

Ethical Risks of Offshore Outsourcing of Legal Services Avoiding Malpractice Liability and Ethics Violations

A Live 90-Minute Teleconference Program with Interactive Q&A

Tuesday, August 5, 2008

**1:00 p.m. Eastern Time / 12:00 p.m. Central Time /
11:00 a.m. Mountain Time / 10:00 a.m. Pacific Time**

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Law firms and corporations routinely outsource legal work to India, although concerns about confidentiality and conflicts of interest abound.

Major law firms are using Indian lawyers for routine tasks, and Fortune 500 corporations have even established in-house law departments in India. General Electric outsources \$3 million a year in legal work there. Some \$5.8 billion in legal services are the estimates for outsourcing to India by 2015.

New York and California local bar associations and the Florida State Bar have recently published opinions on offshore outsourcing of legal work; however, many ethical questions linger.

This teleconference will discuss the potential ethical pitfalls of outsourcing and best practices to avoid malpractice liability and ethics violations while engaged in legal outsourcing.

- I. Ethical considerations for offshore outsourcing
 - A. Duty to supervise
 - B. Attorney–client privilege
 - C. Confidentiality
 - D. Conflicts of interest
 - E. Unauthorized practice of law
 - F. Privacy/data security
 - G. Ethics opinions
 1. New York City bar
 2. San Diego County bar
 3. Los Angeles County bar
 4. Florida state bar

- II. Best practices to avoid malpractice liability and ethics violations
 - A. Obtain client consent to outsource
 - B. Get reliable referral of law firm/lawyer/outsourcing firm
 - C. Supervise contract workers
 - D. Check for conflicts of interest
 - E. Maintain client confidences

- F. Ensure that contract workers have tight security measures to protect confidential data
- G. Disclose markups on pay to foreign attorneys
- H. Incorporate ethical expectations in outsourcing contract

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