



# Miscellaneous Memo

Memo #86

-News You Can Use-  
From the ABA Division for Bar Services

4/12/00

## Highlights:

“Pay to Play”,  
p. 2

Last-Minute  
Law Day  
Assistance,  
p. 3

National  
Health Care  
Decisions  
Week, p. 4

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Editor



ABA Division for Bar Services

## PEOPLE

### On the Move...

**George Brown** is the new executive director of the **State Bar of Wisconsin**. **Larkin Chenault** will become the new executive director of the **Cleveland Bar Association** as of May 1, 2000. Larkin has resigned as executive director of the **State Bar of Michigan** to accept the new position. **Judy Johnson** has been named the new executive director of the **State Bar of California**. She replaces **Marie Moffat** who has been acting executive director since March 2000. Also at the **State Bar of California**, **William Melis** has resigned as senior executive for administration and finance. **Elizabeth M. Lynch** is the new grants administrator with the **Massachusetts Bar Foundation**. **Eric Mann** is the new executive director of the **Clark County Bar Association** (NV). **Cheryl Dalby** is the new executive director of the **Ramsey County Bar Association** (MN), replacing **Jane Harens**, who has resigned after 20 years of service to the bar. **Yvonne McGhee** is the new executive director of the **Fairfax Bar Association** (VA). **Francine Walker** is the new director of public information for **The Florida Bar**. She replaces **Jerry Butterfield** who retired in January. **Allan Sobel** is the new executive vice president and director of the **American Judicature Society**. He was formerly the executive director and general counsel of the Michigan Judicial Tenure Commission. **Vickie Wright** is the new director of membership services and benefits for the **North Carolina Bar Association**. **Charlotte Butt** is the interim executive director at the **Riverside County Bar Association** (CA), filling in for the former executive director, **Heidi Fron**.

## ISSUES

### Multidisciplinary Practice Proposal Amended

The ABA Commission on Multidisciplinary Practice has recommended that the association amend its Model Rules of Professional Conduct to allow lawyers to share fees and join with non-lawyer professionals in practices offering both legal and nonlegal services.

The Commission's recommendation is posted on its website at [www.abanet.org/cpr/multi-com.html](http://www.abanet.org/cpr/multi-com.html) to give bar associations around the country the opportunity to consider the proposal in anticipation of a vote during the ABA Annual Meeting in July in New York City. The draft proposal says regulatory authorities should enforce all rules of professional conduct, but also adopt additional procedures as needed to implement the principles identified in the recommendation. It leaves to state discretion what those procedures should be.

Though the recommendation is relatively short, it contains many aspects that call for, and will receive, detailed amplification in the Report that will accompany the Recommendation. The Report will be available for dissemination after April 26. It will provide support for the Recommendation, address the criticisms and comments directed toward the Commission's prior Recommendation and Report, and discuss other matters the Commission believes should be

brought to the attention of the House of Delegates, state and local bars, and other interested parties.

Comments on the draft recommendation are welcome and should be directed to Arthur Garwin, e-mail: [agarwin@staff.abanet.org](mailto:agarwin@staff.abanet.org), fax: 312/988-5280, mail: to 541 N. Fairbanks Court, Chicago, IL 60611.

## Second Chance to "Attend" MDP Town Hall Meeting

A SECOND CHANCE! Despite logic to the contrary, it's not too late to "attend" the Town Hall meeting on Multidisciplinary Practice that ABA President William Paul put together for the Midyear Meeting in Dallas. The event was broadcast live over the Internet, and has been archived at [www.abanet.org/mdp](http://www.abanet.org/mdp) for viewing at your convenience. It is too late to send in questions to the panelists, of course, but you can hear questions submitted during the broadcast, among them one by an American law student on a fellowship in Turkey!

## Model Standards on State Judicial Selection Draft Available for Comment

The ABA Commission on State Judicial Selection Standards, appointed by the Standing Committee on Judicial Independence, has developed a discussion draft of Model Standards on State Judicial Selection. These Standards will be presented to the ABA House of Delegates at the 2000 Annual Meeting in July. The Standards aim to find common ground between the elective and appointive systems of judicial selection and make suggestions for improving the selection process. A unique feature of the proposed Standards is the Judicial Eligibility Commission. This Commission would work to evaluate the qualifications of all judicial aspirants, regardless of the method of selection. The proposed Standards call for public participation on many levels, but particularly as members of the Judicial Eligibility Commission.

The draft is available for review by contacting Eileen C. Gallagher, 312/988-5105, e-mail: [gallaghe@staff.abanet.org](mailto:gallaghe@staff.abanet.org). Comments should be submitted prior to May 12, 2000.

