawyers and may be able to enforce regulatory-like rules or compliance;
7) Those who are directly affected by lawyer regulation provisions (but are not the population for whose benefit lawyer regulations are adopted);
8) Additional individuals or entities within the United States that may be affected by, or care about, U.S. lawyer regulation issues;

Id. at 1. The goals of this Article are modest—it seeks to identify categories of lawyer regulation stakeholders who operate as “nodes” within a network and to identify opportunities available to these stakeholders—i.e., “nodes”—that connect them to stakeholders in other countries, i.e., the opportunities that act as lines (or “edges”).

18. See infra note 29 and accompanying text, which lists the Conference of Chief Justices (“CCJ”), the National Conference of Bar Examiners (“NCBE”), and the National Organization of Bar Counsel (“NOBC”) as examples of groups that represent, and are primarily comprised of, traditional U.S. lawyer regulators. See also Wilkins, Follow-up Regulation Article, supra note 13, at 479–82 (explaining the tradeoffs between a categorical approach to examining regulatory advantages and a case-by-case approach and responding to comments and critiques).

19. For a discussion of hard and soft law, see Laurel S. Terry, U.S. Legal Profession Efforts to Combat Money Laundering and Terrorist Financing, 59 N.Y.L. SCH. L. REV. 487, 490 (2015) [hereinafter US Legal Profession AML Efforts]. Although many of the “hard-law” and “soft-law” stakeholders easily fit within Professor Wilkins’ categories, some are more difficult to classify. See also Wilkins, Follow-up Regulation Article, supra note 13, at 477 (noting that his categories did not fully capture the kind of modified self-regulation described by Professor Rory Little that involved U.S. Attorney General efforts to control federal prosecutors).

20. Although many of the listed stakeholders might fit in multiple categories, I have chosen to list each stakeholder once and only once. For an explanation of these categories and examples of stakeholders in each category, see infra at notes 25–50 and accompanying text.
9) Foreign governments, intergovernmental organizations, and international dispute resolution bodies that have adopted policies or rules that may directly or indirectly affect U.S. lawyer regulation; and
10) Additional individuals or entities outside the United States that may be affected by, or care about, U.S. lawyer regulation.

This Article does not claim that Table 1 is the only way in which one might classify lawyer regulation stakeholders.21 Some commentators undoubtedly would create a different set of categories or place some stakeholders in different categories than those found in Table 1. In addition, our society’s view of “stakeholders” may evolve over time, as has happened in the business context which now includes increased discussion of external stakeholders and interests.22 Some might decide that it is better not to define the term “stakeholder,” which is the approach taken in the 2012 Recommendations Regarding Regulation Policy and Governance adopted by the Organisation of Economic Cooperation and Development (“OECD”).23 But

21. This Article represents my first effort to identify lawyer regulation stakeholders. As stated in note 15, supra, my research failed to locate a comprehensive list of these stakeholders. I am grateful to Professor Leslie Levin for thoughtful comments that helped me refine my thinking and my communication about the stakeholder categories I identified. I hope this Article prompts further discussion of stakeholder categories; I recognize that as a result of such discussions, my understanding of stakeholder categories may change and evolve.


23. ORGANIZATION OF ECONOMIC COOPERATION & DEVELOPMENT (OECD), RECOMMENDATION OF THE COUNCIL ON REGULATORY POLICY AND GOVERNANCE 8 (2012), available at http://www.oecd.org/gov/regulatory-policy/49990817.pdf [https://perma.cc/9Q2D-Z36V] (referring to governments’ obligations regarding stakeholders without defining the term). For example, paragraph 2.2 in the Annex to this recommendation states that “[g]overnments should co-operate with stakeholders on reviewing existing and developing new regulations,” but it does not explain how governments should identify or define the relevant stakeholders. Id. For background information about the OECD’s regulatory reform initiative, see Regulatory Policy, OECD, http://www.oecd.org/gov/regulatory-policy/ (last visited May 20, 2020); Recommendations and Guidelines on Regulatory Policy, OECD, http://www.oecd.org/gov/regulatory-policy/recommendations-guidelines.htm [https://perma.cc/SVR8-596C] (last visited May 20, 2020). For background about the OECD, which is an international organization whose “member countries work with partners and organizations worldwide to address the pressing policy challenges of our time,” see About, OECD, https://www.oecd.org/about/ [https://perma.cc/E3DE-YTEH] (last visited May 20, 2020).
since the focus of this Article is on the ways in which lawyer regulation stakeholders connect to global networks and the diffusion of these global perspectives, it seemed appropriate for this Article to explicitly identify lawyer regulation stakeholders. Table 1, which appears below, identifies ten categories of U.S. lawyer regulation stakeholders and provides illustrative examples under each category:

**Table 1: U.S. Lawyer Regulation Stakeholders**

**Stakeholder Group 1: Those on whose behalf regulations are adopted:**
- those who use legal services, whom this Article refers to as “clients;”
- individuals who have a legal need, but are not currently using legal services;
- the public (which may be affected by the manner in which a lawyer delivers legal services to a client); and
- the individuals who oppose a lawyer’s client (in litigation) or who are dealing with a lawyer’s client (in a transactional matter).

**Stakeholder Group 2: Traditional U.S. lawyer regulators:**
- each state’s highest court [hereinafter “supreme court”], which in the United States is the traditional overarching regulator;

24. I have not provided a footnote for each stakeholder listed. Some stakeholders, such as “clients,” do not easily lend themselves to a footnote; others, such as the National Conference of Bar Examiners, are easily located with an Internet search. I have included a footnote at the beginning of each category. See also supra note 20 (explaining that each illustrative stakeholder is listed in one and only one of the ten categories).

25. Stakeholder Group 1 is intended to correspond to the “objects” of a jurisdiction’s explicit or implicit regulatory objectives—i.e., those on whose behalf its lawyer regulations are adopted See generally Laurel S. Terry et al., Adopting Regulatory Objectives for the Legal Profession, 80 FORDHAM L. REV. 2685 (2012); (recommending the adoption of regulatory objectives and identifying the authors’ views of those on behalf they should be adopted); Laurel S. Terry, Why Your Jurisdiction Should Consider Jumping On The Regulatory Objectives Bandwagon, 22 J. PROF. L. 28, 29 (2013), available at http://www.personal.psu.edu/faculty/l/s/lst3/Terry_Regulatory_Objectives_Bandwagon_2013.pdf [https://perma.cc/7ZZL-5SP5] [hereinafter Regulatory Bandwagon] (arguing that jurisdictions should explicitly identify their regulatory objectives; doing so may reduce the chance of capture and may increase the chance that regulators consider all appropriate regulatory objectives, rather than focusing exclusively on a single objective, such as client protection, to the exclusion of other appropriate objectives, such as access to legal services); ABA Resolution 105: ABA Model Regulatory Objectives for the Provision of Legal Services (adopted Feb. 8, 2016), https://www.abajournal.com/files/2016_hod_midyear_105.authcheckdam.pdf [https://perma.cc/BKM2-CH3K]; MODEL RULES OF PROF’L CONDUCT pmbl.

26. Stakeholder Group 2 consists of the actors or entities who traditionally regulate lawyers. See generally ABA Resolution 201A, supra note 9 (“RESOLVED, that the [ABA] affirms its support for the principle of state judicial regulation of the practice of law”); Terry, Proactive Regulation, supra note 5, at 77, 98 (summarizing in Appendix 5 ABA data identifying unified state bars and the responsibilities they have assumed).

Because judges and courts adopt local rules that regulate the lawyers who appear before them, I have included them in Group 2. One might argue that they also belong in Group 1, as entities for whose benefit lawyer regulation provisions are adopted. But as explained supra note 20, Table 1 lists each stakeholder only once, even though that stakeholder might fit in multiple categories. To use a grammar analogy, I see Group 1 as the objects of regulation and Group 2 as the subjects imposing regulation and believe that courts and judges are more properly included with other traditional regulators, rather than with the beneficiaries or objects of lawyer regulation.
the state regulators to whom the state supreme courts have delegated authority—in other words, the “day job” regulators or “front-line” regulators;

- judges and courts before whom a lawyer may appear;

- regulatory bar associations (which in the United States are often called “unified bar associations”) when acting in their regulatory, rather than representational capacity;27 and

- official accrediting agencies to whom power has been delegated, such as the Council of the American Bar Association Section of Legal Education and Admissions to the Bar.28

Stakeholder Group 3: Groups that represent, and are primarily comprised of, traditional U.S. lawyer regulators:29

- the Conference of Chief Justices [of state supreme courts] (“CCJ”) and the National Center for State Courts;30

- the National Conference of Bar Examiners (“NCBE”), which brings together, inter alia, the day job regulators who regulate lawyer admissions (i.e., entry into the profession); and

- the National Organization of Bar Counsel (NOBC), which brings together regulators who discipline lawyers.


Under Title 34, Chapter VI, §602 of the Code of Federal Regulations, the Council and the Accreditation Committee of the ABA Section of Legal Education and Admissions to the Bar are recognized by the United States Department of Education (DOE) as the accrediting agency for programs that lead to the J.D. degree. In this function, the Council and the Section are separate and independent from the ABA, as required by DOE regulations.

29. Stakeholder Group 3 includes stakeholders that do not have direct regulatory power, but are associations that represent or include the traditional regulators in Group 2. See, e.g., Terry & Silver, supra note 1, at 416 (referring to the stakeholders listed in Group 3).

Stakeholder Group 4: Groups that purport to offer expert balanced advice to traditional U.S. lawyer regulators:31

- the American Law Institute (ALI), which drafted the Restatement of the Law Governing Lawyers;32 and
- the American Bar Association when it drafts model provisions for state Supreme Courts and purports to be acting as a “quasi-regulator,” rather than representing its members’ self-interest or acting as a trade group.33

Stakeholder Group 5: Other U.S. regulators whose actions directly affect lawyer regulation:34

- the U.S. Congress;
- state legislatures;
- state and federal executive or legislative branch agencies, including those that implement antitrust, consumer protection, intellectual property, international trade, securities regulation, and tax policies; and
- domestic dispute resolution bodies that have adopted rules that apply to lawyers appearing before those bodies (to whom such power has been delegated).

31. Stakeholder Group 4 includes entities that provide expertise or advice to traditional lawyer regulators. The difference between Groups 3 and 4 is that the stakeholder entities listed in Group 3 consist primarily of regulators, whereas the stakeholder entities in Group 4 are not primarily regulators, even though they may have some regulator members, such as judges. Although the entities listed in Group 4 are not organizations of regulators, they opine on model laws (the American Law Institute), their interpretation (the ABA Standing Committee on Ethics and Professional Responsibility), or implementation (the ABA Standing Committee on Professional Regulation when it issues its confidential evaluations of state lawyer discipline systems).

32. RESTATEMENT (THIRD) OF THE LAW GOVERNING LAWYERS (2000). See also infra note 33 for a discussion of the distinction between acting as a quasi-regulator and acting as a trade group.

33. See generally ABA Center for Professional Responsibility, Policy & Initiatives, ABA, [https://www.americanbar.org/groups/professional_responsibility/policy/ [https://perma.cc/8UDL-LMAN] (last visited May 20, 2020) (showing ABA policies, many of which were generated by these groups). Although these groups are not organizations of regulators, they develop model rules and policies for state supreme court consideration.

