

*Eliminating Barriers to Justice II: Why and How to Ensure Language Access
for Limited English Proficient and Deaf/Hard of Hearing Litigants*

The Intersection of Language Access and Professionalism

Michelle E. West, Director

**State Bar of Georgia Transition Into Law Practice Program
Member, Chief Justice Commission on Professionalism & State Bar Committee on
Professionalism**

Thursday, March 26, 2015

Atlanta's John Marshall Law School - Blackburn Conference
10:40 a.m. – 11:40 a.m.

Overview:

Judges, attorneys and interpreters are faced more today with ensuring language access to all clients due to our current and changing demographics. Consequently we have a duty to all clients, inclusive of those with limited English proficiency (LEP) and are deaf and/or hard of hearing (DHH), to enlist a heightened sense of professionalism. This heightened sense of professionalism is necessary to ensure that fairness is received by LEP and DHH clients within our court system. All stakeholders must learn and employ the art of appropriate and effective communication on all fronts whether it is exhibited in words, body language or gestures.

This presentation will seek to:

1. Evaluate the experiences of individual stakeholders when representing and/or assisting LEP and DHH parties;
 2. Highlight professionalism principles that serve to guide the conduct of stakeholders; and
 3. Identify how heightened professionalism can assist in ensuring LEP and DHH clients receive full access to our legal system
-

- I. Tradition Response to LEP & DHH clients
 - A. Experiences (attorneys, interpreter, judges, and/or clients)

- II. Professionalism Guiding Lights
 - A. History of Georgia's Chief Justice Commission on Professionalism
 - B. A Lawyer's Creed
 - C. Aspirational Statement on Professionalism
 - D. Oaths
 - E. Professionalism vs. Ethics

- III. Current Response to LEP & DHH clients
 - A. Tradition v. Current
 - B. Metro vs. Rural
 - C. Reconciling Professionalism in Today's Response to LEP & DHH

- IV. Professional and Appropriate Communication or Conduct
 - A. Is it static?
 - B. Bias or affinity - sources
 - C. Notion of civility
 - D. Golden Rule – "Do Unto Others As You Would Have Them Do Unto You"

- V. What is Cultural Competence or Cultural Intelligence
 - A. Is it being color blind?

- VI. Takeaways
 - A. Be an advocate for your client on all fronts
 - B. Know your options before stepping the court room
 - C. Civility works – be nice, be aware, be sensitive
 - D. Always think before you communicate and act
 - E. Manage your reputation at all times

RESOURCES

PROFESSIONLISM

- A Lawyer's Creed
- Aspiration Statement on Professionalism
- Oaths – Attorneys and Judges

- Avarita L. Hanson, *Reputation*, Paul Haskins, Ed., *The Essential Qualities of the Professional Lawyer*, ABA Center on Professional Responsibility (2013).
- Paula J. Frederick, *Learning to Live with Pro Se Opponents*, GP SOLO (Oct./Nov. 2005), at 48.
- Leah Ward Sears, *Wise Choices Are at the Heart of Success*, Daily Rep't. (Feb. 1, 2010)

NATIONAL ORIGIN/ RACE/ETHNICITY/CULTURAL COMPETENCE

- Marni Goldstein Caputo & Lauren Rasmus, *Why Cultural Intelligence Matters*, NAT'L L. J. at 46 (Aug. 22, 2011)
- *Phillip M. Genty*, *The Challenges of Developing Cross-Cultural Legal Ethics Education, Professional Development, and Guidance for the Legal Professions*, J. OF THE PROF. LAWY. 37 (2011)
- *Verna A. Myers*, *What If I Say The Wrong Thing? 25 Habits for Culturally Effective People*, ABA (2013).
- *Ira Pilchen*, *Cross-Cultural Legal Transactions Can Easily Get Lost in Translation*, ABA Now, at: <http://www.abanow.org/2011/08/cross-cultural-legal-transactions-can-easily-get-lost-in-translation/> (Aug. 5, 2011)
- *Carla D. Pratt*, *Fairness, Efficiency and Professionalism Needed in Immigration Courts*, ABA Now, at: <http://www.abanow.org/2010/06/fairness-efficiency-and-professionalism-needed-in-immigration-courts/> (June 17, 2011)
- *Karen Sloan*, *Research Attests to the Value of Diversity at Law Schools*, Nat'l L. J. (Aug. 15, 2013).
- *Sylvia Stevens*, *Cultural Competency*, Or. St. B. BULL, at: <https://www.osbar.org/publications/bulletin/09jan/barcounsel.html> (Jan. 2009)

AGE/GENERATIONAL DIVERSITY

- *Patricia Gaul*, *Training for Young Lawyers, Diversity Are Part of the Evolving Practice of Law*, ABA Now, at: <http://www.abanow.org/2011/08/training-for-young-lawyers-diversity-are-part-of-the-evolving-practice-of-law/> (Aug. 6, 2011)

COMMUNICATING WITH CIVILITY: CIVILITY IS A COMPETENCY

- *Justan Bounds*, *Before You Hit "Send," YLD REV.* at 7 (Summer 2011).
- *Fredia Woolf*, *Now That We Have Social Media, Can We Forget About Public Speaking and Other Forms of Face-to-Face Communication?* *Execusearches.com*,

- at:<http://blog.execsearches.com/2010/11/19/now-that-we-have-social-media-can-we-forget-about-public-speaking-and-other-forms-of-face-to-face-communication/> (Nov. 19, 2010).
- Leah Ward Sears, Telephone Talk: Five Tips for Lawyers, *DAILY REP'T.* (Jan. 30, 2014), at:
<http://www.dailyreportonline.com/home/id=i202640527787/Telephone+Talk+Five+Tips+for+Lawyers%3Fmcode=i2026i7074542&curindex=5>
 - J. Randolph Evans & Joshua B. Belinfante, To Friend or Not to Friend?, *DAILY REP'T.*, at 4 (Aug. 26, 2011)
 - Roxi Hewertson, 6 Ways That You're A Poor Communicator, Atl. Bus. Chrn. (Nov. 6,
at:http://www.bizjournals.com/atlanta/news/news-wire/2013/11/06/become-a-better-communicator.html?ana=e_du_pap&s=article_du&ed=2013-ii-06
 - Punishing Incivility, *In re White*, 391 S.C. 591, 07 S.E. 2d 411 (2011)

