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From Oppression to Outsourcing: New Opportunities for Uganda's Growing Number of Attorneys in Today's Flattening World

Mimi Samuel and Laurel Currie Oates[1]

Three events prompted this article. The first was our recent visit to Uganda in which we had the opportunity to talk to the faculty at Uganda's Law Development Centre[2] about what the future held for the students graduating from that program. Would those students, most of whom had attended primary and secondary schools that lacked not only desks and books but also running water and electricity, be able to find law jobs in Uganda, or would they be forced to leave the country to secure employment that matched their education? The second event was a conversation with one of our own students, a student who had come to law school because his job as a software engineer had been outsourced to India. This student had just learned that the law firm to which he had applied had decided not to hire a new associate but to instead outsource some of its legal work to attorneys in India. The third event was the publication of *The World is Flat*, a book that discusses globalization,[3] and more general media coverage on what appears to be a new wave of outsourcing: the offshore outsourcing of professional services.[4]

Our first reaction to these events was concern, both for Uganda's growing number of law students and attorneys and for our own law students. Our second reaction was to explore two issues: (1) whether Ugandan attorneys could provide legal services to countries like the United States and what the costs and benefits of such an option might be, and (2) how the outsourcing of legal services will affect U.S. attorneys and law students. This article discusses the first of these two issues and proposes that Ugandan attorneys may want to provide outsourced legal services, such

as those offered by Indian attorneys, as a step in developing their economy and providing stability to their political system.

Because we believe that you must understand the past to understand the future, we start this article with a short history of Uganda that focuses on the development of Uganda's educational system and how that system, and the values that are imbedded in it, may facilitate or hinder the role that Uganda and its attorneys can play in what is increasingly a global economy and a global legal system. We then explain how the "brain drain," that is, the decision of educated individuals from developing countries to seek opportunities abroad, affects countries like Uganda.[5] Next, we describe the new trend in outsourcing, which includes the outsourcing of professional work including legal services.[6] We end by exploring the costs and benefits of Ugandan attorneys providing legal services to U.S. businesses and law firms.

PART I: PUTTING UGANDA IN CONTEXT

Uganda is a small landlocked country in East Africa. Surrounded by the Democratic Republic of Congo (formerly Zaire), Rwanda, Sudan, Tanzania, and Kenya, it has been described as living in a bad neighborhood.[7] Its population is equal to that of California, approximately 27 million;[8] and its size, 91,136 square miles, is the size of Oregon.[9]

In 2003, Uganda's population was 26.4 million with an annual growth rate of approximately 4 percent.[10] Ninety-nine percent of Uganda's population is African; the remaining 1 percent is a mix of European, Asian, and Arab.[11] Sixty-six percent of Ugandans state that they are Christian, 16 percent state that they are Muslim, and the remaining 18 percent list their religion as traditional or "other."[12] The official language is English, but Luganda and Swahili are also widely used,[13] and the first language of many individuals is their mother's and/or their father's tribal language.[14]

Uganda is one of the poorest nations in the world with more than 26 percent of its citizens living on less than one dollar a day.[15] Agriculture

accounts for approximately two-fifths of Uganda's gross domestic product (GDP) and employs more than four-fifths of the workforce, more than half of whom are subsistence farmers.[16] The principal agricultural export crop is coffee, followed by tea, cotton, sugar, and tobacco.[17] Less than 1 percent of the GDP comes from mining, and less than one-twelfth of the GDP comes from manufacturing.[18]

Not surprisingly, life expectancy is low and, as a result of the AIDS epidemic and an increase in malaria, has declined in recent years from 48.7 years in 1990 to 42.7 years in 2000.[19] In addition, infant and child mortality has not improved, remaining at approximately 100–150 per 1,000 live births.[20]

Like many developing nations, Uganda sees education as its ticket out of widespread poverty. Indeed, in a 1992 White Paper setting forth the government's goals for education in the country, the Minister of Education stated, "Government's overall policy on education is that Uganda must henceforth seek to establish the highest quality of education possible as the basis for fundamental change, revolution and national development."[21] However, an educated populace cannot make a nation stronger if that nation cannot provide appropriate employment: "[T]here will have to be significant improvements in Uganda's economy if the dream of social mobility via education is to become a reality."[22] Thus, to put Uganda's current situation in context, the next section of this article traces the history of Uganda's educational system.

The Early Years of Uganda's Educational System

Long before Europeans arrived in East Africa, people living in the area that is now Uganda had developed their own education system.[23] In those early years, teaching emphasized "learning by doing," and "teachers" provided their students with the knowledge and skills needed to address everyday life.[24] Although students were taught the oral traditions of their

own tribal groups, they were not taught to read or write or about the larger world.[25]

In 1845, Arab traders entered what is now Uganda[26] and were the first to bring literacy to the region, teaching members of the Buganda[27] royal court to read and write using the Koran.[28] European explorers followed in the 1860s, and the first missionaries arrived in 1877.[29] These missionaries established a British educational system that endures to this day.[30]

Uganda became a British protectorate in 1884, with the British governing Ugandan and British economic interests through local tribal leaders.[31] During this period, almost all of the schools were operated by religious groups with only limited government supervision.[32] The people of Uganda welcomed the mission schools and, by 1921, more than 152,000 students were enrolled in these schools.[33] Most of these schools were, however, located in the Kingdom of Buganda, the area to the east and north of Lake Victoria, leaving the other kingdoms with few, if any, schools.[34] This uneven distribution of schools was criticized in what was probably the first report on education in Uganda, a 1924 report by the Phelps-Stokes Commission.[35] In addition, the Commission criticized the missionary schools for not tailoring the curriculum to meet the needs of the Ugandan people: instead of providing technical training, the schools followed the British model and provided "literary training" through boarding schools.[36]

Despite these criticisms, during the next three decades, Uganda's educational system became the best in East Africa.[37] By 1951, there were approximately 180,000 Ugandan children in primary school and 5,500 young adults in secondary school.[38] In addition, Makerere University's predecessor, the University of East Africa, which was affiliated with London University, attracted students from all over East Africa, including Kenya, Tanganyika, and Zanzibar.[39]

As Uganda's educational system grew, so did the debate about the type of education that should be offered. While some believed that Uganda's schools should provide a traditional British education, which, at least

according to the British, would prepare "colonial peoples for self government,"[40] others believed that Uganda's educational programs should emphasize agricultural and vocational education.[41] For the most part, the more traditional British education prevailed because most Ugandans believed that a "Western education would enable them to escape from the drudgery of an agricultural existence into white-collar positions."[42]

B. The System After Independence

When Uganda became an independent country in 1962, many considered it the Pearl of Africa.[43] Although most of Uganda was, in fact, blessed with a temperate climate and a beautiful landscape, it was not a "country." The newly formed political parties were based on religious or ethnic affiliations,[44] and the pre-independence constitutional conferences had left many issues unresolved, including a land dispute between the Kingdom of Buganda and the Kingdom of Buynoro over the "lost counties."[45] Uganda's first constitution also gave the Kingdom of Buganda, which had enjoyed a privileged status when Uganda was a British protectorate, federal status—the status of a country within a country.[46] As a result, Uganda's first government was a coalition government: Milton Obote, who was from the north and who was the head of the Uganda People's Congress, became Uganda's first prime minister, and the Kabaka, or King of Buganda, Sir Edward Mutesa II, assumed the position of ceremonial president.[47]

One of the Obote government's first acts was to adopt a five-year education plan that focused on quickly educating Ugandans to fill the administrative positions held during the colonial period by the British and by the Indians.[48] Both a World Bank report, which was issued shortly before independence, and the Castle Report, which was issued after independence, argued that, if Uganda was truly to govern itself, the country needed to double the number of individuals in secondary schools and increase the number of students receiving technical and university training.[49]

In response to these reports, the number of secondary schools increased from twenty-one in 1960 to sixty-six in 1965.[50] Because most Ugandans still believed that the best education was a British education, most of these new schools were modeled on the schools that had been established by missionaries during the colonial period: boarding schools that emphasized "character-building, general education and training for citizenship."[51] While initially most of these new schools were established by religious groups, the 1964 Education Act mandated that schools should be non-denominational.[52] Although the Act was hotly debated and the transition was slow, Ugandan education gradually changed from religious-based education to a nationalized non-denominational system.[53]

However, during the same period, the coalition between Obote, as prime minister, and Mutesa, as ceremonial president, was collapsing. Events came to a head in February 1966 when the Ugandan Parliament passed a motion calling for an investigation into allegations that Idi Amin, a northerner whom Obote had promoted to Deputy Commander of the Ugandan Army, had smuggled gold and ivory from the Congo and shared the profits with Obote and two of his closest cabinet members.[54] Obote countered by alleging that Mutesa, in his capacity as the ceremonial president, had sought military help from the British High Commission in the event that the Ugandan Army attempted to overthrow the independence constitution.[55] When Mutesa admitted that he had sought such help, Obote dismissed Mutesa as president, suspended the constitution, and increased his own powers.[56] In turn, Buganda asked Obote's central government to withdraw from Buganda soil within ten days.[57] Labeling this act an act of treason, Obote instructed the Ugandan Army to take over the Kabaka's palace.[58] Concerned for his own safety, Mutesa fled to Britain, where he died in 1969.[59]

In the midst of this political turmoil, Obote's government published its second five-year education plan. Like the first plan, this plan also emphasized secondary education: "[t]he Government therefore attaches the

highest importance to the expansion of secondary education, and much more will be spent on this than on any other branch of education during the Second Plan."[60] True to its word, the Obote's government allocated 1.5 million of its $8 million education budget for the "senior sixth forms," which were the secondary school certificate classes.[61] In addition, the government declared that the curriculum should emphasize science over the arts and that school certificate holders should be "steered" into the types of training that had the "highest priority in Uganda's economy."[62] In a 1969 report, the government stated that "expansion of secondary schooling was on schedule and that by 1971 targets would be exceeded."[63]

Even though more money was being spent on education, there were problems. There were not enough accommodations, qualified teachers, or materials,[64] and many of the boys[65] struggled between wanting to "appear Westernized and yet not 'de-Africanized.'"[66] In addition, while the number of students receiving both primary and secondary educations increased during the 1960s, most of Uganda's children were not being educated.[67] Even though the second five-year plan had set as a goal creating seats for 65 percent of primary aged children by 1971 and universal primary education (UPE) by 1981, in 1971 only 29 percent of primary-aged children were in school.[68] In addition, few of these children finished primary school.[69]

Therefore, at the end of the 1960s, 80 percent of Ugandan children were not in school, and many of those who were in school were not receiving an education that prepared them for life in rural Uganda or for successful careers in or outside of Uganda.[70] There was also a growing belief that the education that was being offered was too Eurocentric, tending "to turn out a mass of dissatisfied youth looking for white collar jobs only."[71] Finally, there was increasing concern over poor examination scores and declining job prospects.[72] Not only was there a sense of disappointment and impatience, but for most Ugandans, the fruits of independence seemed far away.[73]

C. Tarnishing the Pearl: Decay of the Educational System Under Amin and Obote's Second Regime

While in the early years of independence the primary tensions were between those from Buganda and those from the northern part of Uganda, in the late 1960s, tensions grew between individuals from different northern groups and in particular between Obote and Amin, who Obote had promoted to commander of the Ugandan Army.[74] Suspecting that Amin had been behind an attempt on his life, Obote sent Amin to Egypt to attend the funeral of President Nassar, and while Amin was out of the country, Obote named other individuals as Chief of Staff of the Ugandan Army and as commanding officer of the Air Force.[75] On his return, Amin outmaneuvered Obote, transferring soldiers who were loyal to him to a special unit, posting that unit just outside of the capital, Kampala, and arming them with the best weapons available.[76] Then, in January 1971, when Obote left the country to attend a Commonwealth conference in Singapore, Amin executed a successful coup.[77] No longer the Pearl of Africa, Uganda had begun its slide into violence.[78]

While Amin made statements supporting education and the number of primary schools increased during his regime,[79] Amin had little or no formal education, and both Amin and his army, which was made up of men with little or no formal education, distrusted those with education.[80] Because of this distrust, and his belief that Asians were sabotaging the Ugandan economy, in August of 1972, Amin issued an order giving the 80,000 Asians who were not Ugandan citizens ninety days to leave the country.[81] Fearing for their lives, most Europeans and many educated Ugandans also left,[82] creating a shortage of skilled workers and professionals.[83] These shortages, combined with Amin's decision to devote most of the country's resources to maintaining the army, destroyed Uganda's economy.[84] While most Ugandans were able to survive through subsistence farming,[85] it became difficult, if not impossible, for Ugandans to obtain manufactured goods, which adversely affected their ability to maintain and supply school

buildings.[86] For instance, while in 1971 there was an average of one chair for 1.2 students, by 1981 there was one chair for 8.8 students.[87] In addition, by 1981 few students had pencils or notebooks, and in some schools there was not a single textbook.[88]

