

7 FAM 990

LISTS OF ATTORNEYS AND LEGAL RESOURCES

(CT:CON-295; 04-21-2009)
(Office of Origin: CA/OCS/PRI)

7 FAM 991 SUMMARY

(CT:CON-295; 04-21-2009)

- a. All U.S. embassies and consulates should *at least* triennially post a list of attorneys of U.S. and foreign nationality who are active practitioners of good repute, who reside in the consular district, and who are believed to be qualified to perform legal services on behalf of U.S. citizens or firms, give advice as to *host State* law, and to serve in a fiduciary capacity or as a transactional intermediary. Provide your counterparts in CA/OCS/ACS with the URL address to assist CA/P's TSG working group to link the CA Internet page retaining a foreign attorney feature to your post attorneys' list.
- b. You should prepare the list carefully. It is a valuable tool for the Department and members of the public who rely on the list for assistance in a wide variety of cases, including arrests, child custody, property, estates, and judicial assistance. (See 7 FAM 994).
- c. If you are unable to post your list of attorneys on your mission web page, *for example due to local legal constraints regarding advertising and the legal profession*, prepare a list on reproducible master sheets. Send it to the Department (CA/OCS/ACS) as an enclosure to a memorandum *and have it available locally upon request by fax or email. If you have technical problems posting the list, CA can work with the Office of International Information Programs (IIP) to have the list posted.*
- d. Verify Credentials: You should not include a name on the list unless the professional is properly licensed or certified and meets any other host country requirements to perform legal services. You should:
 - (1) Confirm that the individual, facility or service is licensed or certified under local law and in good standing; that its license or certificate has not been suspended or revoked and no successful malpractice claims have been publicly recorded.
 - (2) If the host country does not have a system of licensing or certification, contact CA/OCS/ACS for specific guidance.

- (3) *Each individual included in the list should affirm in writing that they are currently in good professional standing and are not facing any pending disciplinary proceedings. Posts should keep these letters for the specific time period for which the list is valid (generally 3 years) and seek re-affirmation from the attorney each time the list is updated.*
- e. Consular District Summary: Begin each report with pertinent data on the limits of the consular district, banking and credit report information, and postage rates. The list should clearly identify:
 - (1) Your post (address, fax, telephone and email contact information);
 - (2) The consular district that it covers (cities, islands, counties, etc.); and
 - (3) The date it was prepared.
- f. Disclaimer: Prominently display the following disclaimer on the first page of the list:

DISCLAIMER: The U.S. Embassy (Consulate) (City, Country) assumes no responsibility or liability for the professional ability or reputation of, or the quality of services provided by, the following persons or firms. *Inclusion on this list is in no way an endorsement by the Department of State or the U.S. Embassy/Consulate.* Names are listed alphabetically, and the order in which they appear has no other significance. *The information in the list on professional credentials, areas of expertise and language ability are provided directly by the lawyers; the Embassy is not in a position to vouch for such information. You may receive additional information about the individuals on the list by contacting the local bar association (or its equivalent) or the local licensing authorities.*

- g. Other Information: List contact information for bar associations, licensing, regulatory or other appropriate authorities in the host country.
- h. *Do not orally give names of an attorney on the list; rather you should provide the full list in writing or by email, with the disclaimer above and contact information for bar associations and licensing authorities.*
- i. *Under no circumstance should you provide a recommendation or reference or preference for an attorney. You may suggest that the individual contact an attorney directly for client references if the attorney is in a position to provide this information.*

7 FAM 992 COMPILING LISTS OF ATTORNEYS

(CT:CON-295; 04-21-2009)

- a. When updating their list of attorneys, consular officers should send letters and questionnaires (see 7 FAM Exhibit 992) to the attorneys in their consular districts. Use responses to these questionnaires as a guide in determining whether a name should be included on the consular list of attorneys. *The Department has no objection to inclusion of attorneys from the United States in the list provided the post clearly differentiates lawyers licensed or certified to practice in the country concerned from attorneys from the United States present in the country available for general consultation but who do not have a license or certification in the host State and cannot represent persons in court or perform other legal services for which a license or certification in the host State is required.*
- b. *Letters sent to attorneys with the questionnaires should make it clear that inclusion within the list is within the exclusive discretion of the Embassy (i.e. no person has a right to be included on the list) and that the Department may remove a person from the list at any time and without the obligation to disclose a reason. See 7 FAM Exhibit 992.*
- c. Make every effort to recruit attorneys from outlying areas in the consular district; do not limit the list to attorneys in major cities. Local bar associations may be helpful in determining whether an attorney is in good standing.
- d. Because the list is for the benefit of U.S. citizens, the majority of who may not speak the host country language, make efforts to include attorneys fluent in English and those willing to handle a variety of cases, including criminal cases.

