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Re: Ethics 20/20 Non-lawyer Ownership of Law Firms

Dear Ms. Vera:

This is in response to the article appearing in the March ABA Journal regarding the Ethics 20/20 panel and non-lawyer ownership of law firms.

As a long time member of the House of Delegates, I was present during the debates over Multidisciplinary Practice and Ethics 2000. I was struck at the time by an uncomfortable sense that large law firms were trying to high-jack the Model Rules of Professional Conduct to maximize their profit making ability. The argument was simple: In order to compete in a global marketplace, it was necessary for the multinational firms to have non-lawyer partners. Now many years later, the same argument is presented: "Its happening in Canada, the U.K. and Australia, we have to allow it here."

Again, this seems like nothing more than an effort by multinational law firms to maximize their profit making ability with little regard for how the rule change will impact the profession as a whole. We should not lose sight of the reality that 50% of the profession practices in a small firm or solo setting. Imagine how "non-lawyer" ownership will work on Main Street, USA.

Let's be clear: we are talking about fee sharing with non-lawyers. So, as a solo practitioner specializing in criminal defense, will it now be permissible for me to "partner up" with a bail bondsman? How about a private investigator? A sentencing or mitigation specialist? A jury consultant? And since any one of these new "partners" will be paid based on gross revenues, we can be certain they will be out soliciting cases. What we cannot be certain of is how that solicitation will be controlled or monitored.

Where will our state Bar get the resources to monitor the conduct of perhaps thousands of "new partners" that are not dues-paying members of The Florida Bar? Or are the non-lawyers regulated by state licensing Boards? Once that regulatory camel gets its nose under the tent, where does it end?

Hasn't the ABA had a long standing policy against regulation of law firms by the Executive branch? I know The Florida Bar has. Are we going to give up that independence for non-lawyer partners?

I would urge the members of the Ethics 20/20 Panel to soberly consider the impact such a rule change would have on the solo and small firm lawyers who still make up the bulk of membership in the ABA. I join Lawrence Fox in asking that this proposal be rejected.

Thank you for your consideration.

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