In 1978, Amin made a decision that would lead to the end of his regime: accusing Tanzanian President Julius Nyerere of waging war against Uganda, Amin launched "Operation Magurugur" and invaded Tanzania.[89] The Tanzanian army, with the assistance of the Ugandan National Liberation Front (UNLF), a group of twenty-eight Ugandan exile groups, responded by expelling Amin's unprepared and ill-equipped forces and then attacking Uganda.[90] In 1979, Tanzanian forces captured Uganda's capital, Kampala, and Amin fled to Libya.[91]

As Amin was fleeing the country, the UNFL assumed power under the leadership of Yusuf Lule, the former Vice Chancellor of Makerere University.[92] Lule's government was, however, short lived, lasting only until June 1979, when the National Counsultive Council named Godfrey Binaisa as president.[93] Binaisa's government was also short lived, and in May 1980, the Military Commission took power.[94] This Military Commission scheduled elections for December 1980, and Obote, who had spent the Amin years in exile in Tanzania, returned to Uganda and announced his intention to run for president.[95]

Four parties advanced candidates for the December 1980 election: the Conservative Party, which was lead by the former prime minister of Buganda and which advocated the restoration of the kingdoms; the newly formed Uganda Patriotic Movement, which was lead by Yoweri Museveni and which drew its support from among those Ugandans who were young and educated and which advocated ending corruption and restoring the rule of law; the Democratic Party, which drew most of its support from those in Buganda and from those who opposed Obote; and the Uganda People's Congress, which was lead by the former president Milton Obote.[96] Having the support of the military, and the money and vehicles needed to campaign,

the United Peoples Congress won the election amidst accusations that the election had been rigged.[97]

While Obote's human rights record was relatively good during his first regime, Obote had one of the world's worst human rights records during his second regime, which lasted from 1980–85.[98] In an attempt to stamp out an insurgency led by Yoweri Museveni's National Resistance Army (NRA), Obote's security forces killed almost a half a million Ugandans and laid waste to a substantial section of the country, especially in the Luwero area north of Kampala.[99] Given this record, and his inability to restore Uganda's economy, it is not surprising that another coup occurred. In 1985, the then Army commander, Tito Okello, ousted Obote and established his own military government.[100] While the Okello govenment pledged to improve respect for human rights, end tribal rivalry, and conduct free and fair elections, in fact the Okello government spent much of its time trying to quash Museveni and the NRA.[101]

In an attempt to end what was by 1985 twenty years of political rivalry and violence, the president of Kenya sought to broker a cease-fire and a coalition government in Uganda.[102] Although agreeing to the cease-fire in late 1985, the NRA continued fighting and seized Kampala and the country in late January 1986. The NRA forced Okello's forces to flee north into Sudan, which allowed Museveni's forces to organize a government and install Museveni as president.[103]

D. Putting the Luster Back on the Pearl: Post-Amin Educational Policies

When Museveni took power, Uganda's educational system was barely functioning.[104] There were few teachers, school buildings had badly deteriorated, and it was difficult, if not impossible, to obtain school supplies.[105] In addition, education was no longer a priority.[106] Instead of working to provide an education for their children, Ugandans struggled to feed and protect their children.[107] Fifteen years of living under brutal dictatorships had taken its toll.

Upon taking power in 1986, Museveni focused his energies on improving Uganda's economy. As part of his plan, Museveni promised not only to improve the country's educational infrastructure but also to "narrow the gap between the high number of [secondary school] graduates and the low number of employment opportunities."[108] The long-term goals included establishing free primary education by 2002–03, extending primary school from seven to eight or nine years, and Africanizing education by shifting the emphasis in tertiary education[109] from primarily academic to more vocational and technical training.[110]

In 1987, the government designated an Education Policy Review Commission to review the system and make recommendations,[111] and in 1989, the Commission issued a report that formed the basis of the modernization of the Ugandan educational system.[112] The 1989 Report recognized the value that the Ugandan government placed on education, noting that the government has spent between 15 and 20 percent of its annual budget on education.[113] As conditions in Uganda improved, Ugandans were quick to realize the importance of educating their children.

> School fees are regarded as a first call on family incomes; indeed parents sell livestock and even land to send their children to school and to keep them there. In many cases, pupils walk long distances to school, and endure hours of coaching in order to cross the hurdles of external examinations.[114]

According to the 1989 Report, Uganda's accomplishments in the field of education during the first three years of Museveni's government were "remarkable."[115] The number of children completing primary school rose from 30,000 in 1960 to over 140,000 in 1988, and the number of secondary schools grew from fewer than 70 in 1962 to more than 500 in 1988.[116] In addition, the number of students enrolled at Makerere University tripled, growing from 1,550 in the 1960s to 6,000 in 1998.[117] It should be noted, however, that during this same period Uganda's school-aged population was growing at a rapid rate. While in 1959, the total population under

nineteen years old was 2,408,000, by 1991 that figure had grown to 9,654,598.[118]

Therefore, even though both Museveni's government and the people of Uganda supported education, as of 1989 "the gap between social demand and public supply [was] still very wide and in some cases critical."[119] Only about 60 percent of children of primary school age were able to receive more than a few years of schooling, and there was such a "narrow bottleneck at the end of the primary school that the stream of young people for whom neither secondary education nor employment outlets [were] available constitute[d] a major problem."[120] In addition, citing the focus on purely academic subjects and the lack of practical training, the 1989 Report concluded that sweeping changes needed to be made to the education system.[121] Indeed, the problems in the educational system were, at least in part, responsible for the "wide disparities between what the educational system is turning out, what the economy can absorb at the moment, and what the nation needs for its future growth."[122] The recommendations in the report were intended to "confront the complex and difficult problems of transforming education in Uganda into a potent instrument of individual and national development[.]"[123] Thus, the Report called for strong governmental support, not only in terms of financial support but also strong political support to democratize the educational system.[124]

In 1992, the government issued a White Paper in response to the 1989 Report, accepting some of the recommendations, modifying some, and rejecting others.[125] Of paramount concern was the economic feasibility of implementing the recommendations of the 1989 Report:

> Government has, during the last five years, necessarily been more concerned with investments in sectors such as agriculture, industry and road construction, which would generate income for investment at later stages of education and other social service sectors. This unfortunately has limited the availability of funds for development programmes in education.[126]

However, the White Paper still expressed a belief that the Ugandan people would succeed in implementing an effective educational system despite the financial obstacles. The White Paper predicted that by relying heavily on the "initiatives, imaginativeness, innovativeness, creativity, and on people's own efforts . . . out of the present situation of economic scarcity, Ugandans, by vigorously and courageously implementing [the recommendations of the 1989 Report] could eventually emerge as a self-reliant people that have firmly embarked on the roads towards fundamental change and revolution."[127]

Of particular importance is the fact that, in the White Paper, the government concurred with the 1989 Report's view that "education must be regarded as a basic human right for all Ugandan citizens regardless of their social status, physical form, mental ability, sex, birth or place of origin," and embraced the 1989 Report's recommendation for the "democratization" of education for women and "the mentally weak, the physically-handicapped, the socially disadvantaged and those in backward areas[128] and social groups."[129] The lack of education among girls, the White Paper acknowledged, arose not so much from problems in the educational system but from longstanding socio-cultural factors in Ugandan society.[130] For example, because of Uganda's patrilineal society, parents tended to send their boys to school rather than their girls.[131] The White Paper also acknowledged that the fact that many girls married and had children at a young age only exacerbated this situation.[132] Moreover, the White Paper cites girls' "natural physiological and psychological changes" as preventing them from "compet[ing] effectively with boys in academic performance[.]"[133] Finally, the White Paper repeatedly demonstrated concern for schools' ability to keep female students secure from rape or sexual harassment.[134]

To address these concerns and others, the White Paper set forth over 250 pages of recommendations and implementation strategies.[135] In particular, the government was to create special incentives and concessions to

stimulate and encourage more women to participate in education.[136] It was also to provide special financial exemptions for up to 25 percent of girls attending primary and secondary schools for those from poor families and "backward areas."[137] In addition, at the university level, women would continue to receive "concessionary admission requirements" and increased number of places, and this admission policy would be extended to other tertiary institutions as well as to secondary schools.[138] To accomplish these goals, the government made a commitment to allocate 20 percent of its budget to education.[139]

More particularly, the White Paper adopted the goal of achieving universal primary education for all children at the government's expense by the year 2002.[140] The White Paper also rejected the 1989 Report's recommendation to establish women-only schools as a solution to the lack of quality education for women.[141] Instead, the White Paper declared that all new educational facilities should be co-educational, that either the Head of School or Deputy Head should be a woman, and that appropriate physical facilities should be provided for girls in a co-educational environment.[142] Moreover, the White Paper recommended regulation of secondary school fees to ensure uniformity and to help eliminate abuses.[143] In addition, instead of having to pay fees in full at the beginning of the semester, parents would be permitted to pay school fees in installments.[144] Finally, the Government would reserve 20 percent of the seats in secondary schools as "free spots" for girls whose families could not afford the fees.[145]

Among the recommendations made by the White Paper was a "need to re-design and re-structure courses and programmes of study [in tertiary education] to make them more relevant to national needs[.]"[146] In addition, the White Paper recommended that students and parents assume full responsibility for meeting all non-instructional expenses of higher education, with full boarding and food costs to be taken over by students by 1998.[147] The Government would, though, establish a system of study loans that could be repaid after graduation for students who were unable to raise

necessary finances.[148] Thereafter, the government's financial responsibility would be confined to tuition fees, books, examinations, medical care, staff salaries, benefits, and maintenance of physical facilities.[149]

The Museveni government has, in fact, implemented many of the White Paper's recommendations and achieved a good number of its goals.[150] For example, by the early 1990's, there were approximately 8,000 primary schools with approximately 2.3 million students.[151] In addition, there were about 500 secondary schools with approximately 230,000 students, and about 26,000 students attended teacher training colleges and technical colleges.[152] Furthermore, four new universities had opened.[153] Not only were more students enrolled, but the teacher salary structure had been increased by 40 percent as of April 1992.[154] And, most importantly, the government had committed 264 billion Ugandan Shillings over five years to improve education, and estimated that after completion of that phase, the total additional recurrent expenditure would be approximately 786 billion Shillings.[155]

E. The Current Situation

On February 23, 2006, Ugandans went to the polls and reelected President Yoweri Museveni with approximately 59 percent of the vote. Although the elections were relatively peaceful, when candidate Kizza Besigye challenged the election results, the Supreme Court ruled that while some complaints raised were valid, they were not enough to cancel the election results. In particular, the Court noted that no illegal practices or any other offense was proved to have been committed by Museveni personally or at his direction. Nonetheless, the Court went on to note that it had "grave concerns about improprieties raised by the opposition challenge," including harassment and intimidation of the opposition by the country's security forces, "massive disenfranchisement" of voters, "apparent bias on the part of some electoral officials, and inadequate voter

education. The Court recommended that those matters "should be urgently addressed" by the relevant authorities to ensure the viability of Uganda's democracy.

