

Admission of Overseas Lawyers as Solicitors in Hong Kong

The following advice has been supplied by the Law Society of Hong Kong.

Since the introduction of the Overseas Lawyer (Qualification for Admission) Rules in 1994, the Law Society has received a number of applications for admission as solicitors in Hong Kong from candidates who have qualified as solicitors in Australia. It is a requirement under the Rules that overseas lawyers admitted in common law jurisdictions sit and pass the Overseas Lawyers' Qualification Examination and satisfy a period of not less than 2 years of post admission experience in the practice of law, less any period of articles (or equivalent).

Practitioners may be aware that following the implementation of the Rules, a transitional scheme was developed to enable overseas qualified lawyers from common law jurisdictions to satisfy the

post-admission experience requirements by working as para-legals in Hong Kong solicitors' firms, subject to prior and ultimate approval by the foreign lawyers Committee. Transitional Guidelines were issued as an attachment to the Law Society of Hong Kong Circular 234/95 in September 1995* in which it was stated that the transitional scheme would cease on 31 December 1997 and that after that date, applicants would be required to gain their post admission experience in the practice of law of their jurisdiction of admission. Applicants were therefore required to obtain initial approval from the Committee for their proposed employment as para-legals in Hong Kong before the end of this year in order for that experience to be counted towards

the admission requirements for overseas lawyers.

I wish to advise that the Council has now resolved to continue the present scheme enabling overseas lawyers with less than two years experience in the practice of law to gain their post-admission experience in the practice of law by working as para-legals in Hong Kong solicitors' firms subject to the Society's approval in each case, rather than abolishing the scheme with effect from 1 January 1998. The scheme will, however, be under continual review by the Society.

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Advancing Real Estate Practice

Canada

Benchers' Bulletin from the Law Society of British Columbia reports that its Society has approved a feasibility study on the development of conveyancing technology with the aim of advancing real estate practice.

The study is commissioned by the Title Insurance Committee of the Law Society of British Columbia who are also undertaking work on revision of their *Practice Checklists Manual* in the areas of law and cost efficiency. In addition, this Committee is looking at standard undertakings, standard (minimal) notes to adjustments, standard retainer/search reporting letters to purchasers and publishing guidelines to the profession that would set out the advantages of standardised practice and the risks of failing to follow those standards.

This Law Society initiative recognises a changing market place and aims to assist lawyers to remain competitive in this area.

Self-Regulation Threat

Northern Ireland

The Northern Ireland Law Society reports a perceived threat to self-regulation of the profession as Price Waterhouse and Arthur Anderson, Chartered Accountants, challenge the Dutch Bar's regulation prohibiting lawyers from entering into partnership with non-lawyers. The case revolves around a Dutch tax lawyer who wished to go into partnership with Price Waterhouse.

The proceedings will be defended both in Dutch courts and the European Court by the Dutch Bar who, according to the Northern Ireland Law Society, have the complete backing of other legal professions of the European Union.

The Society, in reporting this action state that they "believe firmly in self-regulation and do not believe in multi-disciplinary partnerships".

Law Society Public Purposes Trust

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for consideration by the Allocations Committee at its last meeting sought funding in excess of \$280,000 whereas the amount available for allocation was a maximum of \$100,000. It is noted that Community Legal Services have over the last 3 years received approximately 15% of the funds available for allocation.

It is noted further that when the Trust was established, consideration was given to ensure that legal aid organisations did not dominate the allocation of funds. In this regard I refer you to clause 4 of the Law Society Public Purposes Trust Act 1988. For 1996/97, applications received from legal aid organisations amounted to 125% of the funds available.

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Secretary
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