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Transnational Legal Practice in a North American Common Market

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TRANSNATIONAL LEGAL PRACTICE IN A NORTH AMERICAN COMMON MARKET

I. INTRODUCTION

With the internationalization of the world economy, attorneys need to not only know how to apply and practice the trade laws of their own countries, but also the trade laws of foreign countries.[1] Traditionally, the practice of transnational law has been severely limited[2] as countries, understandably, are concerned with who practices law within their borders.[3] Moreover, law practitioners in every country generally oppose proposals to liberalize restrictions on who may practice law within their country's borders.

This comment discusses the possibility of attorneys practicing transnational law, without the normal barriers, in a North American Common Market (NACM). In particular, this article discusses the possibility of Canada, Mexico and the United States liberalizing their rules on who may practice law within their borders upon the creation of a NACM. Additionally, this article explores problems of interna-

1. ROGER J. GOEBEL, *Professional Qualification and Educational Requirements for Law Practice in a Foreign Country: Bridging the Cultural Gap*, 63 TUL. L. REV. 443, 446 (1989).

2. Note, *Providing Legal Services in Foreign Countries: Making Room for the American Attorney*, 83 COLUM. L. REV. 1767, 1768 (1983).

3. *Id.* at 1770.

tional practice which attorneys in the European Community (EC) encounter and suggests an alternative solution to the EC model for including legal services as part of a NACM.

II. WHAT THE NACM MEANS TO CANADA, MEXICO AND THE UNITED STATES

The "North American Common Market" is a term used to describe a possible outcome of the proposed North American Free Trade Agreement (NAFTA) between Canada, Mexico and the United States.[4] NAFTA would remove almost all trade barriers between the three countries[5] and could eventually result in a common market in North America.[6] NAFTA negotiations are, in part, a response to the EC's creation of a common market in 1992.[7] The creation of the EC common market will result in increased trade among EC members, and the EC will become "the biggest market in the world."[8] The creation of the European common market has increased pressure on Canada, Mexico and the United States to better position themselves to compete in the world economy.[9]

The economies of Canada, Mexico and the United States are already dependent upon each other.[10] Canada is the United States' largest trading partner, and Mexico is the third-largest.[11] The United States is also Canada's largest trading partner[12] and has been termed Mexico's

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4. *Poll Shows U.S. Support for Extension of U.S.-Canada Trade Pact to Include Mexico*, 7 INT'L TRADE REP. 848 (1990).

5. Louis Uchitelle, *Outsiders' Role in Mexican Pact*, N.Y. TIMES, May 21, 1991, at D2, col. 1.

6. Karen Tumulty, *U.S. and Its Neighbors to Start Free-Trade Talks*, L.A. TIMES, June 12, 1991, at D2, col. 3.

7. Berhard Schloh, *Freedom of Movement Within the European Economic Community*, 9 ST. LOUIS U. PUB. L. REV. 83, 93 (1990). If one of the SEAs [Single European Acts] was condensed into one term it would be that of the "internal market," to be attained by December 1992. The new article 8a states:

> The Community shall adopt measures with the aim of progressively establishing the internal market over a period expiring on 31 December 1992 . . . . The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of this treaty.

8. Larry Rohter, *U.S. and Mexicans Cautiously Back Free-Trade Idea*, N.Y. TIMES, June 12, 1990, at A1, col. 3.

9. *Id.*

10. Clyde H. Farnsworth, *Trade-Talk Rose Seen for Ottowa*, N.Y. TIMES, Dec. 31, 1990, § 1, at 29, col. 6.

11. Tumulty, *supra* note 6.

12. Farnsworth, *supra* note 10.

"biggest export outlet."[13] However, trade between Mexico and Canada is still at a low level.[14] Additionally, the United States and Canada have already entered into a free trade agreement (FTA) on January 1, 1989.[15]

Although the possibility has been discussed since the early eighties, Mexico and the United States have yet to enter into a free trade agreement.[16] In June 1991, Canada, Mexico and the United States held the first round of negotiations on the NAFTA.[17] Congress approved a fast-track provision for any agreement the three countries reached.[18] Although it is unclear whether the NACM will ever develop, the NAFTA seems imminent.[19] Once an agreement is reached, Canada, Mexico and the United States will need to set out their final goals and objectives.[20] One of the important objectives of this agreement will be an efficient dispute resolution system.[21] Since the legal systems of Canada, Mexico and the United States are very different, however, a workable dispute resolution system will not be obtained easily.[22]

