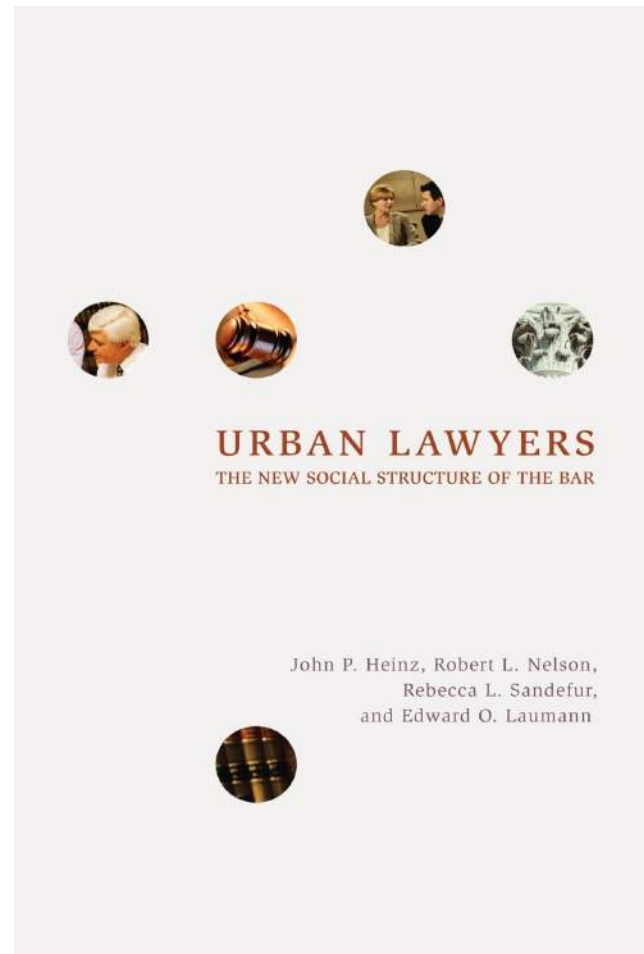
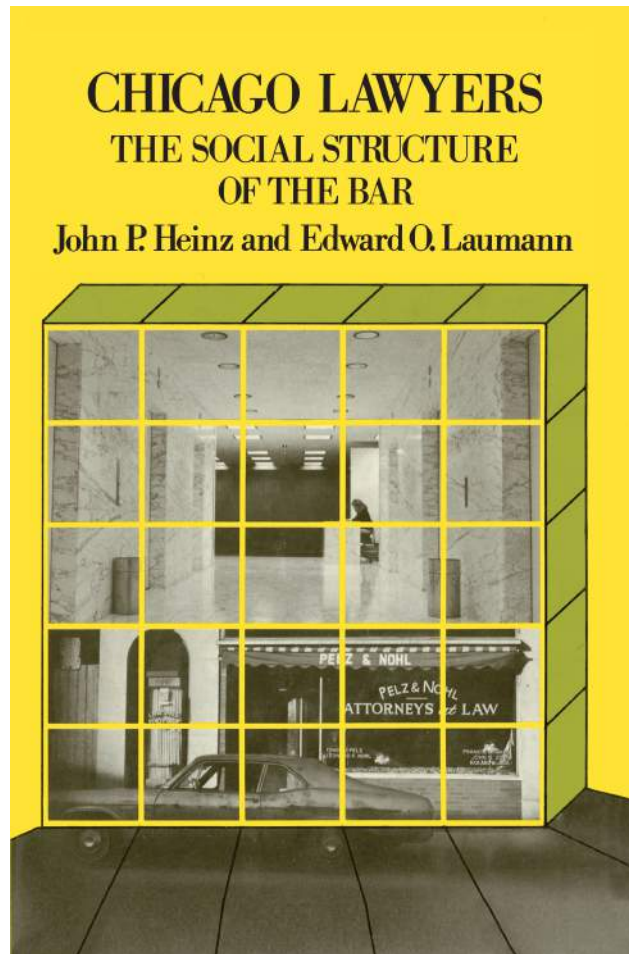


Accessible Professionalism: Personal Plight Legal Practice

Noel Semple
University of Windsor Faculty of Law

Law and Society Association
May 31, 2014

Chicago Lawyers Studies (1982; 2005)

