

Indian Law Firm in the United States of America

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Sector: Law Practice

To practice law in the United States, any and all lawyers – foreign or domestic – must be admitted to the bar association of the state in which they wish to practice. Taking the New York bar as a foreign lawyer is easier. According to Section 520.6 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law, foreign lawyers must satisfy four requirements from their list. Ms. Afia SenGupta previously associated with Brus Chambers, India now heads Brus Chambers LLC a full serviced law firm in the United States of America with its head office at New York. Dr. Shrikant Pareshnath Hathi, Managing and Practicing Partner of Brus Chambers is the President of Brus Chambers LLC.



Brus Chambers, a Mumbai-based law firm has opened a subsidiary firm Brus Chambers LLC headquartered in the financial capital of the world at New York that was incorporated as a Limited Liability Company (LLC) in New Jersey in March 2015, and opened its New York office on 26 May 2015, which now serves as the head-office with branch offices located in New Jersey, Washington DC, Manhattan and Missouri.

The law firm in New York has 32 US-qualified lawyers and paralegals, while New Jersey, Washington DC, Manhattan and Missouri employed nine US-qualified fee-earners each.

Dr. Shrikant Pareshnath Hathi, who is also the President of Brus Chambers LLC, USA and the Managing and Practicing Partner of Brus Chambers, India said that the firm was approved by the New York Bar for practicing in the state's courts. He said that the process of obtaining approval was relatively simple and took 45 days.

Ms. Afia SenGupta previously was associated with Brus Chambers India office now heads Brus Chambers, US Offices.

Brus Chambers LLC focuses on General and Commercial Litigation, International Arbitration, Shipping, Infrastructure

and Construction within Projects, Contractual and Corporate advisory, White Collar Defense, General Criminal Defense, Financial and Banking Frauds. The firms have got very good work from direct clients as well as from American law firms, since its incorporation.”

At the moment Indian government is considering allowing foreign law firms in India with restrictions and conditions and Dr. Hathi states that as and when Indian government allows, he is open for discussions with foreign law firm for open-ended alliance.

It is an open secret that foreign firms are hunting for Indian lawyers with dual-qualifications - qualification to work in India and abroad. As of now, Indian regulations prohibit foreign firms from having an office in India or advising on Indian law. They, however, can do this in cooperation with the Indian bar and work with Indian law firms.

According to a 2013 report of London-based RSG Consulting, the India's commercial legal market was worth \$1.07 billion based on the external legal expenses of the ET 500 Indian companies. The figure represented a 43% increase compared with three years earlier, or an average 13% growth each year — a modest rise compared with India's economic growth and inflation over the same period.

UK-based Clifford Chance, whose India practice stretches back to more than five decades, confirmed the trend of increased capital market activities.

Indian government is "actively pursuing" with the Bar Council of India the issue of framing rules so that foreign law firms can practice in India on a reciprocal basis as is stated by the Law Minister D V Sadananda Gowda at the Rajya Sabha.

"The government is actively pursuing with the Bar Council of India (BCI) for framing rules on the issue of entry of foreign lawyers/law firms to practice the profession of law in India on reciprocal basis," the minister said in a written reply.

Responding to a related question on whether litigation sector will remain the exclusive domain of Indian lawyers, he said the issue can be "determined" only after the rules are framed by BCI.

The UK and the US have been requesting successive governments in the country to open up the legal sector to foreign firms. Representatives of BCI have held informal talks with Gowda in this regard.

The government is of the view that the legal sector would be opened up to foreign law firms in a phased manner, which would also help the Indian legal fraternity.

The view within the government is that once the foreign law firms open offices in India, they would be hiring local legal brains to appear before courts. The Commerce Ministry is

also keen on this step as it would help in the government's policy of 'ease of doing business' in India.

The government also feels that offices of foreign legal firms in India will help government departments in hiring services of international legal experts in arbitration cases.

The Indian Advocates Act, which is administered by BCI, provides for foreign lawyers or law firms to visit India on reciprocal basis for temporary periods to advise their clients on foreign law and diverse international legal issues.

New York is one of the jurisdictions most open to admitting foreign lawyers to practice. In New York, certain foreign lawyers who have law degrees from certain schools and studying English law may be eligible to sit for the bar without having to obtain any further American law school study. Graduates of other law schools outside of the United States will generally be eligible to sit for the bar after graduating from a one-year LL.M. program at an ABA accredited school. Because New York is such a huge legal marketplace with broad international practices, it is easy to assume that a lawyer who can become admitted in New York will be able to practice throughout the rest of the country.

One of the common misconceptions is that the New York rule is the standard for practicing in the United States. In fact, it is not. Only one other state allows foreign lawyers to sit for the bar without any local study. (Massachusetts, which allows the graduates of certain Canadian law school graduates to sit for the Massachusetts bar examination). Outside of New York, the United States legal system, and the many bar associations contained within are actually quite exclusive with respect to foreign trained and educated lawyers.

According to the ABA, only 5 states will allow a foreign lawyer to take the bar under any circumstances (New York, California, Alabama, New Hampshire and Virginia). That's less than 10% of the jurisdictions in the United States! Thus, to practice in the United States, a lawyer must sit for and pass one of the bar examinations in one of these states. Depending on the lawyer's practice, this may limit the locations where he or she can practice. Since New York and California are both large internationally oriented cities, this certainly provides substantial opportunity. However, moving to a different state to practice law may be difficult.

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