Fundamentals of Off-Shoring U.S. Legal Services
2010 ABA Spring Meeting
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Presented by: Jonathan S. Goldstein, Esq.
7 Bar Associations Have Opinions on Legal Outsourcing

- The American Bar Association approves legal outsourcing in an August 2008 opinion

- Six State and Local Bar Associations have issued opinions that aim to provide ethical guidelines for lawyers:
  - Los Angeles County Bar Association first to tackle the issue in June 2006
  - Association of the Bar of the City of New York in August 2006 and in November 2009
  - San Diego County Bar Association in January 2007
  - Florida Bar Association – draft opinion in September 2007 and confirmed in January 2008
  - North Carolina State Bar Association in April 2008
  - The Supreme Court of Ohio in August 2009
The ABA Blesses Legal Outsourcing

➢ In 2008 the American Bar Association issues a blanket endorsement of legal outsourcing in formal opinion 08-451.

➢ Treats Onshore and Offshore Outsourcing Equally

➢ "U.S. lawyers are free to outsource legal work, including to lawyers or non-lawyers outside the country, if they adhere to ethics rules requiring competence, supervision, protection of confidential information, reasonable fees and not assisting unauthorized practice of law."
Key Legal and Ethical Issues that must be addressed and resolved by legal outsourcing providers include:

- Unauthorized Practice of Law
- Duty to Supervise
- Attorney-Client Privilege
- Confidentiality/"Secrets"
- Client Conflicts of Interest
- Data & Personnel Security
- Export Control Compliance (Patent-Specific)
Aligning Quality and Value

Three Components of a Good Provider

World Class Quality
- U.S. and/or European Work Quality
- Superior U.S. and Indian Attorney Expertise
- Sophisticated Processes and Methodologies
- U.S. Attorney Supervision
- Seamless Integration
- Industry and Market Leadership

Peace of Mind
- Resolve Legal and Ethical Issues
  - Conflicts of interest
  - Practice of law
  - Attorney-client privilege
  - Client confidences

Compelling ROI
- Drive Significant Cost Savings
- Higher Bottom Line
- Improve Departmental Efficiency

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