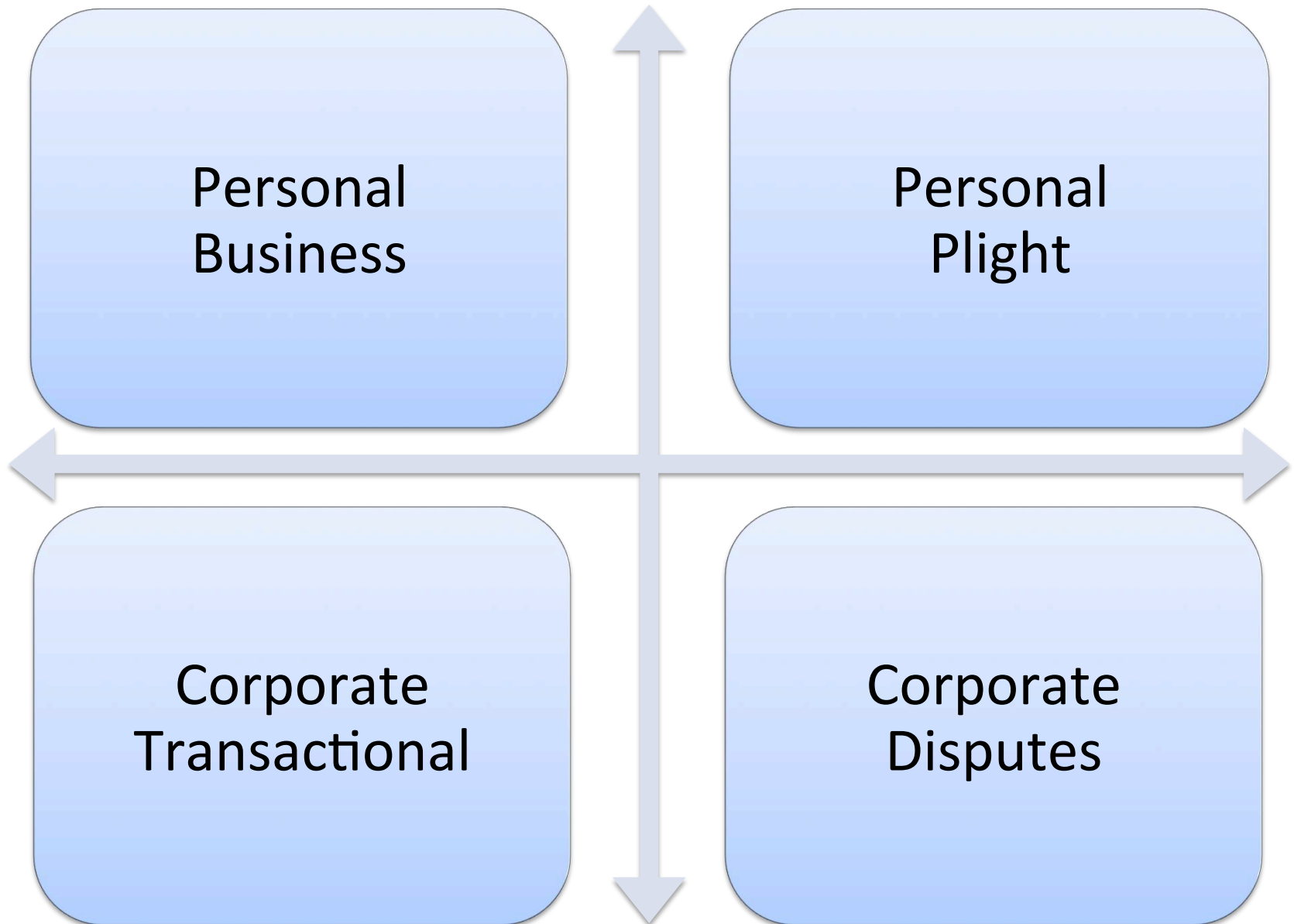


A Map of the Bar

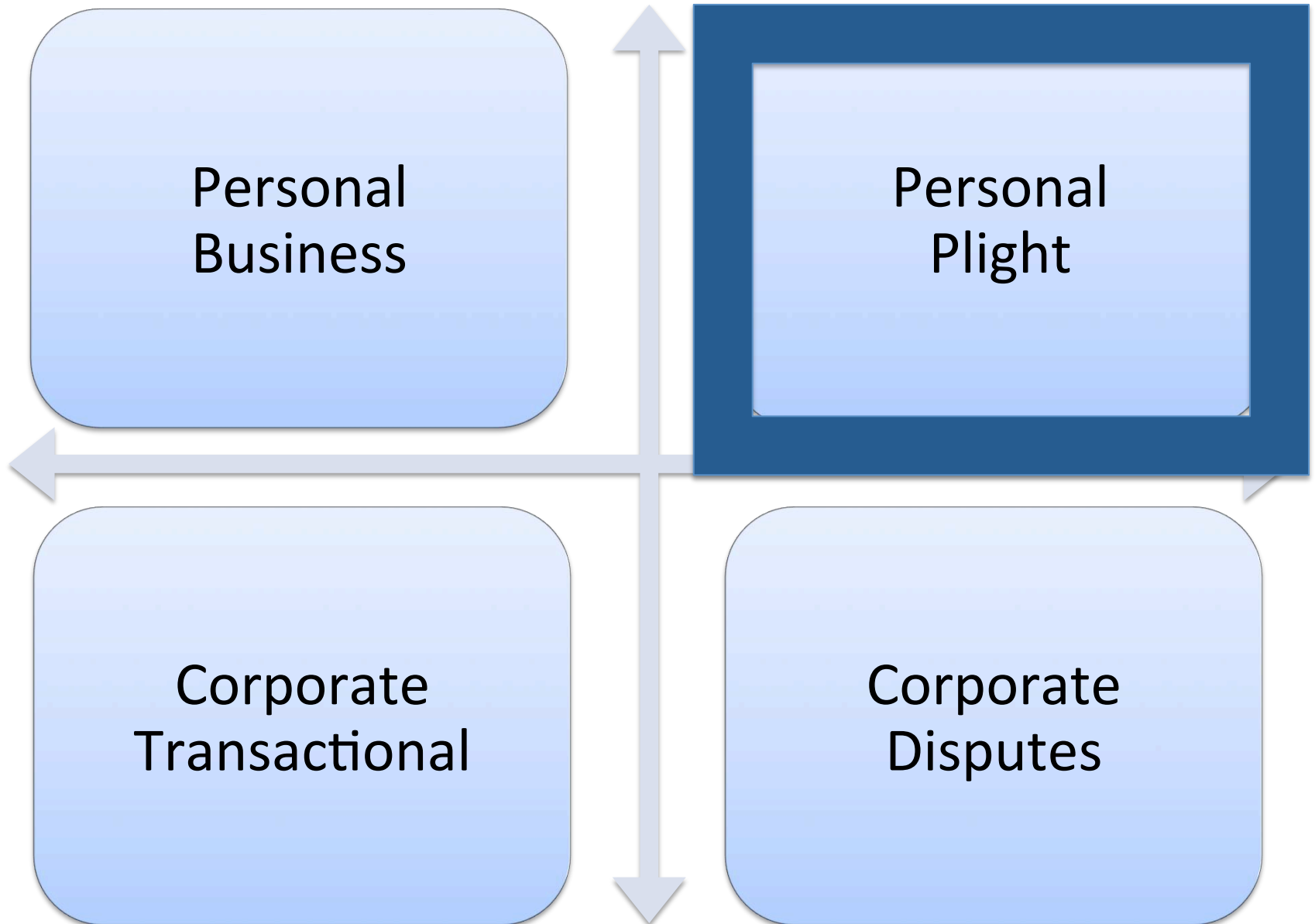
Personal Clients

Corporate Clients