7 FAM 993 COMPLAINTS AND REMOVAL OF ATTORNEYS FROM EMBASSY LIST

(CT:CON-295; 04-21-2009)

- a. Consular officers do not have the authority or the facilities to function as bar association disciplinary committees. Nevertheless, a complaint about an attorney included on the consular list should not be ignored. If the consular officer is unable to resolve amicably problems between a U.S. citizen and a local attorney, the consular officer should consider giving the address of the local bar association or law society to the complainant. In a particularly egregious case, *the consular officer may choose to bring the matter to the attention of the bar* after consulting with CA/OCS/PRI (ASKPRI@state.gov), which will confer with L/CA.
- b. Consular officers should keep a record of such complaints. Any attorney about whom more than three complaints are received from separate persons in a 2-year period should be brought to the attention of

CA/OCS/PRI (ASKPRI@state.gov) for appropriate guidance. Do not use the threat of deletion from the list as a lever against an attorney.

- c. *There is no valid reason for including or maintaining on the list the name of any attorney who has been suspended by a local licensing authority or bar association. This is more serious than personal complaints. If an attorney has been disciplined but not suspended, or is facing pending disciplinary proceedings, post should consider all information provided to it, including the egregiousness of the allegations, to determine if the attorney's name should be included or maintained on the list. In close cases, you are requested to seek advice from OCS/PRI, who will consult with L/CA.*
- d. *If a post contemplates removing an attorney from the list, notify your liaison officer in CA/OCS/ACS, who will confer with CA/OCS/PRI as appropriate.*

See also ...

International Bar Association

Worldwide Bar Associations

Legal Association Directories

American Society of International Law International Law Links

7 FAM 994 REPORTING SCHEDULE

(CT:CON-295; 04-21-2009)

All posts must submit the List of Attorneys to the Department (CA/OCS/ACS) triennially on June 30 in addition to linking the list to post's Internet home page. In the interim period, posts may at any time, but not later than one year, submit an addendum if significant changes occur.

NOTE: If there are no changes on a list of attorneys from one reporting period to another, *after all individuals on the list re-affirmed their "good standing" as discussed above*, prepare a new cover sheet, using the current year, so that recipients will not assume that the list is out of date.

7 FAM 995 ASSISTANCE IN SELECTING ATTORNEYS IN UNITED STATES

(CT:CON-127; 01-26-2006)

The consular officer should refrain from recommending any particular

attorney. When any person in the consular district desires to have the name of an attorney in the United States, refer that person to:

American Bar Association

ABA Lawyer Referral Directory
ABA State and Local Bar Association Directory
ABA Pro Bono and Public Service
ABA Consumers Guide to Legal Help
ABA Hiring a Lawyer
ABA Using a Lawyer
ABA Paying a Lawyer
ABA International

Other

Business.gov Hiring a Lawyer
Martindale-Hubbell Lawyer Locator
American Academy of Matrimonial Attorneys Directory
National Institute of Military Justice

7 FAM 996 INCLUSION OF NOTARIES, INTERPRETERS, AND COURT REPORTERS ON LIST OF ATTORNEYS

(CT:CON-127; 01-26-2006)

The Department (CA/OCS) receives many inquiries about which notaries' seals are on file with the consular officer and whether interpreters and court reporters are available locally. Include such information as an addendum to the list of attorneys.

7 FAM 997 INFORMATION SHEET ON RETAINING AN ATTORNEY ABROAD

(CT:CON-295; 04-21-2009)

The Department (CA/OCS) has prepared an information sheet on retaining a foreign attorney *that is available on CA's Internet website*. Posts may *refer requesting parties to this sheet or* distribute *it* with each list of attorneys.

