

PMBR Working Group # 9 - Access To Justice and Client Development

An important part of the administration of justice in our state is ensuring that people of all economic levels and geographic locations have access to not only the courts, but to competent, licensed professional legal assistance. This self-assessment form is designed to help lawyers evaluate their practices and procedures relating to this important principle. Because tackling the justice gap necessarily involves reaching out to underserved communities, we also provide guidelines concerning client development.

Access to Justice

Lawyers have a duty to promote and protect the public interest. One of the most significant issues currently facing consumers of legal services is meaningful access to justice. For purposes of this assessment, we are defining “access to justice” as a concept much broader than access to the courts and litigation. It encompasses a recognition that everyone is entitled to the protection of the law. It is about protecting ordinary and vulnerable people and solving their problems. Improving access to justice in Colorado requires leadership and change that reaches well beyond the traditional construct of legal aid. The responsibility must also fall to law firms and other for-profit legal organizations to look inward at what they might do themselves to better meet their obligations to promote and protect the public interest. Encouraging pro bono or other volunteer work, as well as exploring alternative fee arrangements and limited scope retainers (where appropriate and permitted), are examples of some tangible steps that firms can take to do their part to close the justice gap.

Additionally, lawyers and law firms should explore how they interact with self-represented parties. One aspect of the access to justice crisis in Colorado is that legal services have become increasingly expensive, and are unaffordable for many of those who have a need for legal services. This has resulted in a large number of self-represented parties. Studies show that a significant number of self-represented litigants have complaints about the opposing counsel with whom they interact. On the other hand, many lawyers report challenges in communicating or negotiating with self-represented litigants. This suggests, at the very least, that lawyers need more information and training to assist them in dealing with self-represented litigants.

-alternative office space -phone service -investigator pricing -staff -supplies/equipment		lawyer just starting out, sharing office space will allow you to pool resources, save money and ease the isolation of practicing alone. But before entering into an office sharing arrangement with another lawyer, it is imperative that you know exactly what you can and can not share, whether it be rent, computers—or even clients. Since the ethics rules don't always address the issues head-on, it's a good idea to keep an eye out for ethics opinions in your jurisdiction that address the nitty gritty of office sharing arrangements. Lawyers should also be mindful that sharing office arrangements with non-lawyers is a separate issue that subjects lawyers to distinct ethics requirements.	https://lawyerist.com/79373/keep-solo-practice-sustainable-lean/ ● “Keeping Your Office Sharing Arrangements with Other Lawyers Squeaky Clean Under the Ethics Rules” By Kathryn A. Thompson ○ http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/keeping_your_office.authcheckdam.pdf ● Designing your law office to save money and boost productivity--without sacrificing style, by Jenny B. Davis ○ http://www.abajournal.com/magazine/article/designing_your_law_office_to_save_money_and_boost_productivity/
Do you use technology to increase your efficiency and		Computer programs – such as for timekeeping, case management, etc... can increase productivity and	

		Improving Retention, Productivity and Profitability through Inclusion. Myers, Verna. Moving Diversity Forward: How to Go from Well-Meaning to Well-Doing Williams, Lena. It's the Little Things: Everyday Interactions that Anger, Annoy, and Divide the Races Kendall, Francie. Understanding White Privilege Reiman, Jeffrey. And the Poor Get Prison: Economic Bias in American Criminal Justice Zia, Helen. Asian American Dreams: The Emergence of an American People Graham, Laurence Otis. Member of the Club Cose, Ellis. The Rage of a Privileged Class (Why do Prosperous Blacks Still Have the Blues)
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Do you provide formal or informal training to help staff interact with the public and potential clients?		Training is important for attorneys and staff alike. Simple tasks such as answering phones, responding to inquiries from clients, potential clients, and pro se parties are some of the office's most important PR. Likewise, lawyers should keep in mind that these interactions are sometimes a person's first encounter with the legal system--make sure it is a positive and respectful one.	Toolkit: <i>Successful Business Planning: Representing the Moderate Income Client</i>: includes forms, spreadsheets, ethics and practical information about a law practice that includes representation of moderate-income clients. http://www.americanbar.org/content/dam/aba/administrative/legal_aid_in_digent_defendants/ls_sclaid_atj_moderate_means_succ_bus_plan.authcheckdam.pdf
Do you provide alternatives for clients with less ability to travel (such as to your office and/or normal work site) and/or potential clients who need off-hour meetings?		Potential clients and clients might not have the ability and/or flexibility to leave their work during business hours. Does the firm have a way of meeting with these people? These same individuals might not have transportation options. Is there a way to accommodate them? Consider: telephone meetings, Skype or Facetime, home visits, meeting at a local library or other place (be cautious about client confidentiality when meeting in public).	
· Are lawyers trained to effectively interact with self-represented parties?		Training is provided to lawyers who are likely to encounter self-represented litigants.	

			CBA Modest Means Task Force Report http://www.americanbar.org/content/dam/aba/administrative/delivery_legal_services/ls_job_corps_co_task_force.authcheckdam.pdf
Have you considered providing limited scope representation, i.e. unbundled services?		It is important to remember obligations in both state and federal court. -A clear letter laying out the limitations of the representation is crucial.	
Have you reviewed Colo RPC 1.2 and the comments to understand different options regarding scope of representation?		It is important to make sure expectations are not only permissible under the Rule, but also that they are clearly defined and understood by the client.	
If you are not able to take a client, do you direct them to resources for modest means and indigent clients?		As part of providing access to justice for individuals who are confronted with a legal problem, it is important to think about whether simply saying “no” is the optimal answer. It is important to remember the opportunity to redirect a person to the right resources for their situation.	Colorado Legal Services. http://www.coloradolegalservices.org/ Denver Bar Association Legal Clinics and Free Legal Information http://denbar.org/index.cfm/ID/22742/dba/Legal-Clinics/

<u>Objective 5 - Using Effective Client Development Strategies to Increase Business and Bridge the Justice Gap</u>		Lawyers should make efforts to be a part of the legal and non-legal community. One way to do this is to network with a local bar association or other legal group. Lawyers may want to use social media and internet marketing to reach out to non-traditional legal consumers. Lawyers who provide low cost or alternative fee services should emphasize these services in their marketing. Websites and other marketing material should be user friendly and understandable.	
Do you have a marketing strategy?		A marketing strategy might target underserved populations by emphasize the firm's commitment to alternative fee arrangements, modest means clients, and unbundled services.	
· Do you have a website and/or do you use internet tools for marketing?		Use the internet to reach out to new clients. A good website can bring in business. The website could provide concrete information about fees and billing. Websites can also clearly explain the firm's commitment to alternative fee structures, modest means, and unbundled services.	● "Most Lawyers Suck at Internet Marketing," by Keith Lee ○ http://abovethelaw.com/2015/09/most-lawyers-suck-at-online-marketing/

Does your advertising/marketing structure include an emphasis on providing access to justice?		Marketing to these populations can not only help alleviate the access-to-justice problem, but can also help the firm's bottom line!	
Objective 6 - The Firm evaluates success in providing access to justice.			
Do you track and evaluate the demographics of clients and where clients are from?		It is important to consider tools to be strategic in advertising, not just reactive. Data collection, for planning purposes, is crucial.	
Do you conduct interviews with clients at the end of representation to evaluate how they feel they have been treated in the legal system?		A satisfied client, and a client who understands what happened and why, is one who will leave with a sense of justice. That client will also refer other clients to the lawyer, even if the client "lost." This is because, as Maya Angelou said, "people will forget what you said, people will forget what you did, but people will never forget how you made them feel."	
Does the firm periodically review its success in reaching out to underserved populations?			