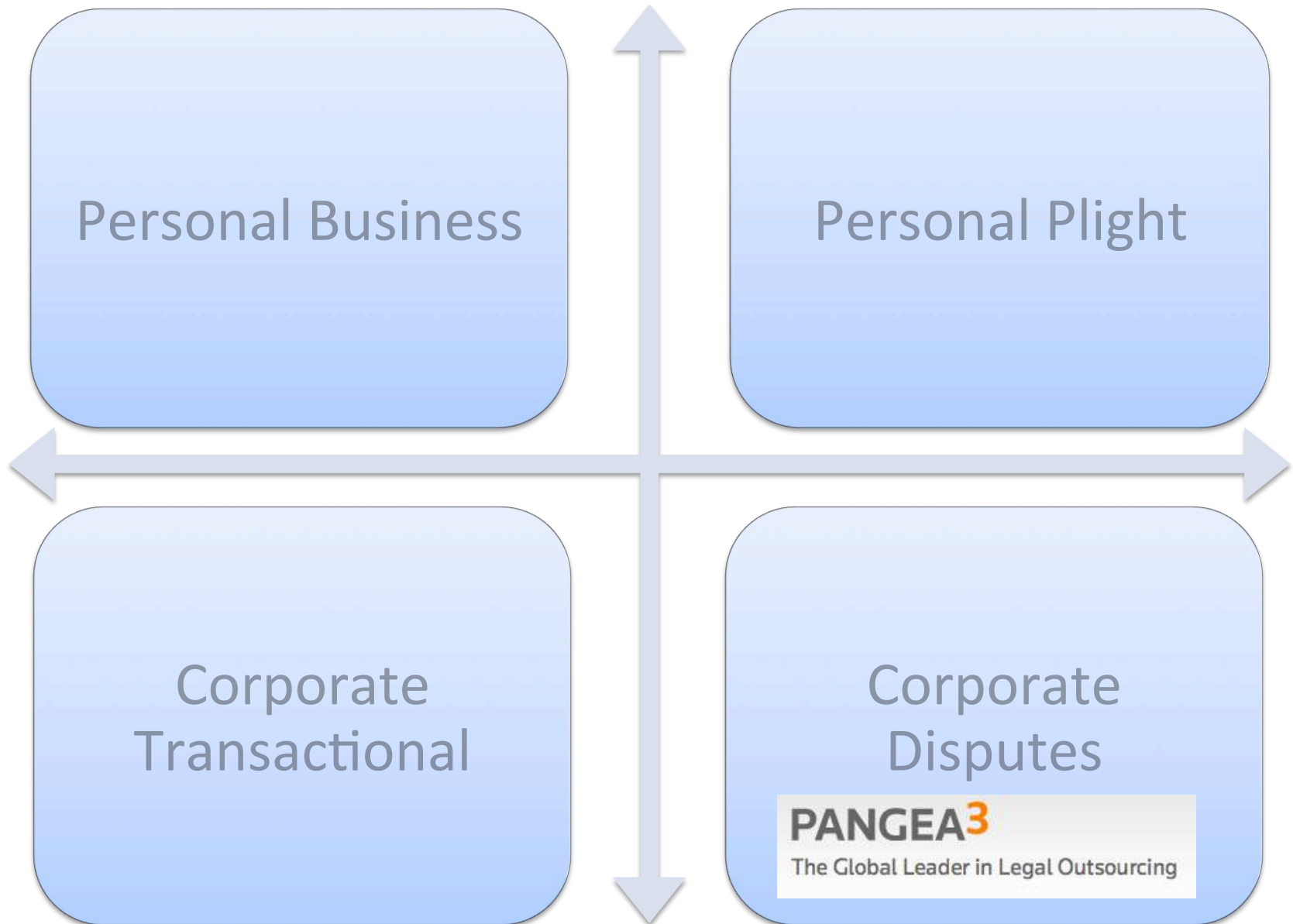
A Map of the Bar



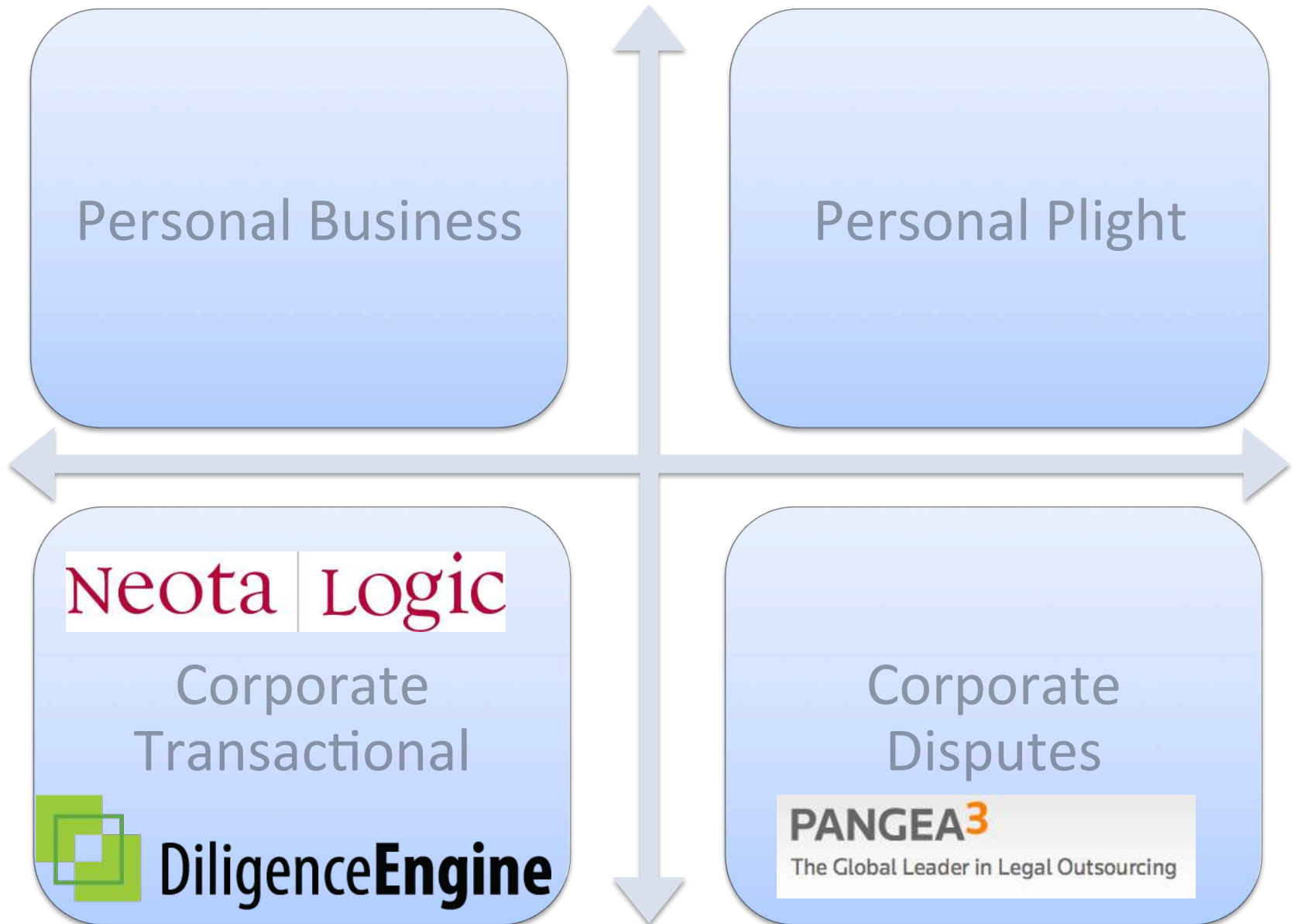
Personal Plight: Epicentre of A2J Problem



