

OA. 6-2-92 047

79,288

THE UNITED STATES TRADE REPRESENTATIVE
Executive Office of the President
Washington, D.C. 20508

JUN 1 1992

FILED

SID J. WHITE

JUN 2 1992

CLERK, SUPREME COURT.

By _____
Chief Deputy Clerk

Supreme Court of Florida
Supreme Court Building
500 S. Duval Street
Tallahassee, Florida 32399-1927

Your Honor:

I am writing to express support for the proposed amendment to the Rules of the Florida Bar, Chapter 16 (Case No. 79,288), which will permit foreign legal consultants to provide legal services in Florida. However, I strongly recommend elimination of the mandatory reciprocity clause embodied in the proposed amendment.

The United States Government is currently engaged in two important negotiations aimed, in part, at concluding agreements on international trade in services: the North American Free Trade Agreement (NAFTA) and the General Agreement on Trade in Services (GATS). These agreements would, inter alia, include commitments allowing U.S. lawyers access to foreign markets.

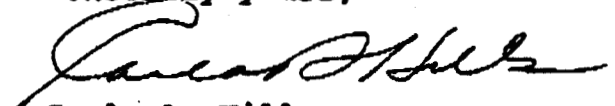
In return for commitments to open their legal markets, our trading partners have asked us to take steps to provide access to key U.S. legal markets. Adoption by the State of Florida of provisions allowing foreign legal consultancy would greatly assist our efforts to secure commitments from our trading partners to provide similar opportunities for U.S. lawyers abroad. The more ample the scope of activity which Florida and other jurisdictions in the United States provide, the more persuasive our arguments will be in seeking a broad scope of access for our lawyers abroad.

The mandatory reciprocity clause included in the Court's proposed rule requires the denial of a legal consultant's license to an applicant from a country which does not provide access to Florida lawyers. While I fully sympathize with the intent of this provision, our efforts to open foreign legal markets through GATS and NAFTA are showing signs of real progress -- currently, twenty-two countries have made some commitments with regard to legal services. The GATS and the NAFTA are built on the "most-favored-nation" principle, which provides for open markets through mutual agreement and, as a general rule, requires countries to refrain from using reciprocity requirements. Accordingly, as you can appreciate, it would be highly inadvisable and strategically disadvantageous to introduce a new U.S. reciprocity requirement at this time.

I request that you consider removing the mandatory reciprocity requirement from the proposed amendment. If at the end of the negotiations we are not successful in obtaining meaningful commitments from our trading partners on the provision of legal services abroad, it might well be appropriate for Florida (and other states) to consider such measures.

Thank you for the opportunity for presenting the trade policy implications of Florida's proposed rules on foreign legal consultants.

Sincerely yours,


Carla A. Hills