For Judges

- Katheryn Hayes Tucker, *Judge Educates with Good Lawyer/had Lawyer Film, Canton Jurist Creates Short Movie to Illustrate the Virtues of Preparation, Organization and Personal Neatness*, Daily Rep't., at:
<http://www.dailyreportonline.com/Editorial/News/singleEditasp?l=i00329oii88i> (Aug. 8, 2011)
- Debra Cassens Weiss, *Wis. Justice Admits He Lobbed the B-Word at the Chief Justice—and Says It Was Warranted*, ABA Daily J.,
http://www.abajournal.com/news/article/wis._justice_admits_he_lobbed_the_b-word_at_the_chief_justice (Mar. 22, 2011)
- Debra Cassens Weiss, *Appeals Court Sanctions Lawyer for 'Frivolous, Outrageous and Unprofessional' Deposition Behavior*, ABA J. (Apr. 24, 2012), at:
http://www.abajournal.com/news/article/appeals_court_sanctions_lawyer_for_frivolous_outrageous_and_unprofessional_/?utm_source=rss&utm_medium=to_pics&utm_campaign=legal+ethics.
- Debra Cassens Weiss, *N. J. Judge Reprimanded for Rant About Undocumented Aliens*, ABA J. (April 2, 2010)
- Marla N. Greenstein, *The Delicate Balance of Duty and Impartiality*, ABA, The Judges' J. (Summer 2013), at:
http://www.americanbar.org/publications/judges_journal/2013/summer/the_delicate_balance_of_duty_and_impartiality.html

CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

Hugh P. Thompson, Chief Justice
Supreme Court of Georgia



Terie Latala
Assistant Director

Avarita L. Hanson
Executive Director

Nneka Harris-Daniel
Administrative Assistant

MISSION STATEMENT, OATH OF ADMISSION, LAWYER'S CREED AND ASPIRATIONAL STATEMENT ON PROFESSIONALISM

MISSION STATEMENT

The mission of the Chief Justice's Commission on Professionalism is to support and encourage lawyers to exercise the highest levels of professional integrity in their relationships with their clients, other lawyers, the courts, and the public and to fulfill their obligations to improve the law and the legal system and to ensure access to that system.

CALLING TO TASKS

The Commission seeks to foster among lawyers an active awareness of its mission by calling lawyers to the following tasks, in the words of former Chief Justice Harold Clarke:

1. To recognize that the reason for the existence of lawyers is to act as problem solvers performing their service on behalf of the client while adhering at all times to the public interest;
2. To utilize their special training and natural talents in positions of leadership for societal betterment;
3. To adhere to the proposition that a social conscience and devotion to the public interest stand as essential elements of lawyer professionalism.

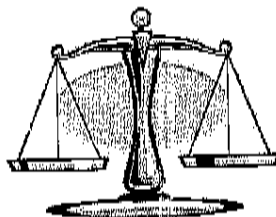


**OATH OF ADMISSION
TO THE STATE BAR OF GEORGIA**

“I, _____, swear that I will truly and
Attorney's Name
honestly, justly and uprightly conduct myself as a
member of this learned profession and in accordance
with the Georgia Rules of Professional Conduct, as an
attorney and counselor and that I will support and
defend the Constitution of the United States and the
Constitution of the State of Georgia. So help me
God.”

As revised by the Supreme Court of Georgia, April 20, 2002

A LAWYER'S CREED



To my clients, I offer faithfulness, competence, diligence, and good judgment. I will strive to represent you as I would want to be represented and to be worthy of your trust.

To the opposing parties and their counsel, I offer fairness, integrity, and civility. I will seek reconciliation and, if we fail, I will strive to make our dispute a dignified one.

To the courts, and other tribunals, and to those who assist them, I offer respect, candor, and courtesy. I will strive to do honor to the search for justice.

To my colleagues in the practice of law, I offer concern for your welfare. I will strive to make our association a professional friendship.

To the profession, I offer assistance. I will strive to keep our business a profession and our profession a calling in the spirit of public service.

To the public and our systems of justice, I offer service. I will strive to improve the law and our legal system, to make the law and our legal system available to all, and to seek the common good through the representation of my clients.

ASPIRATIONAL STATEMENT ON PROFESSIONALISM

The Court believes there are unfortunate trends of commercialization and loss of professional community in the current practice of law. These trends are manifested in an undue emphasis on the financial rewards of practice, a lack of courtesy and civility among members of our profession, a lack of respect for the judiciary and for our systems of justice, and a lack of regard for others and for the common good. As a community of professionals, we should strive to make the internal rewards of service, craft, and character, and not the external reward of financial gain, the primary rewards of the practice of law. In our practices we should remember that the primary justification for who we are and what we do is the common good we can achieve through the faithful representation of people who desire to resolve their disputes in a peaceful manner and to prevent future disputes. We should remember, and we should help our clients remember, that the way in which our clients resolve their disputes defines part of the character of our society and we should act accordingly.

As professionals, we need aspirational ideals to help bind us together in a professional community. Accordingly, the Court issues the following Aspirational Statement setting forth general and specific aspirational ideals of our profession. This statement is a beginning list of the ideals of our profession. It is primarily illustrative. Our purpose is not to regulate, and certainly not to provide a basis for discipline, but rather to assist the Bar's efforts to maintain a professionalism that can stand against the negative trends of commercialization and loss of community. It is the Court's hope that Georgia's lawyers, judges, and legal educators will use the following aspirational ideals to reexamine the justifications of the practice of law in our society and to consider the implications of those justifications for their conduct. The Court feels that enhancement of professionalism can be best brought about by the cooperative efforts of the organized bar, the courts, and the law schools with each group working independently, but also jointly in that effort.

GENERAL ASPIRATIONAL IDEALS

As a lawyer, I will aspire:

- (a) To put fidelity to clients and, through clients, to the common good, before selfish interests.
- (b) To model for others, and particularly for my clients, the respect due to those we call upon to resolve our disputes and the regard due to all participants in our dispute resolution processes.
- (c) To avoid all forms of wrongful discrimination in all of my activities including discrimination on the basis of race, religion, sex, age, handicap, veteran status, or national origin. The social goals of equality and fairness will be personal goals for me.
- (d) To preserve and improve the law, the legal system, and other dispute resolution processes as instruments for the common good.
- (e) To make the law, the legal system, and other dispute resolution processes available to all.
- (f) To practice with a personal commitment to the rules governing our profession and to encourage others to do the same.
- (g) To preserve the dignity and the integrity of our profession by my conduct. The dignity and the integrity of our profession is an inheritance that must be maintained by each successive generation of lawyers.
- (h) To achieve the excellence of our craft, especially those that permit me to be the moral voice of clients to the public in advocacy while being the moral voice of the public to clients in counseling. Good lawyering should be a moral achievement for both the lawyer and the client.
- (i) To practice law not as a business, but as a calling in the spirit of public service.