Several authors have observed that the ABA should not act as a “trade group” when acting in this “quasi-regulator” role. See, e.g., Laurel S. Terry, Globalization and the ABA Commission on Ethics 20/20: Reflections on Missed Opportunities and the Road Not Taken, 43 HOFSTRA L. REV. 95, 117 n.93 (2014) [hereinafter Globalization and the ABA Commission on Ethics] (noting that in addition to its representational or lobbying function on behalf of lawyers, the ABA also “acts as a ‘quasi-regulator,’ and should endeavor to offer fair and balanced advice to regulators, not advice driven by its members’ own self-interest”); Stephen Gillers, How to Make Rules for Lawyers: The Professional Responsibility of the Legal Profession, 40 PEPP. L. REV. 365, 371–74 (2013).

A number of commentators have questioned the degree to which the ABA’s model lawyer regulation policies truly reflect balanced expert advice. See, e.g., Terry, Globalization and the ABA Commission on Ethics, supra, at 120–21 (noting that the ABA has been criticized for confusing its representational and quasi-regulator roles); Ted Schneyer, Professionalism as Bar Politics: The Making of the Model Rules of Professional Conduct, 14 L. & SOC. INQUIRY 677 (1989).

34. Stakeholder Group 5 includes governmental bodies (and alternative dispute resolution tribunals) whose actions affect lawyers, but who have not been viewed as the traditional regulators of lawyers. See, e.g., Leubsdorf, supra note 15 (identifying state and federal statutes that apply to lawyers, as well as other nontraditional regulators); Terry, Service Providers, supra note 15, at 205–10 (focusing on potential regulatory impact of federal and international developments); cf. ABA Resolution 201A, supra note 9.
Stakeholder Group 6: Those who do not have “hard law” regulatory authority over lawyers, but interact with lawyers and may be able to enforce regulatory-like rules or compliance:\(^{35}\)

- those who employ a particular lawyer;
- legal malpractice insurers;
- companies that provide insurance to clients or to others, such as those who insure a party opposing a lawyer’s client;
- lenders (including those who lend money to clients and those who lend money to lawyers or law firms); and
- those who work in the same law firm (or other employment settings) as the regulated lawyer.

Stakeholder Group 7: Those who are directly affected by lawyer regulation provisions (but are not the population for whose benefit lawyer regulations are adopted):\(^{36}\)

- lawyers whose representation of a client will be directly affected by existing lawyer regulations;
- lawyers who are not representing a client, but are subject to lawyer regulatory system rules that apply to a lawyer 24/7;
- a lawyer’s opposing counsel who is subject to rules limiting the tactics that opposing counsel may use; and
- court and judicial system officials and participants, such as clerks and court staff.

Stakeholder Group 8: Those inside the United States who were not previously identified but have an interest or stake in the outcome of lawyer regulation issues:\(^{37}\)

- future lawyers, including current U.S. law students and those who might have been interested but have chosen not to attend law school;

\(^{35}\) Stakeholder Group 6 includes individuals or entities who are in a position to enforce regulatory-like rules. Unlike the stakeholders in Group 5, however, these stakeholders are not governmental bodies. The stakeholders in Group 6 get their power from voluntarily-created relationships, rather than governmental authority. The malpractice insurance carrier is a quintessential example of a Group 6 stakeholder.

\(^{36}\) Stakeholder Group 7, like Stakeholder Group 1, focuses on the objects of regulation rather than the actors imposing regulation, such as the stakeholders in Groups 2 and 6. Although the stakeholders in both Groups 1 and 7 will be affected by lawyer regulation, the stakeholders in Group 1 are the individuals or entities for whose benefit lawyer regulations are adopted – i.e., those covered by the jurisdiction’s explicit or implicit regulatory objectives. See supra note 25. Group 7 stakeholders are not. For example, lawyers are clearly affected by lawyer regulation rules, but many, including this author, would conclude that lawyer regulation is not (or should not be) adopted with the goal of benefiting lawyers (e.g., to increase their market share compared to other kinds of competitors).

\(^{37}\) Stakeholder Group 8 is intended as a catch-all category for U.S. stakeholders that have not been included in Groups 1-7. Similar to Groups 1 and 7, this category includes individuals and entities that will be affected by lawyer regulation (i.e., they are more analogous to the “objects” of regulation than the “actors” imposing regulation). While the distinction between Group 7 and Group 8 stakeholders is subtle, I envision Group 7 stakeholders as those who are involved in a pending matter where there is an immediate and direct impact, whereas Group 8 stakeholders have long-term, less-immediate interests affected by lawyer regulation.
U.S. law schools and their faculty and administration;

those who care about our society and the administration of justice;

those who would like to employ lawyers but are unable to do so under the current lawyer regulatory system which bans outside investment and lawyer-nonlawyer partnerships;38

interest [trade] groups representing certain kinds of actual or potential clients, such as the Association of Corporate Counsel;39

interest [trade] groups representing regulators whose lives will be affected by the shape and scope of regulation;

interest [trade] groups representing lawyers whose professional lives will be affected by the shape and scope of regulation, such as the Association of Trial Lawyers of America [now called the American Association for Justice], the International Association of Defense Counsel (“IADC”), and the American College of Trusts and Estate Counsel (“ACTEC”);40

interest [trade] groups that might want the opportunity to serve a particular market, such as legal tech providers;

interest [trade] groups that consider how various kinds of regulatory provisions will affect the constituencies they represent, such as the U.S. Chamber of Commerce or Public Citizen;41 and

bar associations, when acting in their representational, rather than regulatory capacity (including subgroups within the association that may have interests that conflict with one another or with the parent group).42

38. As explained infra notes 101–18 and accompanying text, Arizona, California, and Utah are among the states that are considering changing or eliminating Rule of Professional Conduct 5.4, which prohibits fee-sharing or partnerships among lawyers and nonlawyers in the delivery of legal services. Thus, the stakeholders who have an interest Rule 5.4 issues include nonlawyers who might want to employ or go into partnership with lawyers to provide “legal services.”


41. See, e.g., About the U.S. Chamber of Commerce, U.S. CHAMBER OF COMMERCE, https://www.uschamber.com/about/about-the-us-chamber-of-commerce [https://perma.cc/MNF4-BL93] (last visited May 20, 2020); About Us, PUBLIC CITIZEN, https://www.citizen.org/about/ [https://perma.cc/MNF4-BL93] (last visited May 20, 2020). The author has personal knowledge that both of these organizations have been active on issues that affect lawyer regulation such as international trade and anti-money laundering issues.

42. For a discussion of the difference between regulatory and representational bar associations, see supra note 27 (citing inter alia the Washington State Bar Resources page).
Stakeholder Group 9: Foreign governments, intergovernmental organizations, and international dispute resolution bodies that have adopted policies or rules that may directly or indirectly affect U.S. lawyers and lawyer regulation:

- intergovernmental organizations such as the United Nations, the World Trade Organization, and the Financial Action Task Force, whose policies are relevant to lawyer regulation;
- international dispute resolution bodies (whose cases may be affected by U.S. lawyer regulation or which may have adopted rules that apply to lawyers and clients appearing before those bodies); and
- foreign governments whose rules affect U.S. lawyers or lawyer regulation.

Stakeholder Group 10: Additional individuals or entities outside the United States who may be affected by, or care about, U.S. lawyer regulation:

- international organizations interested in lawyer regulation issues;
- other organizations, such as the Law Society of England and Wales, that might have an interest in having the United States adopt or follow a particular set of rules or policies; and

43. Stakeholder Group 9 includes international governmental entities, including foreign governments and intergovernmental bodies, as well as international arbitral tribunals that are the counterpart to the domestic tribunals included in Group 2. Group 9 is similar to Groups 2 and 5 because these stakeholders are actors who create regulation. Group 9’s stakeholders differ from the prior groups because they are not U.S. stakeholders. Moreover, unlike the regulators included in Groups 2 and 5, Group 9’s stakeholders may have either an indirect or direct impact on U.S. lawyers and lawyer regulation. Examples of direct impact are rules that apply to U.S. lawyers and law firms practicing in England and Wales. See generally Legal Services Act, supra note 8. For an example of indirect impact, see infra notes 82–84 and 140–46 (discussing FATF-AML impact).

44. See, e.g., Terry, Service Providers, supra note 15, at 190–99 (describing the potential effect of intergovernmental organizations such as the UN, WTO, and FATF on lawyer regulation).


46. Stakeholder Group 10 differs from Groups 1-8 because it involves stakeholders who are primarily foreign, rather than domestic U.S. stakeholders. (Global networks exist, however, because U.S. stakeholders are connected to Group 10 stakeholders.) Group 10 differs from Group 9 because it includes individuals and nongovernmental entities, rather than intergovernmental bodies, foreign governments or international tribunals. Group 10 is intended as a “catch-all” international category. Group 10 includes international regulatory “actors” analogous to those in Groups 4 and 5, those who are affected by regulation and are thus analogous to Groups 1 and 7, and “others,” who are analogous to Group 8.


48. In the author’s view, representatives from the Law Society of England and Wales are interested in having one or more U.S. jurisdictions adopt rules similar to their alternative business structures or ABS rules. See also infra notes 71–73 and accompanying text (describing interactions among U.S. and U.K. stakeholders).
individuals or entities located outside the United States who might be affected by U.S. lawyer regulation policies.49

With the exception of some of the stakeholders in the last two categories, the stakeholders listed above generally have available to them U.S. domestic networks50 to which they might belong. The next Part explains why the lawyer regulation stakeholders listed above also have multiple opportunities to directly participate in global networks51 and, why, even when they do not directly participate in global networks, these stakeholders are likely to be indirectly connected to global lawyer regulation stakeholder networks.

II. FIVE WAYS IN WHICH STAKEHOLDERS INTERACT WITH, OR ARE EXPOSED TO, GLOBAL NETWORKS

This Article would be impossibly long if it tried to document all of the global connections of all of the U.S. lawyer regulation stakeholders listed in the prior Part.52 Rather than attempting to provide a comprehensive list of all of the global connections of all of these stakeholders, this Part identifies five opportunities these stakeholders have to connect directly or indirectly to global networks.53 After describing each of these opportunities, this Part provides examples that illustrate global lawyer regulation networks at work. The examples in this Part are intended to be illustrative, rather than exhaustive.54 The five opportunities described in this Part are:

- attending in-person meetings that include speakers or attendees from outside the United States (or by hearing from speakers or attendees who are part of, and have been influenced by, global networks);

49. See, e.g., Roger J. Goebel, Professional Responsibility Issues in International Law Practice, 29 AM. J. COMP. L. 1, 17–20, 45–49 (1981) (posing many hypotheticals, including one on page 49 that asked if U.S.-licensed attorneys can advise their corporate clients to sell in other countries drugs that were expired or illegal in the United States).
50. See infra Section II.E.
51. See infra Section II.A–E.
52. See supra notes 25–50 and accompanying text (listing ten stakeholder categories, each of which included a number of illustrative stakeholders, for a total of more than forty stakeholders).
53. According to a leading network expert, a social network is one in which “the nodes are people (or sometimes groups of people, such as firms or teams) and the edges between them are social connections of some kind, such as friendship, communication, or collaboration.” Newman, Networks, supra note 2, at 5. Network science allows one to visualize the impact of “nodes” that are not directly connected to each other but are indirectly connected through various “edges” or links. See, e.g., id. at 6 (discussing how the study of food webs can help us understand and quantify ecological phenomenon and the interdependencies between species).
54. Because of time and space limitations, this Article does not attempt to document the global connections of each of the identified stakeholders. Nevertheless, the illustrative examples show that there are many ways in which U.S. lawyer regulation stakeholders are connected to global networks. Cf. Newman, Networks, supra note 2, at 5 (noting that because social network studies often are arduous, they usually are small, such as the famous study of a karate club that had thirty-four nodes (individuals), but also noting that social network companies, such as Facebook, have research divisions that collaborate with the academic community to do research on social networks using their vast data resources).
participating in virtual meetings or events that include speakers or attendees from outside the United States (or those who are part of a global network);

- reading articles that are written about, or influenced by, global developments and perspectives;

- following the work of law reform initiatives inside and outside the United States; and

- being part of a group that communicates with its members through a listserv or otherwise, even though the group might, at first glance, seem to be wholly domestic.

