

THE PHILADELPHIA LAWYER

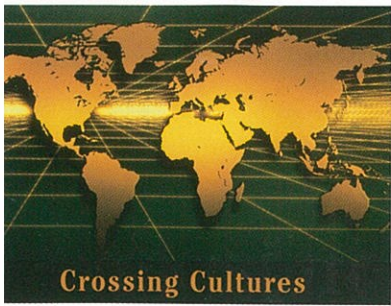
Philadelphia Bar Association Quarterly Magazine

Fall 1997, Vol. 60, No. 3



Crossing Cultures: Reports from Around the World

Also, in Business Law: An International Framework for the Protection of Investment



Parleys, Views, Fra

Philadelphia Bar Association Moves to Create Sister Relationship with Lyon Barreau

by Michael E. Scullin and Enid H. Adler

Today, neither the general practitioner nor legal specialist can predict exactly when a client will walk into the office with a problem with international ramifications, but it is fairly certain that it will happen. More and more, international questions affect all legal disciplines. To be able to evaluate all aspects of the client's problem, the lawyer must have knowledge of differences in legal systems and cultural nuances or, at least, have a source for such information.

Take family law, for example: When one partner is an American citizen and the other a foreign national, family lawyers face issues of child custody,

divorce, property and taxes that may be influenced by treaties or the laws of other jurisdictions. Similarly, corporate, business, commercial and investment lawyers may face international questions on labor certifications and immigration, taxes, family resettlement and more. In today's world, mergers and acquisitions involving U.S. entities easily may result in having a parent company that is a foreign national.

With improvements in communications, increased frequency of international air travel and the prevalence of cross-cultural investment, there is a growing need for lawyers with experience in international transactions and other aspects of foreign law, and for lawyers who have firmly anchored relationships with experienced practitioners in foreign jurisdictions. This is particularly true with the rapidly developing law of the European Union and its member states.

"Sister," or "twinning," relationships between bar associations in different countries can help lawyers acquire such knowledge and resources. The Philadelphia Bar Association is on its way to establishing such a relationship with the bar association in Lyon, France. Numerous similarities between Lyon and Philadelphia make a formal relationship between the bar associations sensible. The two cities are important commercial centers and similar in size. As the Lyon bar's only link in the United States, Philadelphia appeals to the French because of its historical significance and cultural sta-

tus, along with its location on the East Coast. Added to that are the ties that already exist between Philadelphia and French-owned companies. Rhône-Poulenc, for example, has subsidiaries in both areas.