SPECIFIC ASPIRATIONAL IDEALS

As to clients, I will aspire:

- (a) To expeditious and economical achievement of all client objectives.
- (b) To fully informed client decision-making. As a professional, I should:
 - (1) Counsel clients about all forms of dispute resolution;
 - (2) Counsel clients about the value of cooperation as a means towards the productive resolution of disputes;
 - (3) Maintain the sympathetic detachment that permits objective and independent advice to clients;
 - (4) Communicate promptly and clearly with clients; and,
 - (5) Reach clear agreements with clients concerning the nature of the representation.
- (c) To fair and equitable fee agreements. As a professional, I should:
 - (1) Discuss alternative methods of charging fees with all clients;
 - (2) Offer fee arrangements that reflect the true value of the services rendered;
 - (3) Reach agreements with clients as early in the relationship as possible;
 - (4) Determine the amount of fees by consideration of many factors and not just time spent by the attorney;
 - (5) Provide written agreements as to all fee arrangements; and
 - (6) Resolve all fee disputes through the arbitration methods provided by the State Bar of Georgia.
- (d) To comply with the obligations of confidentiality and the avoidance of conflicting loyalties in a manner designed to achieve the fidelity to clients that is the purpose of these obligations.

As to opposing parties and their counsel, I will aspire:

- (a) To cooperate with opposing counsel in a manner consistent with the competent representation of all parties. As a professional, I should:
 - (1) Notify opposing counsel in a timely fashion of any cancelled appearance;
 - (2) Grant reasonable requests for extensions or scheduling changes; and,
 - (3) Consult with opposing counsel in the scheduling of appearances, meetings, and depositions.
- (b) To treat opposing counsel in a manner consistent with his or her professional obligations and consistent with the dignity of the search for justice. As a professional, I should:

- (1) Not serve motions or pleadings in such a manner or at such a time as to preclude opportunity for a competent response;
- (2) Be courteous and civil in all communications;
- (3) Respond promptly to all requests by opposing counsel;
- (4) Avoid rudeness and other acts of disrespect in all meetings including depositions and negotiations;
- (5) Prepare documents that accurately reflect the agreement of all parties; and
- (6) Clearly identify all changes made in documents submitted by opposing counsel for review.

As to the courts, other tribunals, and to those who assist them, I will aspire:

- (a) To represent my clients in a manner consistent with the proper functioning of a fair, efficient, and humane system of justice. As a professional, I should:
 - (1) Avoid non-essential litigation and non-essential pleading in litigation;
 - (2) Explore the possibilities of settlement of all litigated matters;
 - (3) Seek non-coerced agreement between the parties on procedural and discovery matters;
 - (4) Avoid all delays not dictated by a competent presentation of a client's claims;
 - (5) Prevent misuses of court time by verifying the availability of key participants for scheduled appearances before the court and by being punctual; and
 - (6) Advise clients about the obligations of civility, courtesy, fairness, cooperation, and other proper behavior expected of those who use our systems of justice.
- (b) To model for others the respect due to our courts. As a professional I should:
 - (1) Act with complete honesty;
 - (2) Know court rules and procedures;
 - (3) Give appropriate deference to court rulings;
 - (4) Avoid undue familiarity with members of the judiciary;
 - (5) Avoid unfounded, unsubstantiated, or unjustified public criticism of members of the judiciary;
 - (6) Show respect by attire and demeanor;
 - (7) Assist the judiciary in determining the applicable law; and,
 - (8) Seek to understand the judiciary's obligations of informed and impartial decision-making.

As to my colleagues in the practice of law, I will aspire:

- (a) To recognize and to develop our interdependence;
- (b) To respect the needs of others, especially the need to develop as a whole person; and,
- (c) To assist my colleagues become better people in the practice of law and to accept their assistance offered to me.

As to our profession, I will aspire:

- (a) To improve the practice of law. As a professional, I should:
 - (1) Assist in continuing legal education efforts;
 - (2) Assist in organized bar activities; and,
 - (3) Assist law schools in the education of our future lawyers.

- (b) To protect the public from incompetent or other wrongful lawyering. As a professional, I should:
 - (1) Assist in bar admissions activities;
 - (2) Report violations of ethical regulations by fellow lawyers; and,
 - (3) Assist in the enforcement of the legal and ethical standards imposed upon all lawyers.

As to the public and our systems of justice, I will aspire:

- (a) To counsel clients about the moral and social consequences of their conduct.

- (b) To consider the effect of my conduct on the image of our systems of justice including the social effect of advertising methods. As a professional, I should ensure that any advertisement of my services:
 - (1) is consistent with the dignity of the justice system and a learned profession;
 - (2) provides a beneficial service to the public by providing accurate information about the availability of legal services;
 - (3) educates the public about the law and legal system;
 - (4) provides completely honest and straightforward information about my qualifications, fees, and costs; and
 - (5) does not imply that clients' legal needs can be met only through aggressive tactics.

- (c) To provide the pro bono representation that is necessary to make our system of justice available to all.

- (d) To support organizations that provide pro bono representation to indigent clients.

- (e) To improve our laws and legal system by, for example:
 - (1) Serving as a public official;
 - (2) Assisting in the education of the public concerning our laws and legal system;
 - (3) Commenting publicly upon our laws; and,
 - (4) Using other appropriate methods of effecting positive change in our laws and legal system.

As Revised, 2013

Before You Hit "Send"

The Responsibility to Act Professionally

by *Justan Bounds*

"Ah yes, the joys of working with a lying, dilatory, mentally handicapped person."

Last December, the Florida Bar suspended a third-year attorney for e-mailing this statement and others to opposing counsel. What if that attorney practiced in Georgia? While the Rules of Professional Conduct do not expressly regulate professionalism and civility, incivility can nonetheless have real and adverse consequences for the unprofessional lawyer.