The Sections that follow include recent examples of global perspectives within each of these five opportunities.

A. IN-PERSON MEETINGS AND CONFERENCES

It has become common for in-person meetings of U.S. lawyer regulation stakeholders to include global information and perspectives that connect U.S. stakeholders to a global network. Consider, for example, the 2019 National Conference on Professional Responsibility, which was sponsored by the ABA Center for Professional Responsibility.\(^{55}\) Similar to the ABA’s prior national conferences, this conference drew a mix of regulators, legal ethics academics, private practitioners (including those who work for law firms that have international offices), and in-house counsel, including those who work for malpractice insurance carriers.\(^{56}\) The 2019 ABA ethics conference was held in Vancouver, Canada, and those who attended were exposed either directly (through formal programming) or indirectly (through conference conversations and interactions) to global lawyer regulation networks.\(^{57}\) The formal programming included a networking breakfast for U.S. and Canadian regulators,\(^{58}\) as well as sessions in which U.S. audience members heard from Canadian speakers and Canadian audience members heard from U.S. speakers.\(^{59}\) Conference attendees also learned about U.S.-Canadian collaborations that might not otherwise have been apparent. For example, the primary speaker during the first plenary session was Shannon Salter, who is Chair of the Civil Resolution


56. See, e.g., id. (speakers include all of these constituents). The author has personal knowledge that it is typical for this conference to include a range of stakeholders.

57. See infra notes 58–61 and accompanying text.

58. See 2019 ABA Ethics Conference program, supra note 55 (listing 7:00 AM May 30, 2019 “Canadian/U.S. International Regulators’ Roundtable”). For a discussion of the history of these breakfasts, see Terry, Thirty Years, supra note 1, at 383–84.

59. See 2019 ABA Ethics Conference program, supra note 55, at Plenary #3 & Breakout #9 (panels included a session on technology moderated by the President and CEO of LawPro, which is the mandatory insurance carrier for Ontario lawyers, and a session of the future of Rule 5.4, which included the former Executive Director of the Nova Scotia regulatory body).
Tribunal of British Columbia. Ms. Salter explained the development of this online
government-sponsored dispute resolution tribunal and—in response to a question—
mentioned that she not only was familiar with the Utah courts’ online dispute resolution
system, but she consulted with Utah regarding its system.

The 2019 meeting of the International Conference of Legal Regulators (“ICLR”) provides another recent example of an in-person meeting that has helped foster global knowledge and connections—in other words, a global network. Approximately ten U.S. lawyer regulation stakeholders spoke at, or moderated sessions at, the 2019 ICLR Conference in Edinburgh. There were additional U.S. stakeholders who attended even though they were not speakers or moderators. The U.S. speakers, moderators, and attendees included leaders in the National Organization of Bar Counsel and National Conference of Bar Examiners who are in a position to shape the dialogue within their important regulatory umbrella organizations. Additional recent conferences that show the global connections of U.S. lawyer regulation stakeholders include conferences for specific kinds of clients, and for legal malpractice and risk management professionals.

60. See generally id.
61. The author was present in Vancouver and heard the question and Ms. Salter’s answer. For additional information about Utah’s ODR system, including screenshots, see Deno Himonas, Utah’s Online Dispute Resolution Program, 122 DICK. L. REV. 875 (2018), https://ideas.dickinsonlaw.psu.edu/dlr/vol122/iss3/6 [https://perma.cc/FY75-TWKM].
63. Although the conference did not issue a list of attendees, the author has personal knowledge that the attendees included U.S. regulators who were neither speakers nor moderators.
64. See ICLR 2019 Speakers, supra note 62 (the speakers and moderators included Judith Gunderson, who is the President of the National Conference of Bar Examiners and Melinda Bentley, who was the immediate past president of the National Organization of Bar Counsel).

the industry’s premier event focused on current and important developments in the litigation of legal malpractice claims, malpractice insurance, professional responsibility, and risk management strategies. . . . [a] must-attend event for law firm general counsel and managing partners, in-house corporate counsel, professional liability practitioners, legal malpractice insurance professionals, and any practicing lawyer concerned with risk management in the practice of law.
When originally drafted, this paragraph was a “placeholder” for later content that would describe the March 20, 2020 Georgetown Journal of Legal Ethics Symposium. Although Georgetown’s live Symposium was canceled because of the COVID-19 pandemic, this cancellation, as well as Volume 33(4) of the *Georgetown Journal of Legal Ethics*, illustrate this Article’s overarching point that global networks can have a powerful impact.

Although COVID-19 has led to the cancellation of additional in-person meetings, even canceled in-person meetings can help connect U.S. lawyer regulation stakeholders to global networks and perspectives. For example, until the COVID-19 pandemic led to its cancellation, the UCLA School of Law planned to host the 2020 International Legal Ethics Conference (“ILEC”). Although the 2020


On the Loss Prevention side, we have expanded our programming, including our General Counsel Roundtable for Firms with Foreign Offices in March 2019; a new conference, the Corporate Practice Group Leader Consultation Conference (November 14–15, 2019); and the recent redesign of our ALAS Loss Prevention Journal, published this summer . . . . We also have continued with our broad range of traditional publications and other programming, including . . . our London Loss Prevention Forum (October 2019), addressing liability and regulatory issues arising in our firms’ growing international practices.

Id. ALAS was founded by its owner-insured law firms to provide insurance coverage and its representatives periodically share information with other lawyer regulation stakeholders at venues such as the ABA annual ethics conference or through service on ABA committees. See generally the programs from the ABA’s annual National Conference on Professional Responsibility. See also Tenth General Counsel Compliance and Risk Forum 2019, CLYDE & CO., https://www.clydeco.com/events/view/tenth-general-counsel-compliance [https://perma.cc/723B-UY2P] (last visited May 20, 2020) (jointly chaired by U.S. lawyer Anthony Davis and U.K. lawyer Richard Harrison).

67. See E-mail from Devlin Woods, GJLE Vol. XXXIII Editor-in-Chief, to Symposium Speakers (Mar. 11, 2020) (on file with author) (“This morning, Georgetown Law canceled any in-person events, both on and off-campus, until May 10, 2020. It is with a heavy heart that we unfortunately must cancel our Symposium.”) Although the live Symposium was cancelled, Volume 33(4) of the *Georgetown Journal of Legal Ethics* is the Symposium issue and will have articles by authors who have global connections and whose articles include information from countries outside the United States. See infra note 187.


69. International Legal Ethics Conference 2020: Lawyers in Divided Times, UCLA SCHOOL OF LAW, https://law.ucla.edu/centers/interdisciplinary-studies/program-on-legal-ethics-and-the-profession/events/ilec-2020/ [https://perma.cc/2NDA-SZUX] (last visited May 20, 2020). The ILEC 2020 conference was cancelled on March 26, 2020. See E-mail from Scott Cummings, UCLA Professor of Law, to the author and many others (Mar. 26, 2020) (announcing the cancellation of the July 23–25, 2020 conference) (on file with author). The email explained that this “difficult decision was made in close consultation with the International Association of Legal Ethics, whose board unanimously agreed cancellation was necessary.” Id. This Board consists of members from around the world. See Officers & Directors, INT’L ASS’N OF LEGAL ETHICS, https://iaole.org/officers-directors/ [https://perma.cc/JJ73-NNNO] (last visited Apr. 28, 2020).
ILEC conference was cancelled, because notice of this California conference was widely circulated within the U.S. legal ethics community, it undoubtedly helped increase U.S. lawyer regulation stakeholder awareness of global network opportunities.70

There are additional in-person conferences affected by COVID-19 that have increased U.S. stakeholder awareness of, and connection to, global networks. For example, the Association of Professional Responsibility Lawyers (APRL) had been planning to co-host with the Law Society of England and Wales an April 2020 conference in London; even though this conference has been postponed because of COVID-19, the planning process brought together U.S. and U.K. stakeholders.71 APRL’s Spring 2020 London conference built on connections that were made during the November 2018 conference called Crisscrossing the Pond: Transatlantic Issues in Legal Ethics and Law Firm Regulation that was jointly sponsored by APRL and the Law Society of England and Wales.72 Similarly, although the October 2020 International Conference of Legal Regulators will now be held online due to COVID-19, it has already connected U.S. stakeholders to a global network: It is hosted by the Attorney Regulation and Disciplinary Commission of the Supreme Court of Illinois, a regulatory body, and has been publicized within the United States and elsewhere.73

Although one could cite many more examples of in-person meetings that foster global networks, the in-person meetings listed above demonstrate that many

70. See, e.g., E-mail from Scott Cummings, UCLA Professor of Law, to the AALS Professional Responsibility Section listserv and three other listserv groups, UCLA—Register soon! Early Bird Deadline is February 28! (Feb. 18, 2020) (reminding numerous listserv recipients of the registration deadline for this California conference). These listserv notices might have been particularly informative for those who have recently joined the lawyer regulation stakeholder community. ILEC conferences are typically held every other year and the 2018 ILEC conference was held in Melbourne, Australia. See ILEC Conferences, INTERNATIONAL ASSOCIATION OF LEGAL ETHICS (last visited Jan. 12, 2020) [https://perma.cc/3YHY-VGYS]. The 2016 ILEC conference, which took place in New York at Fordham Law, included academics from approximately seventy U.S. law schools, along with individuals from more than sixty countries. See Terry, Thirty Years, supra note 1, at 382.


different categories of lawyer regulation stakeholders participate in in-person meetings that expose them to global perspectives and global networks.

B. VIRTUAL MEETINGS AND EVENTS

In addition to in-person meetings, another method by which U.S. lawyer stakeholders connect to, or are exposed to, global lawyer regulation networks is through virtual meetings or events. Even before COVID-19, virtual meetings and conferences provided an opportunity for individuals from different countries to engage with those who have similar interests. For example, APRL has established a *Future of Lawyering* committee, which is conducting its work through various subcommittees.⁷⁴ Although many would think of APRL as a “domestic” group, the APRL subcommittees include participants from Australia, Canada, and England, as well as the United States.⁷⁵ Most of the work of these APRL subcommittees has been handled through virtual meetings, rather than in-person meetings.⁷⁶ The international composition of these APRL committees creates a ripple effect through the larger APRL community.

The National Organization of Bar Counsel’s Entity Regulation Subcommittee provides another example that shows how virtual meetings can facilitate global networks. This “Global Resources” subcommittee, which was appointed by NOBC’s then-president Tracy Kepler, developed the Entity Regulation and Proactive Regulation Global Resources FAQ documents that discuss global developments.⁷⁷

The NOBC Entity Regulation subcommittee conducted most, if not all, of its work through virtual meetings.⁷⁸ Even though many would think of the NOBC as a “domestic” organization, the participants in these virtual meetings included individuals from Australia, Canada, and the United Kingdom, as well as the United States.⁷⁹

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⁷⁵. See, e.g., E-mail from David Bell to APRL Subcommittee Members (Nov. 18, 2019) (on file with author) (recipients of correspondence include individuals from Australia, Canada, and the United Kingdom, as well as the United States).