III. BARRIERS TO TRANSNATIONAL LEGAL PRACTICE IN CANADA, MEXICO AND THE UNITED STATES

Canada, Mexico and the United States currently have different dispute resolution systems[23] and bar admission requirements.[24] As a result, attorneys from these countries find it difficult, if not impossible, to become members of the bar in any country but their own.[25] Barriers

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13. *Id.*

14. *Id.*

15. Clyde H. Farnsworth, *U.S. Sees Rapid Movement on Mexican Trade*, N.Y. TIMES, Mar. 28, 1990, at D4, col. 5.

16. *Id.*

17. Tumulty, *supra* note 6.

18. Michael Arndt, *U.S. Trade Plan Extends Bar on Mexican Goods*, CHICAGO TRIBUNE, Apr. 4, 1991, Business, at 1, zone C. The fast-track provision forces Congress to either vote for or against an agreement and does not allow it to change or amend it. This process saves time in getting an agreement through Congress.

19. *A Further Opening: Free Trade*, INSTITUTIONAL INVESTOR, July, 1991, § 7.

20. Farnsworth, *supra* note 10. These basics would include "duty-free and quota-free trade in goods, a common set of customs rules, nondiscrimination in trade of services and in the treatment of investors, protection of patents, copyrights and other intellectual property and procedures for the resolution of disputes." *Id.*

21. *Id.*

22. *Different Laws Will Not Hinder Establishment of Dispute Resolution Mechanism, Blanco Says*, 8 INT'L TRADE REP. 1013 (1991).

23. *Id.*

24. Note, *supra* note 2, at 1772.

25. *Id.*

to the practice of law in Canada, Mexico and the United States include citizenship requirements,[26] admission exams,[27] additional education,[28] and experience[29] in the particular country.[30] For example, foreign attorneys are not allowed to practice in Canada due to residency requirements,[31] but an exception is made for Americans.[32] While Canada does not require a certain number of years of training for bar admission, it does require three years of schooling and an examination.[33] Schooling in the United States is often recognized by Canada.[34] Similarly, Mexico blocks foreign attorneys by its residency requirement.[35] Although Mexico made an attempt to move away from this requirement,[36] very few foreigners actually practice in Mexico.[37] Furthermore, Mexico does not require a written examination or special training for bar admission but does require three years of schooling.[38]

Traditionally, the United States' bar was difficult for foreigners to enter,[39] but this fact has recently begun to change.[40] For example, the New York Bar Association now allows foreign attorneys to give advice

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26. *Id.*

27. *Id.* at 1776.

28. *Id.*

29. *Id.* at 1778.

30. *Id.* at 1772.

31. *Id.* at 1776 n.43.

32. *Id.* at 1773, 1775 nn.29, 30. "Canada will waive its citizenship requirement for Americans but only if the applicant intends to become a Canadian citizen." *Id.* Therefore, the requirement is not really waived.

33. *Id.* at 1776 n.43.

34. SYDNEY M. CONE, THE REGULATION OF FOREIGN LAWYERS 53 (3d ed. 1984). "The rules and procedures of the various provinces often allow a lawyer to receive Canadian recognition of academic qualifications obtained in the United States." *Id.*

35. Note, *supra* note 2, at 1776 n.43.

36. *Id.* at 1775 n.29 "(the Mexican Supreme Court held that a citizenship requirement for admission to the bar is unconstitutional; the court requires that each interested person must challenge the provision individually, and to do so he must be a permanent resident and have a Mexican legal education)." *Id.* The actual result is that one still has to be a Mexican citizen to practice law.

37. CONE, *supra* note 34, at 91. "The number of non-Mexicans admitted to practice in Mexico is small, and Mexico does not generally permit even limited practice on the basis of a lawyer's admission under the laws of a foreign jurisdiction." *Id.*

38. Note, *supra* note 2, at 1776 n.43.

39. *In re* Roel, 144 N.E.2d 24 (N.Y. 1957), *appeal dismissed*, 335 U.S. 605 (1958) (holds that a lawyer who gives advice on the law of his own country is engaged in the unauthorized practice of law).