Although Uganda's educational system is still far from perfect, the measures proposed by the White Paper seem to be helping, especially for primary education. Today, Uganda is close to providing universal primary education. Net enrollment rates for primary schooling have increased from 62.3 percent in 1992 to 86 percent in 2003,[156] and youth literacy has increased from 75 percent in 1995 to 81 percent in 2003.[157] In addition, the gender gap in primary school, the ratio of girls to boys, has improved from 93 percent to 99 percent.[158] However, gender disparities persist in areas of access to school facilities, performance, class participation, and educational attainment.[159] A 2001 study conducted by a Makerere professor of sociology showed that although primary school enrollment was fairly balanced between the sexes overall, district variations exist.[160] For example, there was evidence that indicated that the government's rapid expansion of schools had, in many places, resulted in a decline in the quality of schooling.[161] As a result, some parents enrolled boys in better private schools in the district while continuing to enroll girls in lower-quality public schools, reflecting a belief in greater educational achievement for boys than girls.[162] In addition, while nonattendance by males had declined to 15 percent in 2001, the rate for females remained quite high at 31 percent.[163]

Because of these gains, in 2005 the government announced its intention to implement its plan for Universal Secondary Education. This announcement was, however, opposed by many of Uganda's teachers, and the Uganda National Teachers Union asked Museveni not to implement the plan until the government perfected its Universal Primary Education program.[164] In particular, the teachers' union expressed concerned over the government policy of automatic promotions, under which no pupil is supposed to repeat a class.[165] According to the Uganda National

Examinations Board, this policy has resulted in allowing some students to progress through primary education without learning how to read or write, which meant at least some students did not have the skills that they needed to succeed in secondary school.[166] Despite the teachers' concerns, the government has, apparently, decided to go forward with its plan for Universal Secondary Education.[167]

On the higher education level, the number of students attending Ugandan universities has grown dramatically. For example, the number of students at Makerere has grown from 3,361 in the 1993–94 school year to 21,588 students in the 2002–03 school year.[168] This increase in numbers is also reflected in the increase in the number of students enrolled at Uganda's Law Development Centre. While in the mid-1990s the Centre trained thirty to forty students each year, in 2005 there were over 400 students in the program.[169] Despite these gains, Uganda still lags behind other African countries, as well as the rest of the world, in the number of individuals receiving tertiary education.[170] For example, in 1995, Uganda had only 154 out 100,000 people enrolled in tertiary education, while other sub-Saharan countries had 339 per 100,000.[171]

PART II: THE BRAIN DRAIN

Historically, those Ugandans who graduated from Makerere[172] had two options: they could stay in the country, earning relatively low wages, or they could emigrate to a country that paid higher wages. In the early 1980s, almost one quarter of those graduating from Makerere left the country because they feared for their lives or because they could not find jobs in Uganda.[173] Of those Makerere graduates who stayed in Uganda, the majority worked for the government, many in relatively low-paying jobs.[174] For example, of the 1980 graduates,[175] 53 percent were employed by the central government, 5 percent were employed by local government, and 18 percent were employed by parastatal entities, that is, entities owned at least

in part by the government.[176] Only 24 percent were employed in the private sector.[177]

While the percentage of Makerere graduates choosing to emigrate has declined in recent years, a significant number of Makerere graduates still leave the country.[178] For example, in 2001, almost 10 percent of those individuals who had graduated from Makerere in 1999 graduates were living abroad.[179] While these numbers may seem insignificant on the surface, they are more significant when they are placed in context.[180] Although only 4 percent of the workers in the Sub-Saharan workforce are skilled, 40 percent of those who emigrate are skilled.[181] Put differently, almost half of high-level managers and professionals have deserted their native African countries to seek opportunities around the globe.[182]

Individuals who emigrate almost always make more money when they emigrate than they would if they stayed in their home countries.[183] As a consequence, when individuals from a developing country emigrate, there are almost always financial benefits, both for the individuals and for their families. Not only do those individuals make more money and raise their standard of living, but many of the individuals who emigrate send money back to their families.[184] The World Bank estimates that the remittance flow, that is, cash sent by emigrants to family members in their home country, has doubled in the last decade, to an estimated $232 billion in 2005.[185] Of that $232 billion, an estimated $167 billion went to developing countries.[186] For example, the World Bank estimates that India received $21.7 billion in remittances, while China received $21.2 billion, and Mexico received $18.1 billion.[187] Thus, the amount that emigrants send home is more than developed countries spend in foreign aid and, in dozens of countries, remittances are the largest source of foreign capital.[188]

Although the data relating to Uganda are limited, the available data suggest the same trends. In 2000–03, private transfers by Ugandans living abroad were Uganda's largest single source of external funds.[189] For example, in 2000, Ugandans sent the equivalent of 598 million U.S. dollars

to Uganda.[190] Although many assume that most of this money is sent by "unskilled *kyeyos* (i.e., broom handlers, sweepers, and petty workers) . . . the truth is that the highly educated Ugandans who left in the 1970s and 1980s are not only more in numbers than the unsophisticated *kyeyos* but their incomes are higher. They have more money to remit back home."[191]

While the brain drain both helps and hurts developing countries, it almost always benefits developed countries. For instance, while skilled immigrants make up only a small fraction of the workforce in the United States, their impact, particularly in the information technology fields, is substantial; of the 420,000 graduate students who were in science and engineering programs in the United States in 1995, almost one quarter were foreign students.[192] In that same year, 39 percent of natural science, 50 percent of mathematics and computer science, and 58 percent of engineering doctoral degrees awarded in the United States went to foreign students.[193]

The presence of these foreign students has a significant impact on innovation. Recent research shows that a 10 percent increase in the number of foreign graduate students increased total U.S. patent applications by almost 5 percent, patent grants earned by universities by 6 percent, and patent grants by other commercial firms by almost 7 percent.[194] The last of these findings demonstrates that the presence of foreign graduate students benefits not only the individual and the university but also the United States as a whole.[195] The United States continues to benefit from the brain drain because many of these foreign students do not return to their home countries after they graduate: one-half of all foreign students who earn Ph.D's in the United States are still in the United States five years later.[196]

Thus, it appears that the promise of education as a "lever of social and economic advancement"[197] for developing nations such as Uganda may be undermined by the availability of higher-paying jobs abroad. While remittances from those working abroad may benefit the country, they do not do so without exacting a personal, social, and perhaps political cost. The question then becomes how to create opportunities within the country that

provide similar financial benefits without the attendant costs. Traditionally, the answers lay either in direct foreign investment or in foreign aid, either from governments of more developed countries or from non-governmental organizations (NGO's). However, as we discuss below, a new opportunity may be emerging.

PART III: THE RISE OF OUTSOURCING OF LEGAL WORK

The word "outsourcing" creates a visceral reaction in many Americans. And for most that reaction is negative.[198] That legal services are being outsourced to foreign lawyers comes as a surprise, frequently with the question: "Is that legal?" As it turns out, the practice is becoming increasingly common and, while it presents unique ethical issues, its legality has not yet been challenged. American Bar Association (ABA) officials say they know law firms outsource work to foreign countries, but they have not seen problems arise from it.[199] According to Nancy Slonim, the ABA's deputy director for policy communications, the ABA has not "endorsed or opposed" the outsourcing of legal services.[200]

In this part of the article, we discuss the development of legal services outsourcing, the driving forces behind it, and the costs and benefits associated with it. We use India as an example of a country that is currently providing legal services to law firms and attorneys in the United States, and we explore whether Uganda might be able to provide similar services.

The off-shore outsourcing[201] of legal services is part of the most recent wave of outsourcing. While off-shore outsourcing is not a new phenomenon, it has increased significantly in the past twenty years.[202] Beginning with the outsourcing of manufacturing jobs in the late 1980s, the trend expanded to other industrial sectors, and it finally led to what has been referred to as the "second wave" of outsourcing—the outsourcing of white collar jobs, which has been facilitated in large part by the global reach of the Internet.[203] While many outsourced functions are "back office"

functions,[204] the industries most visibly affected by the outsourcing phenomenon are communications (i.e., call centers) and high tech.[205]

The costs associated with off-shore outsourcing have been frequently reported in the popular media. Many Americans who have lost their jobs as a result of outsourcing resent the foreign workers who have "stolen" their jobs, and some American legislators and politicians have sought to enact protectionist measures.[206] In addition to the obvious loss of jobs, national security is often raised as a concern when services such as manufacturing and mapping are outsourced to foreign countries.[207] Nonetheless, many people—from financial analysts to CEOs of major American corporations to leading journalists—view the outsourcing explosion as a natural and inevitable consequence of globalization.[208] That is, the current shift in provision of services is "simply a natural outcome of free trade, a reality today that one cannot reverse."[209] Indeed, many companies feel that they must outsource to remain competitive in the world market.[210]

The driving force behind outsourcing, and the obvious benefit of it, is money. For example, a study by researchers at the University of California at Berkeley found that "computer programming jobs that pay $60,000 to $80,000 per year in the United States can go for as little as $8,952 a year in China, $5,880 in India or $5,000 in the Russian Federation."[211] Off-shore labor can also provide companies with part-time specialists while reducing the number of people who need to be managed.[212] Some even argue that the quality of the services provided does not suffer, suggesting that "[a] trained third world brain is every bit equal to a trained American brain, at a fraction of the price."[213]

The benefits, however, are not limited to American companies outsourcing their services. The countries whose citizens perform these services can also benefit greatly.[214] For example, India is one of the main beneficiaries of American outsourcing. As of 2004, India's information technology enabled services sector employed over 200,000 people and was growing at a rate of 60 percent per year, with an estimated export of $2.3

billion.[215] Even more striking, its software services sector had exports of approximately $9.5 billion, and those exports are expected to reach $50 billion over five years.[216] In that same time frame, approximately 2 million Indians are expected to be working in the business process/business services outsourcing segment.[217]

One of the most recent, and to many, most unexpected areas of growth in the outsourcing industry has been the off-shore outsourcing of legal services.[218] The novelty in this phenomenon is outsourcing legal services to foreign attorneys. Although they may not have used the term "outsourcing," law firms and corporations have, in fact, been "outsourcing" (or "contracting") legal work domestically for a number of years.[219]

Initial predictions were staggering. One report predicted that worldwide legal outsourcing will be a $163 billion industry by 2006.[220] That same report predicts that U.S. law firms are expected to outsource over $600 million in legal research and nearly $5 billion in litigation support by 2006.[221] Another early report predicted that the potential market for all outsourced legal services from the United States would be approximately $3 to $4 billion.[222] A Forrester, Inc. report predicted that 35,000 U.S. legal jobs will move to "low-cost countries," such as India, by 2010 and that this number will reach 79,000 by 2015.[223]

Evalueserve, a business and marketing consulting firm, takes a more conservative view in its recent paper titled "Legal Process Outsourcing—Hype v. Reality."[224] This report claims that only 1,300 Indian lawyers are providing outsourced legal services on a full-time basis.[225] That report predicts that Indian companies providing outsourced legal services will generate approximately $56 million from July 2005 to July 2006, $300 million in 2010–11, and $960 million in 2015–16.[226] This latter figure represents only 1.2 percent of the U.S. legal market, which is projected to stand at $480 billion by then.[227]

While reports vary dramatically about the amount of legal services that are, and will be, outsourced to India, anecdotal evidence shows that the

phenomenon is growing. For example, Prism Legal Consulting maintains a list of firms and companies engaged in the outsourcing of legal services.[228] As of the writing of this article, that list included fifty-two U.S. entities that outsource legal services including major companies such as Accenture, American Express, General Electric, and Microsoft; major law firms including Baker & McKenzie, Bickel & Brewer, and Orrick Herrington; and a host of vendors of legal services.[229] That list shows that India, as the main beneficiary of this phenomenon, is not the only one; legal services are also being outsourced to Mauritius, New Zealand, Australia, the Philippines, and Scotland, as well as a number of domestic locations.[230] Contract Counsel, a firm that provides temporary contract lawyers, has recently decided to pursue off-shore outsourcing of legal services and is scouting potential contractors in Sri Lanka and Dubai as well as in India.[231] According to its CEO, Israel looks promising as a new source of legal talent.[232]

While the outsourcing of legal services involves many of the same issues that arise in the outsourcing of other professional services, outsourcing of legal services also presents unique ethical[233] issues that are not present in the outsourcing of other business processes.[234] The most obvious issue is whether foreign attorneys are engaging in unauthorized practice of law. However, at least under current rules of professional responsibility, commentators have concluded that as long as the U.S. lawyer adequately supervises the foreign lawyer, the foreign lawyer may provide the U.S. lawyer with services such as reviewing documents, conducting legal research, and writing briefs, memoranda, and other legal documents.[235] Attorneys who outsource legal services must, though, ensure that the foreign attorneys understand and respect rules regarding client confidences.[236] In addition, attorneys must consider issues of fee-sharing and associations with foreign attorneys when deciding whether and how to outsource legal services.[237] Finally, in some circumstances, attorneys may need to disclose to their clients their use of outsourced legal services.[238]

Thus, the question becomes, if law firms or corporations decide to outsource some of their legal services, what country would provide a qualified pool of attorneys? To date, the vast majority of outsourcing of legal work has gone to India, but as we will discuss below, other countries, such as Uganda, share many of the same characteristics that have made India successful in this market. One firm that outsources its legal work has suggested a list of criteria for U.S. attorneys to consider in evaluating countries as possible destinations for outsourced legal services.[239] First, the attorney should examine the local environment of the outsourcing country, including the local infrastructure, the political stability, foreign direct investment incentives, and time zone attractiveness. Second, the attorney should consider the worker capability, including whether foreign attorneys know English, whether they can produce quality work, whether the attorneys demonstrate strong work ethics, and whether using them will achieve a satisfactory cost differential.[240]

