

Winds of Change in Our Profession



Thomas J. Ryan

There is nothing permanent except change.
—Heraclitus

*Laws and institutions must go hand in hand
with the progress of the human mind.*
—Thomas Jefferson

Recently I had the opportunity to represent our State Bar at the American Bar Association's Mid-Year Meeting, together with our Executive Director John T. Berry, President-Elect Bruce W. Neckers, and the rest of our Michigan ABA delegates. The two hottest topics discussed there were multi-disciplinary practice (MDP) and multi-jurisdictional practice (MJP).

The concept of multi-disciplinary practice has already been on our radar screen and now it seems that it is just a matter of time before it is here. MDP involves a possible conjoining of a law practice with other professional disciplines such as accounting, financial planning, psychiatry, or psychology.

This concept originated in Western Europe, whereas in the United Kingdom and Australia, MDPs already exist and are competing with American law firms in those

countries. In fact, the largest law firm in Western Europe is one of the U.S.-based big five accounting firms.

Now our clients and the marketplace are leading a call for this kind of change here because one-stop shopping for professional services is more convenient. In a sense, we have been slowly working our way there with a network of professional referrals. This sort of change seems inevitable. We must make certain that it fits with the special confidentiality relationship that we have with our clients.

The State Bar of Michigan has had an outstanding MDP Committee for several years, which has been ably chaired by Dick Rassel of Butzel Long. This committee has worked very hard on this challenging issue and has now recommended several changes in the Rules of Professional Conduct to allow combinations with nonlegal professionals to occur within guidelines that will assure adherence to core values such as absolute client confidentiality. The MDP Committee's proposals were before the Representative Assembly at its February 10, 2001, meeting. After some discussion, the matter was tabled for further study. Careful deliberation and serious study are important to this significant change. It is important that the Representative Assembly continue its leadership role in reflecting the realities of change facing our profession.

The multi-jurisdictional practice represents, in many respects, the potential for even more overwhelming change. It cuts to the core of questions regarding regulation, discipline, and the role of the organized bar.

Again, the changes are driven by a more mobile society and the technology changes that are affecting every aspect of our lives. Lawyers can now practice in different states,

even different countries, without leaving their desk.

Whether it is on the telephone, the fax, or the Internet, attorneys can have an electronic presence in another state or foreign country (rendering legal services to clients without being a member of the local bar or being qualified to practice law in that country).

Current ABA President, Martha Barnett, has established the Commission on Multi-Jurisdiction Practice and has appointed Michigan State Bar member and Board

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of Commissioners member, Tony Jenkins, to serve on this important new commission. Like our state MDP Committee, this national commission will have to work hard to fit this new

concept into an established system developed to serve the needs of our clients.

Just as we cannot ignore the accelerating increases in technology and the blur of state and country lines, it is important that we pay attention to this issue, but without becoming reactionary or resistant merely because of inevitable change. Our organized bar associations must bend to avoid the fate of the medieval guild system that disappeared in the isolation of protectionism only to be replaced by newer and more dynamic organizations. As lawyers, we are concerned with stare decisis and legal precedent to guide our future actions in the law. However, the marketplace is not so closely governed by these principles. So we must be prepared to adapt to these forces, without surrendering the core values that make our profession an important pillar of society.

Frankly, I am confident that with our many capabilities we are up to this challenge and the tasks ahead. It is my judgment that we can and will work through these and



other changes that are transforming our profession. We are fortunate to have dedicated committees and the involvement of good people like Dick Rassel and Tony Jenkins. In this way, we can bend with the winds of change while ensuring that service to our clients and the important roles that lawyers play in our society are not diminished as

they take on and operate in new and different ways.

If you would like further information on either of these issues, contact either Dick Rassel or Tony Jenkins. The multi-disciplinary practice issue will be before the Representative Assembly at its April 28, 2001, meeting. If you would like to have input, contact your

Representative Assembly member directly or come to the meeting if your schedule permits. The lawyers in the state of Michigan have a history of leading and adapting to change and improvement as challenges face our profession and our state. Both of these concepts present the opportunity for us to continue that tradition. ◆