

Alabama Rules of Professional Conduct

Law Firms and Associations

Rule 5.6.

Restrictions on Right to Practice.

A lawyer shall not participate in offering or making:

(a) A partnership or employment agreement that restricts the right of a lawyer to practice after termination of the relationship, except an agreement concerning benefits upon retirement; or

(b) An agreement in which a restriction on the lawyer's right to practice is part of the settlement of a controversy between private parties.

Comment

An agreement restricting the right of partners or associates to practice after leaving a firm not only limits their professional autonomy but also limits the freedom of clients to choose a lawyer. Paragraph (a) prohibits such agreements except for restrictions incident to provisions concerning retirement benefits for service with the firm.

Paragraph (b) prohibits a lawyer from agreeing not to represent other persons in connection with settling a claim on behalf of a client.

Comparison with Former Alabama Code of Professional Responsibility

This Rule is substantially similar to DR 2-109. Alabama Code 1975, § 8-1-1(a) provides that “[e]very contract by which anyone is restrained from exercising a lawful profession, trade or business of any kind otherwise than is provided by this section is to that extent void.”