## ABA Votes to Prohibit "Pay to Play"

At its Midyear Meeting in Dallas, the ABA House of Delegates voted to adopt a new Model Rule of Professional Conduct, Rule 7.6, which prohibits lawyers and law firms from accepting legal work from a judge or governmental entity if the lawyer or law firm makes or solicits political contributions for the purpose of receiving such work. This behavior is also known as "pay to play." The ruling reverses action taken by the House of Delegates in August 1999.

The ABA does not have the power to directly control lawyer conduct; that right is held by the jurisdictions that license lawyers to practice and is usually under the control of the highest court in the state. ABA Model Rules become effective if and when adopted by the various jurisdictions.

## Review of Model Rules of Professional Conduct

The ABA Ethics 2000 Commission is reviewing the ABA Model Rules of Professional Conduct and making suggestions for amendments. The Commission is releasing Rule drafts for public comment as work is completed on them. The Commission expects to have drafts of all Rules out by May 1. Recently released drafts can be found on the Commission's web site at [www.abanet.org/cpr/ethics2k.html](http://www.abanet.org/cpr/ethics2k.html) or from Sue Campbell at 312/988-5328, e-mail: [suecampbell@staff.abanet.org](mailto:suecampbell@staff.abanet.org). The Commission will hold hearings on Friday, June 2, in conjunction with the National Conference on Professional Responsibility in New Orleans and Thursday, July 6, in conjunction with the Annual Meeting in New York. Anyone with comments or suggestions on the current Rules or the Commission's drafts is welcome to testify. Contact Sue Campbell to register.

# CONFERENCES/EVENTS

## National Conference on Professional Responsibility

The 2000 National Conference on Professional Responsibility will be held June 1-3 in New Orleans. The up-to-date schedule is posted at [www.abanet.org/cpr/26topics.html](http://www.abanet.org/cpr/26topics.html). Among the topics for this year's program are *Regulating Multidisciplinary and Multijurisdictional Practices: A 21st Century Quagmire?*, *Unauthorized Practice of Law: What Does that*

*Mean in the 21st Century?*, *Former Client Conflicts: What to do About Those 20th Century Clients in the 21st Century*, *Ethics Issues in the Representation of a Fiduciary*, *Investing in Clients: The Legal Fees of the 21st Century*, *All in the Family: The Ethics of Multigenerational and Family Representations*, and *Class Action Ethics Issues*. Other programs include *Good Lawyer v. Good Person: Reconciling the Personal and the Professional*, *Ethics 2000 in the Year 2000: An Update*, *Bringing your Lawyer Discipline System*

*into the 21st Century, Future Conflicts Waivers: Preparing for the 22nd Century, Big Sister is Watching: Insurance Company Billing Guidelines, and Big Brother is Watching: Discipline for Private Conduct. Law Firm In-house Ethics: Practical Problems, On the Road Again: Ethics Issues Regarding Arriving and Departing Lawyers, and Vicarious and Law Firm Discipline: The Death of Individual Responsibility in the 21st Century?* round out the agen-

da. There will also be an Ethics 2000 Open Hearing held in conjunction with the Conference. A registration form is posted at [www.abanet.org/cpr/26reg.html](http://www.abanet.org/cpr/26reg.html). For more information, contact Brad Hoffman at the ABA Center for Professional Responsibility, 312/988-5305, e-mail: [ctrprofresp@abanet.org](mailto:ctrprofresp@abanet.org).

## RESOURCES

*(Unless otherwise noted, all resources listed below can be obtained by contacting the ABA Service Center at 800/285-2221, e-mail: [abascvctr@abanet.org](mailto:abascvctr@abanet.org). Please refer to product code noted for each resource when ordering.)*

### New Roadmap on Alternative Dispute Resolution Released

*Alternate Dispute Resolution - Alternatives to Litigation* (PC#346-0008) is the eighth publication in the ABA Office of Justice Initiatives' *Roadmaps* series. *Roadmaps* are a series of informational publications on justice improvement projects and programs designed to help the bench, the bar and the community implement change in the justice system. Written in plain-language each book includes an explanation of the topic, examples of successful programs in various states, ABA policy information and an extensive resources section. Other titles include: *Judicial Selection* (PC#346-0001), *Community Involvement* (PC#346-0002), *Funding the Justice System* (PC#346-0003), *Independence of the Judiciary* (PC#346-0004), *The American Jury - Changes for the 21st Century* (PC#346-0005), *Access to Justice - State Planning for Access to Civil Legal Services* (PC#346-0006), and *User-Friendly Courts: - Customer Service in the Courthouse* (PC#346-0007). *Roadmaps* are available for \$5 each from the ABA Service Center, 800/285-2221, e-mail: [abascvctr@abanet.org](mailto:abascvctr@abanet.org). For further information on the series, please contact Mary Ann Peter, 312/988-6155, e-mail: [mpeter@staff.abanet.org](mailto:mpeter@staff.abanet.org)

