



What's in this newsletter?

1. General matters

2. Update on current issues:

- Admission of overseas qualified lawyers
- Shanghai World Expo 2010
- Market Access: Japan; Malaysia; Korea; ASEAN
- Legal Education Symposium
- India: Legal Services Mission and Bar Council of India visit
- Australia-China Legal Profession Development Program
- Statistics Survey
- APEC Legal Services Initiative

3. Priorities for the next 12 months

4. Meeting and other critical dates

5. Contacts

1. GENERAL MATTERS

Informal Executive Committee

The Chairman has established an informal Executive Committee to assist in progressing ILSAC's work. It will comprise the ILSAC Chair and Deputy Chair, the chairs of the four committees (Brian Wilson, Gordon Hughes, Duncan Bentley and Bronwyn Lincoln), the chairs of the two Working Groups (Robert Milliner - China and Kerry Ryan - India), a Government representative (Ian Govey) and the Director of the Secretariat. It is proposed that the group would have a teleconference at two-month intervals, with the first on 11 December.

India Working Group (IWG)

The first meeting of the India working group is expected in mid December (teleconference). Members of the group are Kerry Ryan (Chair), Russell Miller, David Bennett, David Krasnostein, Michael Coper and the Director ILSAC Secretariat. ILSAC Chair and Deputy Chair are ex-officio members.

2. UPDATE ON CURRENT ISSUES

Admission of overseas qualified lawyers (C1 & C3)

Tim Bugg continues to devote a considerable amount of time in working towards both immediate and longer term solutions to this issue. Twenty six affected practitioners have approached Tim and there have been several meetings and teleconferences with them. Tim has also met with LACC, law firms, and admitting authorities on this issue.

On LACC's invitation, Tim attended a LACC meeting in October and LACC has indicated it is keen to work with ILSAC in finding a solution to the unintended negative impact of the Uniform Principles and has sought input from ILSAC on proposed solutions. It was also agreed that the LACC chair and Tim would continue to liaise closely on this topic.

We provided a short briefing for a recent meeting of the Council of Chief Justices and have received feedback, informally, indicating that the CCJ is of the view that recognition of experience was important is assessing the qualification of practitioners from overseas.

Tim has arranged for a selected group of seven applicants, who were of the view that they had exhausted all avenues of appeal/review in NSW, to apply directly to the Admission Board under subsection 24(4) of the *Legal Profession Act 2004* (NSW). Tim has approached the NSW Law Society to assist in engaging a senior counsel to advise applicants. The Law Society very generously agreed to assist with funding and Christine Adamson SC was engaged. The Board is likely to consider the applications in early December.

Next Steps:

The Secretariat is developing a submission to LACC, due before LACC's next meeting in February 2010, identifying options to reintroduce a fair and objective assessment process. We will seek input from ILSAC members and interested law firms. Possible options include:

1. Reintroduction of discretion to consider experience/expertise as equivalent to academic requirements
2. Establishing a transfer exam
3. Establishing a sponsored admission scheme - admission on a conditional basis subject to completing a program of study through CLE, during an agreed period of supervised employment sponsored by a large law practice.



Shanghai World Expo 2010 (CWG C1 C3 C4)

An expression of interest has been lodged with DFAT for a two day program at the Shanghai World Expo. The main objective is to showcase Australia's expertise in legal, legal education, arbitration and mediation services and provide targeted networking opportunities with Chinese business, law firms/profession, and academia.

The current AGD/ILSAC proposal is to run four separately focused legal events sequentially over the two days (8-9 or 15-16 July 2010). The Attorney-General has been invited to open the events. The proposed events are:

1. Legal education event
2. Dinner for Chinese lawyers and officials with Australian law firms/lawyers.
3. Arbitration event
4. Dinner for major Chinese businesses with Australian law firms/lawyers.

Next Steps:

The Secretariat will continue to develop the proposal in consultation with ILSAC Committees and the China working group, the Council of Australian Law Deans, the Australian Centre for International Commercial Arbitration and the Law Council of Australia.

Market Access: Japan; Malaysia; Korea; ASEAN (C1)

Japan

FTA negotiations are progressing well. Improved access for lawyers, including a right to provide legal services on a fly-in fly-out basis, is an area of priority interest to Australia.

The Attorney-General's Department, ILSAC and the Law Council of Australia are also currently engaged with the Japanese Federation of Bar Associations and the Japanese Ministry of Justice on eliminating the time consuming and onerous foreign lawyer registration process and other 'behind the border' regulatory restrictions.

Malaysia

Negotiations have recommenced on the Malaysia-Australia Free Trade Agreement and are expected to extend well into 2010, if not longer.

The Bar Council of Malaysia (BCM) has released a 'roadmap' with the aim of opening their legal services market for foreign firms to enter into joint law ventures to practise in specified permitted areas. The Law Council of Australia, with input from the ILSAC Secretariat, is engaged with the BCM in pushing for the implementation of the roadmap (timing not possible to predict) with a meaningful level of access.

Korea

The FTA negotiations are progressing well and it is hoped negotiations can be finalised in 2010. We are pushing for a level of legal services market access that is at least equal to, or better than, provided to the USA and the EU by Korea, ie progressively improving the level of access over three stages (five years) leading to a right of establishment, including partnership with local law firms.

