Imagining U.S. Legal Practice Without Rule 5.4 – A Thought Experiment

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Context for the Current Rule 5.4 Discussions
1. APRL Alternative Business Structures/Multidisciplinary Practice/RPC 5.4 Subcommittee (established 2018)
4. NOBC’s Global Resources reports, including its Alternative Business Structures Committee FAQ document, https://perma.cc/6V29-JVMM

Examples of Technology and Legal Services Market Developments
8. ABA Center for Innovation, https://perma.cc/LVV8-JSN3

Technology and Market Developments Reports and Articles
12. Laurel Terry 4-page blog post summarizing, with additional links, Campbell article on the applicability to legal services of Harvard prof. Clayton Christensen’s creative destruction theory, https://perma.cc/GKB4-5CGK
13. Terry 4-page blog post summarizing, with additional links, Pearce/McGinnis article on 5 ways machine intelligence will affect legal services, https://perma.cc/M97B-QURF

Access to Legal Services Issues
14. Legal Services Corp., The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans (June 2017), https://perma.cc/UZB7-3ZX8 and this summary

**Big 4 Developments:**

18. ALM Intelligence, “Elephants in the Room” (Big 4) Report, 9/2017
19. Law.com, Big Law's Trojan Horse: Are the Big Four Preparing an Invasion? (Nov. 2018)

**U.S. Rules that Relax Rule 5.4:**

21. D.C. RPC 5.4, (allows partnerships and fee sharing among lawyers and nonlawyers in the delivery of legal services), https://perma.cc/GBJ4-5EWM
22. Georgia RPC 5.4(e) (allows fee sharing with ABS firms that are legal in their jurisdiction), https://perma.cc/ZCQ2-296G
25. See also Laurel S. Terry, *Something’s Afoot and it’s Time to Pay Attention: Thinking About Lawyer Regulation in a New Way* (June 2015)[3 page JOTWELL review of Andrew Perlman article about the move towards regulation of legal services providers, not just lawyers], https://perma.cc/36PK-SAMH

**Experience outside the U.S. with Rule 5.4-Type Issues**

26. See item #4, supra (NOBC’s ABS FAQ document), https://perma.cc/6V29-JVMM
27. UK Independent Review of Legal Service Regulation (Stephen Mayson’s 2018 review)
28. UK Solicitors’ Regulation Authority Webpage, Legal Services Board webpage
29. Legal Futures Webpage (useful news re UK ABS developments)
31. Nova Scotia Regulation Page (contains links to a wealth information about the regulator’s “from the ground up” initiative to remake lawyer regulation)
   - Darrel Pink Article re Novia Scotia Regulation
   - Darrel Pink, Canadian Law Societies should pay attention to Stephen Mayson’s *work* [on Independent Review of UK Experience], https://perma.cc/2Y2D-LFNX
   - Laurel Terry article the history of Nova Scotia’s proactive regulation developments and a 4-page JOTWELL blog post with many links that reviews Susan Fortney’s article
32. Law Society of Ontario, Compliance-Based Entity Regulation webpage, https://perma.cc/NF2V-WCVE (includes many links, including to the Prairie Provinces report and British Columbia webpage)


37. Australia: Steve Mark & Tahlia Gordon, Creative Consequences Website (where you can download “The Stories (the full version)” from Laura Snyder’s two books about ABS firms, https://perma.cc/298X-T9GR


39. See also Laurel Terry, *The Global “Landscape” of Lawyer Regulation* (prepared for the 2015 International Conference of Legal Regulators), https://perma.cc/49MX-93GS (This document is a 5-page summary of the who-what-when-when-why-and-how regulation issues documented in this Terry/Mark/Gordon Trends in Global Lawyer Regulation article; this 2013 Terry follow-up article; and these slides)

**Rule 5.4’s History and Prior U.S. Initiatives and Discussions**

**Selected ABA Reports related to Rule 5.4**


42. ABA Commission on Multidisciplinary Practice (1998-2001)[Note: you can find individual pages through Google, but the ABA MDP Commission’s master webpage was not available in Jan. 2019; for a summary of the Commission’s work, you can see this book chapter by Laurel Terry]

**Selected Law Review & Other Items Related to Rule 5.4**


45. MDP Symposia cited in n.5, p. 5 of *Mark Tuft’s 2018 AITS Memo*, supra Item #3:

- Multidisciplinary Practice Symposium, 32 Loyola U.-Chi. L.J. 543–691 (2001);

**Note:** In order to ensure that these links remain useful after the 2019 APRL Midyear Conference, many of the links in this document are permalinks. To get to the actual website (and activate internal links), click on the “View the Live Page” tab in the upper right-hand corner of the permalink website.