FROM SILOS TO SYNERGY: MAKING THE CASE FOR MULTI-DISCIPLINARY AND DUAL-CAPACITY ATTORNEYS

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ABSTRACT

This Note examines the outdated restrictions imposed by the American Bar Association ("ABA") on dual-licensed attorneys and multi-disciplinary practices ("MDPs"). These restrictions prevent lawyers from practicing alongside non-lawyers and limit the ability of attorneys with multiple professional designations to fully utilize their expertise. This Note argues that these rules are detrimental to clients who need comprehensive advice on complex issues, as they are forced to seek out multiple professionals separately, leading to higher costs and inefficiencies. By reviewing the history and current state of dual-capacity firms and professionals, this Note highlights the challenges clients face due to fragmented professional advice and the high costs associated with consulting multiple experts.

This Note also compares the existing ABA Model Rules of Professional Conduct that restrict dual-capacity attorneys and MDPs with other rules that provide exceptions for such practices. It presents successful examples of states like Arizona and Utah that have adapted their rules to allow for multi-disciplinary organizations and professionals, resulting in more accessible and affordable legal advice for low- and middle-income individuals. In conclusion, this Note advocates for the relaxation of ABA rules restricting multi-disciplinary firms and dual-licensed attorneys, arguing that integrated professional services would lower costs and improve access to comprehensive advice for clients without compromising their fiduciary interests. This Note calls for the ABA and individual states to modernize their approach to legal practice to better meet the needs of today's consumers by adopting new rules to more explicitly guide attorneys in MDPs and dual-practices.

INTRODUCTION

In a world where a consumer can purchase oranges, receive an oil change and get their flu vaccine in one store, outdated restrictions in the legal industry force clients to separately seek out a financial advisor, a tax consultant, and a lawyer regarding the same issue. If someone is nearing retirement and seeking advice on their 401(k) retirement account, they are instructed to consult a financial advisor regarding how to invest, an attorney on the repercussions to their beneficiaries, and a tax advisor to review the effects of taking withdrawals. The effect is countless hours of researching three different professionals, paying three different hourly fees, and a client who then must reconcile three different sources of advice. The result is that many clients,

overwhelmed with information online and wanting to avoid the time and financial burdens, often seek out no professional advice.[1]

For nearly one hundred years, the ABA has disallowed lawyers and non-lawyers from practicing under the same roof and severely restricted the ability for persons with multiple professional designations to "wear both hats" by servicing clients with their full range of professional knowledge.[2] The prohibitions, predominantly found in the ABA's Model Rules of Professional Conduct ("Rules") 5.4 and 5.7, restrict two phenomena: "multi-disciplinary practices" ("MDPs") and "dual-licensed attorneys" ("DLAs"). MDPs refer to businesses where different types of professionals are employed by the same company, such as lawyers and accountants working for the same firm. DLAs are individuals who obtained professional certifications in more than one field, such as a lawyer who is also a CPA, CFP, or licensed real estate broker.[3]

The problem with the prohibitions is two-fold. First, without adequate guidance, many attorneys engage in variations of dual-licensing and MDP in the grey areas of the Rules. Forty-seven states have adopted the ABA's version of Rule 5.4, which outright bans MDPs, despite the existence of many organizations with lawyer and non-lawyer employment, like government agencies and in-house counsels of corporations.[4] Further, because there is no rule that directly condones dual-licensed practice, courts loosely outfit ABA's Rule 5.7, governing law-related services, to dual-licensed attorneys.[5] Even with the loose fit, less than 75% of states have adopted Rule 5.7 in part or entirety, leaving a quarter of states with no guidance for dual-licensed

1. Michelle Fox, *99% of Americans don't use a financial advisor – here's why*, CNBC (Nov. 11, 2019, 9:43 AM), https://www.cnbc.com/2019/11/11/99percent-of-americans-dont-use-a-financial-advisor-heres-why.html (on file with the Syracuse Law Review).

2. Jayne Reardon, *Nonlawyer Ownership Is Not the End of Professionalism*, L. PRAC. MAG. (Jul. 01, 2024), https://www.americanbar.org/groups/law_practice/resources/law-practice-magazine/2024/july-august-2024/nonlawyer-ownership-is-not-the-end-of-professionalism/ (on file with the Syracuse Law Review).

3. This Note focuses on the types of dual-capacities that cause an attorney to work directly with a client using two professional knowledgebases that normally have their own fees separate from the provision of legal advice, such as a tax advisor, a financial planner, and a real estate broker or salesperson. Another dual-capacity attorney situation, that of an attorney who is also a government official, such as an elected legislator, will not be dealt with in this Note.

4. *See Variations of the ABA Model Rules of Professional Conduct: Rule 5.4 Professional Independence of a* Lawyer, A.B.A. (Mar. 15, 2024), https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/mrpc-5-4.pdf (on file with the Syracuse Law Review).

5. *See* discussion *infra* Part II.

practitioners.[6] The result is that well-intentioned attorneys are guessing at whether their actions would result in violations, guided only by loose-fitting rules and a scant number of state bar opinions.

The second problem with the prohibitions is that clients are harmed. Where there is no direct guidance, unethical attorneys may take advantage of the ambiguities and gaps in ABA and state guidelines by using their licenses to engage in manipulative practices. Alternatively, where attorneys remained siloed, clients are financially harmed by seeking advice from multiple professionals and paying double or triple the fees for doing so.[7]

Part I showcases the current state of dual-capacity firms and professionals and its effect on clients. First, the historical turmoil and resulting rules on multi-disciplinary firms are reviewed. Next, the existing landscape for dual-capacity professionals is analyzed through the variance in states' caselaw and bar opinions. Lastly, the current costs and complexities consumers are up against when dealing with bifurcated professional advice is highlighted.

