

April 28, 1993

Via Fax (312) 988-6281

Jean Lesher
Manager, Publications Policy & Contracting
ABA Publications
750 North Fairbanks
Chicago, Illinois 60611

Dear Ms. Lesher:

I was startled by your letter of April 14. I had not expected that the ABA would try to maintain a publication monopoly over the Model Code of Professional Responsibility and the Model Rules of Professional Conduct. I had anticipated we might have to pay royalties based on any revenues generated (as our license to publish the U.C.C. requires), but a flat "no" was completely unforeseen. For countless reasons it would seem to me that the ABA should wish the widest possible dissemination of this material and count that as more important than whatever profits it now makes from publication or might anticipate upon getting into electronic publication on its own. Furthermore, the copyright claim itself can so easily be circumvented by turning to public domain versions of both the Code and the Rules that what the ABA would gain by having its name associated with a non-profit educational distribution seems far larger than what it may be able to hold on to for itself.

To understand whether this is general policy or focused on the competitive threat from a new and therefore unpredictable publishing entity, I would ask whether the ABA has licensed any private publishers to print either the Code or the Rules or to place them on-line. If it has licensed West or others to do so, I may ask you to reconsider your decision concerning our request.

Until I hear back from you on this point, I shall not take "no" as your final answer and so shall not publicize it.

Sincerely,

Peter W. Martin
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