India, while scoring well on worker capabilities, but low in areas of infrastructure and regulatory environment, leads the world in providing outsourced legal services.[241] Several factors account for India's success in the legal field in particular. First, Indian attorneys are trained in a common law system derived from a common British legal heritage.[242] Second, Indian attorneys speak English and have been educated in English.[243] Third, given the time difference, Indian attorneys can work when American attorneys are sleeping.[244] Finally, as with outsourcing in other fields, Indian attorneys provide services at a substantially reduced cost compared to American attorneys. Lawyers and legal assistants in India make, on average, one-third of what their American counterparts make.[245] Moreover, Indian attorneys working in private law firms are not as likely to be provided benefits such as health, disability, or life insurance, or retirement benefits.[246]

Law firms and companies that outsource legal work to India generally use one of four business models.[247] The first model is the "client

outsourcing model," in which major corporations send legal work to foreign countries, either by opening a foreign branch of their law department or by retaining a foreign business to do their legal work.[248] The second model is the "law firm outsourcing model," in which U.S. law firms outsource legal work from clients to foreign lawyers on a temporary contract basis.[249] These lawyers, however, are not employees of the law firm nor do they work exclusively for one law firm. The third model is the "intermediary outsourcing model," in which either an offshore or a domestic company offers a variety of legal services to domestic law firms using foreign lawyers or nonlawyers.[250] These businesses may have offices in the United States, in the foreign country, or in both. Some, but not all, of these businesses provide training of foreign lawyers for work in the United States. Some of these companies will even edit the work product of the foreign attorney.[251] The final model is the "ancillary outsourcing business model," in which independent outsourcing providers and law firms enter into joint ventures or other contractual arrangements to market offshore services to clients.[252]

Benefits to U.S. law firms and corporations, of course, are primarily financial. Other significant benefits, however, include the quality of the work produced and the benefit of the time difference.[253] Indeed, the marketing materials from several intermediary outsourcing law firms emphasize both the cost savings to U.S. law firms as well as the high quality of the work produced and the fast turnaround time.[254] As Larry Newman, the author of *Texas Corporation Law* and a specialist in corporate transactions, states: "They have been instrumental in getting favorable results in even complex cases."[255] Moreover, these law firms suggest that there is yet another benefit to outsourcing more routine legal services: it will allow law firms to devote their time and attention to tasks that require more face-to-face contact or physical presence such as client development, court hearings, and negotiations.[256]

While U.S. clients have been generally satisfied with the work produced by Indian attorneys, cultural differences do present several unique challenges.

> For instance, Indians, like most Asians, are more formal in their dispositions at the workplace than are their American counterparts. While Western management theories abound with concepts of flattened organizations, individual empowerment, and proactive decision-making, Indian management style typically emphasizes the subordination of the role of the individual to the greater demands of the group within which the individual is a member, and the need for respecting order, structure, and hierarchy. Generally speaking, Indian counsel interacting with Americans will more often use speech that is indirect, complex, and subtle in its meaning. Americans may also have to back off the more direct, "get-it-done," efficiency-oriented speech that they commonly use; such a communication style might be considered inappropriate in India.[257]

Other drawbacks associated with the differences in culture include variations in writing style.[258] Indian attorneys have been taught to be indirect when making points of law, they tend to write in the passive voice, and they tend to be flowery and verbose.[259] Finally, they tend not to cite authority when writing briefs.[260] This writing style stands in contrast to the generally more direct, active, and well-supported style that U.S. attorneys prefer.[261] Moreover, while the time change allows a U.S. attorney to send off an assignment before leaving work for the day and to have an answer ready when she arrives at work the next day, a lack of face-to-face communication and an inability to communicate with Indian attorneys during the U.S. workday can be negative consequences of outsourcing work to attorneys on the other side of the world.[262]

Another risk involved in the off-shore outsourcing of legal services is the high turnover in personnel. Although most evidence thus far involves call centers, which suffer from high turnover in the both the United States and India, one study shows that retention of providers of outsourced services

will be an issue regardless of whether the employee is working in an entry-level job or in a more skilled profession.[263]

PART IV: LEGAL OUTSOURCING: A NEW OPTION FOR UGANDAN ATTORNEYS?

A. Is Outsourcing of Legal Work A Viable Option for Ugandan Attorneys?

When we first learned the extent to which U.S. law firms and corporations were outsourcing legal services to India, our thoughts turned to Uganda and the problems that its new attorneys face in finding employment.[264] In this part of the article, we compare the Ugandan and Indian legal systems to show how Uganda can prepare itself for providing legal services to those in other countries. We also explore some of the barriers Ugandans may face as well as potential downsides of legal outsourcing. In some critical ways, Uganda is similar to India, which indicates that Ugandan attorneys may be able to follow India's lead and provide services to U.S. law firms.

First, as with Indian attorneys, Ugandan attorneys can provide legal services at a fraction of the cost of U.S. attorneys. For example, the average Ugandan makes between $250 and $300 annually[265] and the average Ugandan attorney working for the government makes approximately $4,000.[266]

Second, Uganda was a British protectorate, and as a result, English is both the official language and the language used in the legal system.[267] In addition, Uganda has a common law system,[268] and conversations with Ugandan attorneys indicate that many Ugandan attorneys who are educated in Uganda obtain advanced legal degrees in the United States, Canada, or Britain.[269]

Third, just as Indians have expanded opportunities to study law in India, Ugandans have more and more opportunities to study law in Uganda. While for many years Makerere University was the only Ugandan

university that had a law program, two other universities, Nkumba University in Entebbe[270] and Uganda Christian University,[271] which is just outside of Kampala, are developing law programs. Moreover, to ensure consistent quality of education, all Ugandan attorneys must complete the Uganda Law Development Centre one-year post-graduate program, which provides a bridge from the theory of undergraduate education to the reality of law practice.[272]

Fourth, Uganda's openness makes Uganda a good candidate for providing outsourced legal services.[273] Instead of rejecting those from outside of Uganda, Uganda has, for the most part, embraced outsiders. In the 1800s, Ugandans welcomed Arab traders and British missionaries, and in recent years Uganda has welcomed NGO's from all parts of the world.[274] In addition, despite its troubled and often violent past, Ugandans have demonstrated an openness toward working with individuals from different backgrounds and beliefs.[275] One small example is the office of the Inspectorate General of Government where men and women from different tribal groups, and with different religious beliefs,[276] work side-by-side to end what is still a serious problem in Uganda: government corruption.[277]

While Ugandan attorneys have the potential to provide outsourced legal services as do Indian attorneys, Ugandan attorneys face several unique, but not insurmountable, challenges. For example, neither the universities nor the Law Development Centre offer any in-depth training in technology or legal research.[278] As a result, before Ugandan attorneys can provide outsourced legal services to other common law countries, they will need to learn how to use word processing programs and how to do on-line research using the increasing number of free databases and fee-based services such as Westlaw or LexisNexis.[279]

In addition, Uganda's telecommunications infrastructure is not yet ready to support widespread outsourcing. At present only 3.5 percent of the urban population in Uganda has access to computers in their home,[280] and only 0.4 percent of those living in more rural areas, which is where the majority of

Ugandans live, have access to computers in their homes.[281] In raw numbers, there are only about 182,000 computers for the twenty-six million people in Uganda.[282] For those Ugandans who own computers in their homes, only about 10 percent have a working Internet connection.[283] Even when a connection is available, the cost, 85,000 Ugandan shillings per month,[284] means that most Ugandans cannot afford a connection.[285] Thus, at least at present, most Ugandans, including many attorneys, cannot and do not use the Internet.[286] It should also be noted that there are no optical fibre cables in Uganda; the only international connection is achieved via satellite.[287] Thus, for all intents and purposes Uganda is not only landlocked, but is also "e-landlocked."[288]

These challenges may, however, be overcome by the year 2010, when Uganda hopes to have implemented an up-to-date telecommunications sector.[289] In addition, by that year, the government hopes that all Ugandans will have access to the Internet.[290] To acheive these goals, Uganda is working on several initiatives, including increasing access to the Internet throughout the country, making the Internet more affordable, and encouraging investment by simplifying the regulatory system.[291]

Even though Uganda is making strides in its telecommunication sector by attempting to establish favorable regulatory practices, lower prices, more mobile platforms, and a potentially successful Rural Communications Development Program, the country still faces challenges.[292] Before the telecommunications sector can be successful, it must overcome competition problems, strive for more affordable pricing (although even with declining prices, many Ugandans will still not be able to afford to use the Internet), and solve the scarce Internet penetration problem.[293]

In addition to the challenges associated with the telecommunications infrastructure, political risks and concerns about good governance make legal outsourcing to unstable nations unattractive to U.S. law firms.[294] While India is not without its own political problems, Uganda suffers both from the perception of instability as well as the potential reality of it. Most

people in the United States know little about Uganda and, more often than not, what they do know is negative. When they hear the word "Uganda," images come to mind of Idi Amin, the Raid on Entebbe, or more recently, images of Joseph Kony, the Lord's Resistance Army, and child soldiers. Thus, businesses, law firms, and individuals in the United States may be reluctant to rely on attorneys who they perceive to be working in an unstable or corrupt system.[295] As of this writing, Uganda's political future is uncertain; current political events and the results from the upcoming election, which remain to be seen, will largely determine both Uganda's future and its potential for becoming a provider of professional outsourced services.

B. The Costs and Benefits of Providing Outsourced Legal Services

Globalization appears inevitable.[296] Regardless of whether individuals in the United States and Uganda support outsourcing or oppose it, outsourcing of various industries including legal services will continue absent either rules prohibiting it or significant changes in the global political or economic climate. As a consequence, Ugandan attorneys have a choice. They can either choose to sit on the sidelines, letting attorneys in other countries, for example, India, provide legal services to countries like the United States, or they can choose to enter the global market and develop the infrastructure, expertise, and contacts that they need to compete with attorneys in other countries.

In deciding whether they want to provide outsourced legal services, Ugandan attorneys should consider both the benefits and the potential costs. The most obvious benefits of outsourcing are financial. Businesses in the United States and other developed common law countries benefit by being able to obtain legal services at lower costs, and Ugandan attorneys and Uganda, can benefit from an increase in the number of relatively high paying legal jobs. There are, however, a number of less obvious benefits.

First, the outsourcing of legal services can help minimize the brain drain, at least in terms of attorneys. According to the "dying seminar" theory, educated individuals require a certain number of compatriots and colleagues to be productive.[297] Consequently, when a certain number of individuals choose to leave a seminar—or a country—their leaving prompts others to leave, which in turn prompts still others to leave.[298] Conversely, when individuals choose to stay in a country, their decision to stay often results in others staying, thus limiting the brain drain.[299]

Second, the outsourcing of legal services can help ensure that there are a "critical mass" of attorneys and judges in Uganda. Critical mass theory, which has its origins in nuclear physics, suggests that the nature of group interactions depends, at least in part, upon the number of individuals within each subgroup.[300] For example, when a subgroup is a distinct minority, its members will usually adapt to their surroundings, conforming to the predominant rules of the game.[301] However, when a subgroup reaches a certain size, "there will be a qualitative change in the nature of group interactions, as the minority starts to assert itself and thereby transform the institutional culture, norms and values."[302] Therefore, while a few attorneys and judges may not be able to safeguard the rule of law, a critical mass might.

For instance, in Uganda, a critical mass of attorneys and judges can help Uganda by expanding Uganda's existing body of law. As more cases are tried and decided in Uganda, Uganda's body of precedent will grow, which will make Uganda's legal system more transparent, not only for those who already live and work in Uganda but also for foreign companies that are making decisions about whether to invest in Uganda. In addition, a critical mass of Ugandan attorneys, particularly a critical mass of attorneys who have worked with businesses and attorneys in other countries, can help Uganda modify its statutory and regulatory systems to enhance Uganda's ability to be a competitive player in the global economy.[303]

Perhaps even more importantly, a critical mass of attorneys and judges can have a positive effect on Ugandan politics. While a small number of attorneys and judges may not have the ability to challenge misuses of power, a critical mass can. Recent events in Uganda illustrate the point.

In June 2005, Uganda's Parliament amended the Ugandan Constitution, eliminating presidential term limits.[304] This amendment allowed President Museveni, who has been in power since 1986 but who was first elected to office in 1996,[305] to run for a third term. A month later, in July 2005, a referendum was held in which the people voted to allow candidates from other parties, which opened the door for Dr. Kizza Besigye to reenter the country and announce his intention to run against President Museveni.[306] However, within a week after Dr. Besigye reentered Uganda, he was arrested and charged with treason and rape, which are capital crimes.[307] Two days later, as a High Court judge was about to release Dr. Besigye on bail, armed soldiers dubbed the "Black Mambas" blocked the exits to the High Court, preventing Dr. Besigye's release.[308] The next day, the Ugandan military took Dr. Besigye into custody, holding him in a military prison.[309] Speaking out against the government's actions, the Uganda High Court's Principal Judge, James Ogoola, described the incident as "a despicable act and a rape of the judiciary."[310] Showing that there is "strength in numbers," members of the Ugandan Law Society (the equivalent of the American Bar Association) staged a one-day general strike to protest the government's actions.[311] In response to this pressure, the government allowed Dr. Besigye to register his candidacy[312] and on January 2, 2006, Dr. Besigye was released on bail.[313] Arguably, the strike led by the Ugandan Law Society could not have happened without a critical mass of Ugandan attorneys to support each other and to give courage to the Ugandan people as a whole.

