



**Issue 162 | July 2**

### **Nonlawyer Ownership in California?**

## **Will State Bar of California Open the Door to Nonlawyer Ownership?**

Proposals heard last Friday by a State Bar of California task force could usher in sweeping changes to the delivery of legal services, particularly related to nonlawyer ownership of legal services companies. The Task Force on Access through Innovation of Legal Services was appointed after the bar reviewed a report it had commissioned from law professor William D. Henderson, who wrote that the legal profession was failing in its core mission to serve people who need legal services. The proposals address three main topics: the definition of the unauthorized practice of law; marketing, advertising, partnerships, and fee splitting; and nonlawyer ownership or investment. What changes do they call for, and what are the next steps in the process of review and possible approval? At [Above the Law](#), Robert Ambrogi shares his take on proposals that he calls tentative but also very significant.

## **Can Law Be Copyrighted and Licensed? Georgia Case Headed to Supreme Court**

To those who have been following the wranglings between Casemaker and Fastcase over whether Georgia state law can be copyrighted and licensed, another case involving Georgia may be of interest?and the U.S. Supreme Court will hear it in its next term. The case, *Georgia v. Public.Resource.org*, pertains to whether a nonprofit organization is allowed to scan, upload, and post online all of the volumes of annotated Georgia state code. The state sued because it has an exclusive licensing deal with LexisNexis that allows free access to the code itself and paid access to the annotations. The [New York Times](#) weighs in with an opinion from its editorial board, along with more details about this case.

## **Stories from the Recession: What Happened to Laid-Off Young Lawyers?**

Within the legal profession, one of the biggest headlines of the 2008 recession was the massive layoffs, especially of young associates, and law students realizing what a bleak future they were graduating into. In the decade-plus since then, have things turned around for those young lawyers and lawyers-to-be? Many did find a way to stay in the legal profession, but on a different path from the one they had envisioned?and many are still struggling. Meanwhile, many of those who did manage a smooth career launch during the recession have found themselves in high demand ever since, because relatively few lawyers their age can match their level of experience. Using both profession-wide data and firsthand observations from lawyers who had their lives rearranged, [The Recorder](#) gives a compelling account of the recession and what has happened since.

## **ABA Clarifies Fee Splitting in Contingency-Fee Cases Where One Lawyer Replaces Another**

In a contingency-fee case, things can get tricky when a client switches from one lawyer to another one in a different firm: How do they split the fees? To clear up any confusion?and conflict?the ABA Standing Committee on Ethics and Professional Responsibility recently released Formal Opinion 487. The opinion clarifies that a lawyer who is a successor counsel

in a contingency-fee matter must notify the client, in writing, that a portion of any fees recovered may be paid to the original counsel. At [ABA Journal](#), Dennis Rendleman, the lead senior counsel for the bar's Center for Professional Responsibility, explains the ins and outs of this type of arrangement and whether certain Model Rules apply.



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