Preface

The first edition of this book, published in 1991, was written by Harold G. Wren and Beverly J. Glasscock to provide guidance and advice to those wishing to establish Of Counsel relationships at a time when both the use of the designation and the legal profession itself were rapidly changing. To keep pace with developments in the law, and the increased and varied use of the Of Counsel designation in the profession over the years, Mr. Wren and Ms. Glasscock authored second and third editions of this book, with increasing emphasis on the importance of managing conflicts of interest and professional liability and preparing a well-drafted Of Counsel agreement. As the author of the fourth and fifth editions of this book, I am deeply grateful to Mr. Wren and Ms. Glasscock for their dedication and expertise and for the body of work they provided as the foundation for subsequent editions.

This edition of the Of Counsel book reflects some changes to the Model Rules of Professional Conduct adopted since the fourth edition was published in 2013, as well as some changes and additions aimed at providing those considering an Of Counsel relationship with all of the tools necessary to successfully navigate the process. For example, this edition includes new forms and checklists, including Term Sheets for use in negotiating specific Of Counsel arrangements, a Conflicts of Interest and Risk Management Questionnaire, and Top Ten Tips for Staying Out of Trouble in an Of Counsel Arrangement. Finally, this edition has been reorganized so that each chapter is a self-contained module on the subjects covered, including copies of applicable rules and opinions, for increased ease of reference by the practitioner.

Many thanks to Lorraine Murray, Executive Editor, ABA Publishing, and the ABA Center for Professional Responsibility for their efforts in support of this edition. I am also grateful to my husband, Alexander V. Choulos, and children, James, William, and Lauren, whose love, strength, good humor, and encouragement keep me going; and to my parents, Ruth and Jim Batman, who raised two young women to believe they could be whatever they most wanted to be in this world and ended up with a doctor and a lawyer.

Jean L. Batman