Part II compares the existing ABA Model Rules of Professional Conduct that limit dual-capacity attorneys and MDPs. First, the current rules that expressly restrict these practices will be discussed. Second, those rules will be compared to other rules that already provide exceptions for multi-disciplinary and dual-capacity attorneys, such as in their employment, supervision, and fees. Lastly, it is argued that a new Rule can more directly satisfy the main concerns with dual-licensed and multi-disciplinary attorneys and firms.

Part III highlights successful examples of states that have adapted their model rules to allow for multi-disciplinary organizations and professionals. Specifically, Arizona and Utah's adaptations are examined.

In conclusion, this Note argues for modifications to the existing Rules restricting multi-disciplinary firms and dual-licensed attorneys to relax some restrictions while providing more regulation in other areas. Low and middle income Americans should be able to access multi-disciplinary professional advice at a lower mental and financial cost without sacrificing protection of their fiduciary interests.

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6. *See Variations of the ABA Model Rules of Professional Conduct: Rule 5.7: Responsibilities Regarding Law-Related Services*, A.B.A. (Mar. 24, 2022), https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/mrpc-5-7.pdf. (on file with the Syracuse Law Review).

7. *See* discussion *infra* Part I(C).

I. THE STATUS QUO: CURRENT RULES ON MDPS & DUAL-CAPACITY ATTORNEYS & THE COSTS TO CLIENTS

Despite multiple attempts to modify the Rules restricting multi-disciplinary firms and attorneys, the ABA has a history of inner turmoil that has resulted in retaining the status quo. Rule 5.4, largely prohibiting MDPs, has undergone significant review and yielded no updates. In contrast, Rule 5.7, largely regulating dual-practicing attorneys, has not undergone the same level of criticism, but its ambiguity has resulted in a variety of practices across states.

A. The Status Quo for Multi-Disciplinary Practices

MDPs are predominantly prohibited by Rule 5.4. Rule 5.4 governs the professional independence of a lawyer, such that a lawyer cannot share legal fees with a non-lawyer, form a partnership with a non-lawyer if the activities include practicing law, and cannot practice in a for-profit organization where a non-lawyer either owns interest, is an officer or director, or has the right to direct the lawyer's professional judgment.[8] Calls for allowing the bundling of professional services gained strength in the 1980s following criticisms that the legal field was engaging in economic protectionism while other professional industries were meeting consumer demands for bundled services.[9] The ABA assembled a commission that recommended revising Rule 5.4 to allow lawyers to work for entities with non-lawyer financial interests and management, however, the ABA delegates voted to maintain status quo.[10]

A second attempt at modification occurred through another ABA commission in the 1990s, in response to a concern that consumers were opting to solve their legal problems on their own and that the legal field was stagnant compared to other professional fields.[11] This commission conducted extensive hearings and research and ultimately proposed five models for multi-disciplinary practice, including opportunities for lawyers and non-lawyers to share fees, work in the same entity, and for lawyers to work under the management of non-lawyers.[12] But again, the ABA Delegates overwhelmingly voted against

8. *See* MODEL RULES OF PRO. CONDUCT r. 5.4 (A.B.A. 2024).

9. *See* Robert Saavedra Teuton, *One Small Step and a Giant Leap: Comparing Washington, D.C.'s Rule 5.4 with Arizona's Rule 5.4 Abolition*, 65 ARIZ. L. REV. 223, 228 (2023).

10. *See id.* at 228–29.

11. *See* A. Frank Johns, *Multidisciplinary Practice Fails as Lawyers Declare the Legal Profession is Not for Sale!*, 2 MARQ. ELDER'S ADVISOR 27, 28 (2012).

12. *Id.* at 29–31.

any change, citing their concern for upholding the core values of the legal profession, including that lawyers should be of a single profession.[13] Since this decision, Rule 5.4 has not undergone any modifications, and only two states and one territory have revised their Rule 5.4 to relax restrictions on MDPs.[14] The ABA is clear; there is no toleration for multi-disciplinary practices, yet lawyers who desire to meet the needs of their clients and business are finding ways to offer bundled services "without any consideration of the ethical boundaries or for the impact on their clients."[15]

B. The Status Quo for Dual-Licensed Attorneys

On the other hand, dual-licensed practice is largely regulated by Rule 5.7, which holds that a lawyer who provides law-related services to a legal client will be subject to the Rules if the services are not *distinct* from legal services, or if the lawyer fails to take reasonable measures to prevent the client from believing the law-related services come with the protections of a client-lawyer relationship.[16] In contrast to the multitude of judicial and state bar opinions on MDPs, there are scant opinions focusing on dual-licensed attorneys, resulting in a lack of uniform guidance on the matter, particularly as to what it means for law-related services to be "distinct."[17] Nearly a quarter of states do not have their own version of 5.7,[18] leaving lawyers with dual-licenses to piece together generic portions of other rules, caselaw, and ethics opinions to determine whether they are compliant.[19]

Dual-licensed attorneys must navigate a "landscape chock-full of ethical mines" due to the triple-danger of generic rules, scant ethics

13. *Id.* at 32.