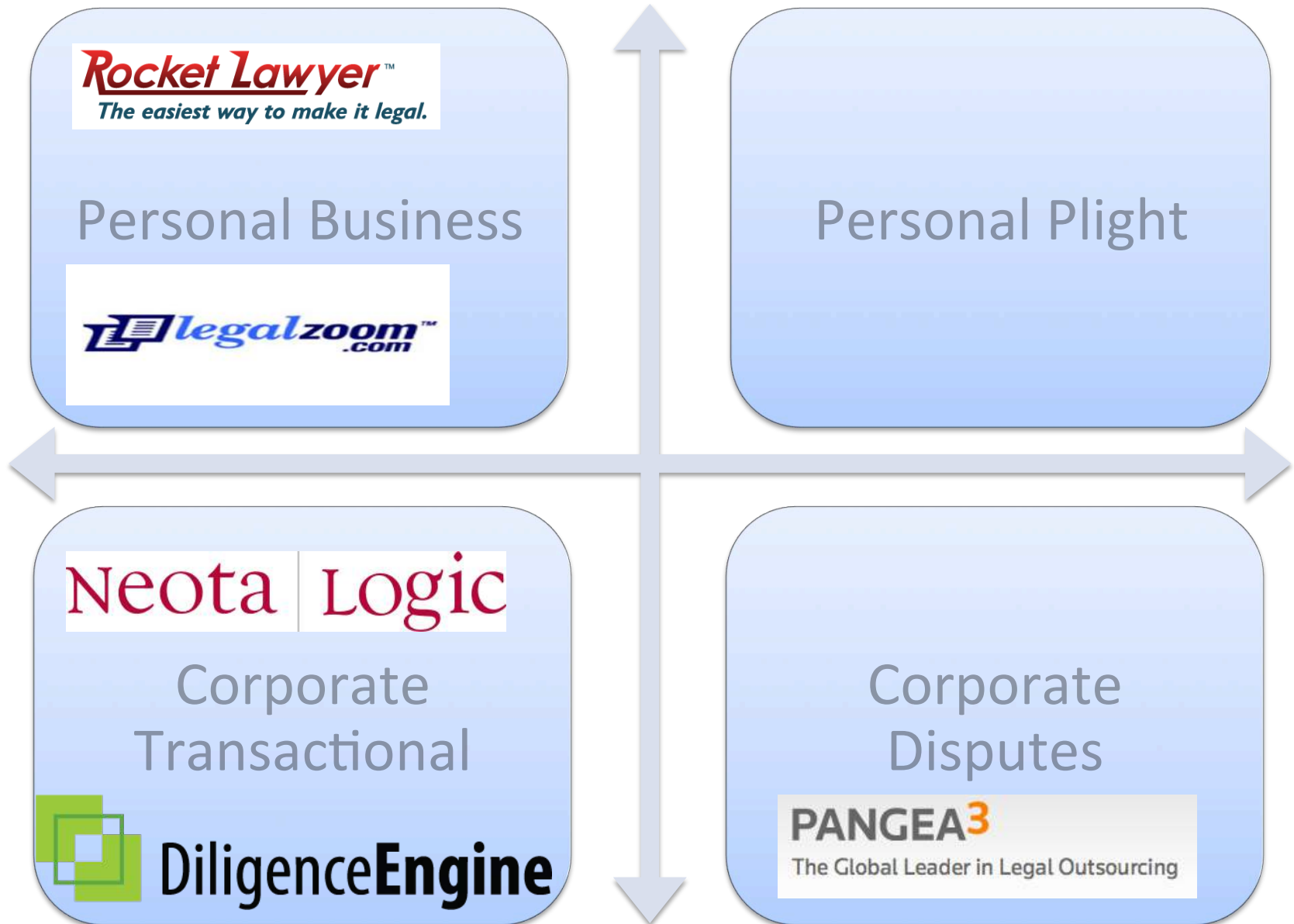
Technology and Outsourcing



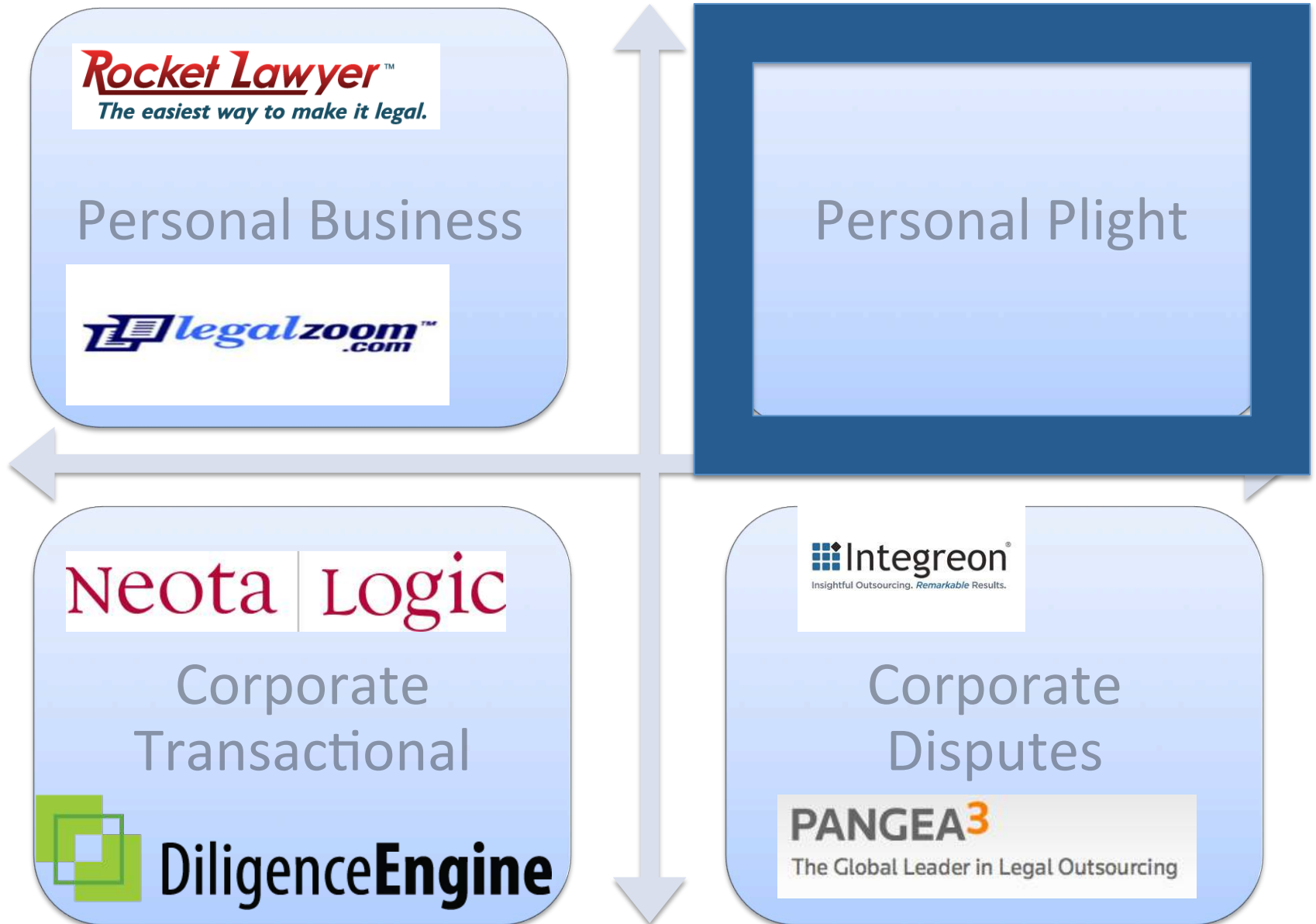
Technology and Outsourcing