The State Bar of Georgia Handbook (the Handbook) distinguishes between mandatory ethics rules and advisory guidelines governing professionalism. Georgia's Rules of Professional Conduct are mandatory ethics rules, whereas the Handbook's instructions on professionalism, e.g., to "avoid rudeness and other acts of disrespect" and to "be courteous and civil in all communications," are "Specific Aspirational Ideals" not expressly required. The Supreme Court of Georgia recognizes this distinction. According to the Court, "ethics is that which is required and professionalism is that which is expected." *Green v. Green*, 263 Ga. 551, 553-554 (1993). But if professional conduct is not expressly mandated and is only "expected," what happens when a young lawyer fails to live up to those expectations? The truth is that professional conduct should be a personal mandate, as important as conduct required by the ethics rules:

Professional civility "is an essential ingredient in an effective adversarial legal system" and must be embraced by Georgia attorneys "to avoid incivility's evil consequences of discord, disrespect, unresponsiveness, irresponsibility, and blind advocacy." *Butts v. State*, 273 Ga. 760, 772 (2001) (Benham, C.J., concurring). And, Georgia courts have on occasion punished professional incivility. In *Green v. Green*, the Supreme Court of Georgia found that, in a divorce action, opposing counsel's failure to give the wife a courtesy notice of the trial date, although not a violation of any specific Rule of Professional Conduct, was such a violation of the aspirational goals of the State Bar that the trial court abused its discretion by refusing to set aside the default judgment. The Court concluded that attorneys "must be willing to conduct [their] business in a manner consistent with higher standards embodied in the Ethical Considerations and aspirational goals embodied in the professionalism movement." The attorney violated no civil procedural, court, or express conduct rules; it was the failure to act professionally that caused the adverse result.

It does not take long for most young lawyers to experience, first-hand, lapses in civility—ranging from the petty refusal to extend a deadline to less than civil comments. Certainly, many displays of incivility go unpunished. But *Green v. Green* teaches that attorneys ignore the aspirational goals of the State Bar at their peril. Civility in the Georgia legal profession is therefore more than good practice; it is expected of members of the State Bar. And as a reminder, new lawyers sign and pledge to adhere to the Lawyer's Creed:

"To the opposing parties and their counsel, I offer fairness, integrity, and civility. I will seek reconciliation and, if we fail, I will strive to make our dispute a dignified one."

*YLD Review p. 7
Summer 2011*



Why cultural intelligence matters

BY MARNI GOLDSTEIN CAPUTO
AND LAUREN RASNAUS

It is no secret that law schools and law firms prioritize "intelligence" when deciding which students or lawyers will be invited to join their ranks. A high IQ (traditional intelligence quotient) and a certain degree of EQ (emotional intelligence), the commonly used barometers, are not enough to guarantee that a law student or associate will thrive in the increasingly global legal market. For budding lawyers within this international marketplace, the definition of required intelligence should be expanded to include CQ, or cultural intelligence.

A professional with a high CQ can operate with agility and ease in foreign cultural settings. CQ guru David Livermore scientifically breaks CQ into four quadrants: CQ drive (motivation to become culturally competent), CQ knowledge (learning the micro and macro differences between cultures), CQ strategy (a plan to navigate these differences) and CQ action (the confidence to cross the cultural divide).

CQ can be improved by developing an overall sensitivity to world cultures and by asking many questions about the norms and values of people from different countries. For instance, do meetings happen on a tight timetable, as is common in the United States, or do they end only when the matter is resolved? Do people with different ranks within an organization interact in a casual or formal manner? Is it critical or taboo to ask about a colleague's family or religious celebrations? Having a high CQ means being motivated to ask these types of questions, processing and utilizing the answers and deriving a certain degree of enjoyment from experiencing the world as a varied and textured place.

Critical to the success of international transactions and cases are lawyers who can conduct business with ease in a variety of cultural settings across the globe.

Junior and senior lawyers involved in corporate transactions cannot avoid the international nature of their work. Consider this recent transaction in which Dewey & LeBoeuf advised MetLife Inc. on its \$14.2 billion acquisition of American Life Insurance Co. from American International Group (AIG). This transaction involved life insurance companies doing business in more than 40 countries: Lawyers in New York; Chicago; London; Dubai, United Arab Emirates; Frankfurt, Germany; Madrid, Spain; Milan, Italy; Moscow; Paris; Riyadh, Saudi Arabia; and Warsaw, Poland, were called upon to structure, negotiate and document the transaction, as well as to coordinate due diligence and obtain regulatory and

competition approvals from more than 55 overseas governmental authorities. Critical to the success of the deal were lawyers who spoke languages other than English and could acclimate to the styles of and collaborate with lawyers from across the globe. The lawyers were required to work under the regulatory frameworks of different countries while also meeting the client's overarching deal time line. International coordination, respect and agility are not legal skills; they are CQ skills.

The deal described was notable for its size and complexity, but not for its global nature. Law firm growth in the past decade has been largely international. Firms have continued to expand and open

offices in Europe, Asia, the Middle East, Latin America and Africa. The top 15 firms by number of lawyers in *The American Lawyer's* Global 100 have between 5% and 86% of their lawyers working outside their home country and have offices in anywhere from five to 39 countries.

Law firm expansion into new markets involves compliance with the licensing and bar registration schemes in the country, the temporary or permanent relocation of lawyers and their families, the recruitment of lawyers at all levels with an interest in working abroad, the hiring of local lawyers and the courting of clients (beyond the one or two that may have prompted the opening of the office

SEE CULTURAL INTELLIGENCE, PAGE 47

CULTURAL INTELLIGENCE, FROM PAGE 48

at the outset). Although all of these tasks may seem straightforward, if done with a level of CQ nuance they can transform a fledgling office into a successful part of the overall firm.

Even for the lawyers who work in the U.S. offices of these firms, and who consider their practices to be largely domestic, CQ is essential in their interactions with international offices and clients. Operating in a comfortable and efficient way within this global scheme is of benefit to all lawyers within the firm, whether or not they

live and work outside the United States.

Given it is the height of the recruiting season, law firms would be wise to focus on applicants who either already possess CQ, or who exhibit the propensity to develop it. After all, the business world—which is comprised of the firms' current or future clients—has long understood, and even quantified, the extent to which having a high CQ positively affects commercial transactions. Professional schools abroad have begun to educate their students about how CQ can make them more competitive. American law schools have

placed an increased emphasis on the practical skills needed to be an effective lawyer, and CQ should be included in the practical-skills curriculum. By developing CQ in new lawyers, law schools will be equipping them with the "beyond just good grades" intelligence that will make them attractive recruits in this global market.