14. *Variations of the ABA Model Rules of Professional Conduct: Rule 5.4 Professional Independence of a Lawyer*, A.B.A. (Mar. 15, 2024), https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/mrpc-5-4.pdf (on file with the Syracuse Law Review). The states and territories are the District of Columbia, Utah and Arizona, discussed *infra* in Part III.

15. Johns, *supra* note 11, at 36.

16. MODEL RULES OF PRO. CONDUCT r. 5.7 (A.B.A. 2025).

17. *See generally* Jay Adkisson, *Ethical Issues For Attorneys Who Sell Insurance And Financial Products*, FORBES (Oct. 21, 2024, at 23:23 EDT), https://www.forbes.com/sites/jayadkisson/2024/10/21/ethical-issues-for-attorneys-who-sell-insurance-and-financial-products/ (on file with the Syracuse Law Review); MODEL RULES OF PRO. CONDUCT r. 5.7 (A.B.A. 2025).

18. *See* Kelly L. Faglioni, *Superhuman Ethics: The Ethics of Industry and Issue Lawyering*, HUNTON ANDREWS KURTH LLP 1, 10 (Mar. 2019), https://www.acc.com/sites/default/files/2019-03/10-30-18-Materials-1.pdf (on file with the Syracuse Law Review).

19. *See id.* at 10–11.

opinions, and sparse caselaw to fill in the gaps.[20] States vary significantly in the freedoms afforded to dual-licensed attorneys, and the range in treatment can be exemplified through a comparison of treatments of real estate broker-attorneys and financial and accounting advisor-attorneys.

1. Attorneys Who Are Also Real Estate Brokers

For attorneys who are licensed real estate brokers, their location will determine whether the practice is entirely prohibited or allowed. On one extreme, Illinois completely prohibits attorneys from acting as real estate brokers or salespersons in the same transaction that they are acting as a lawyer, regardless of how they are getting compensated.[21] In New Jersey, an attorney can offer real estate brokerage services so long as they are "limited to only those necessary to fulfill his legal representation of the client, but in no sense is he an actual real estate broker, nor should he be compensated as such," effectively prohibiting the dual-practice.[22]

The prohibition is partially relaxed in other states. In New York, an attorney who represents the seller in a legal capacity and acts as a real estate broker in the same transaction *can* collect a fee for their broker services if the fee is fixed, non-refundable, not contingent on the outcome of the sale, and conflict of interest concerns are waived.[23] Separately, Connecticut allows an attorney to simultaneously act as a client's real estate broker and receive brokerage commissions, so long as they are either the seller's broker or in an explicit buyer's broker agreement, but not as the selling broker's sub-agent.[24] The Connecticut Ethics Board reasoned that a seller's broker has aligned interests with the seller to receive the highest sales price, and a buyer's broker has an exclusive fiduciary relationship with the buyer, but a sub-agent of the listing broker has a non-consentable conflict of interest because they owe duties to the seller.[25] However, even when the attorney is acting as the seller's broker or buyer's broker, the receipt of brokerage commissions is considered entering a "business transaction" with the client within the meaning of Rule 1.8, so the attorney must analyze

20. *See* Adkisson, *supra* note 17.
21. *See* 225 Ill. COMP. STAT. ANN. 454/20-20 (LexisNexis 2024).
22. *In re Roth*, 577 A.2d 490, 497 (N.J., 1990). (1990).
23. N.Y. State Bar Assn., Op.. 1015 (2024).
24. *See* CT State Bar Assn., Informal Op.15-03 (2015).
25. *See id.*

their situation under the conflict of interest rules 1.7 and 1.8 before proceeding with the dual-role.[26]

On the other extreme, Oregon seemingly permits an attorney to dual-practice under *any* real estate broker agreement in the same transaction and receive brokerage commissions.[27] In *In re Conduct of Spencer*, a client sued her bankruptcy attorney who dually acted as her real estate broker in purchasing a property because he failed to disclose his conflict of interest properly.[28] The state bar contended that the attorney's mere financial interest in the real estate commissions presented an unconsentable conflict of interest under Rule 1.7.[29] The court opined that while there are situations in which receipt of brokerage commissions could be materially adverse to the client or cause the attorney to change their legal advice about the transaction, the mere "prospect of receiving a [broker] commission . . . is not enough, standing alone," to conclude a non-consentable conflict of interest.[30] In fact, the attorney was only disciplined under Rule 1.8 for failing to obtain written informed consent from the client, likening the brokerage service to a "business transaction" within the meaning of Rule 1.8(a).[31] This court's loose outfitting of Rule 1.8(a) to dual-practices is replicated by other courts who equate the receipt of fees or commissions for a lawyer's non-legal services as entering a "business transaction" with the client, rather than viewing it as a payment for services, like attorney's fees. As to dual-practice generally, the court merely cautioned lawyers who act as brokers in the same transaction to satisfy the advice and consent requirements in Rules 1.7 and 1.8.[32]

2. Attorneys Who Are Also Financial Advisors

The ethical guidelines for attorneys who proffer financial advice is even less clear than real estate advice.[33] States are split or silent on whether selling financial products to a legal client constitutes a "business transaction" under Rule 1.8, and even when it is, it is unclear how much the financial advisor-attorney must disclose of their financial interest.[34] Although investment advisors already publicly disclose their

26. *See id*.
27. *See In re* Conduct of Spencer, 355 Ore. 679, 698 (2014).
28. *See id*. at 683.
29. *See id*. at 689–90.
30. *Id*. at 691–92.
31. *See id.* at 688.
32. *See In re* Conduct of Spencer, 355 Ore. 679, 698 (2014).
33. *See generally* Adkisson, *supra* note 17.
34. *See id.*

fees and commissions through Form ADV[35], it is unclear whether investment advisor-attorneys have a higher obligation to disclose even more financial information, such as the awards their financial firm offers to their top salespeople.