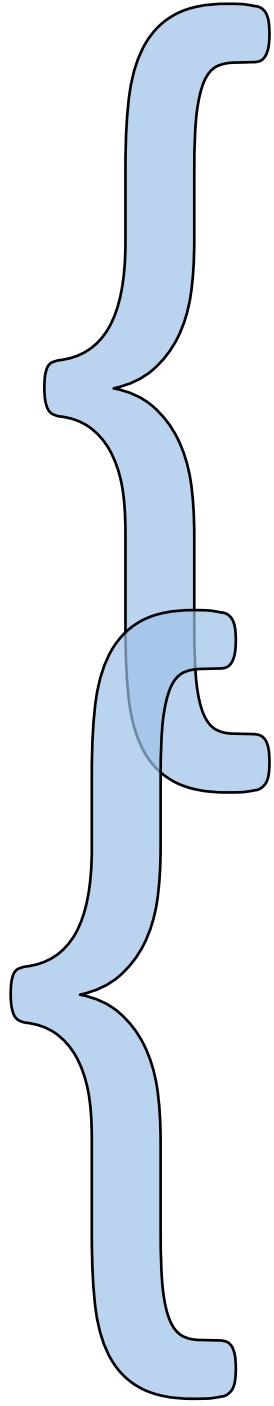
Technology and Outsourcing



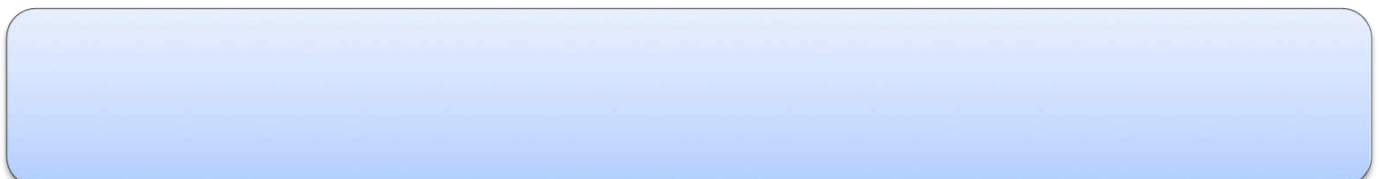
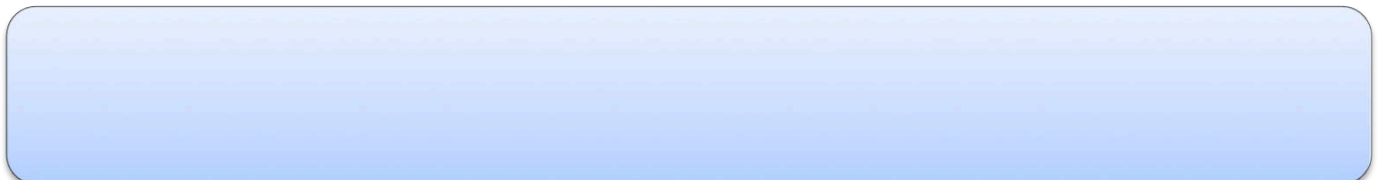
Technology and Outsourcing



