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Professional Responsibility Committee:

Committee Chair:
Charlie McCallum
Warner Norcross & Judd LLP

Editor:
Zachary Rothstein
Keller and Heckman LLP

Complete Editorial Board

Announcements:

- Letter from the Committee Chair
Dear Committee Members,

I hope I will see you at the Section Spring Meeting in Las Vegas, March 22-24 (click here for more information about the Spring Meeting). Please plan to attend the Committee meeting on Friday morning, and our program on Ethics 20/20 on Saturday morning. There will be six other ethics programs at the Spring Meeting, on subjects ranging from ethics in contract drafting to ethics of negotiation to ethics in practice development. We will discuss possible 2012 Annual Meeting programs at our Committee meeting. Please let me know if you have any suggestions for program topics/speakers.

Please let me know if you would be interested in a leadership role in the Committee. We need Chairs for the Subcommittee on Multinational Ethics and Professional Responsibility and for the Law Firm Counsel Project. In addition, we would like to organize a substantial Committee project - the review of the Model Rules of Professional Conduct for their adequacy and appropriateness in three contexts: (a) the context of the counseling/transactional practice; (b) the context of practice in a law firm or law department; and (c) the context of the transnational practice or practice in a multinational law firm or law department. Finally, we need a Technology Director, a Meetings/Programs Director, and a Membership/Diversity Director.

If you have friends or acquaintances who you think might be or should be interested in the Professional Responsibility Committee, please encourage them to join. If they are not members of the ABA we can arrange for a six-month free (no obligation) membership that includes Section membership.

Charlie McCallum, Chair

- The Ethical Business Lawyer Welcomes its Editorial Board
The Ethical Business Lawyer is proud to introduce the members of our Editorial Board.

Featured Content:
"No Conflict"
Featured in this issue, Professor Daniel Bussel's law review article, "No Conflict," examines the rule that prohibits lawyers from representing parties directly adverse to an existing client in a matter unrelated to that on which the existing client engaged the lawyer. Bussel recommends abandoning the rule and argues that the well-established standard applicable to former client conflicts is adequate for dealing with concurrent client conflicts in the context of representation of institutional clients in civil litigation and transactional practices. This essay was first published in Volume 25 of The Georgetown Journal of Legal Ethics. To read a copy, click here. You can also read a copy of Robert Creamer's essay, Expanding Screening Further, which makes a similar argument here.

New York City Bar Association Opinion on Secondment
In a 2007 Formal Opinion, the Association of the Bar of the City of New York, Committee on Professional and Judicial Ethics, addressed the issue of secondment of law firm attorneys. The Formal Opinion states that a law firm may second a lawyer to a host organization without subjecting the law firm to the imputation of conflicts if, during the secondment, the lawyer does not remain "associated" with the firm. To read a copy, click here.

In the News:

House of Delegates Resolutions of Interest at 2012 Midyear Meeting
At the 2012 Midyear Meeting of the House of Delegates, two resolutions of interest were adopted. Resolution 105 (available here) amended the ABA Model Rules for Fee Arbitration. Our Committee and the Section Delegates secured changes to the Resolution that require law firms to be notified of fee arbitrations involving firm lawyers. Resolution 108 (available here) calls on state and territorial bar associations to accommodate military spouse attorneys who move into a jurisdiction as the result of the posting of a spouse on active military duty. It proposes an "admission by endorsement" process, without examination or a specified period of active practice, for a military spouse attorney admitted in good standing elsewhere. Our Committee and the Section Delegates secured changes to the Resolution to provide that such admission would be limited to the duration of presence in the jurisdiction because of the spouse's posting.

Ethics 20/20 Proposals Scheduled for Action this August
The Commission on Ethics 20/20 recently released revised drafts of its proposals for consideration by the House of Delegates in August 2012. The six draft proposals cover confidentiality, client development, outsourcing, uniformity/mobility, admission by motion, and duty of confidentiality. Comments are due by April 2, 2012 to Natalia Vera (natalia.vera@americanbar.org). The six proposals and an accompanying cover letter from Co-Chairs Jamie Gorelick and Michael Traynor are available here. An Ethics 20/20 Timeline, which includes a brief description of the Commission's key proposals, is available at the Legal Ethics Forum here.

38th National Conference on Professional Responsibility and 28th National Forum on Client Protection
Registration for the 38th National Conference on Professional Responsibility and 28th National Forum on Client Protection is now open. These conferences will be held from May 30 - June 2, 2012 in Boston. Details are available here.

Hot Topics in the Legal Profession - 2012 Available in Bookstores
Hot Topics in the Legal Profession - 2012 is available for Kindle and at most major bookstores. It was written by Tulane law students in an Advanced Professional Responsibility seminar and edited by Professor Steven Alan Childress. Proceeds benefit Tulane's Public Interest Law Foundation. Topics include: false guilty pleas and candor to the court, ethical considerations in keeping the client's files as a digital record, legal outsourcing and competition, the practice of law by legal websites like LegalZoom, prosecutorial relationships with key witnesses, bar discipline for behavior outside the practice of law, negotiation ethics, and the advocate-witness rule.


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