Third, outsourcing can change the bases on which individuals judge each other. When individuals are working together in a physical location, they often make judgments based on visible characteristics such as race, gender,

age, or physical disabilities.[314] However, when the only contact that individuals have with each other is through the Internet, judgments tend to be based on performance.[315] Thus, moving from local economies to a global economy may also mean that we move from a society in which people are judged on what they look like to a society in which people are judged on individual talent and performance ability.[316] This move into a global economy may also expose more people to individuals of different races, cultures, and religions. According to Jerry Roa, the MphasiS CEO, who heads the Indian high-tech trade association,

> [w]hen you are chatting with another developer in another part of the world, you don't know what his or her color is. You are dealing with people on the basis of talent—not race or ethnicity—and that changes, subtly, over time your whole view of human beings, if you are in the talent-based and performance-based world rather than the background world.[317]

This new talent- and performance-based market has the potential for changing the way that the world views Uganda. Instead of thinking "Idi Amin" when they hear the word "Uganda," individuals who are associated with businesses or law firms that outsource legal work to Ugandan attorneys will think about the Ugandan attorneys that they have worked with and about the quality of their work. In addition, moving to a talent- and performance-based world may help Uganda's female attorneys. While women are well represented at the Law Development Centre, making up almost 50 percent of the students, Uganda's female attorneys still have a more difficult time than Uganda's male attorneys finding jobs, particularly in the private sector. Because legal jobs in the public sector are shrinking, having the opportunity to do legal work for corporate clients and private individuals in the United States and other common law countries would provide Uganda's female attorneys with additional employment opportunities, help them develop expertise in private sector law, and allow those within the country to see them in a new light.

Despite these benefits, outsourcing may be viewed as, or may in fact be, just another form of colonialism or oppression.[318] While attorneys in the United States will be doing the "interesting" legal work, those in Uganda will be doing work that is considered less interesting and less intellectually demanding.[319] In addition, attorneys providing outsourced legal work may be helping U.S. law firms and clients to the detriment of Ugandan clients, who cannot afford to pay the same rates as businesses, organizations, and individuals in the United States.

There are, however, some who have embraced outsourcing, viewing it not as a form of oppression but as an opportunity. For example, when asked about how those in China viewed outsourcing, the Mayor of Dalian, China, argued that providing outsourced services is just a step in a much longer process.

> In manufacturing, Chinese people first were the employees and working for the big foreign manufacturers, and after several years, after we have learned all the processes and steps, we can start our own firm. Software will go down the same road . . . First we will have our young people employed by the foreigners, and then we will start our own companies. It is like building a building. Today, the U.S., you are the designers, the architects, and the developing countries are the bricklayers for the building. But one day I hope we will be the architects.[320]

Given that there is little regulation controlling off-shore outsourcing, it will be up to those individuals who engage in it to self-regulate. Of course, there is tremendous opportunity for, and examples of, exploitation of workers in developing nations, but not all entrepreneurs see only the bottom line. Some, seeing outsourcing as tool for development, have engaged in socially responsible ways of promoting outsourcing.[321] A case in point is Digital Divide, a not-for-profit data-entry firm that is now operating in Cambodia and Laos.[322] On two "scouting" trips to Cambodia, Hockenstein, a Harvard graduate who had worked for McKinsey and Company, found that, although Phnom Penh was a city "salted with Internet cafes and

schools for learning English," it was also a city with "no jobs, or at best limited jobs, for those who graduated."[323] Wanting to promote positive change, Hockenstein and two colleagues from McKinsey hired two Cambodian managers, persuaded a generous Hindu to go from India to Phnom Penh to train them, and then, with $25,000 of their own money and a $25,000 grant, hired twenty data-entry operators, purchased twenty computers, and arranged for an Internet line.[324] Although the first "contract" was one that Hockenstein arranged with his alma mater, Harvard, four years later, Digital Divide had numerous customers and 170 employees in three cities.[325] While Digital Divide's success is impressive, the more interesting, and encouraging, part of the story is what happened next. As a result of working for Digital Divide, some of Digital Divide's employees saw an unmet need, standardizing the collection of data by NGO's, and started their own business, not entering data, but designing standardized methods for recording survey data."[326] Instead of remaining as "bricklayers," these Cambodians became "architects."

With similar types of assistance, Uganda's attorneys can create their own niches, both within Uganda and in the larger global economy. For instance, while Ugandan attorneys who choose to provide outsourced legal services may initially spend most of their time doing routine work like litigation support or relatively simple legal research, this routine work and the revenue it produces will provide them with the opportunities and the resources to move into other types of legal work. Like the individuals who worked for Digital Divide and who started their own business, Ugandan attorneys may see new ways of using their law degrees either within or outside Uganda. In addition, as Uganda's economy grows, it seems likely that Ugandan attorneys will spend increasing amounts of their time doing legal work for companies and individuals in Uganda or in other parts of East Africa. Put differently, providing outsourced legal services to the United States can assist Ugandans in developing the skills and experiences that they need to participate in a meaningful way in the evolving global

economy, and it can provide them with the seed money that they need to take advantage of the opportunities that come their way.

Ultimately, the benefits and costs of outsourcing legal work to Uganda will depend on global forces, on the particular outsourcing arrangement, and on intangibles that are imbedded in the cultures of those who outsource work and those who choose to provide outsourced services.[327] If the primary motivation of those who outsource work is to cut costs, then the costs associated with outsourcing may outweigh any benefits. While the companies that outsource legal services may, in the short term, save money, unless they use those savings to innovate, their businesses will not grow. Similarly, if Ugandan attorneys who choose to provide outsourced legal work do not look to the future, they may discover that there is someone from another, even poorer country, right behind them willing to do the same work for less money.

If, however, the primary motivation for outsourcing is growth, the benefits will, more likely than not, outweigh the costs. The companies that outsource will grow by identifying their core competencies and building upon them; similarly, those attorneys who provide services will grow by developing knowledge, which can lead to innovation, which can, in turn, allow them to grow by identifying their own core competencies and building on them.

CONCLUSION

In discussing the outsourcing of legal services to Uganda with our colleagues, we and most of our colleagues have concluded that Ugandan attorneys, U.S. attorneys, and clients would all benefit financially from some sort of outsourcing arrangement. There is, however, disagreement about the best way of structuring these outsourcing arrangements. Although how these arrangements might be structured is an important issue, that issue is beyond the scope of this article, and we leave it to those who decide to engage in outsourcing. Our only hope is that those arrangements involve

equal partnerships between the individuals using outsourced services and those providing the services.

Thus, instead of ending this article with a discussion of how to outsource legal services, we close it by returning to our goals in writing this article. Our first goal was to start a conversation about the implications of legal outsourcing. If you are now thinking and talking about legal outsourcing, either to Uganda or more generally, we have achieved that goal. We did, however, have several other, more specific goals. First, we hope that, after working with attorneys in Uganda, attorneys in the United States will see Uganda in a new light. In particular, we hope to replace some of the old images of Uganda—images of Idi Amin and the raid on Entebbe—with new images. By establishing one-on-one relationships with Ugandan attorneys, we hope that companies and businesses that work with the Ugandan attorneys will see them for who they are—bright, hardworking, and well-educated individuals who have overcome significant economic, social, and political obstacles to earn their law degrees.

Second, we hope that if there are more well-paying legal jobs in Uganda, Uganda will be able to maintain a critical mass of attorneys and judges and that this critical mass of attorneys and judges will be able to promote political stability, protect the rights of Uganda's vulnerable groups, and facilitate Uganda's economic growth while at the same time safeguarding Uganda's environment and natural resources. In particular, we have noted the critical role that the judiciary is playing in the 2006 presidential elections, the important role that attorneys in the Inspectorate General of Government's office are playing in trying to curb corruption, and the vital role that the Ugandan Law Society and volunteer attorneys are playing in educating Ugandans about their legal rights and in advocating on behalf of Uganda's women, children, and minority groups. Finally, we note the important role that Ugandan attorneys can play in helping Uganda develop the types of regulatory schemes and legal precedents that can allow Uganda to play an increasing role in the global economy.

Third, we hope that people in the United States and Uganda will see outsourcing legal services in a new light. Unlike the outsourcing of manufacturing, and to a lesser degree back office functions, in which there is a power imbalance between those who hire individuals to do the work and those who do the work, the outsourcing of legal services involves individuals who are, in many ways, equals. Not only are the individuals who would provide the legal services bright and well educated, they are also trained advocates. Thus, the relationship between those doing the outsourcing and those providing services will be closer to an equal partnership than the relationships that exist with other types of outsourcing.

Finally, in the long term, we hope that this new type of outsourcing, the outsourcing of knowledge work, will change country-to-country relationships by allowing countries that have historically been dependent on foreign aid, remittances, and other donations to use their best natural resource, their own people, to create wealth within their own countries. Thus, outsourcing is simply one way of flattening the world, allowing countries like Uganda to play important roles in the global economy.

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[2] The Law Development Centre is a post-graduate institution offering a Diploma in Legal Practice, which is required to practice law in Uganda. David J. Bakibinga, *The Structure Of Legal Education In Uganda*, http://www.aals.org/2000international/english/uganda.htm.

[3] THOMAS L. FRIEDMAN, THE WORLD IS FLAT: A BRIEF HISTORY OF THE TWENTY-FIRST CENTURY (2005).

[4] Offshore outsourcing is the practice of contracting with individuals or companies in foreign countries to perform work that might reasonably be conducted domestically. *What is offshore outsourcing?*, *available at* http://searchcio.techtarget.com/sDefinition/0,,sid19_gci927751,00.html#from_the_editor (last visited Dec. 29, 2005). Although in the past, most offshore outsourcing involved the outsourcing of manufacturing jobs or service jobs, increasingly offshore outsourcing involves the outsourcing of professional services. Mark A. Baker, *"The Technology Dog Ate My Job": The Dog-Eat-Dog World of Offshore Labor Outsourcing*, 16 FLA. J. INT'L L. 807, 810-11 (2004). *See also Outsourced Legal Services – Background* (under Resources on www.prismlegal.com) ("To clarify terminology, outsourcing refers to using any third party to provide services previously provided by full-time employees; offshoring refers to outsourcing to a non-domestic provider; insourcing refers to shifting work to an owned-and-operated facility that is centralized and physically separate from the rest of the organization.").

[5] The term "brain drain" refers to the "exodus of the brightest, most skilled most productive members of a society." Lisa Leiman, Comment, *Should the Brain Drain be Plugged? A Behavioral Economics Approach*, 39 TEX. INT'L L. J. 675, 676 (2004). In contrast, the term "brain circulation" is sometimes used to refer to movement of workers, both unskilled and skilled, among countries. *Id*. at 765. In the most recent literature discussing brain drain, the term "brain gain" is used to describe the increase in the average level of education, and the term "beneficial brain gain" is used to describe those situations in which the brain gain is higher than the brain drain and results in a net increase in the level of education. CAGLAR ÖZDEN & MAURICE SCHIFF, *Introduction*, *in* INTERNATIONAL MIGRATION, REMITTANCES & THE BRAIN DRAIN 11 (2006). A beneficial brain gain is thought to lead to an increase in welfare and growth. *Id.*

[6] *See, e.g.*, Jonathan D. Glatter**,** *Even Law Firms Join the Trend to Outsourcing*, N.Y. TIMES, Jan. 13, 2006 at C7.

[7] Although Uganda has had its fair share of political turmoil, in the past twenty years it has seen relative stability. However, during this same period, it has suffered as a result of continuing political turmoil in and incursions from rebels from some its neighboring countries. *See generally* BBC NEWS, Timeline: Uganda: *A chronology of key events*, Jan. 3, 2006, *available at* http://news.bbc.co.uk/2/hi/africa/country_profiles/1069181.stm.

[8] THE WORLD ALMANAC & BOOK OF FACTS 2006, at 839 (2006).

[9] *See* http://www.state.gov/r/pa/ei/bgn/2963.htm (last visited Feb. 11, 2006).

[10] *Id.*

[11] *Id*.