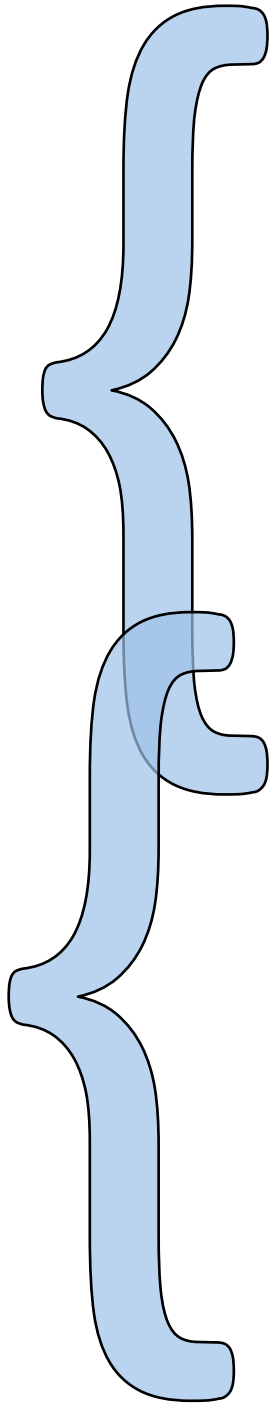
A2J Research



Demand side: legal needs; self-reps

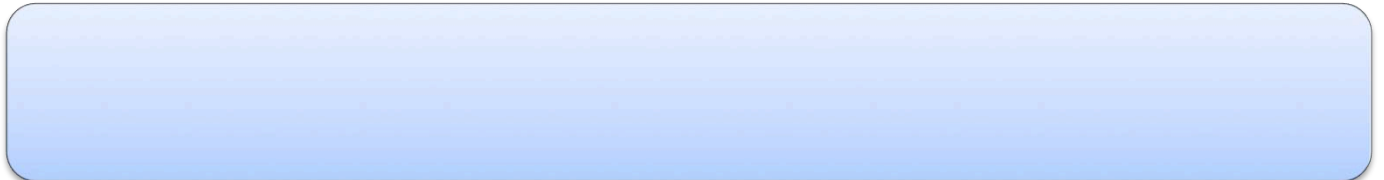
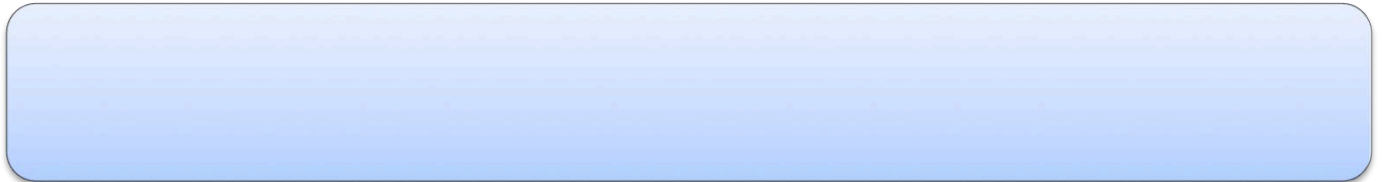


A2J Research

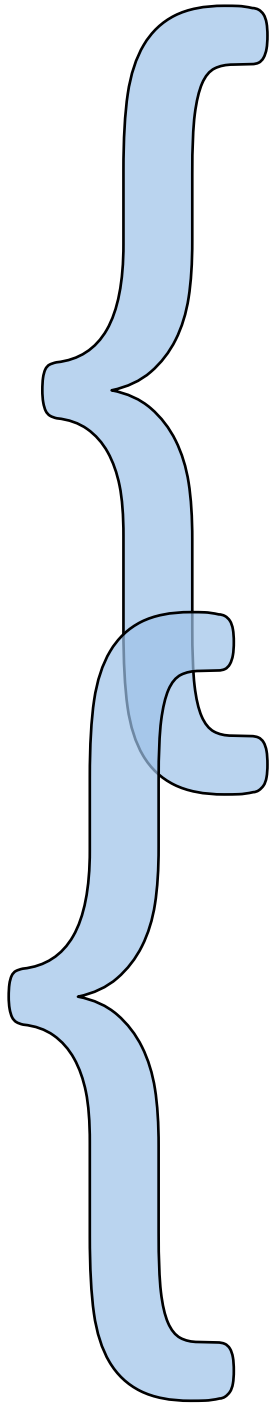


Demand side: legal needs; self-reps

Supply side: pro bono; legal aid



A2J Research



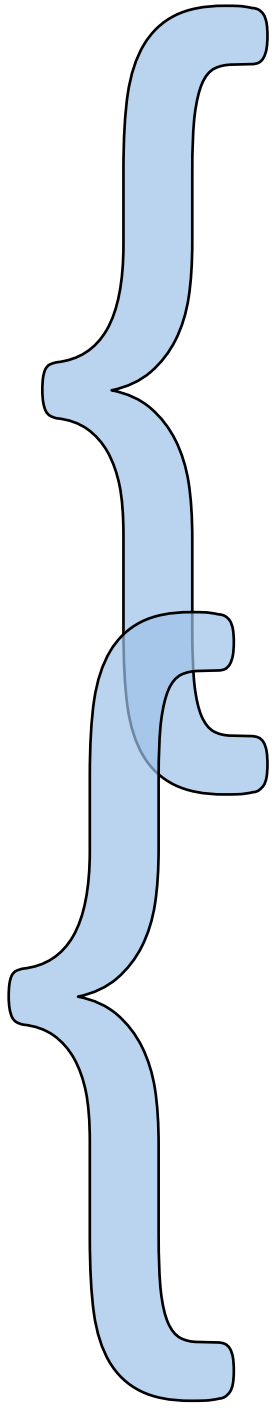
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Supply side: pro bono; legal aid

Courts; legal services regulation



PPLP Research A2J Research

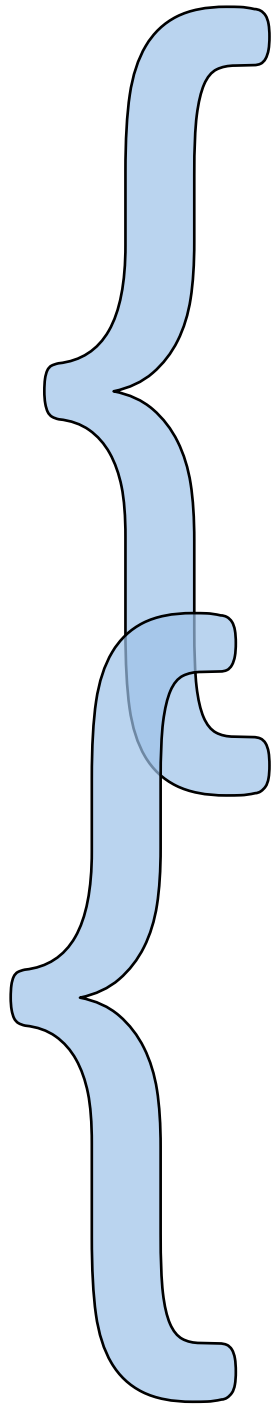


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PPLP Research A2J Research



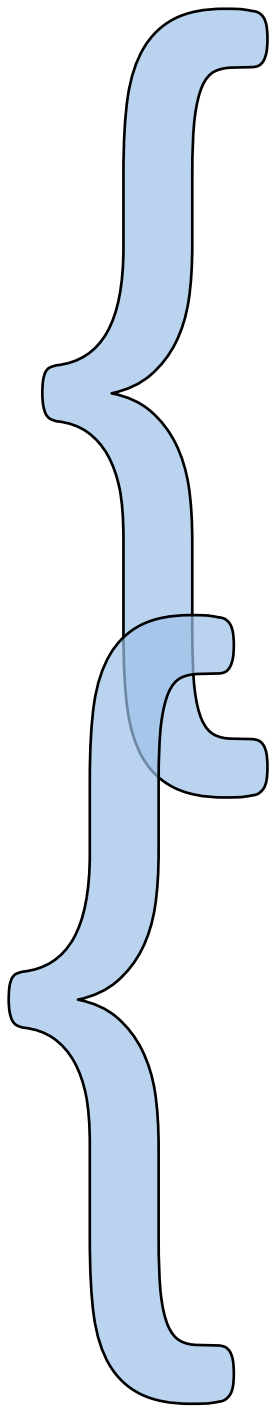
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Courts; legal services regulation

