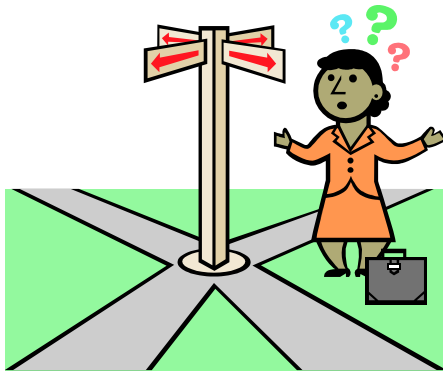


To Be or Not to Be?

Liberalization of India's Legal Services Sector



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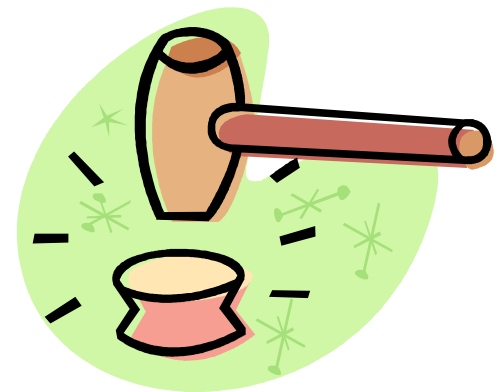
Citizenship



- Is citizenship of U.S. required for admission to any bar in the U.S.?
- Is citizenship of India required to be admitted to the bar in India?
 - “I am a citizen of the U.S. Am I ineligible to practice law in India?”
 - “I am a citizen of some other country?”
 - “I am of Indian origin?”

First Degree in Law

- Is J.D. required for admission to the bar in the U.S.? “I have LL.B. from India?”
 - New York?
 - California?
 - New Jersey?
- What if I am admitted in India? Straight road to bar exam?
 - New York?
 - California?



First Degree in Law

- Is LL.B. required for admission to the bar in India? "I have J.D. from U.S."
 - Cornell, Ithaca, NY
 - Southwestern, Los Angeles, CA
 - **University of Michigan, Ann Arbor, MI**
 - University of Texas, Austin, TX
 - Georgetown, DC
 - Any other?

Practice Without Getting Admitted?

The “Non-lawyer Lawyer”



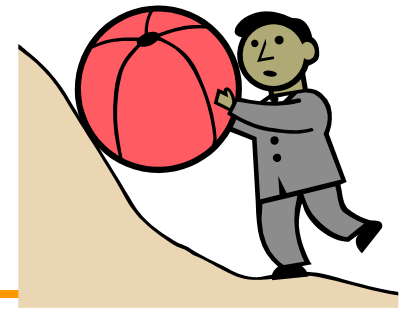
- “I am admitted in India not U.S. I only live in the U.S. I do not want to sit any U.S. bar exam. I do not even want to practice any U.S. law! I want to practice the laws of India in the U.S. Any problem?”
 - New York; What’s special?
 - California
 - Delaware

Non-lawyer Employs a Lawyer

- A *non-lawyer* opens a firm in New York to practice laws of India. Now he employs a New York lawyer to render advice on New York laws.
 - Can the firm do that?
 - Can the New York lawyer do that?
 - Can the New York lawyer enter into a partnership with that *non-lawyer*?

“Ditto India?”

Now it begins to get interesting



- “I am admitted in New York, not India. I only live in India. I do not want to get admitted in India or practice the laws of India. I just want to practice my New York law! Any problem?”
- Who can practice law in India?

“Any Law?” “What is Practice?”

- Practicing in India Law of Which Jurisdiction:
 - My (“Home country’s laws”)?
 - Your (“Host country’s laws”)?
 - Neither mine nor your – let’s call it “ours” (“International law”)?
- What is Practise (sic)?
 - Lawyers Collective v. Chadbourne & Parke & Others, 1995



“Shut Out!”

- “What about the “non-lawyer” firm I was thinking of forming?”
- “Okay, can I do a partnership?”



“I Get The Picture. What Does GATS Do?”

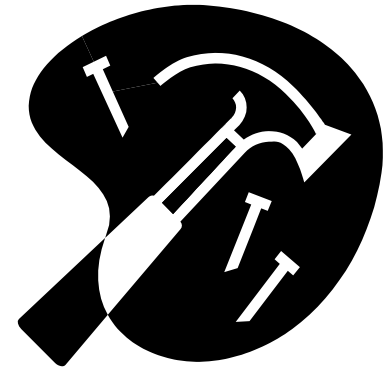
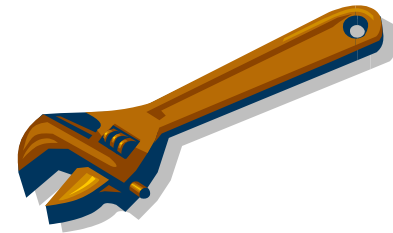
- Has India agreed to open its legal services sector?
 - 1995
 - 2005
- Is India obligated to open it?
 - Duty to negotiate
- India is a huge market
 - \$150m or more

Why Is Legal Services Not on Fast Track?

- GATS:
 - Enter economists, bureaucrats, politicians, academics et al., from everywhere
 - “Let’s use terminology that doesn’t reflect reality and no one really understands”
 - Central Product Classification 861
 - Modes of supply
 - Accounting disciplines
 - “Don’t commit”
- Bilateral:
 - “At show time, we’ll trade legal services for something else”

"I Get The Picture. So, What Works?"

- *Jugaar*
- Chipping away
- How real is liberalization?



Thank you!



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