

## DC Bar Governors Recommend Relaxation of MDP Rules

The DC bar has moved one step closer to the recognition of fully integrated MDPs. The Board of Governors has adopted the recommendations of a task force which urged the DC Court of Appeals to permit lawyers to practice law within entities controlled by nonlawyers and to share their legal fees with nonlawyers within those entities.

The task force report, approved by a 10-2 vote of the DC Board of Governors, had concluded:

After two years of study, our committee...has come to the unanimous conclusion that lawyers and non lawyers should be permitted to work together and to share fees in the delivery of professional services without violating professional conduct rules. We are satisfied that such collaboration can take place within the same organization without sacrificing the core values of the legal profession and that prevention of such collaboration among professionals is an unwarranted impediment to delivery of multidisciplinary services to the public.

The task force cited the present DC rules which permit non-lawyers to be partners or managers sharing in the fees of law firms provided: 1) the firm is devoted solely to legal practice; 2) the non-lawyers agree to abide by the rules of the legal profession; and 3) the lawyers in the firm remain responsible for non lawyer compliance with the rules controlling lawyers. It also cited the DC rules which permit lawyers to provide nonlegal "ancillary" services to their clients. The committee said, "Many lawyers and other professionals are already engaged in multidisciplinary practice, either on an ad hoc basis, or, increasingly, in long-term contractual relationships that enable practitioners in different professions to practice and promote their services in a coordinated manner."

Consistent with these existing rules and practices, this committee does not believe that it is contrary to public policy, nor should it be considered unethical, for lawyers to share legal fees with practitioners of other professions so long as: (1) clients and potential clients are fully informed of the fact of such collaboration and its possible consequences; (2) lawyers retain their independence; (3) lawyers and their legal practice remain subject to legal professional conduct rules, including, particularly, those related to conflicts of interest, protection of client confidences, and the provision of pro bono services; and (4) lawyers in multidisciplinary firms can effectively be held responsible for compliance with these rules.