ASEAN

Australia-New Zealand-ASEAN FTA is expected to come into force on 1 January 2010.

Legal Education Symposium (C3)

A symposium with the theme **With what should Australian law graduates be equipped to lead the world in legal practice?** is proposed for May 2010. We propose to work closely with law deans and the profession and seek the involvement of both the Attorney-General and the Chief Justice.

Next Steps:

A draft concept will be distributed to all ILSAC members for comment in early December.

India - Legal Services Mission and Bar Council of India visit (C1 C2 C3)

Legal Services Mission and Symposium

An Australian legal Services Mission to India is being considered for late March/early April 2010. The primary focus of the Mission would be a Symposium to:

demonstrate where and how Australian law firms can add value.

The Symposium is also expected to include presentations from major Australian and foreign corporations that can identify the expertise and value that Australian law firms can provide.

Next Steps:

The Secretariat, under the guidance of the newly established India Working Group, to progress this initiative, including: seeking the Attorney-General's participation; developing a detailed concept for the proposed seminar; and seek in-principle agreement from law firms on participating in the Mission.

Bar Council of India Visit

The Bar Council of India (BCI) is now expected to visit in April or June 2010. ILSAC Secretariat and the Law Council of Australia will manage the visit program. The focus of their visit is twofold:

- to inspect the seven law schools seeking recognition of their law degrees, and
- discuss legal services market access.



Next Steps:

Contact the BCI, directly and through the Australian High Commission, in January 2010 to commence putting in place arrangements early to reduce the possibility of another postponement.

Australia-China Legal Profession Development Program (C2)

The Attorney-General's Department is currently organising placements for participants in the 2010 ACLP Development Program. This will be the fourth year for this program.

Next Steps:

- Sandra Purser of the Secretariat and a representative from the Law Council of Australia will travel to China in December to interview applicants for the 2010 program.
- Gordon Hughes (Chair of C2), with the LCA and the Secretariat, will be reviewing the effectiveness of the program and looking at streamlining the process.

ILSAC Statistics Survey (C1)

The Third ILSAC Legal Services Export and Cross Border Survey, conducted by FMRC Legal, commenced on 4 November 2009.

Next Steps:

The Secretariat hopes to be in a position to provide a preliminary analysis of statistics to members late this year, and a final analysis by January/February next year.

APEC Legal Services Initiative (C1)

The APEC Legal Services Initiative workshop, organised by Australia with input from ILSAC, held in Singapore on 30-31 July 2009, was a resounding success. Legal services regulators and officials from 17 APEC Member economies engaged in in-depth discussion and analysis of the various approaches to foreign lawyer regulation as well as critically examining the regulatory schemes in their own economies.

ILSAC members David Krasnostein and Jim Dunstan made presentations and participated in the workshop. Director of the Secretariat, Arjuna Nadaraja, was the facilitator of the workshop.

A key outcome of the workshop is the development of best practice principles for the regulation of foreign lawyers which are currently being settled in consultation with all APEC members.

Another outcome is the preparation of an inventory of the foreign lawyer regulatory position in each of the 21 APEC economies.

Next Steps:

- Establish a process to include the foreign lawyer regulation inventory 'free-to-air' on the internet and to keep the material up-to-date.
- Finalise best practice principles for the regulation of foreign lawyers with APEC member endorsement.
- Establish a framework to promote the implementation of foreign lawyer regulations, that are consistent with the best practice principles, across all APEC economies.

3. PRIORITIES FOR THE NEXT 12 MONTHS

The following are priorities identified at the ILSAC Planning Meeting on 18 August 2009:

1. LACC issue: admission of foreign qualified and experienced lawyers (Chairman)
2. India: develop strategy in light of Attorney's interest in visiting India and proposed visit to Australia by Bar Council of India (Kerry Ryan)
3. Continue corporate counsel initiative and increase engagement with business (David Krasnostein)
4. Conduct third statistics survey (Secretariat)
5. Shanghai Expo (Robert Milliner/ China Working Group)
6. China Legal Profession Development Program – identify how to streamline process and does initiative deliver what we want? (Gordon Hughes with LCA and Secretariat)
7. Work with the APEC Business Advisory Council (ABAC) (John Denton)
8. Internationalisation of legal education (Duncan Bentley)
9. Alumni network (Duncan Bentley)
10. Lift ILSAC profile
11. G20 process: promote Australian lawyers role in good banking/financial regulation in Australia (Robert Milliner with Secretariat)

ILSAC Secretariat

Attorney-General's Department

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4. MEETING AND OTHER CRITICAL DATES

Meeting and Other Critical Dates		
ILSAC C2 Meeting	26 November 2009	Canberra
Full Council Meeting	February 2010 (TBC)	Sydney
Executive Committee Meeting	11 December (TBC) and every two months	Teleconference
India Working Group	Mid December (TBC)	Teleconference
Shanghai World Expo 2010	8-9 or 15-16 July 2010	Shanghai
Legal Education Symposium	Late May 2010	Canberra
Legal Services Mission/Workshop	Early April 2010	New Delhi, Mumbai
Bar Council of India visit to Australia	One week in April – June 2010	Three to four cities

5. CONTACTS

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