Marni Goldstein Caputo is assistant director for international and J.D. advising at Harvard Law School's Office of Career Services. Lauren Rasmus is director of legal recruiting at Dewey & LeBoeuf.

• Pages

- [About the Mission Connected Blog](#)
- [Job Listings on ExecSearches.com](#)

• [Executive Resumes](#)

- [Director of Development and Communications - College Tracks - Bethesda, Maryland](#)
- [Operational Vice President \(Information Technology\) - Leading Government Contractor - Mountain View, California](#)
- [Associate Director of Finance & Business Operations - Yale University - New Haven, Connecticut](#)
- [Director of Residential Services - Chimes Maryland - Baltimore, Maryland](#)
- [Global Human Resources and Operations Director - Innovations for Poverty Action - New Haven, Connecticut](#)

Now That We Have Social Media, Can We Forget About Public Speaking and Other Forms Of Face-To-Face Communication?

by: [Fredia Woolf](#) Friday, November 19th, 2010

Back in the day, when Facebook, Linked In, Twitter and all the other social media platforms were just a twinkle in someone's eye – can you believe it, I am talking about ten years or so ago? – people used to have to know good, old-fashioned communication skills. Such required skills included needing to know how to: listen; read body language; mirror; adapt; express empathy; paraphrase, and ask for clarification. All of this give and take had to be done in person using our voices, mouths, eyes, ears and bodies to read cues, understand messages and respond.

Today, we can spend entire days alone with an electronic device of one sort or another linked, potentially or actually, to thousands of people who may be known to us or may be complete strangers without moving a single muscle beyond our fingers and thumbs. Our faces can remain expressionless, our are voices silent and, still, we can conduct our business, do our work, entertain or educate ourselves, book a vacation, complete our holiday shopping – not speak a single word!

Is that weird or what?

Yet, zoom back to the real world of personal and workplace relationships, and those neglected, old communication skills are still needed – more than ever.

On how many teams have you worked where something breaks down because people didn't understand one another or get along well?

How many misunderstandings have occurred that have led to broken relationships and poor work performance?

How many times have you failed to persuade others of your point of view even when you were sure you knew what was right?

How often have you had to stand up in front of a room of people – or even speak to a small group of potential funders or employers – and not delivered your message in a compelling way?

In today's blog, I'll focus on this last important skill – that of Public Speaking. George Jessel wrote, "The human brain starts working the moment you are born and never stops until you stand up to speak in public." If this is true for you, you might be interested in the Three P's that can guarantee proficiency in Public Speaking when you need it particularly if most of your time is spent online with your verbal skills in danger of atrophying.

The Three P's of Public Speaking

Personal Mastery

For many of us, the idea of speaking to a group, and to a large one in particular, is a source of enormous anxiety. Learning simple techniques to calm ourselves down and quiet the inner voices of fear or flight can be very effective to improve our performance. Here are a few tried and tested techniques:

- Take several deep, slow-breaths before you begin to slow down your heart rate and relax your body.
- Make sure you are hydrated, and drink sips of water whenever you need.
- Wear comfortable clothes so you can walk around and gesture naturally and not be static behind a podium.
- Imagine you are speaking to a single individual in the audience, but try to make eye contact with people in each quadrant of the room.
- Slow down.
- Keep your visuals and stories simple.
- Don't try and cover too much ground.
- In most cases, keep the tone conversational.
- And, most important of all, when those chattering voices of your "monkey mind" threaten to undermine or criticize you, politely but firmly banish them from your thoughts.

People who have a more deep-seated fear of Public Speaking, and yet for whom it is important to their success to be better at it, might seek coaching that addresses not only the mechanics of Public Speaking but also attends to this underlying aspect of personal mastery.

Preparation

The second key is to be well prepared both in your subject matter and in the understanding of your audience. For your audience, you need to know

Now That We Have Social Media, Can We Forget About Public Speaking...

<http://blog.execsearches.com/2010/11/19/now-that-we-have-social...>

who they are, what level of knowledge and interest they have, what their concerns are and how you plan to address those concerns. The better armed you are with this knowledge, the easier it will be to powerfully and effectively deliver your message.

Practice

There is no substitute, especially when you are starting out, for rehearsing and speaking out loud several times what you plan to say. Whether you have written a rough draft in full or just use speaking notes, the more you practice, the more you will be able to sound natural on the day of actual delivery. From this practice, you will be able to focus on connecting with your audience instead of only on the content.

Don't forget to develop your Public Speaking skills along with the agility of your thumbs and fingers if you want to be an effective communicator and advance in the workplace.

Fredia Woolf, Founder of [Woolf Consulting](#), blogs about career and workplace issues. She provides Leadership coaching and Organizational consulting to clients, helping them enhance Productivity, Effectiveness, Performance, Personal Engagement, and Results, and improve Strategy, Alignment, Leadership, and Teamwork. She can be contacted at fwoolf@woolfconsulting.com.

« [Twitter updates from the past week](#) | [Home](#) | [Twitter updates from the past week](#) »

Related Posts:

- [Rebooting Your Job Search](#)
- [What's in Your Manual? Nonprofit Employee Handbooks](#)

Leave a Comment

Name (required)

Mail (will not be published) (required)

Website

Submit Comment



Categories

- o [Advice](#)
- o [Featured](#)
- o [Job Seekers](#)
- o [Management](#)
- o [News](#)
- o [Recruiters](#)
- o [Twitter Updates](#)
- o [Uncategorized](#)

Recent Posts

- o [Twitter updates from the past week](#)
- o [Now That We Have Social Media, Can We Forget About Public Speaking and Other Forms Of Face-To-Face Communication?](#)
- o [Twitter updates from the past week](#)
- o [The Secrets Of a Marketer: How Enrollment Skills Can Help You Land Your Next Job](#)
- o [Twitter updates from the past week](#)

Nonprofit Job Listings

- o [ExecSearches: Director of Finance, American Academy of Arts & Sciences, Cambridge, MA <http://t.co/UH4wHuQ> #nonprofit #jobs](#)

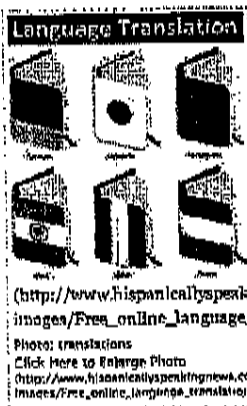
http://www.hispaniclyspeakingnews.com/latino-daily-news/details/cross-cultural-legal-transactions-can-easily-get-lost-in-translation/9604/

SATURDAY August 13, 2011

Cross-Cultural Legal Transactions Can Easily Get Lost in Translation

Published at 2:14 pm EST, August 13, 2011

[Investment](#) [Jobs](#) [New](#)



When Frank Perdue launched his poultry company's marketing slogan, "It takes a tough man to make a tender chicken," it was a huge success in the United States. But its rollout in Mexico reportedly raised eyebrows and produced giggles instead. Apparently, the Spanish translation gives the slogan a raunchy sexual connotation.

