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Abstract
If the legal profession embraces multidisciplinary practice (MDP) and allows fee-sharing with nonlawyers, there is a risk that its values, independence, and professionalism will fall prey to market pressures and control by outsiders. On the other hand, rejecting MDP means risking losing business to the multidisciplinary firms already established. The question is whether there is a compromise that provides meaningful regulation of lawyers practicing in multidisciplinary firms.

Keywords
multidisciplinary practice, fee sharing, legal ethics, regulation of attorneys

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Is meaningful regulation of lawyers in multidisciplinary firms possible?

By Denise D. J. Roy

Experts on multidisciplinary practice (MDP) tell those of us on the Minnesota State Bar Association's task force on MDP that our recommendations are certain to be controversial. If we in the legal profession embrace MDP and allow fee-sharing with nonlawyers, we risk that the demise of the legal profession as we know it.

Cynicism about such under-the-table arrangements, as well as about the effectiveness of current rules to curb unethical behavior in general, seems to underlie the position of many MDP proponents. In their view, lawyers' core values and independence are already severely compromised by economic pressures as well as by control exercised by insurance companies, clients, and corporate employers. Moreover, these proponents observe that MDP is already alive and well, as illustrated by newly formed McKee Nelson Ernst & Young, a law firm that is capitalized by a loan from, shares office space with, and bears the name of Ernst & Young, the giant accounting and consulting firm. Proponents of MDP are concerned that forbidding fee sharing keeps the details of MDP arrangements hidden, making them difficult to evaluate and regulate.

Others question whether "capitalization" is an honorable and effective answer to ethical shortcomings in the legal profession. Wouldn't it be better to enforce the ethics rule violations.

In the longer run, though, with lawyers on the defensive in the worldwide growth of MDP and concerned about their public image here in the United States, holding fast to the status quo could be even more risky. A central question for the MDP Task Force, then, is whether we can find a compromise providing meaningful regulation of lawyers practicing in multidisciplinary firms. Another important question is whether any of the considerable effort being poured into this issue will help expand access to legal services to those who cannot afford it. Whatever happens, lawyers, as a group, aren't likely to become obsolete or be reduced to soulless technicians.

DENISE D. J. ROY, a member of the Minnesota State Bar Association's Task Force on Multidisciplinary Practice, has been a member of the faculty at William Mitchell since 1991. She earned her law degree at Yale University. She was an attorney with Long, Aldridge & Norman, Atlanta, 1986-89, and worked as legislative assistant to Senator Lloyd Bentsen on finance committee issues 1989-90. She was tax counsel to the U.S. Senate Finance Committee 1990-91. She teaches business entity taxation, tax policy, feminist jurisprudence, and income tax. In 1999, Roy received the MSBA tax section's distinguished service award for her work in tax law and service to the state's tax bar.