[12] *Id*.

[13] *Id*.

[14] Douglas Mpuga, The Official Language Issue: A look at the Uganda Experience, A paper presented at the African Language Research Project Summer Conference (July 1-3, 2003), *available at* http://www.umes.edu/english/newalp/pdf/douglasmpuga.pdf.

[15] Alison Gillwald, *Towards an African e-Index Household and Individual ICT Access and Usage Across 10 African Countries* 19 (2005), *available at* http://www.researchictafrica.net/images/upload/Toward2.pdf (last visited Jan. 3, 2006).
[16] Government of the Republic of Uganda, *Plan for Modernisation of Agriculture: Eradicating Poverty in Uganda*, at 6, *available at* http://www.pma.go.ug/pmauploads/32docPlan%20for%20Modernisation%20of%20Agriculture.pdf (*prepared by* Willie Odwongo *et. al*.). (Subsistence farmers, semi-commercial farmers, and commercial farmers make up the three main categories of farmers in Uganda. Subsistence farmers, those who produce predominantly for household consumption, comprise the majority.)
[17] Government of the Republic of Uganda, *Plan for Modernisation of Agriculture: Eradicating Poverty in Uganda*, at 31, *available at* http://www.pma.go.ug/pmauploads/32docPlan%20for%20Modernisation%20of%20Agriculture.pdf. The Ugandan Economy is dominated by the agricultural sector, which accounts for 43 percent of Gross Domestic Product (GDP), 85 percent of export earnings, and 80 percent of employment. In addition, it provides most of the raw materials to the mainly agro-based industrial sector comprising coffee hulling, cotton ginning, tea processing, sugar production, textile mills, soap industries, edible oil industries, cigarette manufacturing, grain milling, meat processing, dairy, and leather products manufacturing. *See also* THE WORLD ALMANAC, *supra* note 8, at 839.
[18] 12 THE NEW ENCYCLOPEDIA BRITANNICA 105.
[19] United Nations, Uganda: Country Brief (Sept. 2004) a*vailable at* http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/UGANDAEXTN/0,,menuPK:374947~pagePK:141132~piPK:141107~theSitePK:374864,00.html.
[20] *Id.*
[21] Amanya Mushega, Education for National Integration & Devevelopment xiii (Gov't White Paper 1992).
[22] THOMAS P. OFCANSKY, UGANDA: TARNISHED PEARL OF AFRICA 80-81 (1996).
[23] *Id.* at 77.
[24] *Id.*
[25] *Id.*
[26] EnterUganda, http://www.enteruganda.com/about/history.php (last visited Dec. 31, 2005).
[27] Historically, four kingdoms—Buganda, Bunyoro, Ankole, and Toro—occupied the area that is now Uganda. OFCANSKY, *supra* note 22, at 41. The kingdom of Buganda occupied the area to the northwest of Lake Victoria and, by the mid-1800s, was densely populated and efficiently administered. M. LOUISE PIROUET, HISTORICAL DICTIONARY OF UGANDA 7 (1995).
[28] OFCANSKY, *supra* note 22, at 77.
[29] EnterUganda, *supra* note 26.
[30] OFCANSKY, *supra* note 22, at 77.
[31] *Id.* Unlike Tanzania and Kenya, Uganda was never colonized by the British or other Europeans. This distinction, between being a protectorate and being a colony, is significant the British controlled their economic interests indirectly, governing through local peoples. As a result, large numbers of Europeans never settled permanently in

Uganda. *See generally* JIMMY KAZAARA TINDIGARUKAO, CONSTRAINTS ON POLITICAL ORDER IN UGANDA 23-32 (2004).

[32] Among the religious groups that provided education to Ugandans during early colonial times were the Church Mission Society, the White Fathers, the Mill Hill Fathers, and the Verona Fathers. OFCANSKY, *supra* note 22, at 78.

[33] *Id.*

[34] *Id.*

[35] The Phelps-Stokes Commission was funded by Miss Caroline Phelps-Stokes who bequeathed $1 million in her 1909 will to trustees to be used in "the education of Negroes, both in Africa and the United States, North American Indians and needy and deserving white students." Felix I.D. Konotey-Ahulu, *Only the Best is Good Enough for Africa,* NEW AFRICAN, Oct. 1, 2004 § 433 at 50.

[36] OFCANSKY, *supra* note 22, at 78.

[37] *Id.* at 79.

[38] *See id.* at 78.

[39] Hugh Dinwiddy & Michael Twaddle, *The Crisis at Makerere*, *in* UGANDA NOW: BETWEEN DECAY AND DEVELOPMENT 195, 195 (Holger Bernt Hansen & Michael Twaddle eds., 1988)

[40] OLIVER FURLEY, *Education in Post-Industrial Uganda: Change Amidst Strife, in* UGANDA NOW: BETWEEN DECAY AND DEVELOPMENT 175, 178 (Holger Bernt Hansen & Michael Twaddle eds.,1988)

[41] Dinwiddy & Twaddle, s*upra* note 39, at 198.

[42] OFCANSKY, *supra* note 22, at 78-79.

[43] Winston Churchill is credited with coining the phrase "Pearl of Africa" to refer to Uganda. *See* WINSTON CHURCHILL, MY AFRICAN JOURNEY 93-125 (W W Norton & Co Inc., 1990) (1907).

[44] Those belonging to the Democratic Party (DP) were Catholic, those belonging to the Ugandan Peoples' Congress were Protestant, and those belonging to the Kabaka Yekka were Bugandans. TINDIGARUKAO, *supra* note 31, at 72-79.

[45] *Id.*

[46] *Id.* at 78.

[47] *Id.* at 99.

[48] FURLEY, *supra* note 40, at 175.

[49] *Id.* at 176.

[50] *Id.* at 177.

[51] *Id.*

[52] For example, under the Act, the famous Budo School could no longer be a "Protestant" school and the famous Kisbui aSchool could not longer be a "Catholic" school. *Id.*

[53] *Id.* ENTEBBE, Uganda Gov't, Work of Progress: Uganda's Second Five-Year Plan, 1966-71 (1966).

[54] *Id.* at 97.

[55] *Id.* at 97-98.

[56] *Id.* at 98.

[57] *Id.* at 99.

[58] *Id*.
[59] *Id.* at 99.
[60] *Id.* at 177-78.
[61] *Id.* at 178.
[62] *Id.*
[63] *Id.*
[64] *Id.*
[65] Although there is nothing in the literature that indicates that girls were not permitted or did not receive an education, all of the references are to "boys." *See, e.g.*, *id.*; OFCANSKY, *supra* note 22, at 78. Ugandan schools did not become fully co-educational until the 1960s. *See* FURLEY, *supra* note 40, at 175.
[66] OFCANSKY, *supra* note 22, at 178.
[67] FURLEY, *supra* note 40, at 175.
[68] *Id*.
[69] *Id*.
[70] *Id*.
[71] *Id*. at 181.
[72] *Id*. at 178.
[73] *Id*.
[74] TINDIGARUKAO, *supra* note 31, at 94-107.
[75] *Id*. at 108-09.
[76] *Id*. at 109-10.
[77] *Id*. at 110. *See also* BBC NEWS, *On This Day, 1971: Idi Amin Ousts Ugandan President*, http://news.bbc.co.uk/onthisday/hi/dates/stories/january/25/newsid_2506000/2506423.stm (last visited Dec. 26, 2005).
[78] *See* U.S. DEP'T. OF STATE, FOREIGN RELATIONS*,* 1969-1972, VOLUME E-5, DOCUMENTS ON AFRICA, *available at*: http://www.state.gov/r/pa/ho/frus/nixon/e5/54816.htm.
[79] FURLEY, *supra* note 40, at 182.
[80] *Id.*
[81] *On This Day 1972: Asians Given 90 Days to Leave Uganda*, BBC News, *available at http*://news.bbc.co.uk/onthisday/hi/dates/stories/august/7/newsid_2492000/2492333.stm.
[82] FURLEY, *supra* note 40 at 183. Some historians report that Amin expelled Asians from Uganda because God had directed him to do this. However, at the time, there was a rumor that Amin expelled the Asians because he was angry that one one of the country's most prominent families, the Madhvanis, had refused to hand over their prettiest daughter as his fifth wife. *See also A Clown Drenched in Brutality*, Yahoo Geocities http://www.geocities.com/southafrica2000/amin.htm (last visited April 13, 2006).
[83] FURLEY, *supra* note 40, at 182.
[84] *Id.* at 183
[85] Under Idi Amin'a reign, Uganda's economy was ruined and only subsistence farming and the coffee sector survived in any meaningful way. NAT'L DEP'T OF AGRIC. Report on Opportunities in Agricultural Trade and Investment in Uganda (1998), *available at* http://www.nda.agric.za/docs/Uganda.html.

[86] FURLEY, *supra* note 40, at 186.
[87] *Id.*
[88] *Id.*
[89] Fred Guweddeko, *Rejected then taken in by dad; a timeline*, DAILY MONITOR, *available at* http://www.monitor.co.ug/specialincludes/ugprsd/amin/articles/index.php (last visited Dec. 26, 2005).
[90] BBC NEWS Obituary: *The Buffoon Tyrant*, Aug. 16, 2003, http://news.bbc.co.uk/2/hi/africa/597725.stm (last vistited April 13, 2006); *see also* Guweddeko, *supra* note 89.
[91] CNN.com, Idi Amin: 'Butcher of Uganda, http://www.cnn.com/2003/WORLD/africa/08/16/amin.obituary/index.html (last visited Dec. 26, 2005). Amin later moved to Saudi Arabia, where he died on August 16, 2003. *Id.*
[92] TINDIGARUKAO, *supra* note 31, at 163-64.
[93] *Id.* at 166-71.
[94] *Id.* at 171-75.
[95] *Id.* at 175-76.
[96] *Id.* at 176-82.
[97] *Id.*
[98] *Id.* at 186-89.
[99] Estimates show that 500,000 people died during Obote's presidency resulting from his attempt to make people move from rural areas into cities. Additionally, Obote's army was responsible for Uganda having one of the worst human rights records in the world during his reign. THE GUARDIAN (Uganda), Milton Obote's obituary, http://www.guardian.co.uk/obituaries/story/0,3604,1589848,00.html (last visited Dec. 26, 2005). Obote died in Johannesburg, South Africa on October 10, 2005. To the surprise of many Ugandans, Obote was given a state funeral, which President Museveni attended. On November 28, 2005, Obote's wife Miria Obote was elected United People's Congress president. DAILY MONITOR (Uganda), *Walking in Obote's Shadow*, Dec. 21, 2005, available at http://www.monitor.co.ug/specialincludes/ugprsd/uhdecide/decide12211.php (last visited February 7, 2006).
[100] TINDIGARUKAO, *supra* note 31, at 191-95.
[101] *Id.* at 194-204.
[102] *Id.* at 196-204.
[103] *Id.* at 203-04.
[104] FURLEY, *supra* note 40, at 189.
[105] *Id.* at 193-94.
[106] *See id.* at 183.
[107] *Id.*
[108] OFCANSKY, *supra* note 22, at 79.
[109] *Id.* Tertiary education broadly refers to all post-secondary education, including but not limited to universities. Universities are clearly a key part of all tertiary systems, but the diverse and growing set of public and private tertiary institutions in every country—colleges, technical training institutes, community colleges, nursing schools, research laboratories, centers of excellence, distance learning centers, and many more—forms a

network of institutions that support the production of the higher-order capacity necessary for development. *See* http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTEDUCATION/0,,contentMDK:20298183~menuPK:617592~pagePK:148956~piPK:216618~theSitePK:282386,00.html (last visited April 13, 2006).

[110] OFCANSKY, *supra* note 22, at 79.

[111] UGANDAN MINISTRY OF EDUCATION, EDUCATION FOR NATIONAL INTEGRATION AND DEVELOPMENT: REPORT OF EDUCATION POLICY REVIEW COMMISSION (1989) [hereinafter 1989 REPORT].

[112] In 1989, the Education Policy Review Commission was appointed by the government to review the Ugandan education system. The Ugandan government accepted the recommendations in 1992 and in 1997, the policy of Universal Primary Education (UPE) began which entitles children to receive free education in government primary schools. U.N. Web page, http://www.un.org/ecosocdev/geninfo/afrec/subjindx/142educ4.htm (last visited Dec. 26, 2005) (citing 14 Africa Recovery20 (July 2000).

[113] 1989 Report, *supra* note 111, at i.

[114] *Id.*

[115] *Id.*

[116] *Id.*

[117] *Id. See generally* A.B.K. KASOZI, UNIVERSITY EDUCATION IN UGANDA: CHALLENGES AND OPPORTUNITIES FOR REFORM (2003).