Olga M. Pina tells that story to underscore the need for sensitivity and caution while conducting cross-border business and representing international clients. Pina, the practice leader for international business at Fowler White Boggs in Tampa, Fla., spoke on an American Bar Association Annual Meeting Section of Litigation panel about the need for international lawyers to be alert to differing cultures and customs.

Pina counsels her younger associates who work with foreign clients or overseas that a lawyer's appearance is as important as knowledge of the law, advocacy abilities and negotiating skills.

"Most jurisdictions outside the U.S. don't do business casual," Pina said. "How you come across not only shows a sign of respect in your business, but it also sends a message about authority and power."

Pina observed that women lawyers in a professional setting have more flexibility in how they dress when dealing with Latin American cultures than they do in most Asian cultures, where dark, conservative suits are the norm.

Language is another crucial consideration in conducting cross-border legal business, Pina said. When relying on translators, she said, it's important to make sure they are fluent not only in the foreign language, but also in the jurisdiction's laws and legal customs. Otherwise, misunderstandings can result.

Such a mix-up happened with Pina, who is fluent in Spanish, when she represented a U.S. business in a tax matter involving an employee who had been temporarily assigned to Argentina. The required Argentine tax hadn't been withheld from his salary, and the employee threatened to report the company to the authorities.

After the matter was settled, Pina confirmed from Argentine counsel that because of the settlement, the company needn't pay any taxes. Her incredulous client, knowing that such an arrangement would be impossible in the United States, asked her to reconfirm this. Pina asked and was again told that the company needn't pay any taxes.

It dawned on Pina that there must be a communication breakdown. "I'm speaking the right language, but asking the wrong question," she said.

Pina ultimately asked, "By law, what taxes would my client have to pay?" The lawyer told her the amount but said that since the employee wasn't going to report the company, the government wouldn't know to enforce the collection.

"What I realized is that culture overlays the language and the interpretation of what my question was," Pina said. Unlike the IRS in the United States, tax collection in Argentina is weakly enforced.

"Culture, perception and language are very different things, and they all come together," Pina concluded.

SUBSCRIBE TO RSS FEED

[HTTP://FEEDS.FEEDBURNER.COM/HSN-LATINO-DAILY-NEWS](http://feeds.feedburner.com/HSN-LATINO-DAILY-NEWS)
ARCHIVE (NOTICE)

http://www.hispaniclyspeakingnews.com/latino-daily-news/archives/2015/01/	http://www.hispaniclyspeakingnews.com/latino-daily-news/archives/2015/02/	http://www.hispaniclyspeakingnews.com/latino-daily-news/archives/2015/03/
5	6	7
1	2	3
8	9	10
15	16	17
22	23	24
29	30	31

RECENT LATINO DAILY NEWS

New Music by Jenni Rivera Goes on Sale Tomorrow

<http://www.hispaniclyspeakingnews.com/latino-daily-news/details/new-music-by-jenni-rivera-goes-on-sale-tomorrow/31457>
November 16, 2014

Former Mayor of Iguala to Face Kidnapping & Murder Charges for 43 Missing Students

<http://www.hispaniclyspeakingnews.com/latino-daily-news/details/former-mayor-of-iguala-to-face-kidnapping-murder-charges-for-43-missing-stu/31456>
November 16, 2014

Missa Honduras World 2014 Missing Along with Her Sister

<http://www.hispaniclyspeakingnews.com/latino-daily-news/details/missa-honduras-world-2014-missing-along-with-her-sister/31455>
November 16, 2014

Dr. Ad, Father of Mexican Marxism, Honored in Jalisco

<http://www.hispaniclyspeakingnews.com/latino-daily-news/details/dr.-ad-father-of-mexican-marxism-honored-in-jalisco/31454>
November 16, 2014

Cuban Prisoner Aims Cross Loaves Appeal Case Against U.S. Govt

<http://www.hispaniclyspeakingnews.com/latino-daily-news/details/cuban-prisoner-aims-cross-loaves-appeal-case-against-u.s.-govt/31453>
November 16, 2014

Enter your e-mail address

Submit

3/12/2015

Cross-Cultural Legal Transactions Can Easily Get Lost Translation | HispanicallySpeakingNews.com

from that experience." So you need to be very careful that you're asking the right question and you understand the context in which it's being interpreted."

Read more at American Bar Association -- (<http://www.abanow.org/2011/08/cross-cultural-legal-transactions-can-easily-get-lost-in-translation/#.TkqM2744TY.bbgger>)

(javascript:void( New

PREV ENTRY:
US Health Insurance Mandate
Suffers Setback

NEXT ENTRY:
Yoani Sanchez from Cuba: The
Narrow Width

TAGS

bus language translation (<http://www.hispanicallyspeakingnews.com/archives/tag/bus-language-translation/>) | cross culture business (<http://www.hispanicallyspeakingnews.com/archives/tag/cross-culture-business/>) | business transactions (<http://www.hispanicallyspeakingnews.com/archives/tag/business-transactions/>) | business spanish translation (<http://www.hispanicallyspeakingnews.com/archives/tag/business-spanish-translation/>)