⁷⁶. See, e.g., ASS’N OF PROF’L RESPONSIBILITY LAWYERS, FUTURE OF LAWYERING COMMITTEE—RULE 5.4 SUBCOMMITTEE, Meeting Notes from September 17, 2019 (on file with author). The author has personal knowledge that the APRL Future of Lawyer Subcommittees have primarily met through virtual meetings, rather than in-person meetings.


⁷⁸. The author has personal knowledge of this fact.

⁷⁹. See, e.g., *Global Resources: Information for Entity and Proactive Regulation*, NAT’L ORG. BAR COUNSEL, [https://perma.cc/6M7X-JDHE] (listing subcommittee members from Australia, Canada, and England). The author has personal knowledge that the other NOBC Global Resources subcommittees either included international members or reviewed international information.
Because the documents this committee produced were posted on the NOBC’s “Global Resources” public webpage for a number of years and are still available in the members only section, the information this global network assembled was broadly dispersed among U.S. lawyer regulation stakeholders.80

The State Bar of Georgia’s International Trade in Legal Services (“ITILS”) Committee further illustrates how virtual meetings promote global connections and networks. This Committee conducts regular in-person meetings, but it also offers a telephone conference option.81 During one of its meetings, the Committee invited a representative from the Council of Bars and Law Societies of Europe to make a lengthy telephone presentation to the Committee members regarding anti-money laundering regulations in Europe.82 As a result of the representative’s “virtual,” rather than in-person participation, Georgia lawyers from large and small firms and from in-house and government practice settings heard about the EU’s experiences.83 After this conversation and additional discussions, the Georgia ITILS Committee recommended an ethics rule change that would, in essence, add an anti-money laundering due diligence obligation to Georgia’s ethics rules.84

The LawWithoutWalls program, which has been operating for approximately one decade, provides an additional example of the power of virtual meetings to create global networks. This semester-long course, which is offered to law students and business students from universities around the globe, has also served to connect the program’s thought leaders and mentors, who include law faculty, entrepreneurs, and practitioners from many different countries.85

80. See, e.g., supra note 79; Jurisdictions’ Activity on Alternative Licensed Legal Professionals, Nat’l Org. of Bar Counsel (July 1, 2015), https://nobc.org/resources/Documents/Alternative%20License%20-%20Alternative%20License%20Table%20(00139906).pdf [https://perma.cc/Z24L-VHXQ]; State and International Reciprocity, Nat’l Org. of Bar Counsel, [https://perma.cc/J6HD-Y23M] (last visited May 2, 2020); see also E-mail from Melinda Bentley, NOBC Immediate Past President, to author (Feb. 13, 2020) (on file with author) (noting that because of its age, the Global Resources webpage was moved to the “members only” section of the website). The previously-public version of the Global Resources webpage is archived at Global Resources, Nat’l Org. Bar Counsel, [https://perma.cc/7ZBD-RS3F] (last visited May 20, 2020).

81. The author has personal knowledge of these facts.

82. The author has personal knowledge of the Committee’s work on this issue and the fact that CCBE staff lawyer Peter McNamee made a presentation by telephone to the Georgia ITILS Committee.

83. Id.

84. Id.; see infra notes 140–46 and accompanying text for additional information on this topic.

Although this Section has included only a handful of examples, they demonstrate that virtual meetings and events can serve as a vehicle to disperse global perspectives and knowledge among lawyer regulation stakeholders and can create global networks. Moreover, as a result of the “virtual meeting” expertise that many lawyer regulation stakeholders have gained as a result of the stay-at-home COVID-19 orders, there undoubtedly will be even more virtual meetings in the future and they will help connect U.S. stakeholders to global networks.

C. LITERATURE WRITTEN ABOUT, OR INFLUENCED BY, GLOBAL DEVELOPMENTS AND PERSPECTIVES

In addition to the information from global networks that U.S. lawyer regulation stakeholders are exposed to by attending in-person or virtual meetings, U.S. stakeholders may be exposed to information from global networks while quietly reading in their offices. This is because the materials from the in-person or virtual meetings described in the prior Sections may be archived and either publicly-accessible or available to members who didn’t attend the meetings. For example, one of the benefits of an APRL membership is access to the materials from conferences that one did not attend; the same is likely true for some of the other seemingly “domestic” stakeholder networks.

Written information from global networks is not limited to the contents of archived conference material. To illustrate the increased opportunities to read global perspectives, consider the Georgetown Journal of Legal Ethics, which is one of the leading journals in the field of legal ethics and lawyer regulation. One study found a dramatic increase in internationally-influenced articles between 1987 and 2017; its data found that there was more than a six-fold (600%) increase in internationally-influenced articles from the first decade of publication to the third decade of the Journal’s publication. It concluded that


88. See, e.g., Georgetown Journal of Legal Ethics: Prospective Members, GEO. L. LIBRARY, https://www.law.georgetown.edu/legal-ethics-journal/prospective-members/ [https://perma.cc/KQ7P-ZHWH] (last visited May 20, 2020) (“The Georgetown Journal of Legal Ethics is America’s leading ethics journal. As the second most-cited journal at Georgetown, GJLE is also in the top 100 journals nationally, and one of the nation’s most-cited student-run specialty journals.”); Terry, Thirty Years, supra note 1, at 368 (“[The GJLE] became a ‘must read’ publication for many legal ethics academics. The GJLE has served as part of the ‘gel’ that has bound the legal ethics community together and that has educated the ethics community about current developments and debates.”).

89. See Terry, Thirty Years, supra note 1, at 371 (citing the increase from six articles in the first decade to forty articles in the third decade, but not citing the 600% figure). For a discussion of the methodology used in this article and the ways in which it was both underinclusive and overinclusive, see id. at 369. This article found that during the first decade of the Journal’s publication, there were six articles influenced by international developments. Id. at 370. During its second decade, which was between 1997–2006, the Journal published eighteen articles that were about or influenced by international developments. Id. During the third decade of its
“an increase in global networks, dialogue, and collaboration” was one of the explanations for the dramatic increase in internationally-influenced articles.90

The Georgetown Journal of Legal Ethics is not the only publication where lawyer regulation stakeholders might be exposed to perspectives shaped by global lawyer regulation networks. These kinds of perspectives can also be found in the law review issues memorializing the annual Colloquia of the Fordham Stein Center for Law and Ethics,91 the Symposium issue of The Professional Lawyer, which is published by the ABA Center for Professional Responsibility,92 the International Journal of the Legal Profession,93 and in a myriad of journal articles written by stakeholders who have been exposed to global developments and perspectives.94 This sampling is not a comprehensive list—there are many more publications that a lawyer might read in his or her office that would contain global perspectives, including items such as surveys and benchmarking data from the Association of Corporate Counsel.95

Moreover, even if a U.S. lawyer regulation stakeholder chooses not to read any of the articles by international authors or about international developments, the authors they do choose to read may themselves be part of a global network (or may follow the work of those who are part of a global dialogue and network). To illustrate this point, consider the “drivers of change” section of a report by Dr. María J. Esteban. In 2017, Dr. Esteban prepared a Phase I report for the International Bar Association’s (“IBA”) Presidential Task Force on the Future of
Legal Services. Figure 4 in the Phase I report shows frequent cross-citation by authors from Australia, Canada, the United Kingdom, and the United States. The authors who were listed included noted U.S. legal profession scholars such as Harvard’s David Wilkins and Stanford’s Deborah Rhode, whose influence is not limited to issues that involve international developments. This cross-citation data suggests that U.S. lawyer regulation stakeholders don’t need to read internationally-focused articles in order to be exposed to the views of those who participate in, and are exposed to, global conversations and global networks of lawyer regulation stakeholders.

D. LAW REFORM INITIATIVES

Another way in which lawyer regulation stakeholders are exposed to global networks is by participating in, or passively following, lawyer regulation law reform efforts. For example, before New York adopted its “court navigator” program,
the New York City Bar Committee on Professional Responsibility issued a report on the proposals that also included a discussion of initiatives in England and Wales.\(^\text{100}\) Many people are likely to be familiar with the New York navigator program, even if they are not familiar with the foreign initiatives that may have influenced it.

Some of the most high-profile recent legal services reform initiatives are found in Arizona, California, Illinois, and Utah.\(^\text{101}\) As the discussion below shows, the relevant committees in each of these states are connected to global networks and have heard about initiatives in other countries. Consider, for example, the State Bar of California’s *Task Force on Access Through Innovation in Legal Services* (“ATILS”).\(^\text{102}\) Part of the impetus for the creation of this task force was Professor Bill Henderson’s 2018 *Legal Market Landscape Report*, which described, inter alia, developments in Australia and the United Kingdom.\(^\text{103}\) The California ATILS Task Force subsequently received additional information about global trends and developments.\(^\text{104}\) Because the California State Bar circulated for public comment recommendations that proposed significant regulatory changes,\(^\text{105}\)  


101. All of these initiatives, except the initiative in Illinois, were featured in Breakout Panel #9 at the 2019 National Conference on Professional Responsibility. See supra note 55 for the 2019 ABA Ethics Conference program and infra notes 108–22 for links.


103. WILLIAM D. HENDERSON, LEGAL MARKET LANDSCAPE REPORT 26-27 (July 2018), http://board.calbar.ca.gov/docs/agendaItem/Public/agendaitem1000022382.pdf [https://perma.cc/X2KM-UTL5]. Professor Henderson’s report is Attachment A to the State Bar of California Board of Trustees’ Agenda Item 703 (July 2018). The introductory paragraph of this agenda item explains why the report was commissioned. The agenda states that “Next steps include Board consideration of a task force to prepare policy and implementation recommendations.” *Id.* at 2. The State Bar of California is a unified bar that exercises regulatory authority over California’s lawyers. See About Us: Our Mission, STATE BAR OF CALIFORNIA, https://www.calbar.ca.gov/About-Us/Our-Mission [https://perma.cc/WSED-KKLJ] (last visited May 20, 2020); see also TERRY, *Proactive Regulation*, supra note 5, at 798 (summarizing in Appendix 5 ABA data about the functions of unified state bars, including California).


many lawyer regulation stakeholders, including those located outside of California, are familiar with the work product of the California Task Force. For example, the California reform initiative was mentioned during the 2020 Association of American Law Schools’ Annual Meeting session that was organized by the Section on Professional Responsibility. Thus, whether they are aware of it or not, U.S. lawyer regulation stakeholders who are following the work of the California ATILS Task Force are indirectly exposed to the global networks and conversations that have helped shaped the California discussions.

Law reform initiatives in Arizona and Utah provide additional opportunities for stakeholders to be exposed to global conversations. The Utah law reform initiative has received significant attention because of its ground-breaking decisions and its quick pace. In August 2019, the Utah Work Group on Regulatory Reform issued a lengthy report that recommended relaxation or elimination of the lawyer-nonlawyer partnership and fee-sharing ban found in Rule 5.4, and recommended the creation of a new regulator, which would


thus, whether they are aware of it or not, U.S. lawyer regulation stakeholders who are following the work of the California ATILS Task Force are indirectly exposed to the global networks and conversations that have helped shaped the California discussions.

