

Executive Summary

1. Summary of the Recommendation;

This Recommendation would amend Model Rule of Professional Conduct 1.10 to permit certain lawyers whose participation was not significant and who did not learn material confidential information to go to work for an adversary law firm without client consent so long as the transferring lawyer is screened and provides appropriate certification of compliance with the screen.

2. Summary of the issue which the Recommendation addresses;

The issue addressed by this Recommendation is the extent to which the normal rule of imputation of conflicts of interest to all lawyers in a law firm should be relaxed for certain lawyers who transfer from one firm to another without seeking a client consent to what otherwise would be a disqualifying conflict of interest.

3. An explanation of how the proposed policy position will address the issue; and

This Recommendation would permit such transfers without client consent so long as the transferring lawyer is screened and the transferring lawyer did not play a significant role in the matter and does not possess material client confidential information.

4. A summary of any minority views or opposition which have been identified.

The Standing Committee on Ethics and Professional Responsibility will offer a Report and Recommendation that would permit such a transferring lawyer to switch firms without client consent and without regard to the role of that lawyer in the matter or quantum of confidential information that lawyer possesses.