

Professional Responsibility

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Duties Within Law Firms

1 Supervision & Responsibility Within Firms

1.1 Responsibilities of Supervisory Lawyers

Rule 5.1(a)

All partners in law firm must ensure compliance within firm

Rule 5.2(b)

Lawyer with supervisory authority must ensure compliance by subordinate lawyer

Rule 5.1(c)

Vicarious responsibility for subordinate lawyer's actions

1.2 Responsibilities of Subordinate Lawyers

Rule 5.2(a)

Independent duty to abide by rules

Rule 5.2(b)

Safe harbor when following supervisor's reasonable interpretation

1.3 Supervision of Non-Lawyers

Rule 5.3(a)

All partners in law firm must ensure compliance within firm

Rule 5.3(b)

Lawyer with supervisory authority must ensure compliance by non-lawyer

Rule 5.3(c)

Vicarious responsibility for non-lawyers actions

2 Professional Independence

2.1 Fee Sharing

Rule 5.4(a)

Prohibits fee sharing with Non-Lawyers

- Non-lawyers may be paid for services
- But payment may not be contingent on lawyer's fee or case outcome

2.2 Multidisciplinary Practice

Rule 5.4(b)

No Partnership with non-lawyers

Rule 5.4(c)

Non-lawyer may not control law firm or lawyer's practice

Rule 5.4(d)

No direct profit-sharing with non-lawyers

- But may have profit sharing plan for non-lawyer employees

3 Law-Related Services

Rule 5.7(a)

Rules apply to law-related services

Rule 5.7(b)

Law-Related Services Defined

Milavetz, Gallop & Milavetz v. United States (US 2010)

- Attorneys providing bankruptcy assistance or prepare bankruptcy petitions are “debt relief agencies” subject to regulation under Bankruptcy Abuse Prevention & Consumer Protection Act (BAPCPA).
 - Statute does not exclude attorneys from definition of “debt relief agency”
 - Advertising disclosure requirements for debt relief agencies under BAPCPA do not violate the First Amendment rights of attorneys.