

General Information Form

1. Briefly summarize the Recommendation.

This Recommendation would amend Model Rule of Professional Conduct 1.10 to permit certain lawyers whose participation was not significant and who did not learn material confidential information to go to work for an adversary law firm without client consent so long as the transferring lawyer is screened and provides appropriate certification of compliance with the screen.

2. Indicate whether the Recommendation was approved or when it will be considered by the governing body of the submitting entity, which has or will approve, and the date of such action. If the vote was taken other than at a regularly scheduled meeting of the governing body, describe the procedure.

The Recommendation was approved by the Section of Litigation Council on November 17, 2008 at a duly scheduled telephonic meeting.

3. If this or a similar Recommendation has been submitted previously to the House of Delegates or the Board of Governors, please include all relevant information – summary of the Recommendation, when and before what group the Recommendation was considered, and what action or position was taken on the matter.

Recommendations proposing a much more expansive use of involuntary screening without client consent were submitted to the House of Delegates by the American Bar Association Commission for the Evaluation of Rules of Professional Conduct in 2001 and by the American Bar Association Standing Committee on Ethics and Professional Responsibility in August 2008.

4. Are there any existing Association policies which are relevant to this Recommendation, and if so, how would they be affected by the adoption of this Recommendation?

Existing American Bar Association policy is found in current Rule 1.10 of the Model Rules of Professional Conduct. This Recommendation would substitute a new rule for the existing rule.

5. Explain what urgency exists which requires that action on this matter be taken at this meeting. If deferral is acceptable, note the time by which action is necessary.

No urgency exists with respect to the Recommendation, so long as this Report and Recommendation is considered contemporaneously with any other proposed change to Rule 1.10.

6. If the Recommendation is a legislative resolve, indicate the current status in the Congress.

Not applicable.

7. If adoption of the Recommendation would result in expenditures, estimate the funds necessary, suggest the anticipated source for funding, and list proposed direct and indirect costs. Indirect costs include those such as staff time or administrative overhead.

Not applicable.

8. Review the background of the proponents of the Recommendation to determine if there are potential conflicts of interest. If one is found, list by name those proponents who have a material interest in the subject matter of the Recommendation because of specific employment or representation of clients. Note all individuals who abstained from discussing or voting on the Recommendation because of a conflict of interest.

None.

9. List the sections, committees, bar associations or affiliated entities to which the Recommendation has been referred, the date of the referral, and the response of each group, if known.

None

10. Indicate the name, address and telephone number of the person who should be contacted prior to the meeting concerning questions about the report.

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11. Indicate the name of the person who will present the report to the House and who should be contacted at the meeting when questions arise concerning its presentation and debate. Please be sure to include email addresses and cell phone numbers for your on-site contacts.

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