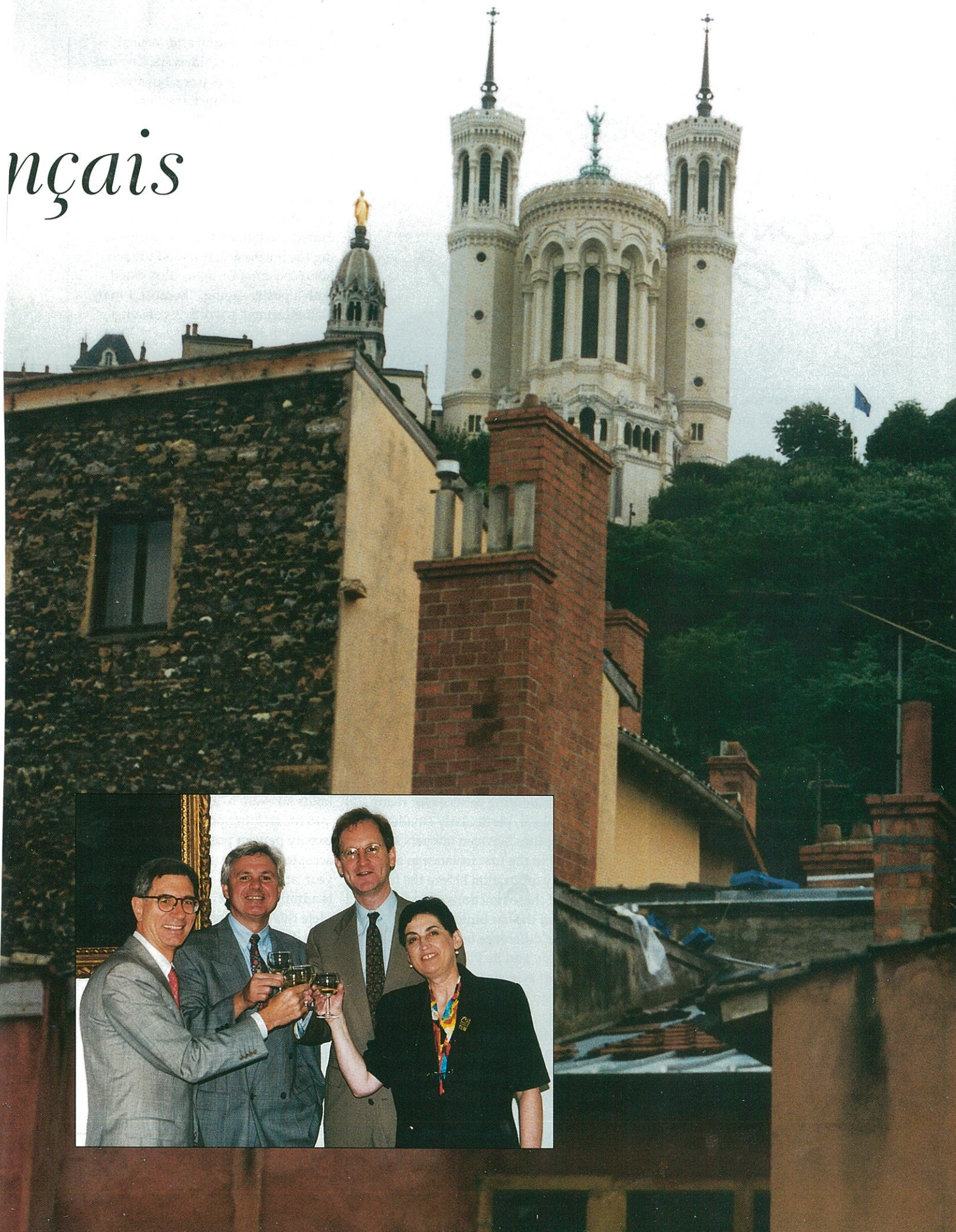
About a year ago, the Philadelphia Bar Association's International Law Committee began discussions with representatives of Lyon's bar association, or *barreau*, to explore whether the two could establish a formal relationship. The immediate objectives of the program would be to facilitate the exchange of interns or new lawyers between the two cities, present seminars of interest to practitioners on both sides of the Atlantic, and generally share information. Through the relationships developed in such a program, practitioners would be able to draw on the expertise of their foreign counterparts in civil versus common law practice, for example. Ideally, the stronger ties also would allow lawyers to expand their practices overseas.

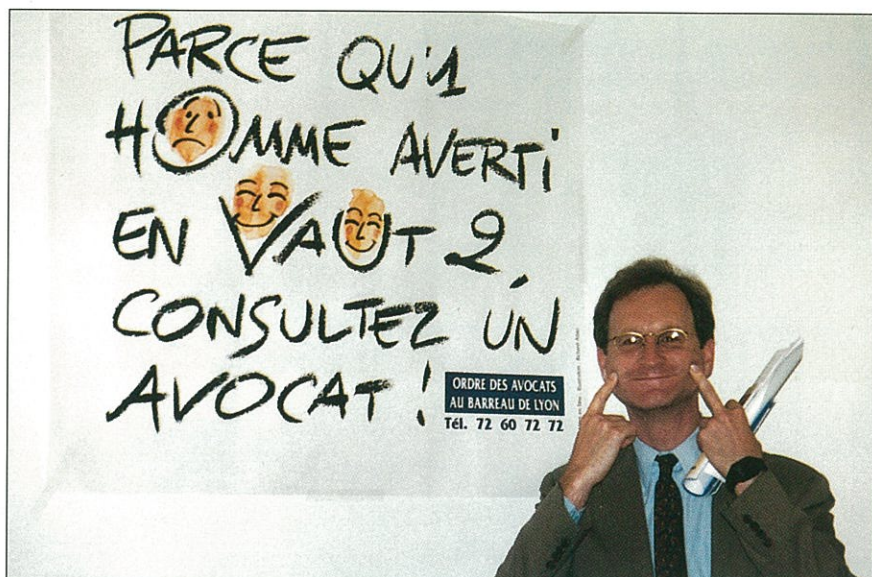
Discussions over the past year led to a meeting in Lyon on July 3-4 between delegations from both bars. As representatives of the Philadelphia Bar, we