40. As will be discussed later, several states have implemented requirements that allow a foreign lawyer to practice law in those states.

in the United States[41] under the position of foreign legal consultant.[42] This position allows foreign attorneys to give advice, within certain limits, on their own law, international law, federal law, and New York law.[43] A legal consultant also must conform to the same regulations as United States attorneys.[44] Several states have followed New York's lead,[45] but most State Bars still do not allow foreign attorneys to practice within their borders.

IV. TRANSNATIONAL LEGAL PRACTICE IN THE EUROPEAN COMMUNITY

Article 3 of the March 25, 1947 Treaty of Rome (Treaty), which created the EC, establishes the so-called four freedoms. The four freedoms of the EC include the free movement of goods, persons, services, and capital across the borders of EC member states.[46] The freedom to practice law in all EC member states falls under the freedom of movement of services and persons.[47] The Treaty contains pro-

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41. N.Y. Jud. Law § 53(6) (McKinney 1983). This section was amended in 1974 allowing the court of appeals to create rules licensing "as a legal consultant, without examination and without regard to citizenship . . . a person admitted to foreign practice in a foreign country as an attorney or counselor or the equivalent". *Id.*

42. N.Y. Ct. App. R. Part 521. This provision created the qualifications for a legal consultant which include: 1) admission to the bar of the foreign country, 2) the practice of law in that foreign country for five of the last seven years, and 3) evidence of professional qualifications and moral fitness. *Id.*

43. The legal consultant may not engage in any form of litigation or drafting of court papers, may not prepare any will or trust instrument or handle the administration of an estate, may not deal with the marital relations or the custody or care of children of a resident of the United States, and may not give professional legal advice on the law of New York or federal law except on the basis of prior advice from a licensed New York attorney.

GOEBEL, *supra* note 1, at 470.

44. *Id.* at 472 n.71. A legal consultant is "committed to observe the Code of Professional Responsibility of New York and obtain professional liability insurance, and is subject to control by the Supreme Court, Appellate Division, in which he is licensed." *Id.*

45. *Id.* at 473. The District of Columbia, Michigan, Hawaii, and California have all adopted rules resembling those created by the New York Court of Appeals concerning the position of legal consultant. *Id.* at 475. Pennsylvania and the District of Columbia both allow foreign students to take their bar exams once they have completed twenty-four semester hours. California and Texas recognize students that have studied in the United Kingdom, Canada, or any other common law jurisdiction as being equal to studying in the United States. California, Massachusetts, New Jersey, and Ohio permit foreign attorneys to take their bar exam after a discretionary review by the board of their experience and educational qualifications.

46. Schloh, *supra* note 7, at 83.

47. *Id.*

visions designed to promote the free movement of professionals and professional services.[48] Despite these provisions arguably applying to professionals and professional services,[49] attorneys have not been able to practice freely within other EC states.[50] Specifically, problems have occurred with free movement,[51] the freedom to provide services,[52] the right of professional establishment,[53] and the recognition of diplomas.[54]

The problem with freedom of movement stems from the lack of means to enforce the provision.[55] Although other professions have gained this freedom,[56] the legal profession remains limited.[57] Accordingly, the legal profession is pressuring the EC to consider different ways to qualify attorneys other than those implemented by individual EC member states.[58]

Another problem lies with the freedom to provide services.[59] On March 22, 1971, the EC Council of Ministries passed the Service Directive.[60] The Service Directive defines who may practice law in the EC.[61] However, the attorney's right to practice law is restricted and

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48. Further specific articles in the Treaty provide for the elimination of barriers to the free movement of workers (article 48), and grant professionals the right to perform services freely (article 59) and to establish their residence throughout the EEC (article 52). However, articles 52 and 59 are conditioned by article 57, which foresees the need for Council of Minister directives to enable mutual recognition of educational diplomas.

GOEBEL, *supra* note 1, at 486 nn.122-23.

49. *Id.*

50. Schloh, *supra* note 7, at 84.

51. GOEBEL, *supra* note 1, at 486.

52. *Id.* at 489.

53. *Id.* at 492.

54. *Id.* at 497.

55. With respect to the right of establishment, however, only a few service sectors have been regulated. None of these are of particular interest to lawyers or other professionals. The member states realized that the principles of free movement in the Treaty could not yet be effected since the implementing legislation did not exist. A coordination of the laws of the member states needed to first exist.

Schloh, *supra* note 7, at 84.