Law reform initiatives in Arizona and Utah provide additional opportunities for stakeholders to be exposed to global conversations. The Utah law reform initiative has received significant attention because of its ground-breaking decisions and its quick pace. In August 2019, the Utah Work Group on Regulatory Reform issued a lengthy report that recommended relaxation or elimination of the lawyer-nonlawyer partnership and fee-sharing ban found in Rule 5.4, and recommended the creation of a new regulator, which would
begin with the establishment of a pilot project or “regulatory sandbox.”110 On
August 28, 2019, the Utah Supreme Court unanimously voted “to approve pursu-
ing changes to the regulatory structure for legal services” and announced that the
next step would be “to create an implementation task force, which will begin work
on putting the recommended changes in place.”111 By September 2019, the Court
had adopted an order creating this task force.112 These far-reaching developments
took place against the background of global developments and conversations. For
example, Appendix C to the Utah final report is a discussion of the U.K.’s 2007
Legal Services Act and its aftermath.113 Thus, U.S. lawyer regulation stakeholders
who are following the Utah developments have been exposed—directly or
indirectly—to global perspectives and networks.

Arizona provides another example. The Arizona Task Force on the Delivery of
Legal Services has also issued a report that calls for the elimination of Rule 5.4
(as well as nine other recommendations).114 The October 2019 Arizona Report
contains a brief reference to U.K. developments, 115 but it is clear that the Task
Force received additional materials about developments outside the United
States, including Professor Henderson’s report.116 Thus, anyone who follows the
view the elimination or substantial relaxation of Rule 5.4 as key to allowing lawyers to fully and comfortably
participate in the technological revolution. Without such a change, lawyers will be at risk of not being able to
engage with entrepreneurs across a wide swath of platforms.” Id.

110. Id. at 15–16.
111. Press Release, Administrative Office of the [Utah] Courts, Utah Supreme Court Adopts
Force on Regulatory Reform); UTAH IMPLEMENTATION TASK FORCE ON REGULATORY REFORM, https://
sandbox.utcourts.gov/ [https://perma.cc/3B4D-W5Q4] (last visited Apr. 4, 2020) (including information on
the proposed regulatory scope for the Task Force and regulatory sandbox initiative, the proposed structure
and approximate timetable for this initiative, proposed data collection requirements for sandbox
participants, and a form inviting contact from those interested in participating in a sandbox initiative,
among other items).
114. ARIZ. SUP. CT. TASK FORCE ON THE DELIVERY OF LEGAL SERVS., REPORT AND RECOMMENDATIONS (Oct.
115. Id. at 13.
116. See, e.g., ARIZ. SUP. CT. TASK FORCE ON THE DELIVERY OF LEGAL SERVS., DRAFT MINUTES 2 (Jan. 7,
2019), https://www.azcourts.gov/Portals/74/LSTF/Minutes/2019/2019MinutesLSTF.pdf?ver=2019-08-06-114425-273 [https://perma.cc/4RKp-KQGW] (“Judge Cruz then reported that the work group determined that the topic of alternative business structures was likely to be where the most time was spent researching and
discussing ideas. She noted that Arizona could look to Washington D.C., England and Australia to see what
they had done and noted that California recently convened a committee to look at the topic as well.”). The
Arizona Task Force heard from Professor Henderson about the Legal Market Landscape Report he prepared for
the State Bar of California and received a copy of that report. Id. at 1 (“[Professor Henderson] presented on the
legal market landscape. Professor Henderson conducted a study of the legal market for California and the
report from his study was available through the meeting materials.”). Professor Henderson’s Legal Market
Landscape Report discussed U.K. and Australian developments. See supra note 103 (citing pp. 26–27, which is
Section 4.3 of Professor Henderson’s report).
Arizona law reform initiative has been exposed at least indirectly to the global networks that are discussing lawyer regulation and legal services reforms.117

The Chicago Bar Association and Chicago Bar Foundation have also launched a lawyer regulation reform initiative that is connected to a global network.118 This initiative’s National Advisory Council includes significant personnel crossover with other initiatives, which ensures that the individuals involved in this Chicago initiative are familiar with developments in other countries.119 Thus, the Chicago initiative, like the Arizona, Utah, and California law reform initiatives, provides an additional opportunity for lawyer regulation stakeholders to be directly or indirectly exposed to the conversations taking place in global lawyer regulation networks.

Two groups that have promoted recent regulatory reform initiatives also have global connections. The first of these groups is the Institute for the Advancement of the American Legal System (“IAALS”), which sponsored an April 2019 workshop entitled, “Making History: Unlocking Legal Regulation.”120 The Workshop attendees included members of the Arizona, California, and Utah reform initiatives, as well as individuals familiar with the legal services reforms in other countries.121 In October 2019, IAALS launched an “Unlocking Legal Regulation
Knowledge Center” webpage that includes links to regulatory provisions and resources from around the United States and from other countries.122

APRL is the second group that has participated in regulatory reform conversations and that is part of a global network.123 As Section II.B explained,124 APRL’s “Future of Lawyering” Committee, which meets virtually and is working on developing reform proposals, includes individuals from Australia, Canada, and England who share information about developments and perspectives in their countries.125

Law reform initiatives related to regulatory objectives provide additional examples of the impact of global networks. When the United Kingdom adopted a new Legal Services Act in 2007, “regulatory objectives” were included as Section 1 in that Act.126 Stakeholders in the United States and elsewhere took note of these developments and recommended that their jurisdictions also adopt regulatory objectives.127 In 2016, upon the recommendation of the ABA Commission on the Future of Legal Services, the ABA adopted Resolution 105, which encourages state supreme courts to adopt regulatory objectives.128 The Supreme Courts of Colorado, Illinois, and Washington have now adopted regulatory objectives; other supreme courts or their delegated bodies are studying this issue.129

Proactive management-based regulation (“PMBR”) provides the final example discussed in this Section. In 2010, an Australian academic and two Australian

Regulatory Reform. See Utah Work Group Report, supra note 109, at 2–3 (identifying Ms. Ricca as a member of the Utah Work Group); Members of the Task Force: Lucy Ricca, U TAH IMPLEMENTATION TASK FORCE ON REGULATORY REFORM, https://sandbox.utcourts.gov/about#LucyRicca [https://perma.cc/8Z72-MJEJ] (providing a biography of Ms. Ricca with these details).

122. See IAALS, Unlocking Regulation Knowledge Center, supra note 120.


124. See supra notes 74–85 and accompanying text.

125. See supra note 76.

126. Legal Services Act, supra note 8, § 1.

127. See, e.g., Adopting Regulatory Objectives, supra note 25; Terry, Proactive Regulation, supra note 5, at 763 (“In my view, U.S. jurisdictions should adopt explicit regulatory objectives that set forth what they are trying to accomplish with the lawyer regulatory system.”).


regulators published an article that has sparked global interest in PMBR. Their article discussed New South Wales’ required self-assessment process for firms that chose to practice as an incorporated legal practice (“ILP”) and reported the results of an empirical study that found a dramatic reduction of client complaints after implementation of the self-assessment process. In the United States, an ad hoc group of lawyer regulation stakeholders, including regulators from the U.S., Canada, and Australia, held several workshops devoted to PMBR. In January 2017, the Illinois Supreme Court amended its Rule 756 to require lawyers who do not carry malpractice insurance to complete “a self-assessment of the operation of his or her law practice.” The self-assessment is provided online by the Illinois’ lawyer regulatory body known as the ARDC. The Colorado Supreme Court Office of Attorney Regulation Counsel has also embraced PMBR: It has developed a series of voluntary PMBR checklists and self-assessment forms for lawyers in different kinds of practice settings. In August 2019, the American Bar Association adopted Resolution 107 that urged state supreme courts to explore PMBR. Professor Susan Fortney’s Georgetown Symposium article

130. See Christine Parker, Tahlia Gordon & Steve Mark, Regulating Law Firm Ethics Management, 37 J.L. & Soc’y 466, 485 (2010); see also Terry, Proactive Regulation, supra note 5, at 730–36. Terry’s article explains that Canadian regulators were among the first to act on Australian data. Terry, Proactive Regulation, supra note 5, at 730–36. After conducting a pilot project and issuing several reports, Nova Scotia adopted a profession-wide mandatory self-assessment program (although they do not call their programs PMBR). Id. British Columbia, Ontario, and the Prairie Provinces have been exploring self-assessment projects that would help prevent lawyer problems and are at different stages in the process. Id.

131. Parker et al., supra note 130. On average, the complaint rate (average number of complaints per practitioner per years) for ILPs after self-assessment was two-thirds lower than the complaint rate before self-assessment. Id.


describes some of the additional ongoing efforts. As her article and other articles have shown, PMBR provides a prime example of the impact of global networks on law reform initiatives and lawyer regulation stakeholders.

The prior paragraphs have focused on U.S. law reform initiatives that collected information from outside the United States. It is worth noting, however, that global information travels in both directions—it can come into the United States, as the prior examples illustrate, but information can also flow from the United States to other countries. Thus, law reform efforts in other countries may also promote global connections and networks.

Federal law reform conversations, as well as state law reform initiatives, expose U.S. lawyer regulation stakeholders to the views of those who participate in global networks. Consider, for example, the issue of how to apply anti-money laundering (“AML”) standards to U.S. lawyers. There are global networks that promote AML standards and that urge U.S. federal lawmakers to adopt more stringent AML legislation governing lawyers. U.S. lawyer regulation stakeholders are exposed to these global views through their interactions with U.S. federal government officials, through conversations with their counterparts in other countries, and as a result of information they receive from the domestic


138. Professor Fortney is a leading expert on PMBR and her Symposium article, id., includes cites to additional articles, including those that report the results of her empirical research. For additional articles that address PMBR and proactive regulation, see Ted Schneyer, The Case for Proactive Management-Based Regulation to Improve Professional Self-Regulation for U.S. Lawyers, 42 HOFSTRA L. REV. 233, 238–51 (2013) (discussing Australia’s experience with PMBR); Terry, Proactive Regulation, supra note 5, at 724–54 (discussing global examples of proactive lawyer regulation, including many details about the development of Nova Scotia’s proactive regulation program).

139. It is beyond the scope of this Article to analyze the ways in which U.S. lawyer regulation has influenced lawyer regulation elsewhere. A November 2019 example highlights the flow of information from the United States to Canada. In 2012, the ABA adopted a new comment to Model Rule of Professional Conduct 1.1 that explains that competent representation requires that lawyers understand the risks and benefits of technology. See ABA COMM’N ON ETHICS 20/20, REVISED RESOLUTION 105A AS AMENDED 3–4 (adopted 2012), https://www.americanbar.org/content/dam/aba/administrative/ethics_2020/20120808_revised_resolution_105a_as_amended.pdf [https://perma.cc/8DYR-ZQMN] (the comment number was changed by a later amendment to Rule 1.1). In October 2019, the Federation of Law Societies of Canada added a similar provision to its model code. See FED. L. SOC’YS CANADA, MODEL CODE OF PROF’L CONDUCT R. 1.1 cmt. 3.1-2[4A], https://lpsc.ca/wp-content/uploads/2019/11/Model-Code-October-2019.pdf [https://perma.cc/MU86-74KH]. The author has personal knowledge that during a November 2019 conference in Canada, a Canadian regulator referred to the ABA Model Rule when explaining the new Canadian model rule to the largely Canadian audience. Additional examples of global lawyer regulation stakeholder engagement include the capacity building initiatives of groups such as the International Bar Association, the American Bar Association, and the CCBE and European Lawyers’ Foundation, among others. See, e.g., Levin et al., The Impact of International Lawyer Organizations on Lawyer Regulation, supra note 1, at 427–28.