RELATED ARTICLES

HS News	Opinion	Latino Lifestyle	Sports
Latino Daily News (http://www.hispanicallyspeakingnews.com/dailynews/)	For One (http://www.hispanicallyspeakingnews.com/forone/)	Latino Living (http://www.hispanicallyspeakingnews.com/latino-living/)	Andres Cordero (http://www.hispanicallyspeakingnews.com/andres-cordero/)
iQuTheAmericano (http://www.hispanicallyspeakingnews.com/iqutheamericano/)	HS News Network (http://www.hispanicallyspeakingnews.com/hs-news-network/)	Recipes (http://www.hispanicallyspeakingnews.com/recipes/)	Fútbol Blog (http://www.hispanicallyspeakingnews.com/futbol-blog/)
State News (http://www.hispanicallyspeakingnews.com/state-news/)	Latino Culture This Day in LatAm History (http://www.hispanicallyspeakingnews.com/this-day-in-latam-history/)	Turn of Tides (http://www.hispanicallyspeakingnews.com/turn-of-tides/)	Andres Cordero (http://www.hispanicallyspeakingnews.com/andres-cordero/)
Immigration News (http://www.hispanicallyspeakingnews.com/immigration-news/)	Latino History Latin American History (http://www.hispanicallyspeakingnews.com/latin-american-history/)	Trends Talk (http://www.hispanicallyspeakingnews.com/trends-talk/)	Andres Cordero (http://www.hispanicallyspeakingnews.com/andres-cordero/)
Educacion (http://www.hispanicallyspeakingnews.com/educacion/)	Latino Culture Latino Culture (http://www.hispanicallyspeakingnews.com/latino-culture/)	Latino Living (http://www.hispanicallyspeakingnews.com/latino-living/)	Andres Cordero (http://www.hispanicallyspeakingnews.com/andres-cordero/)
Latino Vote (http://www.hispanicallyspeakingnews.com/latino-vote/)	Latino Culture Book Reviews (http://www.hispanicallyspeakingnews.com/book-reviews/)	Fashion (http://www.hispanicallyspeakingnews.com/fashion/)	Andres Cordero (http://www.hispanicallyspeakingnews.com/andres-cordero/)
Bizarre Weird News (http://www.hispanicallyspeakingnews.com/bizarre-weird-news/)	Latino Culture Best Sellers (http://www.hispanicallyspeakingnews.com/best-sellers/)	Quince Fashion (http://www.hispanicallyspeakingnews.com/quince-fashion/)	Andres Cordero (http://www.hispanicallyspeakingnews.com/andres-cordero/)
You and Your Money (http://www.hispanicallyspeakingnews.com/you-and-your-money/)	Latino Culture Latino in Need (http://www.hispanicallyspeakingnews.com/latino-in-need/)	Cara Beautiful (http://www.hispanicallyspeakingnews.com/cara-beautiful/)	Andres Cordero (http://www.hispanicallyspeakingnews.com/andres-cordero/)
LatAm Business News (http://www.hispanicallyspeakingnews.com/latam-business-news/)	Latino Culture News from the Press (http://www.hispanicallyspeakingnews.com/news-from-the-press/)	Travel (http://www.hispanicallyspeakingnews.com/travel/)	Andres Cordero (http://www.hispanicallyspeakingnews.com/andres-cordero/)
In the Spotlight (http://www.hispanicallyspeakingnews.com/in-the-spotlight/)	Latino Culture Art & Antiquities (http://www.hispanicallyspeakingnews.com/art-antiquities/)	LatAm Wonders (http://www.hispanicallyspeakingnews.com/latam-wonders/)	Andres Cordero (http://www.hispanicallyspeakingnews.com/andres-cordero/)
El Blog del Nene (http://www.hispanicallyspeakingnews.com/el-blog-del-nene/)	Latino Culture Video (http://www.hispanicallyspeakingnews.com/video/)	Designations (http://www.hispanicallyspeakingnews.com/designations/)	Andres Cordero (http://www.hispanicallyspeakingnews.com/andres-cordero/)
Extreme Trafficking (http://www.hispanicallyspeakingnews.com/extreme-trafficking/)	Latino Culture Flashback (http://www.hispanicallyspeakingnews.com/flashback/)	You and Your Health (http://www.hispanicallyspeakingnews.com/you-and-your-health/)	Andres Cordero (http://www.hispanicallyspeakingnews.com/andres-cordero/)
Inficktop (http://www.hispanicallyspeakingnews.com/inficktop/)	Latino Culture Health (http://www.hispanicallyspeakingnews.com/health/)	Hispanic Health News (http://www.hispanicallyspeakingnews.com/hispanic-health-news/)	Andres Cordero (http://www.hispanicallyspeakingnews.com/andres-cordero/)

Follow us on Twitter
(<http://www.twitter.com/HSNChicago>)
Become a fan on Facebook
(<http://www.facebook.com/hsnnews>)
Subscribe to our RSS Feed
(<http://feeds.feedburner.com/HSN-Global>)
Grab our FREE HSN Widget!
(<http://www.hispanicallyspeakingnews.com/global/widget>)

Copyright © 2015 Hispanically Speaking News

About HSN (<http://www.hispanicallyspeakingnews.com/common/about-hsn>) Contact HSN (<http://www.hispanicallyspeakingnews.com/common/contact-hsn>)

Advertise with HSN (<http://www.hispanicallyspeakingnews.com/common/advertise>) Privacy Policy (<http://www.hispanicallyspeakingnews.com/common/privacy-policy>)

Terms of Use (<http://www.hispanicallyspeakingnews.com/common/terms-of-use>) Sitemap (<http://www.hispanicallyspeakingnews.com/common/sitemap>)

4th International Legal Ethics Conference, "Legal Ethics in Times of Turbulence"
Conference Paper Draft
Philip M. Genty¹
(Revised, July 26, 2010)

The Challenges of Developing Cross-Contextual Legal Ethics Education, Professional Development, and Guidance for the Legal Professions

Introduction

The main goal of the paper and the session that accompanies it will be to engage in a cross-cultural discussion of the challenges involved in providing an effective system of legal ethics education, professional development, and regulation of the legal profession that can be applied across professional contexts. All legal cultures struggle with the question of how to educate students and lawyers to be ethical professional and how to develop a set of principles that will regulate the legal profession effectively.

At the outset it is important to clarify the scope and goals of this paper. The paper is *not* primarily concerned with the ethics of transnational practice, although that will be discussed in the section that follows. This has been analyzed very well by others.² Rather, the primary goal is to find a language and framework for addressing ethical issues of common concern, even if (and maybe especially if) they lead to different local solutions.

This paper suggests that within each country, practitioners, scholars, teachers, and policymakers should engage in a four-step approach:

1. identify the most common and/or important ethical gaps and problems that need to be addressed through a system of education and regulation;
2. define the core ethical principles and values within the society and profession;
3. analyze and, if necessary, revise existing ethical codes to ensure that they address these problems and reflect these core principles and values; and

¹ Clinical Professor, Columbia Law School. Special thanks to my research assistant Amanda Hungerford for her work on this project.