56. GOEBEL, *supra* note 1, at 487. Directives granting freedom of movement within the medical profession for doctors, nurses, pharmacists, and dentists as well as directives granting freedom of movement to architects exists.

57. *Id.*

58. *Id.* at 488, 489. The internal market is defined as "an area without internal frontiers in which the free movement of goods, persons, services, and capital is insured." *Id.*

59. Schloh, *supra* note 7, at 86.

60. Council Directive 77/449/EEC of Mar. 22, 1977, 20 O.J. Eur. Comm. (No. L. 78) 17 (1977) (to facilitate effective exercise by lawyers to provide services).

61. GOEBEL, *supra* note 1, at 489. The classification excludes those individuals who practice as notaries and also excludes the French conseil juridique.

does not include litigation, domestic matters or land transfer matters.[62] The Service Directive grants little help to attorneys who wish to practice law in other EC member states by failing to eliminate existing barriers.[63]

One of these barriers is the right to establishment.[64] This barrier is significant since it is not only important for attorneys to be able to practice law in another EC member state, but also important for attorneys to be able to establish a branch office there.[65] In two important cases, the Court of Justice found that Article 52 of the Treaty, which relates to professional establishment, and Article 59, which relates to the right to provide services, had a "direct effect" and, therefore, gave rights to individuals even though no implementing directive had been adopted.[66] In two other cases, the Court of Justice said that EC member states had to recognize equivalent legal educations from other EC member states[67] and that the right to establishment included the right to open a branch office in another EC member state.[68] These cases help insure the right of establishment for EC attorneys but do not help attorneys who originate from non-EC member states.[69]

Another problem, related to the right of establishment, stems from the non-reciprocal recognition of law degrees.[70] In other professions where EC directives have been passed, reciprocal recognition came

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62. *Id.* at 490.

63. *Id.* at 492.

64. Schloh, *supra* note 7, at 86.

65. GOEBEL, *supra* note 1, at 492.

66. *See* Reyners v. Belgium, 1974 E. Comm. Ct. J. Rep. 631 (holding that Belgium could not require Belgian citizenship as a prerequisite to the bar when a Dutch lawyer had obtained a Belgian education and had satisfied the local bar's training requirements); van Binsbergen v. Bedrijfsvereniging Metaalnijerheid, 1974 E. Comm. Ct. J. Rep. 1299 (holding that a Dutch lawyer that presently resided in Belgium could not be prevented from representing a client in a social security case just because he was no longer a Dutch resident).

67. *See* Thieffry v. Paris Bar Ass'n, 1977 E. Comm. Ct. J. Rep. 765 (holding that the Paris Bar Association could not prevent a Belgian, who held a Belgian law degree and who moved to Paris, from practicing law because he did not have a French legal education when the University of Paris recognized this legal education).

68. *See* Paris Bar Ass'n v. Klopp, 1984 E. Comm. Ct. J. Rep. 2971 (holding that a German citizen who had received a doctorate in Paris and who had passed the CAPA exam could not be prevented by the Paris Bar Association from opening a branch office of his Dusseldorf firm in Paris).

69. GOEBEL, *supra* note 1, at 496.

70. Schloh, *supra* note 7, at 90.

about through the standardization of educational systems.[71] Since EC member states have both civil law and common law legal systems, the standardization of legal education would be difficult, if not impossible.[72] However, on July 9, 1985, the EC Commission proposed that EC member states reciprocally recognize all higher education degrees including those from law schools.[73] This proposal sought recognition of degrees rather than the standardization of education among EC member states.[74] The EC adopted this proposal in December 1988.[75] Each country had to comply with this directive by January 4, 1991.[76] It remains unclear, however, whether the directive will be effectively enforced.[77]

Even though the Treaty can be construed to include the freedom of attorneys to practice law within the EC, both case law and directives were necessary to actually allow EC attorneys to enjoy the Treaty's benefits.[78] The problem with the Treaty seems to be that it is not specific enough and that many of its provisions require implementing legislation.[79] Problems such as these should be examined prior to the adoption of a NAFTA. If Canada, Mexico and the United States contemplate a NACM sometime in the future, those countries need to address problems encountered by the EC within the framework of the NAFTA.

V. Special Considerations for Transnational Legal Practice in the NACM

Other important considerations for the NAFTA, and eventually for the NACM, are the special differences between Canada, Mexico and the United States.[80] An attorney practicing within a NACM will need to go beyond merely solving legal problems to addressing cultural

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71. Goebel, *supra* note 1, at 497.