[118] U.N. Common Database, Population by Sex, Age Group, Urban and Rural, Census Years, http://unstats.un.org/unsd/cdb/cdb_advanced_data_extract_fm.asp?HYrID=1959&HYrID=1991&HSrID=14890&HCrID=800&yrID=1991&continue=Continue+%3E%3E (last visited Dec. 27, 2005).

[119] 1989 REPORT, *supra* note 111, at i.

[120] *Id.*

[121] *Id.* at ii.

[122] *Id.*

[123] *Id.* at iii.

[124] *Id.*

[125] GOVERNMENT WHITE PAPER ON THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE REPORT OF THE EDUCATION POLICY REVIEW COMMISSION, EDUCATION FOR NATIONAL INTEGRATION AND DEVELOPMENT (Gov't White Paper1992) [hereinafter WHITE PAPER].

[126] *Id.* at xii.

[127] *Id.*

[128] Although the term "backward areas," is not specifically defined in the White Paper, it appears to refer to economically disadvantaged regions of the country, not to any particular ethnic group or religion. *See id.* at 172.

[129] *Id.* at 162. Indeed, Uganda's 1995 Constitution guarantees all persons the right to education. UGANDA CONST. ch. 4, art. XXX.

[130] White Paper, *supra* note 125, at 163.

[131] *Id.* at 163; *see also* UNICEF, *Girls' Education in Uganda* (2003), http://www.unicef.org/girlseducation/index_factsheets.html (last visited Dec. 27, 2005). Also, many Ugandans still engage in the practice of paying a "bride price" when a daughter marries: "In Uganda, the Moroto district Assistant Chief Accounting Officer Abdul Aziz has depicted education as an obstacle to the girls' marital prospects: 'Educated girls do not fetch the 100–20 head of cattle for bride-price. Myth has it that education turns them into prostitutes, they lose virginity which is culturally treasured.' On average an educated Karimojong girl fetches bride-price as low as 5–10 cows." KATARINA TOMASEVSKI, RIGHT TO EDUCATION PRIMERS NO. 1: REMOVING OBSTACLES IN THE WAY OF THE RIGHT TO EDUCATION 34 (2001), *available at* http://www.right-to-education.org/content/primers/rte_01.pdf Moreover, when the daughter marries, she becomes a part of her husband's family, because of the bride price paid, effectively making the daughter (now wife) property of the husband. Jacqueline Asiimwe, *Making Women's Land Rights a Reality in Uganda: Advocacy for Co-Ownership by Spouses*, 4 YALE H.R. & DEV. L.J. 171, 173 n.17 (2001). Conversely, because no such price must be paid for husbands, the sons remain a part of their birth families after marriage. Thus, spending money on a girl's education is not a profitable investment for a family with little means.

[132] White Paper, *supra* note 125, at 163.

[133] *Id.*

[134] *Id.* at 162-69. This danger apparently does not come from the boys at school but from men in the community. *Id.* at 164.

[135] *See, e.g., id.*

[136] *Id.* at 162-69.

[137] *Id.* at 166.

[138] *Id.*

[139] According to the United Nations Statistics Division Common Database, the most recent figure is from 1999. In the category "Education expenditure of government, total, as percentage of GNP" the percentage of GDP spent by Uganda in 1999 was 2.5 per cent. U.N. Common Database, *Education expenditure of government, total, as percentage of GNP*, http://unstats.un.org/unsd/cdb/cdb_years_on_top.asp?srID=25510&Ct1ID=&crID=800&yrID=1999 (last visited Dec. 29, 2005). Using the same database, the GDP of Uganda in 1999 was $5,995,996,088, 2.5 percent of that figure is $149,899,902.20, which would be the amount spent on education at that time. U.N. Common Database, *GDP at market prices, current prices, US$ (UN estimates)*, http://unstats.un.org/unsd/cdb/cdb_years_on_top.asp?srID=19450&Ct1ID=&crID=800&yrID=1999 (last visited Dec. 29, 2005).

[140] WHITE PAPER, *supra* note 125, at 43.

[141] *Id.* at 164-66.

[142] *Id.* at 166.

[143] *Id.* at 29-32.

[144] *Id.* at 31.

[145] *Id.* at 166.

[146] *Id.* at 108.

[147] *Id.* at 104-05.
[148] *Id.* at 105-06.
[149] *Id.* at 107.
[150] OFCANSKY, *supra* note 22, at 80.
[151] *Id.*
[152] *Id.*
[153] *Id.*
[154] *Id.*
[155] *Id.* In today's dollars, this amount equals approximately $436,00,000. Source: http://www.xe.com/ Universal Currency Converter
[156] Uganda Country Brief, *supra* note 19.
[157] *Id.*
[158] *Id.*
[159] Doris Kakuru Muhwezi, *Gender Sensitive Educational Policy and Practice: Uganda Case Study*, at vii (2003), *available at* http://portal.unesco.org/education/en/file_download.php/754775449f07460320bf053ea0819298Gender+sensitive+educational+policy+and+practice.+A+Uganda+case+study.+IBE..doc.
[160] *Id.* at 9.
[161] *Id.*
[162] *Id.*
[163] *Id.* at 10.
[164] *Cf.* DAILY MONITOR (Uganda), *Museveni Pays Fees for 1,500*, August 7, 2003.
[165] *Id.*
[166] *Id.*
[167] *Museveni unveils NRM 5-year plan*, THE NEW VISION, November 18, 2005.
[168] KASOZI, *supra* note 117, at 2, 4.
[169] Conversation with Mr. Elijah Wante, Director, Law Development Centre, June 30, 2005.
[170] KASOZI, *supra* note 117, at 9.
[171] *Id.* at 9-10. Even more troubling is the fact that relatively few of the Ugandan students who are enrolled at Makerere or other Ugandan universities are enrolled in science or technology programs. *Id.*
[172] While in 1990 there were only two universities in Uganda, today there are twelve universities, three colleges, and two vocational training institutions. *Id.* at 2. *See also* Edward Kirumira & Fred Bateganya, *Where has all the Education Gone in Uganda? Employment Outcomes Among Secondary School and University Leavers* 3 (2003).
[173] Eighteen males and no females were living abroad. Kirumira & Bateganya, *supra* note 172, at 24.
[174] *Id.* at 13.
[175] The 1980 graduates would have been attending Makerere during Idi Amin's regime.
[176] Kirumira & Bateganya, *supra* note 172, at 35.
[177] *Id.*
[178] The authors note, however, that the impact of the AIDS epidemic may not have been felt by this age group. *Id.* at 13.

[179] *Id.*
[180] *Id.*
[181] ÖZDEN ET AL., *supra* note 5, at 11.
[182] Leiman, *supra* note 5, at 679.
[183] Individuals graduating from Makerere in 1980 had an average monthly income of 625,768 Uganda shillings, which under today's exchange rates is $346 U.S. *Id.*at 35. Most, however, stated that their actual income was less than the income that they needed to meet their essential expenditures, that is, what they needed for housing, food, transportation, clothing, and school fees. *Id.* at 36. For instance, the 1980 graduates' "target" incomes were 60 percent higher than their reported earnings. Citation needed. Some graduates covered this income gap by taking second jobs, while others depended on money earned by other members of the household. *Id.*.
[184] ÖZDEN ET. AL, *supra* note 5 at 1.
[185] *Id.*
[186] *Id.*
[187] WORLD BANK GLOBAL ECONOMIC PROSPECTS REPORT (2006).
[188] ÖZDEN ET AL., *supra* note 5, at 1. *See also* Leiman, *supra* note 5, at 686.
[189] KASOZI, *supra* note 117, at 74.
[190] *Id.*
[191] *Id.* The financial benefits of emigration, however, may come with personal costs. The individual who emigrates leaves behind family, friends, and customs, and may experience loneliness and discrimination in their adopted countries. In addition, couples may be separated, parents may lose contact with their children, and siblings may drift apart. Moreover, although emigrants may make more money, they may suffer stress associated with long work days and unfamiliar working environments. Leiman, *supra* note 5, at 685.
[192] *Id.*
[193] The numbers have, however, declined in the last few years. While in 2001 and 2002, approximately 180,000 skilled immigrants moved to the United States, in 2003 that number dropped to less than 100,000. In addition, universities report a significant decline in applications from foreign students for the 2003-2004 and the 2004-2005 school year. While in part this decline is the result of tighter visa restrictions imposed in the wake of 9/11, students are also choosing to attend universities in countries other than the United States. *See* Gnanaraj Chellaraj et. al., *Skilled Immigrants, Higher Education, and United States Innocation in* INTERNATIONAL MIGRATION, REMITTANCES & THE BRAIN DRAIN 247-49 (2006).
[194] *Id.* at 252.
[195] *Id.* at 253-54.
[196] *Id.* Lawrence Summers, the president of Harvard, has warned policy makers that the decline of foreign students threatens the quality of research coming from United States universities. Christopher Grimes & Edward Allen, *Academics Warn of Crisis over Visa Curbs*, FINANCIAL TIMES, May 12, 2004.
[197] 1989 REPORT, *supra* note 111, at i.
[198] Baker, *supra* note 4, at 808.

[199] Tom Ramstack, *Law Firms Send Case Work Overseas to Boost Efficiency*, THE WASHINGTON TIMES, at C14, Sept. 26, 2005 a*vailable at* http://www.washingtontimes.com/business/20050925-102112-4588r.htm.
[200] *Id.*
[201] "Offshore outsourcing is the practice of contracting with individuals or companies in foreign countries to perform work that might reasonably be conducted domestically. One major reason firms contract with foreign workers or companies is to take advantage of lower pay rates, which can cost the employer as little as a dollar a day." SEARCH CIO.COM, *What is offshore outsourcing?*, *available at* http://searchcio.techtarget.com/sDefinition/0,,sid19_gci927751,00.html#from_the_editor (last visited Dec. 29, 2005).
[202] Baker, *supra* note 4, at 810 n.5.
[203] *Id.* at 810-11 n.5-11.
[204] Back-office functions are those functions that are necessary to keep a business running but that are generally not seen by the client or the consumer. For example, accounting, record keeping, and billing are all considered back-office functions. *See, e.g.,* Mark L. Tuft, *Getting Temporary Legal Help Online*, GPSOLO, Dec. 2004, at 56.
[205] Baker, *supra* note 4, at 811n.13-14.
[206] *See generally id.* For example, in 2005, legislation was proposed in twenty-one states that would prohibit or limit government contractors from engaging in off-shore outsourcing in the fulfillment of those contracts. http://www.ncsl.org/programs/employ/outsourcing05.htm.
[207] Baker, *supra* note x, at 818-21 n.52-66.
[208] *Id.* at 814-16 n.32-41.
[209] *Id.* at 815.
[210] *Id.* at 815, n.38.
[211] *Id.* at 814, n.30.
[212] *Id.* at 814, n.28.
[213] *Id.* at 814, n.31 (quoting Daniel H. Pink, *The New Face of the Silicon Age*, WIRED, Feb. 2004, at 102).
[214] *Id.* at 817, n.42-51.
[215] *Id.*
[216] *Id.*
[217] *Id.* at 817, n.43-48. India is not the only country to benefit from outsourcing. China, the major provider of outsourced services to Japan, is positioned to rival or even surpass India in providing services to the United States. While India has the advantage of a large English-speaking population, China has sheer numbers on its side. In Dalian, which has been referred to as the Bangalore of China, more than half of the engineering and science students study at least one year of English or Japanese. According to the mayor of Dalian: "Though our English in general is not as competent as that of the Indian people, we have a bigger population [so] we can pick out the most intelligent students who can speak the best English." FRIEDMAN, *supra* note 3, at 34-35.
[218] Mark L. Tuft, *Offshoring of Legal Services: An Ethical Perspective on Outsourcing Abroad*, 717 PLI/LIT 97 (Dec. 2004 – Jan. 2005).

