

11/29/16 REUTERS LEGAL 11:00:01

REUTERS LEGAL

Copyright (c) 2016 Thomson Reuters

November 29, 2016

Q&A: Ex-chief New York judge on practicing law across state, national borders

Karen Freifeld

(Reuters) - Jonathan Lippman retired in December 2015 as chief judge of New York after seven years at the helm of the state's court system. In January, he joined international law firm Latham & Watkins, where he is of counsel in the litigation and trial department.

As chief judge, he was behind New York's adoption of the Uniform Bar Exam, which makes it easier to practice in other jurisdictions. The exam was first administered in New York this year.

Reuters met with Lippman recently in Latham's New York office where he spoke about the growing practice of law across state lines and international borders.

The questions and answers have been edited for clarity and brevity.

REUTERS: New York State gave its first Uniform Bar Exam in July. What is that exactly?

LIPPMAN: When I was chief judge of New York, we approved the Uniform Bar Exam, which means that if you pass the bar in one state you should be able to practice in any other state in the United States where they take that same exam.

New York is the first really huge bar to join in and, with New York on board, I think you're soon going to have a national bar exam. There are now 20-some-odd states using the uniform exam. (In 2011, Missouri became the first state to adopt the UBE, and other jurisdictions followed, although California, Texas and Florida have yet to sign on.)

REUTERS: If a lawyer passes the uniform exam, what exactly does it mean? Can they automatically practice in all the states that offer it?

LIPPMAN: Yes, with a caveat. The caveat is you then have to fill out whatever paperwork they want in the state. I'm simplifying it - some require more - but basically yes.

REUTERS: What about the practical aspects - how much New York law does an Iowa attorney know?

LIPPMAN: He's going to have to take an online course and a little test so we know people know New York law. But if you're a good lawyer and you know where to find answers, you should be able to practice anywhere in the country.

In the old days, I was the worst offender. We at the high court were the ones who always said no, nose up in the air. We're the gold standard. We don't want people from this state, that state.

But when you start to get that it's a global world, I realized that was a mistake. That's when I led the charge in New York. We did hearings, and we passed the new rule, and I think it's worked out very well. What makes New York great

is the kind of cases you cover. That's why you have great New York lawyers. It's not that I remember the statute or the rule against perpetuities or whatever it is.

REUTERS: How soon do you think there will be what amounts to a national bar?

LIPPMAN: You may call me a New York booster, but the influence of New York in the global world we live in today will play a driving role and within, say, five years, maybe a little more, I think every state in the country will take part in the Uniform Bar Exam.

REUTERS: You're also involved with an effort to expand the practice of law across national boundaries.

LIPPMAN: I think the long-term trend is opening borders in terms of the practice of law. I was the chair of the international practice, foreign lawyers committee of the Conference of Chief Judges, who I still work with as head of their working group dealing with that.

One issue is with all the trade agreements, should we open the U.S. or open Europe or other areas to lawyers from other countries coming in and practicing? The Europeans would like the practice of law in the States to be more open to them. We'd like to have it where U.S. lawyers can more easily practice over there.

The difficulty has been the federalism issue because different states have different requirements to practice law. And in Europe, putting aside the Brexit issue, while they can practice law anywhere in the European Union if they can deal with the language issues, people from the U.S. can't practice there.

Those kind of reciprocal understandings are what I've been dealing with as head of the working group. We have quarterly conference calls with people from all over the world.

REUTERS: Where do things stand?

LIPPMAN: The Conference of Chief Judges has passed a resolution asking the 50 states to pass a series of rules that would make it easier for foreigners to come in at least on a temporary basis to be able to practice and many of the states have complied. I've spoken on this issue in Brussels at the Conference of European law societies.

Some of the people on that council are on these calls and we're in regular contact with the U.S. trade representative, Tom Fine, who negotiates a lot of these agreements, to make sure we're providing the input they need when they do these trade agreements as to how it affects the legal profession.

So, on lots of levels, we're pushing those issues as a way to recognize the obvious: today, the legal profession is a global one. It does not stop at state lines or international lines. A law firm that does the kind of work we do here can't exist without that kind of open climate to deal with international issues.

REUTERS: How do you think president-elect Donald Trump's views on trade will affect the globalization of legal services and your work with the U.S. trade rep?

LIPPMAN: I just had an international conference call on these issues, including with Tom Fine.

Basically, while work is continuing on some aspects of trade negotiations, we are in a wait and see mode, pending the new administration's views. That being said, the globalization of legal services is still very much the fact and something that lawyers on both sides of the Atlantic and the rest of the world are focusing on more than ever.

REUTERS: You've been in private practice for almost a year. How do you like it?

LIPPMAN: I am loving the practice of law. Everyone calls you judge for the rest of your life, anyway. I don't have the weight of the world on my shoulders. That is something I surely don't miss. I miss some of my colleagues, but I've got a new set of partners and colleagues. It's a bigger world. I used to travel to Syracuse, Buffalo and Rochester. Now it's Los Angeles, and Chicago and London and Amsterdam.

REUTERS: What kind of work are you doing?

LIPPMAN: Access to justice, pro bono work, criminal justice reform. I'm head of an independent commission to provide a new blueprint for the criminal justice system in New York City and to recommend what to do with the Rikers jail facility, which is a symbol of everything that's wrong. I'm also brought in on major cases, generally of a commercial nature. People around the country, around the world, consult me on New York law. There's always a New York angle.

---- Index References ----

Company: LATHAM AND WATKINS LLP

News Subject: (Education (1ED85); Government Litigation (1GO18); Higher Education (1HI55); Judicial Cases & Rulings (1JU36); Law Schools (1LA69); Legal (1LE33))

Region: (Americas (1AM92); Europe (1EU83); New York (1NE72); North America (1NO39); U.S. Mid-Atlantic Region (1MI18); USA (1US73))

Language: EN

Other Indexing: (Donald J. Trump; Donald Trump; Jonathan Lippman; Nancy Epstein; Tom Fine; Tom Fine. Basically)

Keywords: (MCC:a); (N2:US); (N2:USANY); (N2:AMERS); (N2:NAMER); (N2:USA)

Word Count: 1270

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.