141. See infra notes 142–46.
organizations to which they belong.142 The resulting AML discussions have led to developments that affect U.S. lawyers (although some suggest that much more stringent requirements are called for).143 The changes include, inter alia, Geographic Targeting Orders (“GTOs”) designed to inhibit money laundering, ethics opinions reminding lawyers of their AML obligations, education efforts, and proposed rule changes.144 Despite the GTOs and heightened educational efforts, the U.S. has been heavily criticized by those inside and outside the country for its failure to more strictly regulate U.S. lawyer AML efforts.145 These kinds of globally-influenced conversations may have been one of the reasons why, in 2019, for the first time ever, the U.S. House of Representatives (but not the Senate) passed a bill that required disclosure of corporate beneficial ownership information.146

142. See, e.g., ABA TASK FORCE ON GATEKEEPER REGULATION AND THE LEGAL PROFESSION, https://www.americanbar.org/groups/criminal_justice/gatekeeper/ [https://perma.cc/H989-CT6C] (including policy letters that demonstrate the interaction among lawyer regulation stakeholders and U.S. government and FATF officials); AM. COLLEGE OF TRUSTS & STATES COUNSEL, Combatting Money Laundering: FATF and the Lawyer’s Role, https://www.actec.org/resources/fatf-and-the-lawyers-role/ [https://perma.cc/S6E7-8VKQ] (last visited Apr. 9, 2020); Terry & Robles, supra note 140, at 676–77 (describing U.S. legal profession interactions with U.S. Department of the Treasury officials and subsequent education efforts); see also Duncan Osborne, The Financial Action Task Force and the Legal Profession, 59 N.Y.L. SCH L. REV. 421, 422–23 (2015) (describing his involvement with the FATF private sector consultation group). The author has personal knowledge that the ABA Task Force cited above currently includes a lawyer regulator from Georgia who is also active in the National Organization of Bar Counsel and thus can share with state regulators the information she learns from the globally-connected AML networks.


Although international trade discussions are not typically characterized as “law reform initiatives,” conversations among the Office of the U.S. Trade Representative, the Conference of Chief Justices, and the ABA Standing Committee on International Trade in Legal Services illustrate the degree to which global information and global perspectives have shaped initiatives that have lawyer regulation implications. For example, in 2015, after citing international trade negotiations, the Conference of Chief Justices (“CCJ”) adopted a resolution that encouraged all state supreme courts to adopt rules that would allow foreign lawyers to practice in their state on a limited basis.\(^\text{147}\) The CCJ group that prepared this resolution regularly confers with representatives from the Office of the U.S. Trade Representative and with foreign, as well as U.S., stakeholders.\(^\text{148}\) Since the adoption of this CCJ resolution, a number of state supreme courts have changed their rules that regulate foreign lawyers.\(^\text{149}\) This CCJ Resolution is one of many different international trade examples that might have been cited to illustrate the global context of federal “law reform” initiatives.\(^\text{150}\) Moreover, there are other

list of the beneficial owners of the corporation or limited liability company [that meets certain requirements].” \(^\text{Id. Section 5333(d)(1) defines an “applicant” as “any natural person who files an application to form a corporation or limited liability company under the laws of a State or Indian Tribe.” Id. This bill, which was not adopted by the Senate, arguably would have applied to lawyers, but might have been challenged on legal grounds. Cf. ABA v. FTC, 636 F.3d 641 (D.C. Cir. 2011) (dismissing as moot the FTC’s appeal of a district court decision that found in favor of the ABA and enjoined enforcement of a “red flags” rule against lawyers, in light of subsequent clarifying legislation). See also Press Release, Global Witness, Historic Bipartisan Bill To End Anonymous Companies Passes U.S. House of Representatives (Oct. 22, 2019), https://www.globalwitness.org/en/press-releases/historic-bipartisan-bill-end-anonymous-companies-passes-us-house-representatives/ [https://perma.cc/D2AP-C2EY]. For additional information about why beneficial ownership regulation is relevant to lawyer regulation, see Terry & Robles, supra note 140, at 689–90 (“Because of the manner in which lawyer AML obligations and substantive corporate disclosure laws related to beneficial ownership have been intertwined in FATF Mutual Evaluation Reports and public discussions, [beneficial ownership scandals] are likely to create additional pressure in the United States for lawyer regulation reform.”).\(^\text{147}\) Resolution 2, In Support of Regulations Permitting Limited Practice by Foreign Lawyers in the United States to Address Issues Arising from Legal Market Globalization and Cross-Border Legal Practice, CONF. OF CHIEF JUSTICES (Jan. 28, 2015), https://ccj.ncsc.org/~media/microsites/files/ccj/resolutions/01282015-legal-market-globalization.ashx [https://perma.cc/G76P-PJ3M]. This resolution stated that the CCJ “strongly encourages its members to adopt explicit policies that permit qualified activities by foreign lawyers as a means to increase available legal services, and to facilitate the movement of goods and services between the United States and foreign nations.” \(^\text{Id.}\)\(^\text{148}\) The author has personal knowledge of this fact.\(^\text{149}\) See, e.g., ABA CNTR. FOR PROF’L. RESPONSIBILITY, State by State Adoption of Selected Ethics 20/20 Commission Policies, Guidelines for an International Regulatory Information Exchange, and Amendment to Model Rule 8.4 (Aug. 8, 2017), https://www.americanbar.org/content/dam/aba/administrative/professional-responsibility/state_implementation_selected_e20_20_rules.pdf [https://perma.cc/ND9J-37UU] (showing state adoption of some of the foreign lawyer rules).\(^\text{150}\) See, e.g., ABA STANDING COMM. ON INT’L TRADE IN LEGAL SERVICES, Featured Resources, https://www.americanbar.org/advocacy/governmental_legislative_work/priorities_policy/promoting_international-rule_law/internationaltradedef/ [https://perma.cc/S5B6-EN8X] (last visited Apr. 9, 2020) (providing links to documents that show the ABA Standing Committee’s involvement on international trade issues). For additional information about ABA international trade-related activities and the impact of global networks on lawyer regulation stakeholder conversations, one can consult the ABA Transnational Legal Practice Committee “Year-in-Review” reports. For links to these reports from 2002–2016, select “Transnational
kinds of federal initiatives, beyond international trade discussions, that potentially could affect lawyer regulation and that reflect or include global perspectives.151

Lawyer regulation initiatives from international groups, such as the International Bar Association (“IBA”), also connect U.S. lawyer regulation stakeholders to global networks and conversations. For example, the IBA has drawn upon the resources of the ABA Center for Professional Responsibility when working on projects such as the commentary to accompany the IBA professional code152 and the IBA’s adoption of guidelines regarding regulatory cooperation.153 Because the ABA Center for Professional Responsibility plays a central role in bringing together U.S. lawyer regulation stakeholders through its annual conferences and its extensive resources,154 the ABA Center’s connection to these global

Legal Practice Year-in-Review Articles” from the “Jump to Category” menu available at https://works.bepress.com/laurel_terry/.

151. See, e.g., Elizabeth Chambliss, Evidence-Based Lawyer Regulation, 97 WASH. U. L. REV. 297, 335–49 (2019) (suggesting, inter alia, that state lawyer regulation adapt to the federal [and international] trend of requiring evidence-based regulation); Laurel S. Terry, Putting the Legal Profession’s Monopoly on the Practice of Law in a Global Context, 82 FORDHAM L. REV. 2903, 2905–06 (2014) (noting the way in which global discussions about the scope of the legal profession’s monopoly have appeared in U.S. lawyer regulation-international trade discussions); Laurel S. Terry, The European Commission Project Regarding Competition in Professional Services, 29 NW. J. INT’L L. & BUS. 1, 5–7, 92, (2009) (citing U.S. Department of Justice efforts to restrict state lawyer regulations it viewed as anti-competitive); Levin et al., supra note 1, at 427–28 (describing various ABA-federal government initiatives); see also Amy Salyzyn, Building Better Lawyer Regulators, JOTWELL (Dec. 6, 2019), https://legalpro.jotwell.com/building-better-lawyer-regulators/ [https://perma.cc/Y2FL-5LEU] (reviewing Chambliss, supra note 13); Levin et al., supra note 1, at 410 (noting how the IBA, ABA, and CCBE worked together to respond after the “Troika” of the International Monetary Fund, European Central Bank, and European Commission insisted on regulatory reform of the Irish legal profession as a condition of their assistance).

152. See, e.g., INT’L BAR ASS’N, IBA International Principles on Conduct for the Legal Profession Approved on 25 May 2019 by the Council of the International Bar Association (2019), [https://perma.cc/CBR7-HZCP] (opens a PDF document). The second page of this document states: “The IBA wishes to thank the following for their contribution to the International Principles on Conduct for the Legal Profession . . . Co-opted member Ellyn Rosen (USA).” Id. The author has personal knowledge that Ms. Rosen is a long-time staff lawyer for the ABA Center for Professional Responsibility. See also Levin et al., supra note 1, at 409–18 (documenting additional ways in which the International Bar Association has brought together lawyer regulation stakeholders).

153. See, e.g., INT’L BAR ASS’N, IBA Guidelines for an International Regulatory Information Exchange Regarding Disciplinary Sanctions against Lawyers (May 2017), [https://perma.cc/BGY4-WKRX] (opens PDF document). See also Levin et al., supra note 1, at 435–51 (describing the cooperation and competition among the ABA, IBA, and CCBE on efforts relating to lawyer regulation).

154. See, e.g., supra notes 55–61 (describing the ABA Center for Professional Responsibility’s annual ethics conference); ABA CENTER FOR PROF’L RESPONSIBILITY, Policy & Initiatives, https://www.americanbar.org/groups/professional_responsibility/policy/ [https://perma.cc/2ZD3-FALB] (last visited Apr. 22 2020) (providing links to numerous U.S. ethics resources, which are extensively used by many lawyer regulation stakeholders); see also Terry, Globalization and the ABA Commission on Ethics, supra note 33, at 119 (citing as the ABA’s strengths its 1) its ability to serve as an information aggregator; 2) its role as a network facilitator;
networks has ripple effects throughout the U.S. lawyer regulation stakeholder community.

The IBA’s November 2019 circulation of a consultation paper about proposed IBA principles on the provision of unregulated legal services also illustrates U.S. stakeholders’ connections to global conversations. This consultation paper addressed, inter alia, issues that arise in connection with artificial intelligence and technology-provided legal services. This paper was circulated to the IBA’s Member Bars, which include the American Bar Association, the State Bar of Michigan, and the State Bar of California, the last of which has been particularly interested in issues related to whether and how to regulate the use of AI and technology in the delivery of legal services. U.S. stakeholders confronting artificial intelligence-legal services issues undoubtedly will find it helpful to consult the global resources cited by the IBA.

In sum, because regulators in different countries are likely to face similar regulatory issues, legal services reform initiatives inside the United States trigger cross-border comparisons, conversations, and networks. Moreover, the participation of U.S. lawyer regulation stakeholders in law reform discussions and initiatives outside the United States helps foster and deepen the global connections

3) its ability to speak for more U.S. lawyers than any other organization, given the occasional request from U.S. governmental bodies and others to hear about the views of “the U.S. legal profession;” and 4) its ability to bring together a relatively diverse group of stakeholders).