At left, the authors don the robes required of lawyers to visit the courthouse in Lyon. At right, La Basilique de Fourvière rises above the older part of the city. Inset, from left, Bâtonnier André Boyer, Christian Legras and the authors toast the beginning of a relationship between the Lyon and Philadelphia bars.

nçais





At the Palais de Justice, Michael E. Scullin takes heed of the poster's advice: "Because 1 man well informed is worth 2, consult a lawyer!"

met with prominent lawyers, or *avocats*, toured the *barreau* building, the main courthouse and a lawyer training school, and discussed the future relationship between the two bars. Our hosts were Christian Leroy, the Lyon attorney responsible for the liaison with Philadelphia; Christian Legras, an accomplished sole practitioner (and brother of the French ambassador to Armenia) who established a sister relationship between the Lyon bar and its counterpart in Manchester, England; and the current head of the Lyon bar, André Boyer, a highly respected commercial *avocat*.

Boyer is completing a busy two-year term as *bâtonnier* of the Lyon *barreau*, a position similar to our chancellorship but with broader and different responsibilities. His links to the United States date back to a three-month stay on Long Island when he was 19 years old. Boyer is the third *bâtonnier* to recognize the importance of twinning relationships.

The first, Jean-Marie Chanon, was elected in 1991, after the *conseil juridiques*, or legal advisers, were merged with the *avocats*. Chanon strongly felt that in a changing world the bar, too, must have a global vision. He was responsible for a number of the agreements Lyon has with bar associations around the world.

On the morning of July 3, we met with our hosts over a continental breakfast, replete with unparalleled croissants, at the Maison des Avocats,

the sleek, modern headquarters of the Lyon bar. There, in a thorough tour of the building, Bâtonnier Boyer showed us how a French bar association has a more official role in running and regulating the affairs of the legal community than its more fraternal American counterpart.

Among other things, proceeds from cases are deposited in one of the bar's subsidiary organizations, the CARPAL, and disbursements are made from there to the attorneys and the litigants. Interest from these accounts funds various activities, such as the more than 1,000 free legal consultations provided to needy clients each year. The bar also provides administrative and accounting services for many of its members, particularly smaller firms. Disputes between lawyers are submitted in the first instance to a mandatory arbitration before the *bâtonnier*. All of these functions are administered out of the bar building.

Another difference between the Lyon *barreau* and its Philadelphia counterpart is in size and membership. Smaller than the Philadelphia Bar, the Lyon *barreau* does not include judges, lawyers who work in government or corporate law departments, or *notaires*, the French lawyers who specialize, among other things, in real estate transactions.

Our morning session on July 3 ended in a working lunch that included a frank discussion of some of the more troublesome, and surpris-

ingly similar, cultural and societal problems that affect lawyers. The serious subject matters were, however, lightened by the lunch that was "ordered in": smoked salmon, sandwiches, wine and Lyonnais pastries.

After lunch we walked to the new Palais de Justice, the courthouse where essentially all of the Lyon courts except the court of appeals are located. We toured the library, the courts (including the business court), and the pro bono consultation areas (decorated with a poster saying, "Because 1 man well informed is worth 2, consult a lawyer!").

From the Palais de Justice, we were taken to a beautifully restored sixteenth-century building in the historic district of Vieux Lyon, an area that was originally governed by the Romans. The building houses the Centre Régionale de Formation Professionnelle des Avocats, the lawyer training school operated by the Lyon bar. There school Director Christine Breney explained how law graduates become *avocats* in France, particularly in Lyon.

Throughout our talks in Lyon, in fact, our French counterparts spent considerable time discussing the *formation*, or education, of new lawyers and the ways in which a twinning relationship might be used in the process. The French lawyer's education begins with a four- or five-year university education in law, largely theoretical. Some candidates also obtain advanced degrees in law. Each year the *barreau* holds an exam to admit candidates into the training program. Only about twenty percent pass. Those who are accepted take the program for one year, at the end of which another exam is administered. Virtually all who complete this course of study pass; others who didn't finish the program have a much lower pass rate.

Those who pass are licensed to practice law, but first under a provisional internship status of two years with another lawyer or law firm. This mandatory internship (*stage*, in French) can be fulfilled in part by an internship with a foreign law firm or law department.