Like the treatment of real estate brokerage practice, states cover the spectrum in their treatment of attorneys providing financial services. Although no states outright ban attorneys from offering financial advice, New York prohibits lawyers from receiving commissions for selling financial products and from receiving any financial interest for referring a legal client to a financial firm to purchase a financial product.[36] Confusingly, New York does allow an attorney to work with a financial firm or house a financial firm in the same office as their law firm, as long as the financial firm does not offer any products that it receives any form of compensation or commissions for, nor can the shared office ever act as broker and legal counsel on the same transaction.[37] This begs the question, if the financial firm cannot offer financial products or get paid for providing financial advice, what role could the financial firm even play and what services could they be paid for, if any?

In contrast, other states, such as Michigan, Arizona, and Florida, allow attorneys to provide financial advice to legal clients and receive commissions for the sale of financial products.[38] There are two themes shared by all these states. First, the states stress that when these attorneys provide financial advice and products related to their legal advice, the attorney cannot escape liability under attorney ethical rules by arguing they were only operating as a financial advisor at that

35. *See IA Compliance: Clear and Reasonable Disclosure of Fees*, NASAA, https://www.nasaa.org/industry-resources/investment-advisers/resources/compliance-matters-clear-and-reasonable-disclosure-of-fees/ (last visited Oct. 15, 2025) (on file with the Syracuse Law Review).

36. *See* NY Eth. Op. 1200 (July 21, 2020), https://nysba.org/ethics-opinion-1200/?srsltid=AfmBOopMzhisNVvL8UdIdbD-wQl8Y9HhMOw8QkvT4SQerx2naFA-9PoT (on file with the Syracuse Law Review) (last visited October 19, 2025); *see also* NY Eth. Op. 1155 (Aug. 31, 2018), https://nysba.org/ethics-opinion-1155/?srsltid=Afm-BOoqUFAlgvjexLzK34dCDb_N0p7LhxdMx-DT3fZfmGHZg0XRwo73M (on file with the Syracuse Law Review) (last visited Oct.19, 2025).

37. *See id.*; *see also* NY Eth. Op. 536 (June 30, 1981), https://nysba.org/opinion-536/?srsltid=AfmBOooP1rDAbdKH_s9MjDo1s8ADsCWDzis-JCyhyfyL9GtLXkrprZ_3t (on file with the Syracuse Law Review) (last visited Nov. 2, 2025).

38. *See generally* MI Eth. Op. RI-135 (May 28, 1992), https://www.michbar.org/opinions/ethics/numbered_opinions/ri-135 (on file with the Syracuse Law Review) (last visited Oct. 19, 2025). *See e.g.*, *In re* Pappas, 159 Ariz. 516, 522 (1988); *see also* Adkisson, *supra* note 17.

time.[39] The effect is that the lawyer is liable under Rule 5.7 for providing law-related services that are not distinct from their legal counseling. Second, these states consider the sale of the financial product as a "business transaction", thus requiring the attorney to comply with Rules 1.7 and 1.8.[40] In these states, dual-practicing attorneys were disciplined not because they received commissions, but because they did not obtain adequate informed consent from their client.[41]

Absent from all these opinions, however, is any discussion on dual-licensed attorneys to receive separate payment for their financial services outside of product commissions. Consider a dual attorney-financial advisor with a client who wants financial advice on changing their investment allocations and wants to change one beneficiary in their will. All the investment accounts are managed by another company, and the attorney receives no commission from the products. If the attorney spends ten hours reviewing the financial statements of accounts and preparing investment recommendations, and spends one hour updating the beneficiary on a will, can the attorney charge for the time spent explicitly on the financial advice separately from their hourly rate for changing the will? Or is the procurement of financial advice considered incidental to the legal advice, and the attorney only must look at the generic guidelines of Rule 1.5, for charging reasonable legal fees? In every state, this is abundantly unclear.

In the last ten years, the sale of financial products by attorneys has exponentially increased and without clear ethical regulations to guide them.[42] Attorneys are left making their own determination on whether their dual-practice constitutes a business transaction, causing many attorneys to assume it is not a business transaction and sell these products without providing any additional conflict of interest and consent protections to the client. When there is no explicit regulation of dual-practice, clients are unprotected against attorneys who use the gap in the Rules to their advantage. If states more clearly defined and regulated dual-practicing attorneys, clients would be afforded more protection by rules that directly address these scenarios and allow clients to know in advance exactly what disclosures they should receive.

39. *See* Adkisson, *supra* note 17.
40. *See id.*
41. *See id.*
42. *See id.*

C. The Costs of Seeking Professional Advice

Receiving professional advice is a significant cost to consumers' time and financial resources. When Americans must procure this advice from multiple different individuals, two concerns arise: paying multiple professionals' hourly or flat fees to handle the same issue and playing the middleman between the professionals on a topic the client cannot independently understand.