155. See, e.g., Consultation Paper from the Bar Issues Comm’n of the Int’l Bar Ass’n, Unregulated Providers of Legal Services (Nov. 2019), [https://perma.cc/VC7L-3L7S] [hereinafter IBA Consultation Paper]; Email from Jonathan Goldsmith, Chair, IBA Committee on Guidelines for Unregulated Providers of Legal Services to Laurel S. Terry (and others) (Nov. 12, 2019) (on file with author) (“Dear colleagues, This is just to bring to your attention that the consultation of IBA member bars on our document was sent out yesterday by the IBA office, and is copied below.”). This Consultation Paper and responses are expected to become the basis for an IBA report. See Email from Jonathan Goldsmith, Chair, IBA Committee on Guidelines for Unregulated Providers of Legal Services to Laurel S. Terry (and others) (June 4, 2020) (on file with author).

156. IBA Consultation Paper, supra note 155.


158. See supra note 105 for a link to the California ATILS Task Force. Its initial recommendations included some developed by its Artificial Intelligence/Unauthorized Practice of Law Subcommittee. Id. Although the Task Force’s March 2020 Final Report did not include an AI-specific recommendation, the regulatory sandbox work group is likely to consider these kinds of issues, See generally supra note 105 (citing the Final Report and May 2020 vote to establish a regulatory sandbox work group).


160. See, e.g., supra notes 130–38 (discussing PMBR); see also Laurel S. Terry et al., Trends and Challenges in Lawyer Regulation: The Impact of Globalization and Technology, 80 FORDHAM L. REV. 2661 (2012).
among lawyer regulation stakeholder networks. Thus, even if they are not conscious of this fact, anyone who follows U.S. lawyer regulation reform initiatives is likely exposed to, and indirectly connected to, global networks and conversations.

E. MEMBERSHIP IN “DOMESTIC” GROUPS THAT LIKELY INCLUDE GLOBAL PERSPECTIVES

The prior paragraphs provided examples of the global information sharing that takes place through in-person meetings, virtual meetings, legal literature, and law reform initiatives. This Section focuses on the global information sharing that can occur through the groups to which U.S. lawyers belong, many of which might, at first glance, seem to wholly domestic.

Most lawyers presumably belong to at least one, and probably many, different groups that might be described as affiliation networks or groups. Lawyers in private practice might work for a law firm that has a network of offices throughout the country or the world. Alternatively, or in addition, a lawyer in private practice might work for a law firm that belongs to a domestic or global network of law firms. Many lawyers in private practice belong to a bar association group or another kind of affinity organization for lawyers. Government lawyers, in-house counsel, and lawyers who work for other entities, such as non-profit organizations, are similarly likely to belong to at least one, and likely multiple, affiliation groups.

Despite the seemingly “domestic” nature of many of the groups to which U.S. lawyers belong, global perspectives and issues are likely to creep into these “domestic” networks, whether in listserv conversations, magazine articles, the occasional meeting topic, or otherwise. Law review articles and other sources show the broad contexts in which global issues can arise, including in practice settings that might, at first glance, seem to involve “domestic” issues. The wide

161. Newman, Networks, supra note 2, at 60 (describing an affiliation network as a network in which actors are connected via their membership in groups of some kind). Network experts sometimes express these as bipartite representation, in which the edges or connecting lines they draw do not connect individuals directly to one another, but instead connect individuals to groups. See id. at 61.

162. See Terry, Global Networks, supra note 1, at 163–64.

163. See id. at 164–66.

164. See id. at 159–60.

165. See id. at 167–69.

166. The author has encountered this in all of the groups with which she is connected, even though some of the groups she belongs to involve topics such as Civil Procedure or Pennsylvania legal ethics that might not obviously strike one as involving “global” issues.

167. See, e.g., Carrie Menkel-Meadow, Why and How to Study “Transnational” Law, 1 U.C. Irvine L. Rev. 97, 98–99 (2011) (citing numerous “hypotheticals” that raise global issues, many of which are based on actual situations or cases); 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) (finding in a survey of Philadelphia Bar Association 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
range of substantive law areas covered by the ABA Section of International Law’s committees suggests that international issues can arise in virtually every substantive area of the law.\(^{168}\) Thus, because foreign or international law issues can arise in almost any substantive law area, these issues are likely to periodically spill over into listserv messages, journal articles, and other activities of what might be thought to be purely “domestic” affiliation groups. Moreover, as the number of individuals who participate in both domestic and global networks expands, the diffusion of global perspectives increases. The Section that follows elaborates on this point.

### III. Diffusion, Tipping Points, and Global Networks of Lawyer Regulation Stakeholders

There are many different sources one could cite and terminology that one might use in order to convey the idea that diffusion matters and that tipping points exist. Infectious disease epidemics, for example, typically go through three stages that begin with a slow-growth phase, which is then followed by an explosive phase, and the burnout phase.\(^{169}\) On the other side of the health spectrum, if a sufficient percentage of the population obtains a vaccination, then a “herd effect” occurs that helps protect those who have not been vaccinated.\(^{170}\) Scholars have written about the concept of “critical mass” in settings as varied as the adoption of herd immunity in the control of measles, and the diffusion of global perspectives in legal education.

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\(^{168}\) See Terry, Global Networks, supra note 1, at 161 (describing these committees). I sometimes challenge the students in my required first-year Practicing Law in a Global World: Contexts and Competencies course to “stump” me by coming up with an area of law where there are no foreign or international issues. They rarely can, and when they do, I usually conclude that it is due to my lack of exposure, rather than the lack of issues.

\(^{169}\) See, e.g., Duncan J. Watts, Six Degrees: The Science of a Connected Age 170–73 (W.W. Norton & Co. ed., 2004). Although the Watts book is more than fifteen years old, it provides a useful introduction to the subject and is accessible to the nonexpert. See also Newman, Networks, supra note 2, at 607–74 (examining the mathematical techniques that allow one to understand and predict the outcomes of epidemics given the connections between network structure and disease dynamics). This Section of the Article was written during and before December 2019, when COVID-19 was not yet widespread and the phrase “flattening the curve” was not yet commonplace. See supra note 68 (citing WHO and CDC COVID-19 websites). I suspect that most readers now have a heightened appreciation of the power of networks and impact of exponential growth.

of electric vehicles,171 collective bargaining,172 platform businesses,173 cancer research,174 and corporate boardroom diversity,175 although a leading contemporary network science textbook does not include the term “critical mass.”176

This Article will not provide a “deep dive” into network science nor will it examine for lawyer regulation stakeholders the variables that network experts likely would use to analyze the reach and impact of lawyer regulation stakeholder networks.177 Nevertheless, when seeking to understand global networks and the diffusion of information, it is helpful to be familiar with what network experts call the “small-world” effect.178 Although law review readers may not be familiar with the original “small-world” experiment conducted by Stanley Milgram, they may be familiar with the phrase “six degrees of separation,” the play entitled “Six Degrees of Separation,” or the game called “Six Degrees of Kevin Bacon,” in which one tries to connect actor Kevin Bacon to any actor in the world by citing six or fewer movies; all of these use language that can be traced to Stanley Milgram’s original “small-world” experiment.179 Although experts have critiqued Milgram’s methodology, later research suggests that the conclusions were sound and that two unrelated individuals are generally able to connect to each other in

176. See, e.g., NEWMAN, NETWORKS, supra note 2, at 751–80 (excluding this phrase from the index of this leading textbook); see also WATTS, supra note 169, at 363–74 (referring briefly to a critical point, but not a critical mass).
177. Cf. NEWMAN, NETWORKS, supra note 2, at 608 (observing that “ideas and models for the spread of disease can be usefully applied to help us understand the spread of information.”). As many of us observed during the COVID-19 pandemic, there can be daily changes in scientific models about networks and the spread of disease (or information).
178. See, e.g., NEWMAN, NETWORKS, supra note 2, at 62–65 (discussing experiments related to the “small-world” effect); see also WATTS, supra note 169, at 32 (referring to this as the “small world problem.”).
179. See, e.g., WATTS, supra note 169, at 38–39 (noting that Milgram’s experiment became the basis for the phrase “six degrees of separation” which was thereafter used as the title of John Guare’s 1990 “Six Degrees of Separation” play, as well as parlor games); Six Degrees of Kevin Bacon, WIKIPEDIA, https://en.wikipedia.org/wiki/Six_Degrees_of_Kevin_Bacon [https://perma.cc/8ER3-9MF4] (last visited June 3, 2020) (explaining the game “Six Degrees of Kevin Bacon”); M. E. J. Newman, The Structure and Function of Complex Networks, 45 SIAM [SOC’Y FOR INDUSTRIAL AND APPLIED MATHEMATICS] REV. 167, 175 (2003) (“two actors are considered connected if they have appeared in a film together.”); see also NEWMAN, NETWORKS, supra note 2, at 63 (noting that Milgram’s study “is the origin of the idea of the ‘six degrees of separation,’ the popular belief that there are only about six steps between any two people in the world.”).
five to seven steps.\textsuperscript{180} As one expert has explained, “the fundamental conclusion that [two individuals] tend on average to be connected by short paths is now widely accepted.”\textsuperscript{181} Moreover, the “small-world” effect is not limited to social networks; it is widespread and has been studied both empirically and mathematically.\textsuperscript{182}

In order to illustrate the implications of this research and the impact that networks can have on lawyers, it is instructive to consider the situation of a lawyer who practiced in the United Kingdom. This lawyer used his work email to forward to six friends an email he had received from a woman.\textsuperscript{183} Within a matter of days, this email had been forwarded to seven million readers.\textsuperscript{184} This lawyer was later disciplined for using his work email for personal purposes.\textsuperscript{185} This example shows how networks serve to amplify and diffuse information. Although individuals may have become more savvy about how messages can go viral, I suspect that most lawyers may not fully appreciate how an email sent to six people can travel around the world in a matter of days.

Recent events have demonstrated the impact of networks and the concept of exponential growth. During the COVID-19 pandemic, many undoubtedly were following the WHO and CDC COVID-19 dashboards that showed how quickly an outbreak could go “viral” and infect the world. Global developments in the lawyer regulation field have obviously not travelled around the world as quickly as COVID-19\textsuperscript{186} or the email in the prior paragraph, but the past five to ten years have shown an impressive amount of global diffusion. Lawyer regulation ideas that have been adopted elsewhere in the world—such as mandatory malpractice insurance, regulatory objectives, PMBR, nonlawyer providers, and nonlawyer ownership—have become a regular part of U.S. lawyer regulation.

\textsuperscript{180} Newman, Networks, supra note 2, at 63–64 (indicating that Milgram’s study should be taken with a large pinch of salt because of methodology issues, but noting that a more rigorous 2003 study by Dodds et al. found that the average path length to make the study’s required connections was between five and seven steps).

\textsuperscript{181} Id. at 10 (noting that the mean distance between node pairs in many networks is very short, often no more than a dozen steps or so, even for networks with millions of nodes). Professor Newman has explained that the conclusion that node pairs tend to be connected by short paths has been confirmed directly in many cases, including for some very large social networks such as the entire network of Facebook friends . . . and has moreover been shown to extend to many other (non-social kinds) of networks as well. Enough experiments have observed this “small-world effect” in enough networks that, whatever misgivings we may have about Milgram’s particular technique, the general result is not seriously called into question.

\textsuperscript{182} Id. at 63.

\textsuperscript{183} Watts, supra note 169, at 165.

\textsuperscript{184} Id.

\textsuperscript{185} Id.

\textsuperscript{186} See WHO COVID-19 Dashboard, supra note 68; CDC Cases in the U.S., supra note 68.
conversations.\textsuperscript{187} Regardless of whether one considers these developments to be positive or negative,\textsuperscript{188} they have become part of U.S. lawyer regulation conversations.

