

# ABA Commission Rejects Law Firm Discipline

BY LAZAR EMANUEL

On November 27, 2000, the ABA's "Ethics 2000" Commission issued its report recommending changes in the ABA Model Rules. Among its recommendations, the Commission proposed amendments to Model Rules 5.1 and 5.3. The effect of these amendments would be to impose disciplinary control over law firms as well as individual lawyers. The Commission was following the lead of New York.

New York's DR 1-104(A) provides: "A law firm shall make reasonable efforts to ensure that all lawyers in the firm conform to the disciplinary rules." DR 1-104(C) provides in part: "A law firm shall adequately supervise, as appropriate, the work of partners, associates and non-lawyers who work at the firm."

In June 2001, the Ethics 2000 Commission reversed itself and dropped its recommendation that the Model Rules be amended to subject law firms to discipline for violations of the disciplinary rules. The Commission concluded that the disciplinary rules are most effective when they are directed at the individual lawyer.