² See e.g. Maya Goldstein Bolocan, Editor, *Professional Legal Ethics: A Comparative Perspective*, ABA Central European and Eurasian Law Initiative, Legislative and Research Program (2002), at 92-101; Detlev F. Vagts, *Professional Responsibility in Transborder Practice: Conflict and Resolution*, 13 GEO. I. LEGAL ETHICS 677 (Summer 2000); Laurel S. Terry, *An Introduction to the European Community's Legal Ethics Code, Part I: An Analysis of the CCBE Code of Conduct*, 7 GEO. J. LEGAL ETHICS 1 (1993); and Laurel S. Terry, *An Introduction to the European Community's Legal Ethics Code, Part II: Applying the CCBE Code of Conduct*, 7 GEO. J. LEGAL ETHICS 345 (1993). See also Rachel Barish, *Professional Responsibility for International Human Rights Lawyers: A Proposed Paradigm* (2007) (unpublished paper on file with the author).

4. design a system of ethical education and professional development to prepare the legal profession within each society to recognize and deal effectively with these issues.

To illustrate these ideas more concretely, the paper will use the particular focus of public interest lawyering and the related issue of access to legal services. This context is often overlooked in discussions of legal ethics and regulation of the legal profession, because these discussions typically occur in the context of private practice and emphasize issues relating to fees, advertising and solicitation, competition for business, etc.

Section I of the paper will review some of the work that has been done in transnational and comparative ethics, including a survey of some of the codes that countries have adopted to regulate their legal professions. In Section II, two examples of frameworks for identifying important problems and core ethical values and principles will be offered. In Section III, these issues will be analyzed in the context of access to legal services and public interest lawyering. Three specific issues will be examined in a comparative context – allocation of decisionmaking responsibility between lawyers and clients; “unbundling” of legal services; and the relationship between the duties of confidentiality and candor. Finally, in a concluding section, some ideas for future work on these issues will be suggested.

I. Transnational and Comparative Regulation of the Legal Professions

Many challenges arise from the increasingly globalized system of law practice, among them the question of which ethical laws and rules apply to transnational practice. As noted above, a number of thoughtful scholars have written about this.³ The most comprehensive treatment is the work of the Council of Bars and Law Societies of Europe (hereafter “CCBE”). The CCBE has promulgated the Charter of Core Principles of the European Legal Profession and the Code of Conduct for European Lawyers. The Code of Conduct was first promulgated in 1988, while the Charter was adopted much more recently, in 2006.⁴ As of 2008, forty-one countries had signed on to the CCBE Charter and Code of Conduct.⁵ A review of national codes of legal ethics reveals the influence of the CCBE approach. There is a good deal of uniformity among these, and the CCBE

³ See *supra*, note 2.

⁴ Council of Bars and Law Societies of Europe, Charter of Core Principles of the European Legal Profession and Code of Conduct for European Lawyers, 2008 Edition, at 1 (available at http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/EN_Code_of_conductpl_1249308118.pdf).

⁵ The countries are: Albania, Armenia, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Former Yugoslav Republic of Macedonia (hereafter “Macedonia”), France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom. Council of Bars and Law Societies of Europe, Charter of Core Principles of the European Legal Profession and Code of Conduct for European Lawyers, 2008 Edition, Commentary on Article 1.4 – Field of Application Ratione Personae *supra*, note 4 at 21-22.

Charter and Code of Conduct are apparently the models for many of the recently enacted or amended Codes.⁶

These challenges arising from globalized law practice are magnified by the fact that the legal profession is, in fact, many different professions. For example, in European countries, the legal profession is divided by specialty area (advocate/barrister, notary, prosecutor, judge, professor, etc.), and students typically decide upon a specialty track during law school and take courses that will prepare them for that branch of the profession.⁷ In additional ethical codes often preclude a lawyer from working simultaneously in “incompatible activities,” e.g. as both an advocate and a notary because of a perceived conflict between those professional roles.⁸

In the United States, although there are no such formal specialty areas, students likewise begin to specialize informally during law school. Some focus on transactional matters, some on commercial litigation involving representation of entities, some on government work, some on civil public interest (e.g. housing, benefits, family law, civil rights, environmental law), some on criminal law, etc.

The CCBE Code, in listing the signatory countries, indicates that the Code is applicable only to *advocates* (or the equivalent title within each country).⁹ This appears to be true of the national codes as well. For the purpose of this paper, the focus will be on “advocates” or their equivalent, unless otherwise indicated.

⁶ See, e.g. Maya Goldstein Bolocan, Editor, *Professional Legal Ethics: A Comparative Perspective*, ABA Central European and Eurasian Law Initiative, Legislative and Research Program (2002), at 9 (noting that the CCBE Code is “meant to contribute to the ‘progressive harmonization’ of lawyers’ codes of conduct of countries of the European Union and European Economic Area.”) (citing CCBE Code Article 1.3.2.

For this paper ethics codes of the following countries (in addition to the CCBE materials and the U.S. Model Rules of Professional Conduct) were reviewed: Albania, Armenia, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Israel, Italy, Latvia, Macedonia, Malta, Moldova, Poland, Scotland, Slovenia, Sweden, Ukraine. These will be analyzed in detail elsewhere in this paper. Among the striking similarities are the ordering of sections (like the CCBE Code, most European ethics codes begin with “Independence”) and the wording of key sections like Confidentiality and Conflict of Interest. See Appendix for compilation of national ethics codes.

⁷ See, e.g. Richard J. Wilson, 18th International Congress on Comparative Law, Washington, D.C., July 2010, General Report: The Role of Practice in Legal Education, at 10-14; Maya Goldstein Bolocan, Editor, *Professional Legal Ethics: A Comparative Perspective*, ABA Central European and Eurasian Law Initiative, Legislative and Research Program (2002), at 4; Laurel S. Terry, *An Introduction to the European Community’s Legal Ethics Code, Part I: An Analysis of the CCBE Code of Conduct*, 7 GEO. J. LEGAL ETHICS 1, 10-11 n.33 (1993).

⁸ See, e.g. Maya Goldstein Bolocan, Editor, *Professional Legal Ethics: A Comparative Perspective*, ABA Central European and Eurasian Law Initiative, Legislative and Research Program (2002), at 45-47.

⁹ Council of Bars and Law Societies of Europe, Charter of Core Principles of the European Legal Profession and Code of Conduct for European Lawyers, 2008 Edition, Commentary on Article 1.4 – Field of Application *Ratione Personae supra*, note 3 at 21-22.

Another source of guidance for transnational practice is the International Bar Association International Code of Ethics.¹⁰ This is a very short document, framed in