Moreover, if one considers the examples of in-person meetings and virtual meetings described in Sections II.A and II.B, \textit{supra},\textsuperscript{189} and then imagines how many other stakeholders each of these participants will interact with after having been exposed to global lawyer regulation stakeholder perspectives, one can see how diffusion can happen within lawyer regulation stakeholder communities. Just like an email originally sent to six people ended up in the hands of seven million readers within a week—and just as COVID-19 spread around the world—the global perspectives that originally were dispersed to a relatively small group of individuals will continue to expand and spread throughout the larger lawyer regulation stakeholder community. (In light of these expanding contacts, one can see why U.S. and foreign regulators have recently been interested in developing regulatory cooperation models.\textsuperscript{190})

As demonstrated above, there are many places in which lawyer regulation stakeholders may connect with global perspectives.\textsuperscript{191} Network experts might refer to these stakeholders as “nodes” and the opportunities as the “edges” that connect lawyer regulation stakeholders.\textsuperscript{192} Although global network opportunities existed in the past, and although there have been globally-connected stakeholders for years, if not decades,\textsuperscript{193} it appears that there are significantly more globally-connected “nodes” that U.S. stakeholders are likely to encounter than

\textsuperscript{187} See, e.g., Fortney, \textit{supra} note 137, at Parts II-IV (discussing practices in other countries regarding PMBR, compensation, and discrimination); Leslie C. Levin, \textit{The Politics of Lawyer Regulation: The Malpractice Insurance Example}, 33 \textit{Geo. J. Legal Ethics} 969, 973 n.21 (2020) (referring to other countries’ practices regarding professional liability insurance); \textit{Thirty Years, supra} note 1, at n.76 (citing articles that discussed global conversations regarding nonlawyer ownership and providers, and regulatory objectives); \textit{Adopting Regulatory Objectives, supra} note 25 (citing global regulatory objectives developments).

\textsuperscript{188} The author has personal knowledge that there are strong feelings in support of and in opposition to most if not all of these developments.

\textsuperscript{189} See \textit{supra} Sections II.A–B for a discussion of the ways in which in-person and virtual meetings connect lawyer regulation stakeholders to a global network.


\textsuperscript{191} See Part II, \textit{supra}, which discusses five ways in which lawyer regulation stakeholders can connect to a global network—through in-person meetings, virtual meetings, by reading articles, following law reform initiatives, or being part of a law-related group that communicates with its members.

\textsuperscript{192} Network experts use the term “edge” to refer to some form of connection between individuals in a social network. Newman, Networks, \textit{supra} note 2, at 64. Newman explained that “there are many different possible definitions of an edge” in a social network and that the “the particular definition one uses will depend on what questions one is interested in answering.” \textit{Id.; see also supra} note 17. This Article discussed five opportunities or “edges” that connect U.S. lawyer regulation stakeholders or “nodes” to their global counterparts.

there were five years ago, and that there are significantly more opportunities or “edges” where a U.S. lawyer regulation stakeholder might tap into a global network and connect with global perspectives.

At this point, it may be worth comparing the current situation to the situation approximately five years ago when Professor Carole Silver and this author co-wrote a “year-in-review” article about 2014 transnational legal practice developments.\textsuperscript{194} That article used the framework of transnational legal practice networks (“TLP-Nets”) to discuss the 2014 transnational legal practice “year-in-review” developments.\textsuperscript{195} This 2015 article drew a distinction between nationally-based TLP-Nets and transnationally-focused TLP-Nets.\textsuperscript{196} It observed that although the transnational TLP-Nets discussed in the article had been active for several years, their 2014 activity suggested that their significance was building.\textsuperscript{197} That prior article also highlighted the global connections of U.S. lawyer regulation stakeholders, stating that:

What is noteworthy, however, is the degree to which [the U.S. nationally-based TLP-Nets] now interact with international and transnational regulatory actors as well as with one another, resulting in cross-fertilization of TLP-related terminology, ideas, and initiatives. Each of these organizations was involved with transnational legal practice issues in 2014.\textsuperscript{198}

Despite these sentences acknowledging the global connections of U.S. stakeholders, the 2015 article is noteworthy because the concluding section on U.S.-based TLP-Nets highlighted the overlapping linkages within U.S. stakeholder groups.\textsuperscript{199}

What seems different today, compared to 2015, is the volume of linkages among U.S. stakeholder groups \textit{and} the transnational TLP-Nets identified in that article.\textsuperscript{200} This is particularly noteworthy in the law reform arena. In my view, global perspectives and networks have become much more deeply embedded in

\textsuperscript{194.} See Terry & Silver, supra note 1, at 413.
\textsuperscript{195.} Id. at 413.
\textsuperscript{196.} Id. The 2015 article defined nationally-based TLP-Nets as those that “take as their focus the TLP agenda of a particular jurisdiction, and necessarily are comprised principally—although not exclusively—of actors based in that jurisdiction.” Id. at 416. It defined transnational TLP-Nets as those that “are formed to bring together actors from various jurisdictions to generate dialogue and share information.” Id. at 426. The nationally-based TLP-Nets section of the article highlighted the 2014 activities of U.S. and European TLP-Nets. See id. at 425–26 (describing CCBE activities); id. at 416–25 (describing eleven U.S. developments). The transnationally-focused TLP-NETs section of the article focused on the 2014 activities of the International Conference of Legal Regulators, the International Bar Association, and the International Association of Legal Ethics, as well as informal collaborations among U.S. and Canadian regulators. Id. at 426–30.
\textsuperscript{197.} Id. at 426.
\textsuperscript{198.} Id. at 417.
\textsuperscript{199.} Id. at 425 (the concluding paragraph of the section on U.S.-based TLP-Net observed that “[i]n addition to the formal organizational efforts within the ABA, there are numerous linkages among these [ABA] entities, including overlaps in membership or staff.”).
\textsuperscript{200.} Cf. id. at 425 (concluding the section on U.S. TLP Nets by referring to linkages among U.S. domestic groups, rather than linkages among U.S. stakeholder groups and transnational networks).
U.S. conversations than they were five years ago. There has been a diffusion of
global perspectives in all five of the settings or “opportunities” previously dis-
cussed: in-person and virtual meetings, legal literature, law reform initiatives,
and lawyer affiliation networks, including those that are seemingly domestic.201

One way to think about the spread of global lawyer regulation stakeholder net-
works is to compare this phenomenon to the Rogers Diffusion of Innovations
curve that has been used to describe the ways new technology spreads through a
society. The Rogers Diffusion of Innovations curve refers to an idea that was
originally published in Professor Everett Rogers’ 1962 book Diffusion of
Innovations. This influential book, which was most recently updated in 2003,
focuses on how innovation spreads.202 Even those who are aren’t experts are
likely to have an intuitive sense of the correctness of the Rogers Diffusion of
Innovation curve. As Professor Bill Henderson has explained, Rogers posited that
successful innovations progress through a bell curve that involved the actions of
innovators, early adopters, early majority, late majority, and laggards.203 Not all
innovations (or ideas) will make their way through the entire bell curve, how-
ever.204 One of the most perilous stages for an idea or innovation is the transition
from the “early adopter” stage to the “early majority” stage; those innovations
that make this transition have been described as “crossing the chasm.”205

The ideas found in Rogers’ Diffusion of Innovations book have been influential
in a variety of settings. They have been used to explain certain aspects of network
theory;206 the diffusion of political policy;207 in the health care context;208 to
explain mathematical models that help companies more effectively target future
customers;209 and to better understand the circumstances under which legal

201. See supra Part II discussing these five methods of interaction.
203. Henderson, supra note 3, at 401.
204. Id. at 402–403.
205. Id. at 432, 458–59 (describing the “crossing the chasm” concept). See generally Geoffrey A. Moore,
Crossing The Chasm (3rd ed. 2014) (exploring how and why innovations cross the chasm that often exists
between the innovation and early adopter stages, on the one hand, and the early majority stage, on the other
hand). See also Watts, supra note 169, at 232 (explaining that Rogers’ terminology may be easier to under-
stand than the technical version of the threshold model but noting that Rogers’ “diffusion of innovations” can
refer to diffusion of ideas or practices, as well as technology).
206. See, e.g., Watts, supra note 169, at 232–35.
207. See, e.g., Diane Stone, Osmany Porto de Oliveira & Leslie A. Pal, Transnational Policy Transfer: the
Circulation of Ideas, Power and Development Models, 39 Pol’y and Soc’y 1 (2019); Todd Makse & Craig
Everett Rogers’(1983, 2004) attribute typology from the diffusion of innovations literature and apply it to a
sample of 27 policy innovations from the sphere of criminal justice policy in the U.S. states between 1973 and
2002.”).
208. James W. Dearing & Jeffrey G. Cox, Diffusion of Innovations Theory, Principles, and Practice, 37
Health Aff. 183 (2018).
209. See, e.g., Dorit S. Hochbaum et al., Rating Customers According to Their Promptness to Adopt New
services innovation might succeed. As explained by Professor Bill Henderson when applying Rogers’ “Diffusion Curve” ideas to the legal services industry, “Rogers’s core insight—one that is absolutely foundational for readers—is that the diffusion of innovation is a process that occurs through a social system. . . . [T]he social system has five ‘adopter’ segments that fit a normal distribution.” In my view, the examples cited in this Article suggest that the United States has “crossed a chasm.” U.S. lawyer regulation stakeholders now seem firmly embedded within a global network.

CONCLUSION

This Article has examined a particular subset of legal profession networks—namely, the networks of stakeholders interested in lawyer regulation issues. After enumerating many different lawyer regulation stakeholders, including ten categories into which these stakeholders might be grouped, this Article identified five ways in which lawyer regulation stakeholders can participate—directly or indirectly—in global networks. These opportunities include in-person meetings, conferences, virtual meetings, law reform initiatives, as a result of reading literature, and as part of the information that is delivered by the “domestic” affiliation groups to which U.S. lawyer regulation stakeholders belong. For each of these five opportunities, this Article provided specific examples that illustrate how U.S. lawyer regulation stakeholders are exposed to global perspectives and networks. These examples demonstrated how global networks have changed the vocabulary, content, and participants involved in lawyer regulation conversations. Given the pervasiveness of these global networks, it is important for stakeholders to recognize the degree to which global networks and experiences are likely to have an impact on U.S. lawyer regulation stakeholder conversations including those that are the subject of the 2020 Symposium issue of the Georgetown Journal of Legal Ethics. To return to the Article’s introduction and the “process” issue of how lawyer regulation change occurs, this Article argues that it is important for U.S. lawyer regulation stakeholders to be aware of the prevalence of global networks and to be prepared for global comparisons and perspectives when discussing domestic lawyer regulation issues.


211. Id. at 402 (emphasis in original). As Professor Henderson’s article explains, the factors that Rogers identified that affect the rate of adoption include: 1) the perceived attributes of innovation; 2) type of innovation decision (such as optional, where everyone decides for themselves, versus collective decision-making, versus authoritarian decision-making); 3) communication channels; 4) nature of the social system; and 5) efforts of change agents. Id. at 411 (including a table entitled “Rogers Rate Of Adoption Model,” which Henderson describes as “Adapted from Everett Rogers, Diffusion of Innovations Fig. 6.1 (2003)”). See also id. at 428, Fig. 7 (including a table entitled “Rogers Organizational Innovativeness Model” that summarizes the variables Roger identified that affect an organization’s innovativeness).

212. See supra note 205 and accompanying text for a reference to “crossing the chasm.”