First, the cost for professional advice is significant, and often disincentivizes individuals from seeking the advice at all.[43] In 2024, the average hourly fee for a financial advisor ranged from $200 to $400, with flat fees ranging from $2,000 to $9,200 annually.[44] The average cost for a real estate broker is 5% to 6% of the sale price, such as $12,500 on a $250,000 home, and the average flat fee for a real estate attorney to handle closing is $500 to $1,500. The average cost of an attorney across any practice area in the United States was $327 in 2023.[45] In 2021, the average hourly rate of a tax advisor was $75.[46]

Consider a client who has inherited property through a family member's will that they want to sell and invest the proceeds into a retirement account. Must this person separately pay for the accountant, real estate broker, estate lawyer, and financial advisor? Because of the compounded cost of all of these professionals, it is possible this client will navigate some or all of these decisions on their own.[47] Consumers are at a significant disadvantage when they navigate legal and financial decisions without professional advice - only 45% of Americans without financial advisors feel financially prepared to retire compared to 75% of Americans with advisors, and in a 2024 study, those with a financial advisor saved twice as much for retirement than those

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43. *See Planning & Progress Study 2024*, NORTHWESTERN MUTUAL, https://news.northwesternmutual.com/planning-and-progress-study-2024 (on file with Syracuse Law Review) (last visited Oct. 14, 2025).

44. *See* Andrea Coombes, *How Much Does a Financial Advisor Cost?*, NERDWALLET (Jan. 3, 2025), https://www.nerdwallet.com/article/investing/how-much-does-a-financial-advisor-cost (on file with Syracuse Law Review).

45. *See Legal Trends Report*, CLIO, https://www.clio.com/resources/legal-trends/2024-report/ (on file with Syracuse Law Review) (last visited Oct. 14, 2025).

46. *See* Intuit Accountants Team, *How Do Your Tax Prep Fees Stack Up?*, INTUIT (Nov. 15, 2024), https://accountants.intuit.com/taxprocenter/practice-management/how-do-your-tax-preparation-fees-stack-up/?srsltid=AfmBOorbcVpkPULpd7myola-Dbu84LXxgfyZlbByG3dZnckES8YscLE3 (on file with Syracuse Law Review).

47. *See generally* NORTHWESTERN MUTUAL, *supra* note 43 (noting one of the main reasons people do not obtain financial advisor services is because they think it is too expensive).

without advisors.[48] In sum, when clients are required to go to different individuals and pay different flat fees for these services, the costs can be prohibitive.

Second, even if a client could afford to pay all of the professionals, they are put in a precarious position as the middleman among the professionals. It is imperative that CFPs, CPAs, and attorneys work together and communicate on complex client matters to avoid missed tax incentives, create estate issues, and other mismatches of advice.[49] A client may neglect to relay important details between professionals for lack of their own understanding in the complex issue. Further, investment advisors and attorneys both owe fiduciary duties to their clients, meaning they both want to independently judge a client's situation to render advice. This can cause confusion when the different professionals proffer contrasting advice, and the client is left to decide which professional they trust more on a topic they cannot discern on their own.

Consider the previous example of a client with inherited property. It is possible that his estate attorney recommends he invest the sale proceeds into a new life insurance policy. When the client calls an investment advisor to purchase the policy, the investment advisor has a fiduciary duty not to sell the life insurance policy without doing their own due diligence. The investment advisor will want to independently review the client's assets and may recommend that the client has no need for life insurance and should invest the funds in an annuity instead. How is a client to decide which professional's advice to follow? Do they need to seek out and pay for a third professional's advice as a tiebreaker? Because of the cost, that is unlikely. More realistically, a client, because they do not have the personal knowledge to make the substantive decision on their own, will have to decide whose advice to follow based on reasons unrelated to the merits of the advice, such as which person they feel more comfortable with.

In conclusion, in the current landscape, clients and attorneys alike are handling ambiguities by making assumptions and gambling with crucial decisions. Attorneys in most states are left guessing how a court may categorize their dual- or multi-disciplinary practice, leaving them open to unexpected bar discipline. Clients are gambling with

48. *Id.*

49. *See* Northwestern Mutual, *Why Your Accountant, Lawyer, and Financial Planner Should Talk*, FORBES (Aug. 29, 2017), https://www.forbes.com/sites/northwesternmutual/2017/08/29/why-your-accountant-lawyer-and-financial-planner-should-talk/ (on file with Syracuse Law Review).

complex legal and financial decisions by weighing whether they should try to figure out the issue on their own or bear the significant cost of professional advice. Given the ramifications of legal and financial decisions, these should not be areas left to guesswork.

II. RELEVANT MODEL RULES

A. Rules Restricting MDPs and DLAs

The restrictions on multi-disciplinary firms and dual-licensed lawyers most explicitly originate from Rules 5.4 and 5.7, respectively, of the Model Rules of Professional Conduct, published by the ABA.[50] Rule 5.4 governs the professional independence of a lawyer, such that a lawyer cannot share legal fees with a non-lawyer, form a partnership with a non-lawyer if the activities include practicing law, and cannot practice in a for-profit organization where a non-lawyer either owns interest, is an officer or director, or has the right to direct the lawyer's professional judgment.[51]

Separately, Rule 5.7 holds that a lawyer who provides law-related services to a legal client will be subject to the Rules if the services are not distinct from legal services, or if the lawyer fails to take reasonable measures to prevent the client from believing the law-related services come with the protections of a client-lawyer relationship.[52] For dual-capacity lawyers, Rule 5.7 allows the entirety of the Model Rules to be blanketed across any additional law-related services the attorney provides in addition to providing legal advice, which could include real estate broker services, providing financial and investing advice, or tax consultation.[53]

