

ABA Formal Opinion 10-457

Lawyer Websites

The ABA Center for Professional Responsibility takes a leading role in developing the rules of professional conduct adopted by the states and applied to the legal profession. Its Ethics Opinions further this goal, and represent the thinking of many of the country's preeminent professional responsibility experts. Attorneys and state regulators alike look to the ABA for guidance when it comes to professional responsibility.

When EO 10-457 was issued, I was surprised that I hadn't heard about it. I do a lot of speaking on developments in ethics rules, particularly with respect to attorney websites, online advertising and social media. I was doubly surprised that the decision was not available on the ABA website. So I posted it here and let attorneys know that the decision was available.

The immediate response from the ABA was to assert copyright and ask that I take the posting down. It turns out that, rather than making its Ethics Opinions freely available for comment, discussion and guidance to practitioners, the ABA puts them behind a paywall and charges for access.

While I understand the ABA's position, it hampers the effectiveness of the Center for Professional Responsibility by not widely disseminating its Ethics Opinions. It's difficult for the ABA to lead the discussion on this changing area if its best thinking is not freely available.

In response to rather widespread criticism over its stance, the ABA has chosen to publicly post the decision. As a result, I have now taken the posted decision down and direct you to the Center's website:

[ABA Formal Opinion 10-457](#)

One hopes that the ABA will start seeing the value in making its influential thinking as widely available as possible. This is an area where the legal community looks to the ABA to lead. That leadership will fade to irrelevance if the ABA's pronouncements are only available for a price.

Josh King
General Counsel & Vice President, Business Development,
Avvo, Inc.
josh@avvo.com