The American Bar Association (ABA) held its Mid-Year House of Delegates meeting in San Diego in early February of this year. I attended as a delegate on behalf of the Ramsey County Bar Association (RCBA). The House of Delegates considered 31 resolutions. Five resolutions were withdrawn for further consideration and work by ABA sections. Six resolutions were Consent Agenda items. The remaining 20 resolutions were discussed and a few were heavily debated for a good share of Monday, February 8th. The resolutions covered a wide-spectrum of legal topics, such as the Administrative Procedure Act, Intellectual Property Law, Uniform Bar Examination, Family Law, Real Estate Law, Health Law, et al. I have included a link to the ABA website that provides links to the Mid-Year meeting materials:


The remainder of my report to the RCBA highlights Resolution 105, the ABA Model Regulatory Objectives for the Provision of Legal Services. Resolution 105 essentially served as a touchstone for a very robust discussion about what to do with non-traditional legal services.

Resolution 105 urges each state’s highest court to assess its existing regulatory framework concerning non-traditional legal service providers and in such assessment be guided by the ABA Model Regulatory Objectives. The Regulatory Objectives are:

A. Protection of the public
B. Advancement of the administration of justice and the rule of law
C. Meaningful access to justice and information about the law, legal issues, and the civil and criminal justice systems
D. Transparency regarding the nature and scope of legal services to be provided, the credentials of those who provide them, and the availability of regulatory protections
E. Delivery of affordable and accessible legal services
F. Efficient, competent, and ethical delivery of legal services
G. Protection of privileged and confidential information
H. Independence of professional judgment
I. Accessible civil remedies for negligence and breach of other duties owed, disciplinary sanctions for misconduct, and advancement of appropriate preventive or wellness programs
J. Diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system

Those urging defeat of the Resolution believed that the Resolution inappropriately sanctioned non-traditional legal services and that such a sanction was contrary to the principles
of the legal profession to promote quality legal services and the rule of law. A motion was made to indefinitely table the Resolution, but it failed by a vote of 191-276. Then, a motion was made to amend Resolution 105 to add the following language: “. . . nothing in this Resolution abrogates in any manner existing ABA policy prohibiting non-lawyer ownership of law firms or the core values adopted by the House of Delegates.” That motion passed. Resolution 105 was then debated for the next couple of hours; after which, Resolution 105, as amended, was approved by voice vote. No voting count was requested or made, but I suspect the results for the motion to table accurately indicate the vote tally approving Resolution 105.

It was clear to me that there was near unanimity that the legal profession must address the growth of non-traditional legal services. Equally clear was that there are major differences in opinion on how to do so. Also equally clear to me, is that Resolution 105 does not end the debate. The Report accompanying Resolution 105 noted many states are investigating regulatory measures for non-traditional legal services. Such as, in January of this year, Minnesota State Bar Association President Michael Unger appointed an Alternative Legal Models Taskforce charged with “examining the advisability of supplementing traditional lawyer representation through the creation of a new type of limited-scope certified legal assistance provider to increase access to justice for those who cannot afford a lawyer.” The Taskforce is expected to submit final recommendations and a report to the MSBA in April 2017.

The ABA mid-year and annual meetings are the culmination of much hard work by attorneys and others volunteering their time and effort on behalf of the legal profession. The discussions on the resolutions were well-reasoned and forceful, but very importantly civil and respectful. I was proud to play my small role at the 2016 ABA Mid-Year meeting and thankful for the honor and opportunity to serve the Ramsey County Bar Association as your delegate. Please know that I take my responsibilities seriously. Please feel free to contact me with any questions or concerns. Eric Larson, edl@sppa.com.