

**Agreement Between the American Bar Association and the
French Language Order of the Brussels Bar
and the Dutch Language Order of the Brussels Bar**

available in

Laurel S. Terry, *A Case Study of the Hybrid Model for Facilitating Cross-Border Legal Practice: The Agreement Between the American Bar Association and the Brussels Bars*,
21 Fordham Int'l L.J. 1382, 1483 (1998)
[reprinted in the Symposium Issue of The Professional Lawyer 17 (1998)].

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GENERALLY	
1. Type of Multijurisdictional Practice addressed	Establishment (defined as “resident or regularly present in Brussels and maintain respective establishments in brussels from which they provide legal services”) See Whereas Clause Note: US lawyers may register as either of 2 different kinds of FLC’s - B List or Joint List lawyers
2. Definition, if any	Established U.S. lawyers are defined as “resident or regularly present in Brussels and maintain respective establishments in Brussels from which they provide legal services,” see Whereas Clause
3. Any reciprocity requirement?	YES, § 13 states: <ul style="list-style-type: none"> • a premise of the Agreement is the understanding that Belgian lawyers will “continue to have a reasonable and practical opportunity, either as legal consultants or as full members of the State bars in the United States, to carry on the practice of law in those States which currently permit such practice and that existing rules permitting such practice will not be made more restrictive. The ABA undertakes to use its best efforts to the end that this premise will remain valid and to encourage the adoption of rules conforming to the ABA Model Rule for the Licensing of Legal Consultants by States not presently having such rules.” ; and • The Belgian Bars reserve the right to consider the imposition of reasonable and proportional restrictions on the practice in Brussels of U.S. Lawyers who are not members of the bars of States which have adopted rules conforming substantially to the ABA Model Rule for the Licensing of Legal Consultants, without prejudice to the rights and freedoms of U.S. Lawyers and their law firms then established in Brussels.
4. Is registration required?	Yes. A US lawyer must register within 6 months of becoming established. See § 1(1).
ETHICS & DISCIPLINE	

<p>5. Applicable ethics rules?</p>	<p>Host State, Home State and CCBE rules.</p> <ul style="list-style-type: none"> For B List lawyers’ practice that is “within & relating to Belgium,” the transient U.S. lawyer should use the Host Rules, provided they are applied in accordance with the CCBE Code and with the specified dispute resolution procedure which requires consultation with the US bar. See § 6(1); For Joint List lawyers, they must use the CCBE Code for practice “within (both geographic and subject matter) or relating primarily to Belgium,” except that the transient US lawyer may use US rules if the CCBE rules conflict with US rules. See § 6(2).
<p>6. May the Host State discipline the migrant?</p>	<p>Yes and No.</p> <ul style="list-style-type: none"> For B List lawyers, the Host State may discipline, but if the Brussels rule and the US rule are in conflict, then the Host State must invite the views of the ABA or state bar before imposing a sanction. See § 7(1); For Joint List lawyers, the Host State can ask the Home State to discipline the lawyer. See § 7(2). If problems develop in connection with disciplinary matters, the ABA or the Brussels Bars may request that the issue be submitted to the Joint Committee, whose role is strictly consultative and which does not have any decisional responsibility in individual cases. See § 7(3)..
<p>SCOPE OF PRACTICE LIMITATIONS</p>	<p style="background-color: #cccccc;"></p>
<p>7. Any “scope of practice” limitations?</p>	<p>Yes.</p> <ul style="list-style-type: none"> B list lawyers can’t advise on matters “governed predominantly by the national laws of Belgium” unless the lawyer relies on the advice of a Belgian lawyer who is identified on the letterhead, by signature or otherwise, see § 4(2); Joint list lawyers may advise on matters of “ancillary issues of Belgian law” if based on the advice of a Belgian lawyer, see § 4(3) US lawyers may appear in court only if permitted by local rules, see § 4(4); and The ABA and Brussels Bars agree to disagree about whether U.S. transient lawyers may practice EU law, see § 4(5).
<p>FORMS OF ASSOCIATION</p>	<p style="background-color: #cccccc;"></p>
<p>8. Which title is used by the migrant lawyer?</p>	<p>Not completely clear. § 5(10) provides that the stationery may identify each resident partner in the Brussels office and the bar of which that lawyer is a member.</p>

9. Any provisions regarding law firm names?	Yes. US lawyers may use the firm name used in the US. See § 5(3);
10. Other “forms of association” issues?	<p>Yes.</p> <ul style="list-style-type: none"> • Notwithstanding the Brussels rules, US lawyers are not precluded from having the status of employee because their independence is assured by US ethics rules. See § 6(5); • US lawyers agree not to form partnerships with Belgian lawyers unless the US lawyers register. See §3; • except during the transition period, US lawyers agree not to form partnerships with Belgian “jurists,” who are not licensed Brussels lawyers, see § 2(3) • US lawyers who are not established may participate in the cooperation with Brussels lawyers provided that one established US lawyer is registered & all established lawyers are registered, see § 2(5)
OTHER REQUIREMENTS	
11. Other qualification requirements?	<p>Yes.</p> <ul style="list-style-type: none"> • If a US lawyer partners with a Belgian lawyer, then the Belgian lawyer shall submit the partnership agreement to the Belgian bar to ensure no discrimination. See § 8(1); • US lawyers on the B List who are in partnership with Belgian lawyers must follow the Belgian rules about the accounts in which client funds are kept only with respect to those transactions having a primary nexus with Belgium. See § 8(2); and • US lawyers on the B List must comply with requirements about malpractice insurance, but may provide appropriate written assurances that the US lawyer has the level of coverage required. See § 8(3).
12. Miscellaneous	§ 6(3) requires the Brussels Bars to protect and defend the professional privileges, including attorney-client privilege and work-product privilege of B List lawyers (and insofar as permitted, Joint List lawyers) in the same manner as they defend the privileges of their own members