[219] *Id.* As Tuft notes, law firms frequently refer legal work to other lawyers and law firms. In addition, they use temporary and contract lawyers, and they even subcontract discovery, court appearances, and legal research and writing. *Id.* at 99, n.1-3. For example, LRN, a company providing outsourced legal research, opened for business in 1994. The company used both in-house attorneys and outside experts (often law professors) to provide research memoranda to law firms on a variety of topics. In January 1999, LRN had sixteen employees, by March 2000 it had seventy, and now it has a network of 1700 experts, including attorneys, law professors, and government officials. Lori Tripoli, *Another Chip Off Market Share . . . How and Why Outsourced Legal Research Can Make Inroads on Law Firm Turf*, 19 NO. 5 OF COUNSEL 2 (Mar. 6. 2000); http://www.lrn.com/solutions/elra/elra_facts.php (last visited Apr. 13, 2006). LRN boasts an impressive client listing, including a number of major United States corporations. *See* http://www.lrn.com/solutions/elra/elra_facts.php(last vistited Apr. 13, 2006). Moreover, law firms are increasingly outsourcing back-office functions including accounting, recordkeeping, litigation support, and information management. Tuft, *supra* note 204, at 99. *See also* Zachary J. Bossenbroek & Puneet Moheny, *Should Your Legal Department Join the India Outsourcing Craze?*, 22 No. 9 ACC DOCKET 46, 50, n.4-6 (Oct. 2004) (major corporations estimate that they have reduced their legal fees by millions of dollars by outsourcing legal services).
[220] Bossenbroek & Moheny, *supra* note 219, at 49, n.1.
[221] *Id.* at 49, n.2.
[222] Abhinav Ramnarayan, *"Go Slow" In Order*, THE HINDU (Feb. 2, 2006) (citing a July 2005 Nasscom report).
[223] *Id.*
[224] *Id.*
[225] *Id.*
[226] *Id.*
[227] *Id.* Indeed, Evalueserve predicts that some of the Indian service providers may not survive beyond the next two to three years. *Id.* As might be expected, a number of these providers disagree, pointing to the recent increase in clients and the shortening of sales cycles. *See also* Priti Bajaj, *Firms Split Over Legal Process Outsourcing Future* DNA INDIA, *available at* www.dnaindia.com.
[228] *See* www.prismlegal.com (follow "resources" hyperlink; then follow "outsourced legal services hyperlink) (last visited Apr. 13, 2006) under resources and then outsourced legal services).
[229] *Id.*
[230] *Id.*
[231] Darren Dahl, *Case Study: Was Outsourcing to India the Right Move?*, INC. MAGAZINE 44 (Jan. 2006).
[232] *Id.*
[233] Under these circumstances, "ethical" considerations refer to considerations under the rules of professional responsibility, not to the larger moral implications of outsourcing work.
[234] A full discussion of the ethical implications of outsourcing of legal services is beyond the scope of this article. For a discussion of these issues, see Tuft, *supra* note 218 at 204,

Bossenbroek & Moheny, *supra* note 219, at 56-58. *See also* Mark L. Tuft, *Techno Ethics: Getting Temporary Legal Help Online*, GPSOLO MAG., Dec. 2004, a*vailable at* http://www.abanet.org/genpractice/magazine/dec2004/technoethics.html

[235] Tuft, *supra* note 218, at 104-08 n. 13-25. *See also* Bossenbroek & Moheny, *supra* note 219, at 56, n.13-14.

[236] *Id.* at 111 n.37. *See also* Bossenbroek & Moheny, *supra* note 219, at 56-58 n.15-20. According to Mark Tuft, who is considered an expert on international outsourcing, because few courts have interpreted ethical rules as they relate to the outsourcing of legal services, United States lawyers have the difficult task of determining if, and how, ethical rules apply to the foreign attorneys that they hire: "This gets complicated. The domestic lawyers are under rules of their jurisdiction. The foreign lawyers may need to comport to the domestic lawyers' rules. That's going to be hard because foreign lawyers may have a different set of rules, or no rules at all." Emily Kopp, *A Smaller Legal World,* FULTON COUNTY DAILY REP., Dec. 13, 2005. Not surprisingly, those clients and attorneys who are wary of off-shore outsourcing cite confidentiality as a concern. *Id.*

[237] Tuft, *supra* note 218, at 108-10, 113 n.26-33, n.40-44.

[238] *Id.* at n.34-36.

[239] These criteria include large wage differential, highly qualified workforce, common law jurisdiction, English-speaking, advantageous time zone differential, good work ethics, good communications infrastructure, stable government, and growing economy. Bossenbroek & Moheny, *supra* note 219, at 34.

[240] *Id.* at 52 n.11.

[241] *Id.* at 50, 52 n.12. *See also* FRIEDMAN, *supra* note 3, at 107.

[242] *Id.* at 52. While learning a common law system is certainly an advantage, some commentators argue that it is time for India to start teaching U.S. and U.K. law in Indian law schools. *See, e.g.,* Madhu Arora, *Time to Teach US, UK Laws to Indian Students*, THE FINANCIAL EXPRESS (Feb. 10, 2006), www.financialexpress.com.

[243] Bossenbroek & Moheny, *supra* note 219, at 52.

[244] *Id.*

[245] *Id.* at 52, n.9.

[246] *Id.* at 52.

[247] Indeed, the choice of business model can affect the ethical consequences. Tuft, *supra* note 218, at 100.

[248] Baker, *supra* note 4, at 813 n.24. General Electric Corporation was a pioneer in this field, setting up a captive in-house legal firm in India for two of its businesses, GE Plastics and GE Consumer Finance. *See* Bossenbroek & Moheny, *supra* note 219, at 62-64.

[249] Tuft, *supra* note 218 at 100.

[250] For example, Atlas Legal Research was created by an American law school graduate, and, as of 2004, employed two Indian attorneys. This firm generally caters to small firms and solo practitioners. *See* Baker, *supra* note 4, at 811 n.17-23. Other examples of intermediary outsourcing firms (also known as third-party business process outsourcing) include Intellevate, Lexadigm Solutions, Mindcrest, and Office Tiger. *See* Bossenbroek & Moheny, *supra* note 219, at 62.

[251] *Id.* at 54.

[252] Tuft, *supra* note 218, at 101-02. An example of this model is Intellevate, an outsourcing firm formed by a Minneapolis patent law firm to provide bookkeeping, paralegal, and technical research services to the firm's clients. *Id.* at 102.
[253] Bossenbroek & Moheny, *supra* note 219, at 52.
[254] *See, e.g.,* www.lexadigm.com (last visited Apr. 13, 2006); www.legaleasesolutions.com (last visited Apr. 13, 2006).
[255] OUTSOURCING TIMES www.blogsource.org/2005/03/lawyers_outsour.html, Mar. 25, 2005 (citing a report from HindustanTimes.com).
[256] *See* Bossenbroek & Moheny, *supra* note 219, at 48.
[257] *Id.* at 64-66.
[258] Baker, *supra* note 4, at 811 n.22.
[259] *Id.* at n.22.
[260] *Id.*
[261] *See generally*, Laurel C. Oates & Anne Enquist, THE LEGAL WRITING HANDBOOK, § 30.2 (2006).
[262] Baker, *supra* note 4, at 811. Although the time impediment can be overcome by employing Indian attorneys to work a night shift, this schedule modification may not be attractive to Indian attorneys. *See also* Bossenbroek & Moheny, *supra* note 219, at 52.
[263] Bossenbroek & Moheny, *supra* note 219, at 58-59, n.21-23.
[264] While we are focusing on Uganda because we are familiar with the legal educational system there, there is no reason that attorneys in other English-speaking African countries with a common law tradition could not also provide outsourced legal services.
[265] James Palmer, *AIDS Leaves Heavy Burden on Orphans*, WASH. TIMES, Feb. 19, 2004, *at* A16; THE WORLD BANK, UGANDA COUNTRY BRIEF, *supra* note 19.
[266] E-mail from Moses Adriko, President, Uganda Law Society, to Laurel Oates, (Feb. 12, 2006).
[267] DAVID CRYSTAL, THE CAMBRIDGE ENCYCLOPEDIA OF THE ENGLISH LANGUAGE 7 (2nd ed. 2003).
[268] *Id.*
[269] Authors' conversations with Ugandan attorneys during their December 2003 and June 2005 visits to Uganda.
[270] http://www.nkumbauniversity.ac.ug/School&Courses.htm (last visited Apr. 13, 2006).
[271] http://www.ucu.ac.ug/article.php?ch=4&id=1067301368.875028.
[272] David Bakibinga, *The Structure of Legal Education in Uganda*, http://www.aals.org/2000international/english/uganda.htm (last visited Apr. 28, 2006).
[273] Some countries and some cultures are more open to outsourcing than are others. *See e.g.,* FRIEDMAN, *supra* note 3.
[274] OFCANSKY, *supra* note 22, at 76-77.
[275] Authors' observations.
[276] 33 percent of Uganda's citizens say that they are Roman Catholic, 33 percent say that they are Protestant. 16 percent say that they are Muslims and 18 percent have traditional beliefs. THE WORLD ALMANAC, *supra* note 8, at 839.
[277] Authors' observations during December 2003 and June 2004 visits to Uganda.
[278] *See* Makerere University *available at* http://www.makerere.ac.ug/ (last visited Apr. 23, 2006).

[279] If the universities can provide their students with access to computers and the Internet, this training would be relatively inexpensive to provide: In the United States, most law school students receive only a few hours of instruction on how to use LexisNexis and Westlaw and much of that training is provided by vendors.
[280] *Uganda – Telecommunication Sector Performance and E-Usage*, 24, Research ICT Africa!, *available at* http://www.researchictafrica.net/images/upload/UgandaEIndex_Final010405.zip (last visited Jan. 10, 2006) [hereinafter Telecom].
[281] *Id.*
[282] *Id.*
[283] *Id.*
[284] This is approximately $47 U.S. per month. *See* http://www.xe.com/ucc/convert.cgi (last visited Apr. 24, 2006).
[285] Telecom, *supra* note 280, at 24.
[286] *Id.*
[287] *Id.* at 7.
[288] *Id.* at 13.
[289] *Id.*
[290] *See id*.
[291] Telecom, *supra* note 280, at 1-5, 13; *see also* http://www.researchictafrica.net/images/upload/Toward2.pdf page 162 (last visited Apr. 13, 2006).
[292] *Id.* at 1.
[293] *Id.* at 13.
[294] Bossenbroek & Moheny, *supra* note 219, at 59, n.24-26.
[295] For example, according to USAID, "Uganda is still ranked in the 'rampant' range in the Corruption Perception Index with a score of 2.6 (out of 10), which is only slightly better than scores of 2.1 in 2002, and 2.2 in 2003." *See* *http*://www.usaid.gov/policy/budget/cbj2006/afr/ug.html (last visited Apr. 24, 2006). In addition, according to the World Bank, key constraints to the implementation of Uganda's poverty reduction plan are risk perceptions including security issues, political transitions, and governance. *See, e.g.*, UGANDA: COUNTRY BRIEF, *supra* note 19.
[296] *See, e.g.*, FRIEDMAN, *supra* note 3.
[297] Leiman, *supra* note 5, at 683.
[298] *Id.*
[299] *See id.*
[300] *Id. See also* Pippa Norris & Joni Lovenduski, *Blair's Babes: Critical Mass Theory, Gender, and Legislative Life*, 2-3 (Working Paper N.RWP01-039, (2001)).
[301] *Id.* at 683.
[302] *Id.*
[303] For some insight into how a country's regulatory system can help or hinder its ability to participate in a global economy, see FRIEDMAN, *supra* note 3, at 316-23.
[304] Blake Lambert, *Uganda's Museveni Wearing Out His Welcome?: Broken Promise to Yield Power Sours Old Allies*, WASH. TIMES, Dec. 15, 2005, at A17.
[305] *See* http://www.statehouse.go.ug/president.htm (last visited Apr. 13, 2006).

[306] http://hrw.org/backgrounder/africa/uganda0206/ (last visited Apr. 24, 2006).
[307] http://hrw.org/backgrounder/africa/uganda0206/ (last visited Apr. 25, 2006).
[308] *Id.*
[309] *Id.*
[310] *Id.*
[311] *Id.*
[312] *Id.*
[313] *Besigye Released on Bail*, NEW VISION, Jan. 3, 2006, *available* at http://www.newvision.co.ug/D/8/12/474104.
[314] *See* FRIEDMAN, *supra* note 3, at 363.
[315] *Id.*
[316] *Id.*
[317] *Id.*
[318] While the concerns about oppression are more obvious when outsourcing involves the production of goods, these more subtle concerns, still exist when discussing the outsourcing of professional services.
[319] Unless Ugandan attorneys become members of the bar in the United States, like Indian attorneys who are not admitted to practice in the United States, they "will be restricted to the comparatively lower-end services which do not involve client counseling." *See, e.g.,* Arora, *supra* note 242.
[320] FRIEDMAN, *supra* note 3, at 36. Presumably, educated people, particularly those who have been trained as advocates, would be able to better protect themselves from exploitation than uneducated individuals.
[321] FRIEDMAN, *supra* note 3, at 363.
[322] *Id.* at 364.
[323] *Id.* at 363-64.
[324] *Id.* at 364.
[325] *Id.* at 365.
[326] *Id.* at 365-66.
[327] *Id.* at 324-36.