B. Other Rules Protecting Clients from MDPs and DLAs

Rules 5.4 and 5.7 protect confidentiality, independent professional judgment, and conflicts of interest. However, even if they were abolished, other Rules already champion these values. Regarding lawyers' judgment, Rule 2.1 expressly requires lawyers to exercise independent professional judgment, regardless of who pays for the attorney's services or who the attorney is employed by.[54] This Rule directly

50. *See generally* MODEL RULES OF PRO. CONDUCT r. 5.4, 5.7 (AM. BAR ASS'N 1983).
51. *See* MODEL RULES OF PRO. CONDUCT r. 5.4 (AM. BAR ASS'N 1983).
52. *See* MODEL RULES OF PRO. CONDUCT r. 5.7 (AM. BAR ASS'N 1983).
53. *Id.*
54. *See* MODEL RULES OF PRO. CONDUCT r. 2.1 (AM. BAR ASS'N 1983).

addresses the concerns opponents of multi-disciplinary practices have regarding the ability of non-lawyer managers to influence lawyer employees.

Regarding client conflict of interests and confidentiality concerns, Rules 1.6 – 1.10 and 1.18 provide guidelines for an attorney to protect their client's private information and interests against all third parties.[55] In fact, in most cases where dual-licensed attorneys have been disciplined, the court held it was because of their violation of Rules 1.7 and 1.8, *not* because they provided law-related services in violation of Rule 5.7.[56] Rule 1.7(a)(2), regarding concurrent conflicts of interests, is applicable because the dual-licensed attorney potentially has a personal financial interest in getting paid more if they provide more than one service to their client, such as legal advice and tax services.[57] Courts may require an attorney to ascertain the exceptions provided in 1.7(b) before proceeding with dual-services to a client, such as by concluding that they can provide competent and diligent representation and get informed consent, confirmed in writing, of their conflict of interest.[58]

Further, as discussed in Part I, some states liken fees received from the attorney's provision of real estate, financial, or tax services to entering a "business transaction" with the client, which requires the attorney to follow the steps in Rule 1.8(a)(1-3) to adhere to conflict of interest protections.[59] This includes transacting on fair and reasonable terms, advising the client to seek independent legal counsel, and providing full disclosure of the terms and receive written informed consent in return.[60]

Because of the relevance of Rules 1.7 and 1.8 to dual-licensed attorneys, many court and ethical opinions advise dual-licensing lawyers to follow the "ethical trifecta" that Rules 1.7 and 1.8 encompass: 1) fully disclose the terms of the transaction to the client, 2) advise the client in writing of their right to seek independent counsel, and 3) receive the client's written informed consent to the attorney's dual-role in the transaction.[61]

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55. *See generally* MODEL RULES OF PRO. CONDUCT (AM. BAR ASS'N 1983).
56. *See generally supra* Part I.
57. *See* MODEL RULES OF PRO. CONDUCT r. 1.7 (AM. BAR ASS'N 1983).
58. *Id.*
59. *See* MODEL RULES OF PRO. CONDUCT r. 1.8 (AM. BAR ASS'N 1983).
60. *See id.*
61. *See* Adkisson, *supra* note 17.

More broadly, under Rule 8.4, lawyers are already held to general ethical guidelines for behaviors in their other professions and personal life.[62] All attorneys, regardless of the number of professional licenses they have or their employment in an MDP, are liable under Rule 8.4 for engaging in fraud, dishonesty, and deceit, so there is no need to go the extra step of outright banning MDPs and restricting dual-licensed attorneys, since these feared behaviors are already addressed in Rule 8.4.[63]

Moreover, despite the clear restrictions outlined in Rules 5.4 and 5.7, numerous Rules still permit lawyers to be employed by non-lawyers, supervise non-lawyers, and receive compensation by non-clients. For example, Rules 1.11 and 1.13 provide guidance for lawyers employed by the government, military, and for-profit organizations.[64] In each situation, the ABA recognizes that lawyers are hired by and under the supervision of non-lawyers, such as the CEO of a corporation or the President of the United States. Instead of the outright banning of these employment situations, as is true for multi-disciplinary firms, the ABA created extra rules to provide special protection to the public and to clients to allow these employment structures to exist.[65]

Similarly, Rule 5.3 explicitly already addresses the situation in which a lawyer employs or associates with non-lawyers.[66]Like Rule 5.7, Rule 5.3 extends the application of the Model Rules to non-lawyers who are supervised or associated with lawyers, making the supervisory lawyers responsible for ensuring that those non-lawyer conduct themselves in alignment with the Rules.[67] While this is most commonly applied to paralegals and office administrators, this framework could provide similar imputation and responsibilities for firms where other professionals, like CPAs and CFPs, are on-staff.

Clients are already protected generally by the existing Rules that govern the attorney's fiduciary responsibility, conflicts of interest, professional misconduct, and independent judgment when working with a dual-licensed or MDP-employed attorney. However, there are opportunities for the ABA to refine the Rules to give more explicit guidance in the areas of dual-practicing attorneys and multi-

62. *See* MODEL RULES OF PRO. CONDUCT r. 8.4 (AM. BAR ASS'N 1983).
63. *See id.*
64. *See* MODEL RULES OF PRO. CONDUCT r. 1.11, 1.13 (AM. BAR ASS'N 1983).
65. *Id.*
66. See MODEL RULES OF PRO. CONDUCT r. 5.3 (AM. BAR ASS'N 1983).
67. *See id.*

disciplinary practices, similarly to what has been done with corporate-employed, government-employed, and military-employed attorneys.