It is expected that the interns will receive sponsorship from home—Lyon lawyers, for example, will be sponsored by the *barreau*. This could be an

attractive proposition for firms and companies in Philadelphia. Internships are expected to last about six months, which should be long enough to ensure that the stay is not simply an extended vacation.

An obvious byproduct of these exchanges will be the development of professional relationships between lawyers, so that lines of communication will be in place when questions arise about the law applicable to a particular issue, transaction or dispute. These person-to-person relationships will be an essential outgrowth of the twinning program, one that enhances doing business abroad.

After our meetings concluded on the first day, we were treated to another outstanding meal prepared in our honor. In a city that probably has more two- and three-star restaurants than any other city in France (one of Philadelphia's greatest

chefs, Le Bec-Fin's Georges Perrier, is a native of the Lyon region), it is perhaps not surprising that a part of our agenda was conducted over meals. We dined at the Villa Florentine, a hilltop restaurant located in a former convent. It was here that President Jacques Chirac dined with President Clinton during the G-7 Economic Summit held in Lyon last year. Our seats afforded a spectacular view of Lyon at dusk to match an equally spectacular five-course meal.

Early the next morning, we attended a news conference with Bâtonnier Boyer to announce the status of our continuing discussions and express the hope of signing a formal agreement between the two bars this December.

After the news conference we met privately with former Bâtonnier Jean-Marie Chanon, now adviser to Lyon's Mayor Raymond Barre, at his offices in the historic Hôtel de Ville, or town hall. Chanon was one of the first French bar leaders to recognize the importance of twinning relationships, and his support will add to the success of the Lyon-Philadelphia program. He

gave us a rare tour of the magnificent, seventeenth-century Hôtel de Ville, decorated in gold leaf with locally woven silk draperies, similar to those in Versailles. Included on our walk was a room and corridor from which thousands of unlucky Lyonnais were sent to the guillotine during one of the more heinous reprisals of the French Revolution.

Luncheon on July 4 was served at the Chalet du Parc in the Parc de la

Lyon bar—not the least of which is the culinary excellence for those who travel there—what makes the establishment of this program particularly interesting is the potential development of a network among the various bar associations already linked with Lyon. These include Manchester, Frankfurt, Barcelona and cities in Poland and Cambodia. Through our sister relationship with Lyon, we would have a de facto relationship with all of them.

This "hyperlink" could help lawyers in all legal disciplines who have cases involving the laws of those countries. It also would be advantageous to lawyers representing clients who have contracts or disputes with individuals or companies in those areas. A lawyer in Philadelphia, for example, may need assistance in ascertaining the law in a foreign country or in obtaining local representation of a client, and vice versa. A reciprocal relationship

with other bar associations could give lawyers here and abroad an avenue for an extra source of income.

In addition to increasing professional opportunities and promoting business, twinning relationships can be used to assist developing legal systems in developing countries and to obtain an understanding of legal systems around the world. Bâtonniers Boyer and Chanon believe it is time to extend this bridge between the European Union and the United States. The Lyon-Philadelphia connection is a step in the right direction.



The garden at the Villa Florentine restaurant

Tete d'Or, named for a golden mask supposedly buried there. The park boasts 70,000 rosebushes, one of the primary exports of Lyon. (The region produces more roses than any other area in the world, we were told.) Here we discussed in a more informal way what we hoped to achieve in our cross-cultural program and the time frame in which it could be accomplished.

That afternoon was spent meeting with representatives of the Chamber of Commerce. "Membership" in the Chamber is mandatory for local businesses. With about 800 employees, the Chamber is involved in all aspects of the city's business life.

The significance of concluding our meetings on the Fourth of July was not lost on our hosts. Back at the lawyer training school, they treated us to a "Fete de l'Independance Day," complete with tacos and guacamole, chicken salad, hamburgers, Budweiser and California red wine—a truly suitable cross-cultural finale to a cross-bar experiment!

Notwithstanding all the direct benefits of a formal relationship with the

ABOUT THE AUTHORS

Michael E. Scullin, a partner in the firm of Monteverde, McAlee, Fitzpatrick, Tanker & Hurd, is chair of the Philadelphia Bar Association's International Law Committee. Enid H. Adler, a sole practitioner in international law and asylum, is a long-time member of the committee. They represented the Philadelphia Bar Association in talks with Lyon to establish a formal relationship between the two bars.