



ACC Advocacy – Working for You

Corporate, Securities, and Governance





This issue of the Docket explores the global nature of business law. Within these pages, you'll find articles that discuss global issues such as ecommerce, highlight region-specific topics in North America and Asia, and incorporate international approaches to subjects that include mergers and acquisitions and attorney-client privilege.

Speaking of attorney-client privilege, are you aware of the tremendous work that ACC's advocacy team does on behalf of your in-house practice? **You happen to belong to an international association that prioritizes advocacy on public policy that directly affects you and your practice.** They work tirelessly to bring these matters before decision-making legislative bodies and regulatory agencies, as well as to the media and beyond.

As you well know, matters of importance to in-house attorneys include issues affecting the professional role and status of in-house attorneys (ACC's Seat at the Table initiative is a wonderful example of this; visit acc.com/governance to learn more), practice and licensing issues, attorney-client privilege of course, and more. In fact, ACC's advocacy team recently issued a brief that was quoted in a Texas Supreme Court opinion. In February, the court ruled in *City of Dickerson v. Texas Windstorm Insurance Association (TWIA)* that a party does not waive attorney-client privilege when it

designates an employee as a testifying expert. The court specifically mentioned ACC's brief in its decision, agreeing with ACC that "the attorney-client privilege is substantively distinct from the work-product doctrine and deserving of more jealous protection."

Also in February, the Supreme Court of California approved amendments expanding the ability of registered in-house counsel to participate in pro bono activities without separately registering as a legal services attorney. ACC and its four California chapters had previously submitted comments on the proposed amendments.

As a global organization, ACC's advocacy efforts — like all the services, initiatives, and resources created on behalf of and with the assistance of its members — focus greatly on the global practice of corporate law. These are just a few of those efforts:

- In early April, ACC, along with other global business organizations, endorsed the International Competition Network (ICN) Framework for Competition Agency Procedures (CAP). The CAP highlights and reinforces important due process principles in competition law investigations.
- In March, ACC filed comments in response to the proposed Legal Profession Uniform Law (Uniform Law) being considered by Western Australia. In its comments, ACC advocated for the inclusion of provisions to clarify the rights and duties of corporate practitioners as separate from private practice solicitors.
- March also saw ACC draft a response to a white paper from the Spanish bar that proposed external lawyers as the individuals most suitable to the corporate compliance officer role. ACC's response argues that internal lawyers are better suited to the job.
- In December 2018, ACC responded to proposed amendments to the Foreign Lawyers Registration Rules (FLRR) of the Hong Kong Law Society. These amendments would aim to restrict foreign lawyers in Hong Kong to only practicing the law of the jurisdiction in which they are licensed and increase the ratio of Hong Kong licensed lawyers to registered foreign lawyers in firms from 1:1 to 2:1.

I could go on and on highlighting the great work that the ACC Advocacy team — led by Associate General Counsel and Senior Director of Advocacy Mary Blatch — is doing on behalf of the global in-house bar, but I'd need another much longer column to do so! I hope you were already aware of ACC's commitment to advocacy, but if you weren't, I hope that you are both pleasantly surprised and encouraged by ACC's commitment to you — our members. To learn more about ACC's advocacy efforts, I encourage you to visit <https://advocacy.acc.com>.

As always, I hope that you find this issue of the Docket interesting and applicable to your in-house practice. Drop me a line at chair@acc.com if you have any feedback

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