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To: ABA Entities, Courts, Bar Associations (state, local and international), Law Schools, Individuals and Entities

**From: Jamie S. Gorelick and Michael Traynor, Co-Chairs
ABA Commission on Ethics 20/20**

Date: November 23, 2010

**Re: Discussion Draft Regarding Domestic and International Outsourcing:
Comment Requested by January 31, 2011**

Consistent with the Commission's promise to provide early and frequent opportunities for input into issues it is studying, we are providing the attached Discussion Draft relating to the Model Rules of Professional Conduct and domestic and international outsourcing. We urge you to review this Draft and get us your comments, as the growth of outsourcing is an important development in our profession. The Draft does not constitute an endorsement or rejection of the practice of outsourcing by lawyers and law firms, but was drafted to recognize the growth of outsourcing practices and to suggest ways in which lawyers engaging in the practice can do so ethically and responsibly.

This Discussion Draft is the result of deliberations by the Commission's Outsourcing Working Group whose members included active participants from the ABA Standing Committee on Ethics and Professional Responsibility and the ABA Section of International Law. On behalf of the Commission we thank them for their considerable and critical assistance in developing this Draft.

This is a Discussion Draft, not a proposal of the Commission, the Committee or the Section. We are getting it to you at this time so that we can get as many comments as possible. Each entity has reserved its approval pending consideration of comments and suggestions received in response to the circulation of the Draft. The Commission will not proceed to the House of Delegates on this issue in February 2011.

As noted in the Discussion Draft, the Commission analyzed a significant volume of materials including, but not limited to, all available legal ethics opinions; news reports, scholarly articles, studies and surveys; testimony offered at the Commission's public hearings; and comments received in response to questions that were specifically tailored to the experiences and concerns of clients, lawyers, law firms, and providers of outsourced services. A sample bibliography, the comments received to date, and transcripts of public hearing testimony on this issue will accompany the posting of this Discussion Draft on the Commission's website (www.abanet.org/ethics2020).

Please email comments to Senior Research Paralegal Natalia Vera at veran@staff.abanet.org by January 31, 2011. Comments may be posted to the Commission's website.