72. *Id.*

73. Proposal for a Council Directive, COM 85/335 of Aug. 28, 1988, on a General System for the Recognition of Higher Education Diplomas, 28 O.J. Eur. Comm. (No. C. 217) 3 (1985), as amended in 29 O.J. Eur. Comm. (No. C. 143) 7 (1986).

74. Goebel, *supra* note 1, at 498.

75. 32 O.J. Eur. Comm. (No. L 19) 16 (1989).

76. Schloh, *supra* note 7, at 95.

77. Unfortunately, I (comment writer) could not find any articles or other information on how effective this directive has been and what its effect has been on the EC.

78. *See, e.g.*, Schloh, *supra* note 7, at 83-98; Goebel, *supra* note 1, at 486-502.

79. Schloh, *supra* note 7, at 84.

80. Goebel, *supra* note 1, at 449.

differences.[81] An attorney in a NACM who operates only according to the norms of his own culture will most likely misunderstand or miscommunicate an important element of the transaction.[82] For example, solutions to legal problems often involve compromises.[83] To compromise, both parties must understand the cultural differences involved and have attorneys willing to learn, understand, and recognize those differences.[84]

Language represents one major cultural difference between Canada, Mexico and the United States.[85] In Canada, French and English are spoken; in Mexico, Spanish is the primary language spoken; and in the United States, English is the primary language spoken. Language presents difficulties in translating documents from one language to another, causing problems in negotiating and drafting the document.[86] Mere familiarity with a language, rather than fluency, creates further problems.[87] A big difference exists between carrying on a conversation and carrying out a complex legal matter in another language.[88] Therefore, language differences should be considered carefully by attorneys practicing transnational law.

Another special difference lies in the various economic levels of Canada, Mexico and the United States. Although Canada and the United States are highly-developed countries with a high standard of living, Mexico is less developed with a lower standard of living.[89] This fact is evident merely by examining the GDP or GNP of the three countries and their per capita incomes.[90] For example, the GDP of

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81. When giving legal advice, drafting documents, or even litigating a case, the international lawyer must be able to understand the total legal situation including any differences involved. The international lawyer must serve as an interpretor communicating between formal legal systems having vastly differing cultural and historical backgrounds. Henry P. de Vries, *The International Legal Profession — The Fundamental Right of Association*, 21 INT'L LAW. 845, 851 (1987).

82. GOEBEL, *supra* note 1, at 449.

83. *Id.* An example of this is the discrepancy between the extremely long and complex American contracts and the short and ambiguous civil law contracts. Americans see the civil law forms as too short and insufficient, while attorneys in civil law countries see the American forms as too detailed and confusing. The result has been a compromise between the two forms that leaves both sides satisfied.

84. *Id.*

85. *Id.* at 450.

86. *Id.*

87. *Id.* at 451.

88. *Id.* at 452.

89. Tumulty, *supra* note 6.

90. CENTRAL INTELLIGENCE AGENCY, THE WORLD FACTBOOK 1990 (1990). The GNP/GDP (Gross National Product/Gross Domestic Product) is calculated from purchasing power

Canada is $513.6 billion and its per capita income is $19,600;[91] the GDP of Mexico is $187.0 billion and its per capita income is $2,165;[92] and the GNP of the United States is $5,233.3 billion and its per capita income is $21,082.[93] Given these contrasting levels of economic development, Canada, Mexico and the United States may have varying goals for entering a NACM. Most developed countries desire trade expansion when entering a common market.[94] This goal is the likely desire of both Canada and the United States. However, underdeveloped countries like Mexico often desire economic development when entering a common market.[95] Such divergent goals, created by differences in the economies, should be considered, therefore, when considering practicing transnational law in the NAFTA.

Because of the many special differences between Canada, Mexico and the United States, attorneys will need to not only use their legal knowledge, but also knowledge gained from other disciplines such as political science, economics, sociology and anthropology to practice successfully within a NACM.[96] Transnational practice will not be easy, but if the lessons of the EC and the cultural differences between Canada, Mexico and the United States are kept in mind during the formulation of the NAFTA, transnational legal practice within a NACM, when its time has come, will be easier to implement.