C. A Newly Proposed Rule for MDPs and DLAs

One avenue to achieve this would be in creating a new Rule, "Special Conflicts of Interests for Multi-Disciplinary Practices and Multi-Licensed Attorneys" and abolishing Rule 5.4. The new rule could start by explicitly defining, once and for all, what "multi-disciplinary practice" and "multi-" or "dual-licensed attorneys" are. The Rule can explicitly dictate that any attorney employed in an MDP or who provides additional services through their other professional licenses to a legal client for a fee has a rebuttal presumption of a "concurrent conflict of interest", as defined in Rule 1.7. By setting this clear standard, it forces all attorneys to comply with the more comprehensive conflict of interest analysis, rather than leaving it to the individual attorney to personally decide whether their role in an MDP or dual-license creates a conflict.

The presumption of the conflict of interest can be overcome if the lawyer:

i. "Reasonably believes that the lawyer will be able to provide competent and diligent representation" (borrowing from Rule 1.7(b)(1));
ii. Provides their services in terms that are "fair and reasonable to the client" (borrowing from Rule 1.8(a)(1));
iii. Fully discloses the circumstances of their employment in the MDP, or the essential terms and connection between their legal advice and the additional professional service they are providing;
iv. Advises the client in writing of their right to seek independent counsel and gives a reasonably opportunity to do so; and
v. Receives the client's written informed consent to the attorney's dual-role, or their employment by an MDP, in the transaction.[68]

A new Rule like this would allow attorneys to meet the current needs of consumers seeking bundled and cost-efficient professional services, while setting a higher and clearer standard of fiduciary care for attorneys operating in these spheres.

68. *See* Adkisson, *supra* note 17.

III. A NEW APPROACH: STATE CASE STUDIES

In the last three decades, several states have modified their Model Rules and created frameworks for lawyers and non-lawyers to work together, as well as for dual-capacity lawyers to utilize both their professional licenses.[69] Arizona and Utah are at the forefront of the country in adopting innovative solutions to allow dual- and multi-disciplinary practice to increase accessibility of legal services to low- and middle-income individuals. Their frameworks will be summarized.

A. Case Study: Arizona

In response to the high cost of legal services and lack of access in the civil justice system for their low- and middle-income constituents, Arizona abolished their Rule 5.4 and replaced it with a government-regulated Alternative Business Structure ("ABS") licensing program.[70] Through this change, lawyers can now work in organizations owned or managed by non-lawyers and share their fees with non-lawyers.[71] To maintain protections for consumers, the ABS licensing program requires organizations to apply for a license to operate as a multi-disciplinary firm and annually renew their license by continually proving compliance with the program's rules, such as outlining procedures that maintain the independent judgment of the lawyers, attorney-client confidentiality, and informed consent.[72] Each ABS is required to have one Compliance Officer that is an Arizona lawyer responsible for creating and maintaining the procedure.[73] A judicial committee assembled by the Supreme Court of Arizona is responsible for reviewing the ABS business plans and continued compliance, as well as with granting and renewing licenses. Each ABS is required to provide all clients with written disclosures on their business structure, fee arrangement, and firm ownership, and the committee publishes annual reports on

69. *See* Jayne R Reardon, *Nonlawyer Ownership Is Not the End of Professionalism*, LAW PRAC. MAG. (Jul. 1, 2024), https://www.americanbar.org/groups/law_practice/resources/law-practice-magazine/2024/july-august-2024/nonlawyer-ownership-is-not-the-end-of-professionalism/ (on file with the Syracuse Law Review).

70. *See* Teuton, *supra* note 9, at 239

71. *See Alternative Business Structures (ABS) Frequently Asked Questions*, ARIZ. JUD. BRANCH, https://www.azcourts.gov/accesstolegalservices/Questions-and-Answers/abs (on file with the Syracuse Law Review) (last visited Nov. 11, 2025).

72. *See id.*

73. *See id.*

any ABS client complaints, Bar complaints, status of licenses, and any additional guidance for ABS by the committee.[74]

In the years since the ABS framework was adopted, multi-disciplinary businesses have exponentially increased, predominantly in business, injury, and end-of-life practice areas.[75] One example is Singular Law Group LLC, which combines lawyers, technologists, and entrepreneurs to help bilingual clients with a range of legal issues by providing translation services and legal advice through remote on-demand 45-minute sessions for the affordable price of $99.[76] Many other ABS' provide only legal services, but have taken advantage of this structure to enhance their service with technological adaptations that make their provision of advice more easily accessible to clients online.[77]

The result of Arizona's innovation is that law firms can attract bright non-lawyer talent, strengthen non-lawyer employees' commitment by offering ownership interest, and can provide lower cost and more accessible legal services through technological advancements by partnering with technology companies. Further, these added benefits do not compromise client interests; to the contrary, this relaxed framework adds consumer protection through the annual public reporting and license renewal requirements.

B. Case Study: Utah

In comparison, Utah goes even farther than Arizona to eliminate restrictions on dual-practicing attorneys and multi-disciplinary practices. In 2020, Utah's Supreme Court created a "legal regulatory sandbox" and an Office of Legal Services Innovation to pilot an initiative for lawyers and non-lawyers to work under the same roof.[78] The

74. *See Alternative Business Structures Resources*, ARIZ. JUD. BRANCH, https://www.azcourts.gov/cld/Alternative-Business-Structure/Resources (on file with the Syracuse Law Review) (last visited Oct. 16, 2025).

75. *See generally* Teuton, *supra* note 9.