### Web Conversations on Law, Diversity, and the Vote

High school students in classrooms from Arizona to Maine are talking on the ABA website about the challenges of democracy in an era of great social change combined with dwindling interest in civic participation. They are participating in a "web board" titled "Online Conversation with Leaders in the Law," at [www.abanet.org/publiced/law-day/convo/00](http://www.abanet.org/publiced/law-day/convo/00), the purpose of which is to stimulate conversations about law, voting, diversity and the responsibilities of citizenship. Three community leaders and legal experts

have read students' questions and comments and posted their responses on the web board, accessible through the conversation web site.

The conversation web site and web board were created by the ABA Division for Public Education to engage students in discussing issues of law and democracy so important in their lives.

The web site also provides information on youth citizenship-why should young people vote and why aren't they voting?; voter registration-why are there voter registration laws, how have these laws evolved, and what purposes do they serve?; and democratic representation-what are the strengths and weaknesses of this country's system of representative government?

For additional information contact Michelle Parrini, 312/988-5739, e-mail: [parrinim@staff.abanet.org](mailto:parrinim@staff.abanet.org).

### New Career Service Available

A new ABA member benefit offers Internet access to a comprehensive career resource through the ABA Member Advantage Program. EmplawyerNet, at [www.emplawyernet.com](http://www.emplawyernet.com), provides its members online access to more than 6,000 nationwide job listings, networking opportunities, and career management services, including a job search tracking feature and a comprehensive online legal salary survey. Also, members can automatically receive e-mail about desirable jobs and list their professional credentials anonymously.

Additional information is available online at [www.emplawyernet.com](http://www.emplawyernet.com).

# PROJECTS/ENTITIES

## New Programs to Boost Number of Minorities Serving in Judicial Clerkships

As a result of a joint study by the ABA and the National Association for Law Placement showing that minorities have made little progress in obtaining judicial clerkships, the ABA has initiated two new programs designed to increase the number of minority clerks on the state and federal level.

The first initiative, developed by the ABA Commission on Opportunities for Minorities in the Profession, is a program designed to bring judges and minority law students together through “structured networking” - small group team-building programs that allow the students to demonstrate their knowledge and skills.

The program will be funded by a \$25,000 grant to the ABA from the Open Society Institute. The Commission will invite up to a dozen law schools to participate, as well as at least 10 judges, who will be asked to make a commitment to hire at least two minority judicial law clerks over the next five years.

The second initiative, developed by the ABA Section of Antitrust Law’s Special Committee on Minority Clerkships, will provide for up to six minority law students to work for judges in Chicago for an eight-week summer program. Each of the students will receive a \$1,500 stipend as well as invaluable exposure to the judicial system.

## National Health Care Decisions Week

The ABA Section of Real Property, Probate and Trust Law has secured grant support from the Health Resources and Services Administration (HRSA) of the U.S. Department of Health and Human Services and The ACTEC Foundation to fund National Health Care Decisions Week (October 22-28, 2000). This initiative seeks the commitment of state and local bar associations to sponsor public meetings on the topics of health care advance directives and organ and tissue donation, and to provide pro bono preparation of advance directives and donation declarations. The participation of community health care providers in these meetings is also encouraged to give the public both medical and legal per-

spectives on health care self-determination. State and local bar associations will receive further information in April. For more information, contact David Tabak, 312/988-5591, e-mail: dtabak@staff.abanet.org.

## New Project to Assist Impoverished Living in Rural Areas

The ABA Center for Pro Bono has received a grant from the Open Society Institute to begin its Rural Pro Bono Delivery Initiative. The Initiative will focus on expanding and improving the delivery of pro bono legal services to impoverished clients living in rural areas. OSI has given the ABA a \$150,000 one-year grant to launch the project, which is expected to run for two years.

Principal goals of the Initiative include linking urban resources to rural areas, and promoting the use of technology to expand services. The Initiative also will focus on strategies to train and recruit advocates and undertake administrative advocacy.

## Standing Committee to Develop Resource on Running Eco-Efficient Office

The ABA Standing Committee on Environmental Law is developing a new resource for the legal community on reducing waste, recycling, and operating with energy efficiency. The pamphlet and companion web site will feature a few statistics, selected references, myths about conservation in an office environment, and examples of offices that engage in recycling and other resource conservation or waste reduction activities. The main focus will be bar associations and law firms, but government offices, corporate counsel, and public interest groups may also be included.