Stratification; gender; race

PPLP Research A2J Research



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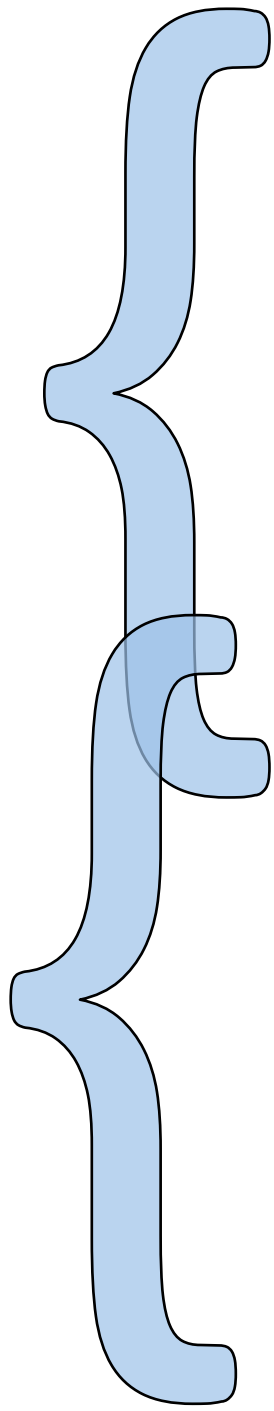
Supply side: pro bono; legal aid

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Ethics in practice; communities of practice

PPLP Research A2J Research



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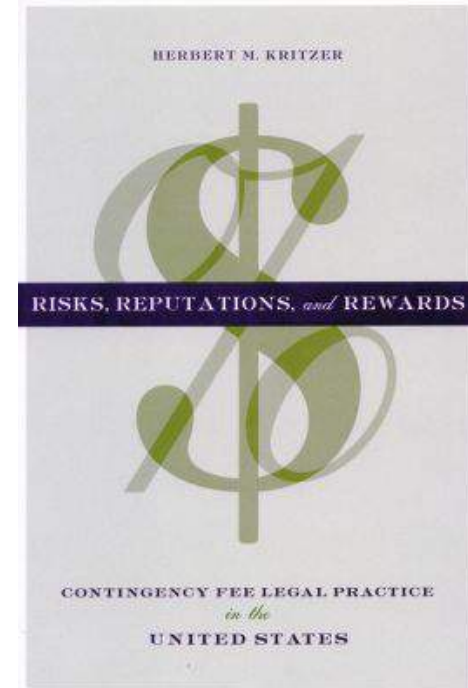
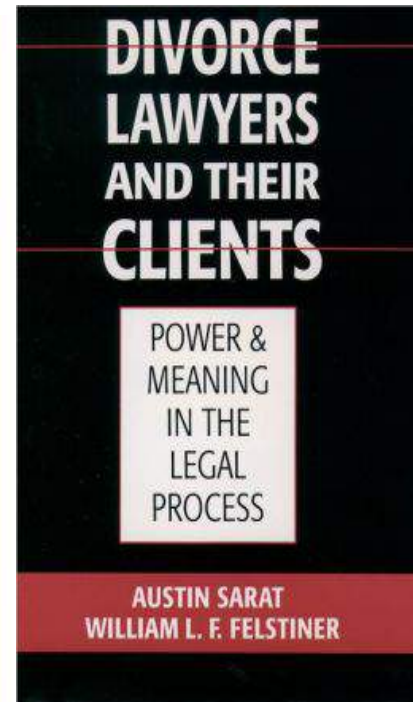
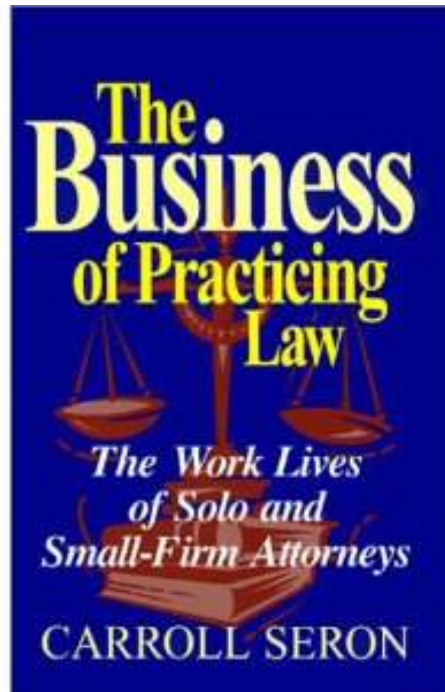
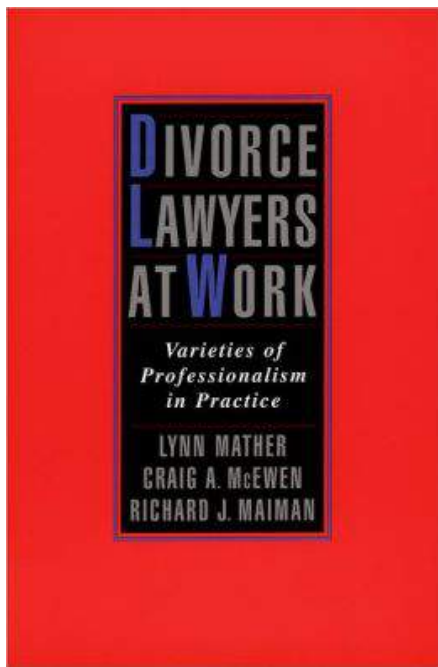
Courts; legal services regulation

Stratification; gender; race

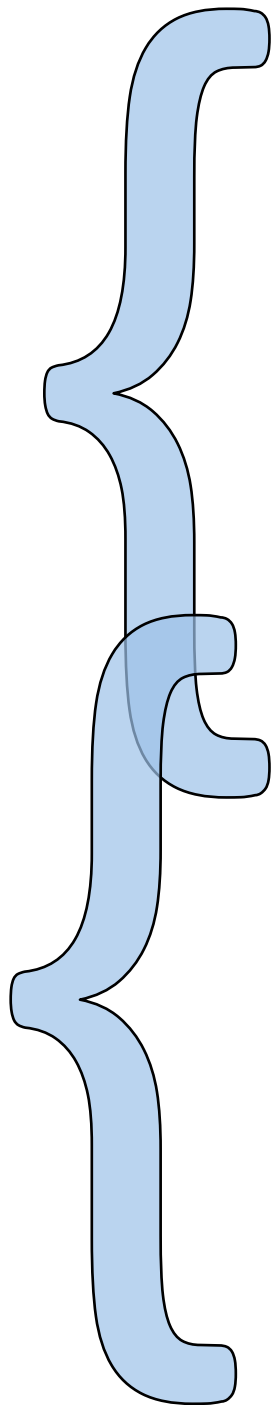
Ethics in practice; communities of practice