76. *See About Us*, SINGULAR LAW GROUP PLLC, https://singular.law/about-us/ (on file with the Syracuse Law Review) (last visited Oct. 16, 2025).

77. *See Summaries of Alternative Business Structures in 2021*, ARIZ. JUD. BRANCH, https://www.azcourts.gov/Portals/26/Approved%20ABS%20summaries.pdf (on file with the Syracuse Law Review) (last visited Oct. 16, 2025).

78. *See* To Tackle the Unmet Legal Needs Crisis, Utah Supreme Court Unanimously Endorses a Pilot Program to Assess Changes to the Governance of the Practice of Law, UTAH CTS. (Aug. 13, 2020), https://legacy.utcourts.gov/utc/news/2020/08/13/to-tackle-the-unmet-legal-needs-crisis-utah-supreme-court-unanimously-endorses-a-pilot-program-to-assess-changes-to-the-governance-of-the-practice-of-law/ (on file with the Syracuse Law Review).

program aimed at alleviating the lack of affordable and accessible legal care for low- and middle-income Utah residents.[79] To balance the risks associated with bundling these services and financial compensation, the entities must apply to the Utah government for approval to operate, contingent on the results of a risk assessment of the potential harm to consumers the entity could pose compared to the benefits.[80] The program has been touted as a success, with only one complaint for every 1,000 services delivered in the first year of the pilot.[81]

One example is Holy Cross Ministries, who are able to assist non-English speaking residents with assistance on their medical debt, by bundling translation services, legal advice on medical debt, and health education.[82] Another example is Elysium Holdings LLC ("Elysium"), which combines legal services with investment advising to provide more affordable comprehensive advice to small businesses and individuals who cannot afford to get this advice from multiple providers.[83] Elysium integrated services offered by an existing law firm and an existing investment advisor, to offer comprehensive advice to clients who cannot "assemble [a] team of professionals either due to costs or lack of knowledge regarding the benefits of doing so," and likened their integrated platform to "a multi-disciplinary treatment team in the medical community."[84]

A final example from Utah's regulatory sandbox is Estate Guru, which allowed a non-lawyer-owned technology company to employ financial advisors and attorneys to provide holistic advice on estate planning matters.[85] In this entity, technology is used to assess the client's existing assets and liabilities, pre-fill forms relating to estate-planning, and send financial advisors and attorneys action items for

79. *See id.*

80. *See* Logan Cornett & Zachariah DeMeola, Data from Utah's Sandbox Shows Extraordinary Promise, Refutes Fears of Harm, INST. FOR THE ADVAN. OF THE AM. LEGAL SYS. (Sep. 15, 2021), https://iaals.du.edu/blog/data-utahs-sandbox-shows-extraordinary-promise-refutes-fears-harm (on file with the Syracuse Law Review).

81. *See id.*

82. *See id.*

83. *See* Amended Sandbox Authorization Packet: Elysium Holdings, OFF. OF LEGAL SERVS. INNOVATION (Sep. 21, 2022), https://utahinnovationoffice.org/wp-content/uploads/2024/11/Pearson_Elysium_Order-and-App.pdf (on file with Syracuse Law Review).

84. *Id.*

85. *See Amended Sandbox Authorization Packet: Estate Guru*, OFF. OF LEGAL SERVS. INNOVATION (Aug. 15, 2022), https://utahinnovationoffice.org/wp-content/uploads/2024/11/Estate-Guru-_-Order-and-App.pdf (on file with Syracuse Law Review).

investment and legal steps that need to be taken to protect or settle the client's estate.[86] This is exactly the kind of wrap-around service that protects clients from the risks of completing estate forms online by themselves, as has played out in court against providers like LegalZoom.[87]

These states provide examples of opportunities to create and regulate wrap-around multi-disciplinary services to make legal advice and the ability to solve complex issues more accessible and affordable to Americans. In a society where consumers are accustomed to one-stop shops to satisfy their needs, or using the internet to solve their issues, it is important that the legal field also modernize their approach to ensure Americans with challenging legal issues have an affordable avenue to access legal advice along with financial, health, or other advice pertinent to their concern.

CONCLUSION

The legal field is operating at a disadvantage to their clients and attorneys by outright prohibiting multi-disciplinary practices and leaving looming ambiguities for dual-licensed attorneys. If legal advice remains siphoned off away from other bundled professional services, clients will continue to pay higher costs for legal advice and attorneys will not be able to take advantage of economies of scale to lower their operating costs. The concern that dual-practicing attorneys and multi-disciplinary firms will lead to attorneys making decisions adverse to their clients is valid. However, the ABA already has multiple rules addressing a lawyer's independent judgment, professional misconduct, confidentiality, and conflict of interest concerns. There are additionally several rules that blanket the bar disciplinary authority over a lawyer's non-legal and even personal activities.

Further, there is an opportunity for the ABA to meet the demands of the civil justice gap. The ABA can abolish Rule 5.4 and create a sub-rule that directly addresses dual- and multi-disciplinary practice, as provided in Part II. Further, States can abolish or relax their own Rules and adopt models similar to Arizona and Utah to expand access to attorneys for their constituents. At this time, the current landscape is too riddled with contradictory positions and incomplete guidance amongst states to offer prospective clients or attorneys the direction necessary to meet the legal needs of Americans.

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86. *See id.*

87. *See* Litevich v. Prob. Ct., No. NNHCV126031579S, 2013 WL 2945055, at *1 (Conn. Super. Ct. May 17, 2013).