7 FAM 998 INTERNATIONAL LEGAL AID

(CT:CON-127; 01-26-2006)

Post lists of attorneys and web page information about legal resources should include relevant information about the availability of legal aid. For example:

LEGAL AID RESOURCE EXAMPLES

International Directory of Legal Aid

Legal Aid Around the World

European Judicial Network (EJN) Legal Aid – International Law

U.S. Embassy Tokyo – Free/Low Cost Legal Advice in Japan

7 FAM 999 HOST COUNTRY LEGAL SYSTEM

(CT:CON-127; 01-26-2006)

- a. Your web page list of attorneys and legal resources should also include links to host government and other sources of information about the local legal system. 7 FAM 423.5 Arrests – Outlining the Judicial System and 7 FAM 1931.1 Crime Victim Assistance – Predict, Prepare and Inform, recommend that posts develop materials about the host country legal system to help the U.S. citizen/non-citizen national understand what they may be confronting. There are general sources of information about foreign legal systems. In addition, you may find that the host country has public materials readily available to which you may include link in your lists of attorneys. For example:

Foreign Country Web Resources About the Local Legal System

Library of Congress Nations of the World

World Fact Book (WFB); WFB Legal System Field

DOJ Bureau of Justice Statistics Criminal Justice Systems

Cornell National Law Material

University of Chicago Foreign Law Legal Resources

Harvard Law School Foreign Law Page

Comparative and Foreign Legal Guides

World Legal Information Institute

Country Specific

Denmark Legal System

Legal System of Hong Kong SAR

International Organization

EUROPA European Commission European Judicial Network

b. Many U.S. embassies and consulates have prepared such material. For examples:

U.S. Embassy and Consulate Web Links About Foreign Legal Systems

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Mexico City – Information for Victims of Crime in Mexico, The Criminal Justice System in the Mexico City Area

Tokyo – Arrests in Japan

Singapore Legal Problems and Commercial Disputes

Kathmandu Legal Information

7 FAM EXHIBIT 992

SAMPLE OF A LETTER TO FOREIGN ATTORNEY AND QUESTIONNAIRE FOR ATTORNEYS WILLING TO REPRESENT U.S. CITIZENS ABROAD

(CT:CON-295; 04-21-2009)

Sample of a Letter to a Foreign Attorney

Embassy of the United States
of America
Guatemala City, Guatemala,
January 3, 2005

Diego SALAZAR Perez
Attorney at Law
32 Avenida Mudejar
Zona 3, 80. Nivel
Guatemala City, Guatemala

Dear Mr. Salazar:

This office often receives requests from persons or firms in the United States for a list of attorneys in our consular district interested in representing them in private legal matters. Increased international trade, travel, cultural exchange and crime have contributed to the greater need of United States citizens to retain competent local attorneys.

If you would like your name to appear on such a list, kindly complete and return the enclosed questionnaire. An extra copy of the questionnaire is included as you may wish to retain one for your files.

Such list will be published on the United States embassy website. They are distributed privately upon request to United States citizens in need of legal counsel in Guatemala. *Inclusion of an attorney's name on the list is exclusively within the Embassy's discretion, and the Embassy may remove a person from the list at any time, and may decline to provide a reason. Generally,* the lists are revised triennially with interim addendum as needed, to ensure that local counsel are still practicing in the consular district and are willing to represent clients from the United States.

Thank you in advance for your interest in completing the questionnaire.

Sincerely,

Roberta M. Teasdale
American Consul General

Enclosures:

Questionnaires (2 Copies)

Questionnaire For Attorneys Who Are
Willing to Represent U.S. Citizens Abroad

Your answers to the following questions will help U.S. citizens and businesses decide whether you are the local attorney they should retain to represent them in Guatemala.

1. What is your name?
2. Your Date and Place of Birth:
3. What is the name of your law firm?
4. Partners, if any:
5. What is the address of your law firm?
Office Telephone:
FAX Number:
Home Telephone:
Email:
Webpage:
6. Describe your ability to read and speak English:
Fluent/Good/Limited. Also include any other languages, outside of your native language.
7. Describe your educational background:
8. Which of the following types of cases are you willing to handle? (Please indicate your choice by checking the appropriate letters.)

Family Law

Adoptions

Child Custody

Parental Child Abduction

Child Protection

Marriage/Divorce

Insurance

Banking/Financial

Commercial/Business Law

Foreign Investments
Marketing Agreements
Patents/Trademarks/Copyrights
Civil Law
Criminal Law
Damages
Narcotics
Collections
Commercial Law
Contracts
Transportation Law
Corporations
Aeronautical/Maritime
Foreign Claims
Estates
Taxes
Government relations
Labor Relations
Immigration
Auto/Accidents

9. Can you provide the services of a certified translator, court reporter/stenographer or notary?
10. Will you take cases outside of the City?
11. Do you represent any U.S. law firms or companies?
12. How long and in what locations have you practiced law.

I affirm that I am currently in good professional standing and am not facing any pending disciplinary proceedings.

Signature

Date