

ABA Ethics Commission Paper Clarified - No Implication For Law Blogs--For Now

Posted by Robin Hensley on November 9, 2010

The following is an excerpt from a blog post from Kevin O'Keefe's *Real Lawyers Have Blogs* from Monday, November 8. You can read the full post [here](#).

In August 2009 the American Bar Association announced the formation of the ABA Commission on Ethics 20/20. The Commission was formed to review legal ethics rules and regulations in light of technological advances and globalization in the legal profession.

Over a year later, on September 20, 2010 the Commission issued a [Paper](#) announcing that the Commission was examining a number of legal ethics issues arising from lawyers' use of technology, including issues arising from Internet-based client development tools.

The goal of the Paper was twofold.

1. To describe several issues that the Commission has identified in this context.
2. To elicit comments by December 15, 2010 on possible approaches that the Commission is currently considering.

The Commission made clear that it was **taking no positions in this Paper**. The Commission merely wanted to elicit comments on the issues in order to facilitate the development of reports and proposals that the Commission plans to draft during the next two years.

That's it. A Commission. A Paper. No positions taken. Comments requested. We'll hear more in 2013.

Furthermore, neither the ABA nor the Commission have any authority to promulgate ethics rules governing lawyers behavior. That's the province of individual state bar associations and state supreme courts, depending on which governs lawyers in respective states.

Two years from now the Commission could suggest that the ABA's Model Rules of Professional Conduct be amended. Amendments which presumably would take a year or two for the ABA to adopt. Before any lawyer would be impacted by any such amendments, individual states would need to adopt the amended Model Rules.

Even if new ethics rules are passed regarding blogs, and that's no sure thing, we're likely looking at four or five years before we'll see them.



It's true that the Commission is examining lawyer's use of blogs. But the issues the Commission is considering relative to blogs are minimal. The proposed amendments relating to Blogs the Commission is considering are also minimal.

Even if there are ever amendments passed regarding lawyers use of blogs, and that's no sure thing, lawyers current use of blogs is not going to be impacted in any significant way. More on this point in an upcoming blog post.

Again, you can read the complete Lexblog posting [here](#).

Until next time,

Robin