In the past twenty years, we have seen a dramatic increase in the movement of people, goods and services between Mexico and the United States. More than 1 million U.S. citizens currently reside in México and approximately 12 million more U.S. citizens visited México in 2010, making Mexico the main destination abroad for Americans. In the same year, 13.4 million Mexicans traveled to the United States, for both business and pleasure. But Mexican nationals come to the United States not just to visit: more than 12 million Mexican citizens live in the United States, representing approximately one third of all migrants to that country. And more than 31 million individuals of Mexican descent give diversity to society in the United States. The Mexican and U.S. economies have become increasingly integrated, with more than 393 billion dollars in goods being traded bilaterally each year, in addition to 35 billion dollars of trade in services. U.S. companies and individuals are responsible for 103 billion in foreign direct investment in Mexico, and the United States is the main destination for Mexican foreign direct investment as well.

The increased movement of persons, goods, services and money has given rise to an increase in the need for legal services. This increase is a natural consequence of the intricate relationship between the 2 countries and their legal systems. Naturally, lawyers trained in Mexico or the United States are increasingly required to know at least the basic principles of the legal system, best practices and legal market of the neighboring country to satisfy their clients’ needs. As a result, more and more Mexican lawyers seek master of laws (LL.M.) degrees in law schools in the United States, and a growing number of American law firms have opened offices in Mexico or pursue strategic alliances with Mexican law firms.
Despite this constant and continuous exchange of legal services between Mexico and the United States, little is known in one country about the regulation of the practice of law in the other, about the limitations applicable to the professional practice of a foreign-licensed attorney, and about the sanctions for ethical shortcomings in the provision of legal services. Each neighboring country uses a very different approach to establishing ethical rules for and regulating lawyers. In this research project, we will conduct a survey of cross-border legal services between the two countries; we will analyze the regulation of cross-border legal services; we will study the requirements for licensing of foreign lawyers engaged in these services; and we will assess the adequacy of legal education in preparing law students who will be called upon to provide cross-border legal services.

We foresee carrying out this research project in phases. The initial research agenda will be self-funded by the Center, using the contributions of “seed money” contributed by the Sponsors of the Center. The Center will pursue additional sources of external funding to carry out our research agenda.

**Goals of the Research Project**

This research project will be developed in phases. The project will analyze the various modes in which lawyers deliver cross-border legal services involving parties and transactions in both Mexico and the United States. The following subjects are expected to be among those to be studied.

- What are the requirements to become licensed to practice law in Mexico and in the United States? What special requirements apply to foreign lawyers in each country?
- What is the extraterritorial scope or reach of licensing and regulations governing the cross-border practice of law between Mexico and the United States?
- What relevance do the North American Free Trade Agreement (NAFTA) and the General Agreement on Trade and Services (GATS) of the World Trade Organization (WTO) have on cross-border practice between Mexico and the United States?
- How does each country license or regulate the practice of foreign legal consultants (FLC) within its territory?
What constraints are placed on the establishment of legal offices in each country that are affiliated with law firms from the neighboring country? And are there any constraints on the number of foreign nationals that may operate from that office?

**Phase One**

Phase One of this research program will analyze the status of cross-border legal services between Mexico and the United States. The specific goals of this first stage will be the following:

- Defining what constitutes cross-border legal services (CBLS) between Mexico and the United States
- Examining the regulatory framework for the practice of law in Mexico and the United States
- Analyzing the reach and limitations of the practice of law by Mexican-licensed attorneys in the United States, and by American-licensed lawyers in Mexico
- Identifying the methodologies needed to create a database on cross-border legal services between Mexico and the United States
- Identifying ways to examine and analyze the importance of cultural attitudes and expectations in the delivery of legal services

**Subsequent Phases of the Program**

Objective for future phases include:

- Identifying the challenges faced by lawyers and clients in the provision of cross-border legal services Mexico-U.S.
- Examination of the effectiveness of regulatory and extra-regulatory measures that are designed to assure satisfactory cross-border legal services that obey acceptable standards of legal ethics in each country
- Analyzing the effectiveness of legal education in Mexico and the United States in preparing students for cross-border legal practice involving Mexico and the United States; studying new methods of legal education, such as dual degree programs, as effective tools for training law students in cross-border legal services.
- Suggesting proposals to improve the regulation of cross-border legal services in both countries.
- Establishing a database of information on the volumes and modes of cross-border legal services.
TEAM

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Collaborating Organizations
This is a joint research project of the Center for U.S. and Mexican Law and the Centro de Estudios Sobre la Enseñanza y el Aprendizaje del Derecho (CEEAD), a Mexican independent, non-profit research center dedicated to improving the quality of the legal education and legal practice in Mexico.

The Center for U.S. and Mexican Law is the first research center in any U.S. law school devoted to the independent, critical study of Mexican law and legal aspects of U.S.–Mexico relations. Based at the University of Houston Law Center, the CUSMX capitalizes on Houston’s position as a gateway between the United States and Mexico. The Center’s research programs are directed towards increasing the understanding of Mexican laws and legal institutions in the United States, and of U.S. laws and legal institutions in Mexico. See http://www.law.uh.edu/mexican-law/.

CEEAD is an independent, non-profit research center dedicated to improving the quality of the legal education and legal practice in Mexico. Its objective is to have a positive impact on Mexico’s rule of law, through specific proposals to impact the training and practice of lawyers, and the legal culture of the society in general. See http://www.ceed.org.mx/.