The Standing Committee is seeking assistance from bar associations in gathering information about the activities of bar associations in these areas. If your bar association engages in conservation-related operations such as recycling, use of recycled and reusable goods, energy-efficient lighting, heating or equipment, or similar measures, please respond by May 15 to Elissa Lichtenstein at elissa@staff.abanet.org.

# AWARDS

## Houston Bar Association Receives Louis M. Brown Award

The Houston Bar Association received the ABA's Louis M. Brown Award for Legal Access for its Modest Means Program during the ABA Midyear Meeting in Dallas.

The Houston Bar Association has developed a multifaceted program to assist those of modest means to gain access to information and services. The bar's projects help those who proceed on legal matters without full representation through its telephone legal line, legal handbook series and pro se family law clinics. The program also enables people to secure affordable representation through its elder law visitation project and its lawyer referral service reduced fee program. The Louis M. Brown Award for Legal Access is sponsored by the ABA Standing Committee on Delivery of Legal Services, which is dedicated to improving the delivery of legal services to moderate income people who do not qualify for subsidized legal assistance yet lack the discretionary income to pay for traditional legal services.

The ABA Standing Committee on Delivery of Legal Services has produced a booklet describing projects nominated for the 2000 Brown Award titled *Profiles of Moderate Income Delivery Programs*, which is designed to encourage replication of various projects that advance access to justice. This booklet is available at no cost. The material is also available at [www.abanet.org/legalservices/delivery.html](http://www.abanet.org/legalservices/delivery.html).

For more information, contact: William Hornsby, at 312/988-5761, e-mail: [whornsby@staff.abanet.org](mailto:whornsby@staff.abanet.org).

## Margaret Brent Women Lawyers of Achievement Awards Announced

The ABA Commission on Women in the Profession has announced the winners of the 2000 Margaret Brent Women Lawyers of Achievement Awards.

This year's winners are Sheila L. Birnbaum, a New York products liability lawyer; Shirley M. Hufstедler, one of the first women to be seated on the federal bench and a former U.S. Cabinet member; Chief Judge Judith S. Kaye of the Court of Appeals of the State of New York; U.S. Supreme Court Justice Sandra Day O'Connor; and Dovey J. Roundtree, general counsel for the National Council of

Negro Women. The awards will be presented on July 9 at the 2000 ABA Annual Meeting in New York City.

The awards program, established in 1991, honors outstanding women lawyers who have achieved professional excellence in their area of specialty and have actively paved the way to success for other women lawyers.

Previous winners range from small-firm practitioners in Alabama and Alaska to U.S. Supreme Court Justice Ruth Bader Ginsburg.

## Nominees Sought for Government Service Award

The ABA Section of Administrative Law and Regulatory Practice is seeking nominations for the Mary C. Lawton Outstanding Government Service Award for 1999-2000. The nomination should be based on outstanding contributions to the development, implementation, or improvement of administrative law and regulatory practice that reflects sustained excellence in performance.

All government lawyers active in the fields of administrative law and regulatory practice are eligible. While career officials generally will be favored, exceptional political appointees also will be considered.

Nominations are being solicited from federal government agency general counsels, state attorneys general, and other officials, as well as from members of the Section.

All nominations should be typewritten. They should provide the name and period of government service of the nominee, the departments or agencies in which he or she has served and is currently serving, and the specific contributions of the nominee that you think warrant his or her selection. Please submit your nominations to Leanne Pfautz, Section of Administrative Law and Regulatory Practice, American Bar Association, 740 15th Street, N. W., Washington, DC 20005-1022 or fax it to 202/662-1529. All nominations must be submitted by April 30, 2000. The award will be presented at the Fall (October) Section meeting in Washington.

For more information, contact Leanne Pfautz, 202/662-1665, e-mail: [pfautzl@staff.abanet.org](mailto:pfautzl@staff.abanet.org).

# Share the Wealth



As part of our "Share the Wealth" program, we publish brief program/project descriptions from state and local bars with every other issue of *Miscellaneous Memo*. If you have an exciting new program or a successful ongoing program that you'd like to share with your peers, here's your chance to shine. Just provide a brief description of your program including the information requested below. Submissions can be faxed to Joanne O'Reilly at 312/988-5492, mailed to the address below, or sent to Joanne via e-mail at oreillyj@staff.abanet.org. We reserve the right to edit all submissions. **The deadline to be included in the next edition is May 19, 2000.**

Association Name: \_\_\_\_\_ Completed by: \_\_\_\_\_

1. Name of Program or Publication: \_\_\_\_\_

Description: \_\_\_\_\_

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Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

2. Name of Program or Publication: \_\_\_\_\_

Description: \_\_\_\_\_

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Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

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