Business vs. profession

Law and Society Studies: Personal Plight Practice



PPLP Research A2J Research



Demand side: legal needs; self-reps

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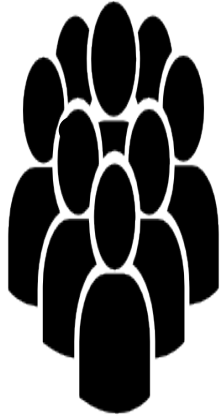
Courts; legal services regulation

A2J Analysis of Personal Plight Practice

Stratification; gender; race

Ethics in practice; communities of practice

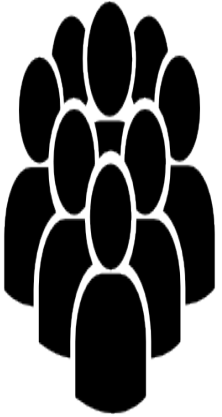
Business vs. profession



People
with
unmet
legal
needs



Personal
plight
legal
practit-
ioners



People
with
unmet
legal
needs

Cost

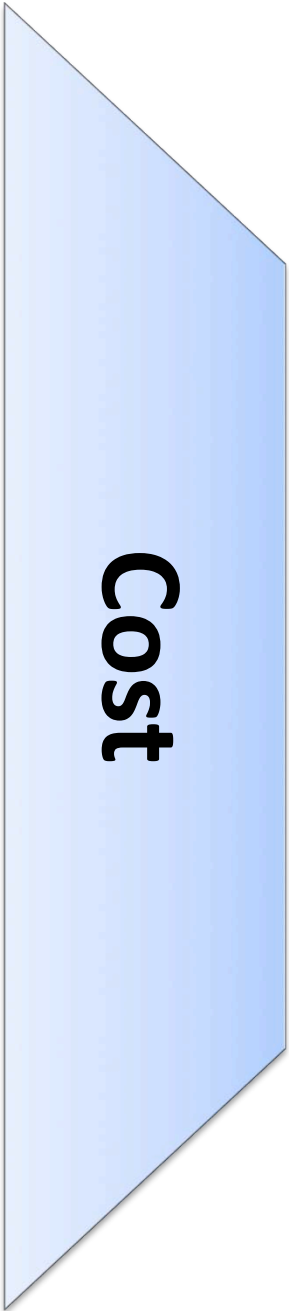
Cost structure

**Legal
unconsciousness**

**Old-fashioned
service models**



Personal
plight
legal
practit-
ioners



Cost

Questions for Practitioners

- How much do you charge?
- Same price for everyone?
- Do you discount your bills, and for what reason?



Cost Structure

Questions for Practitioners

- Time-based, contingency, or flat rate billing?
- Cash retainer required?

unconsciousness

Legal

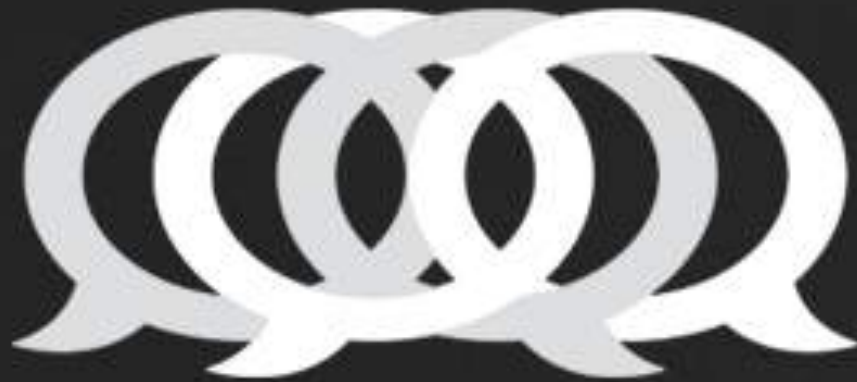
Questions for Practitioners

- Do you advertise and if so, how?
- How do your clients know that they need you?
- How do your clients come to you?

**Old-fashioned
service models**

Questions for Practitioners

- If you could continue your practice in a larger firm, would you?
- How would you feel about practicing in an alternative business structure with a non-lawyer investor and/or manager?
- Your views on unbundled services
- Your view on “who’s in charge?”



**THE NATIONAL
SELF-REPRESENTED
LITIGANTS PROJECT**

Research, Resources,
Dialogue & Collaboration



A Cost Structure Barrier: Lack of Unbundled Services?

“In interview after interview, SRLs described going systematically through the Yellow Pages and calling a dozen or more law offices asking: “Will you assist me with my case by (eg) reviewing my documents/ appearing with me at a hearing/ other task, and bill me only for the hours we agree that you spend on this assignment?” To their amazement, almost no lawyer said ‘yes.’ ”

Julie MacFarlane,
The National Self-Represented Litigants Project

Why Not?

- “It’s the Culture, Stupid!” (MacFarlane)
- Service orientation / perfectionism
- Regulation makes it too risky?
- Regulation → monopoly → full caseload of more lucrative traditional retainers

A Service Model Barrier: Lack of Innovation?

"Everyone who can participate in providing legal services is trained in the same way, and spends most of their time interacting with professionals just like themselves. This limits the likelihood that new ideas will emerge.

Imagining that it is likely that a process that involves lawyers talking only to other lawyers will give birth to fundamentally new means of accomplishing long-held objectives is like imagining that librarians, whose job after all is advising on how to find information, would have eventually invented Google."

Gillian Hadfield, *Innovating to Improve Access*

Methodology

- Mixed methods : survey plus interviews plus archival sources
- Surveys before interviews or vice versa?
- Draw interviewees from survey sample?
- Oversample innovators?

Comparison

Family Lawyers

Pers. Injury Lawyers

Personal plight, private law practices
Clients confronting serious life challenges
Little or no state funding

Comparison

Family Lawyers

Pers. Injury Lawyers

Personal plight, private law practices
Clients confronting serious life challenges
Little or no state funding

time-based billing <-----> contingency billing

little / no advertising <-----> extensive advertising

Individual v. individual <-----> individual v. corporation

A Map of the Bar

