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April 28, 2016

Ms. Katy Englehart  
American Bar Association  
Office of the President  
321 N. Clark Street  
Chicago, IL 60610

Re: ABA Proposal on Alternative Business Structures

Dear Ms. Englehart:

I am writing to express my disagreement and objection to the ABA proposal on Alternative Business Structures.

By way of background, I have been a member of the ABA for over 40 years. I am a Past President of the SC Defense Trial Attorneys Association, and Past President of the National Foundation for Judicial Excellence. I currently serve in the position of President-Elect of the Federation of Defense and Corporate Counsel. However, I am writing this letter to express my personal opinions with regard to this proposal.

First, I am absolutely astounded that something this significant could be proposed by the ABA without a careful market survey of its constituents. Quite frankly, it seems to me that the ABA has found a solution to a problem that does not exist. In the course of my 40 years of practice I have never heard a lawyer arguing for, or requesting, an alternative business structure as outlined in the proposal.

I am also very concerned that this proposal has gotten as far as it has without notice to ABA members. I found out about this proposal only by accident. If there is a need for Alternative Business Structure, then it would also seem to me that a letter or email to each and every member enclosing the proposal would be appropriate. How can you ask for public comment before all the members are informed? The lack of due process for your constituents on this matter is troubling.

Second, and more importantly, I am concerned about the dramatic impact this proposal could have on the profession. To those of us who love the law, it is a profession. A profession is radically different from a business. A true professional is not in business to make a profit but to serve his or her clients. I believe that the injection of investors and alternative business

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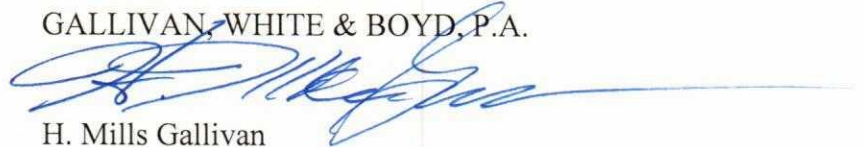
structures into the legal profession is a huge mistake. It will drive profit over professionalism. Many lawyers will find themselves answering to investors as opposed to their clients. I think this creates an inherent conflict of interest when the investor's motives for profit may differ from the client's motives and needs for justice. Clearly the lawyer has a fiduciary duty to his/her client but this may conflict with a duty to an investor. A quick review of the South Carolina Rules of Professional Conduct leads me to believe the ABA proposal on Alternative Business Structures is inconsistent in several instances.

I am further concerned that the ABA is, in fact, losing touch with its constituents. The current political climate clearly demonstrates the voters' total dissatisfaction with leadership which has disconnected from constituents. Unfortunately, this type of proposal leads me to believe that the ABA may be losing touch with its core values, its mission, and the needs of its constituents—the lawyers in the profession.

With kindest regards, I am,

Sincerely,

GALLIVAN, WHITE & BOYD, P.A.



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HMG/ph