VI. Proposals for Transnational Legal Practice in the NACM

If the relationship between Canada, Mexico and the United States ever evolves into a common market, the NACM agreement will necessarily regulate many things, including the free flow of goods, services, persons and capital. Given the implementation problems incurred by the EC,[97] Canada, Mexico and the United States ought to include an express provision governing legal services within the NAFTA if they

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parity (ppp) calculations. These calculations are based on average price weights which are between the domestic and foreign price systems and are calculated so that an equal amount of money from country A when converted into the currency of country B will buy the same amount of goods in both country A and country B.

91. *Id.* at 54.

92. *Id.* at 206.

93. *Id.* at 325.

94. Robert Arthur Flammang, The Common Market Movement in Latin America 10 (1962).

95. *Id.* at 13.

96. de Vries, *supra* note 81, at 851.

97. Schloh, *supra* note 7, at 84.

desire to include transnational legal services in a NACM. Otherwise, attorneys may have to wait years, like attorneys in the EC have had to wait, before the possibility of practicing transnational law becomes a reality.[98]

NAFTA provisions also should address other issues which surround transnational legal practice. For example, the NAFTA should address minimal professional qualifications for attorneys. Individual countries usually set standards for residency, education and examinations.[99] One proposal for facilitating transnational legal practice within the NACM is to waive the residency requirement for attorneys who are citizens of a NACM country. Also, professional degrees should be reciprocally recognized among NACM countries. Nonrecognition of higher education degrees has been a problem in the EC.[100]

A final barrier to legal practice is the bar examination. Attorneys ought to be allowed to practice throughout the NACM if the attorney passed the bar of a NACM country. In the alternative, some sort of NACM bar examination ought to be developed to prove qualifications and to set a minimum level of knowledge necessary to practice law in the NACM. By compromising on what qualifies an attorney to practice within the NACM and by including the compromise in the NAFTA, the NACM will avoid several problems faced by the EC.

The issue of what kind of law a qualified attorney may practice also presents a problem. Qualified attorneys ought to be limited to the practice of law which relates directly to the NACM. Domestic law, real property law, criminal law, and other forms of civil litigation ought to be practiced by domestic attorneys. NACM attorneys ought to practice law only where their competency is clear.

Finally, the NAFTA provisions ought to address what body will regulate attorneys in the NACM. Ethical and other violations committed by an attorney from another NACM member country ought to be punished. In the United States, the State Bar mandates and enforces rules of professional responsibility. The question for the NACM is which country ought to punish the attorney for the violation. This problem also arises in the EC.[101] One possible solution is to create a NACM Bar. The NAFTA ought to describe what kind of conduct the parties wish to regulate. This NACM Bar could be responsible for

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98. The Treaty of Rome was signed in 1957 implementing the EC and even today in 1991, attorneys do not have total free movement and the freedom to practice anywhere within the EC.

99. GOEBEL, *supra* note 1, at 44.

100. Schloh, *supra* note 7, at 90.

101. GOEBEL, *supra* note 1, at 49 nn.139-40.

enforcing the rules already in effect and for creating new rules. Therefore, the creation of a NACM Bar could solve the problem of regulating attorneys in the NACM.

The result of these suggested solutions may lead to a separate judicial system for the NACM with a controlling court similar to the Court of Justice in the EC. Canada, Mexico and the United States ought to compromise on the rules and procedures to be used. A NACM legal system would be complex and may result in a less efficient system than the legal systems which exist presently in Canada, Mexico and the United States. When the three economies are completely integrated, however, a NACM legal system may no longer be impractical but, in fact, necessary.

VII. CONCLUSION

Free movement of attorneys within the NACM may initially be difficult, but may be necessary sometime in the future. Therefore, the lessons of the EC ought to be kept in mind, and provisions regarding transnational legal practice ought to be expressly implemented in the NACM if not in the NAFTA. In addition, attention ought to be paid to the special differences between Canada, Mexico and the United States when formulating and implementing the NAFTA. An attorney who wishes to practice in the NACM ought to learn everything possible about these differences and their effect on legal and business transactions. Finally, Canada, Mexico and the United States ought to set qualifications for legal practice within the NACM. By imposing limits and reaching agreements on the practice of law in the NACM, Canada, Mexico and the United States can control the practice of law in the NACM efficiently and effectively. The key to success in allowing transnational legal practice in the NACM involves Canada, Mexico and the United States learning from the mistakes of the EC and compromising to overcome the special differences between the respective countries.

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