



# The Future of Legal Help and Lawyer Referrals

## Using New Tools to Better Serve the Public and Profession

By Angela Tripp and Janet Welch

**H**ow do people decide whether to hire a lawyer? What stops them from seeking legal help? If they decide they need legal help, how do they find and choose a lawyer? The answer in the twenty-first century may be much the same answer it has always been: by asking around and seeking input from people they trust. The difference in the twenty-first century is that “asking around”

includes looking to the Internet for help and answers, and “people they trust” may include strangers who write reviews of legal services on commercial websites like Yelp.

The public has considered the State Bar of Michigan to be “people they trust” for finding legal services for more than half a century. Like many other state and local bar associations, we have operated a lawyer referral service because the

public asked us for help in finding lawyers. We have an intake averaging more than 100 calls a day, and last year our service made more than 19,000 referrals.

The lawyer referral service model we use has been essentially unchanged since its inception. Until now.

As of March 2017, using the vision of the 21st Century Practice Task Force as our guide, we are building the country's first full-service Online Legal Resource and Referral Center operated by a state bar. We have a tremendous advantage in building this new model: our comprehensive enhanced-profile member directory, which serves as the functional backbone of the new service model. When completely developed, the new service will take full advantage of online access, automated administration, consumer-centered business practices using data-driven marketing and feedback, and new standards of accountability based on best business practices and ethics.

### Why now?

Over the last decade or so as people abandoned their traditional shopping habits and turned to the Internet to make choices about what to buy, venture capitalists began betting that well-designed, online find-a-lawyer and legal help/self-help services could tap into an estimated \$45 billion latent legal market; this market consisted of middle-class individuals and small businesses hesitant to hire lawyers out of fear of cost or lack of confidence in their ability to find good legal help. With the explosion of online legal services providers of varying quality, State Bar leadership recognized that the traditional lawyer referral service model was not just overdue for an upgrade—it needed a transformation. The leadership acknowledged that while a few interesting changes were underway, there wasn't a program that put all the pieces together. We realized that the sophisticated foundation of our enhanced-profile member directory would allow us to put the pieces together in a way that is dynamic, quick, and convenient.

### The big picture: the Online Legal Resource and Referral Center

Not every potential consumer interested in legal services wants the “conciierge” service that a lawyer referral service represents. Research shows that most consumers in the latent legal market are looking for transparency about pricing and services. Many want to do their own online research and selection. Some just want information that helps them think through whether they actually have a legal problem and what their options are if they do.

The State Bar can and should be a “top of mind” resource to serve those needs.

That is the thinking behind the development of our comprehensive, user-friendly Online Legal Resource and Referral Center.<sup>1</sup> It will build on the State Bar's brand as a prime source of objective, credible information about legal services in Michigan and integrate seamlessly with the resources of the well-respected Michigan Legal Help and the State Court Administrative Office.

### New tools in the toolbox to test and develop

This is the age of ingenuity in legal technology. Not a day goes by without a new tool being unveiled to help lawyers become more productive. The same is true for strategies and tools for access-to-justice initiatives.

Among the most promising strategies under development are unbundled or limited scope representation services, fixed-fee packages, and “modest means” panels of lawyers who agree to provide reduced-fee services to people who do not meet legal aid program poverty levels but do not have resources to pay for unknown and unlimited legal services. The State Bar's lawyer referral service pilot program anticipates developing panels of lawyers for modest-means clientele who are interested in exploring innovations in the delivery of legal services, are competent in technology applications, and are willing to assist courts and judges in expanding representation to litigants in courtroom settings. Case types will likely include family law, bankruptcy, and other matters. Directed to serve people with income levels at 200 percent of poverty, the work will be considered pro bono under Michigan's Voluntary Pro Bono Standard.

The use of limited scope representation legal services also has enormous potential to improve access to justice in Michigan. The State Bar, working with a committee of advocates,<sup>2</sup> has developed and endorsed a package of ethics and court rule amendments designed to promote more robust limited

### FAST FACTS

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scope representation in civil cases in Michigan. Limited scope representation can involve legal advice, coaching, document review or preparation, limited court appearances, negotiated settlements, mediation, or other limited assistance. The proposed rules address obtaining informed consent, documenting the limited scope agreement, service of pleadings, entering and withdrawing limited appearances, disclosure of attorney assistance with documents, and more. The rapidly increasing number of self-represented persons are key beneficiaries because now they can benefit from legal representation in a critical portion of their cases even though they cannot afford an attorney for the entirety of the matter.

The State Bar's limited scope representation package has been sent to the Michigan Supreme Court for its consideration. When approved by the Court, the rule change is expected to help fuel the effectiveness of the modest-means components of the Online Legal Resource and Referral Center. The changes will clarify how attorneys can perform discrete tasks rather than full representation on terms agreed to by the client in advance of the representation.

### Triage means effectiveness

Another aspect of the future of legal help and referrals is triage. Simply put, triage means getting people the help they need when they need it. In legal services, triage means guiding people to the most appropriate level of meaningful assistance based on their individual circumstances and the resources available. Meaningful legal assistance can be online information, assisted self-help, referrals for limited scope or full attorney representation, and mediation, among others.

Michigan Legal Help is leading legal triage in Michigan by automating this process through logic trees and referrals to organizations based on their services and geographic reach. Logic trees help people identify their legal problems, and the system is filled with different resources that exist for different cases and locations. The triage system then matches the need to the available help. People benefit by getting only relevant referrals and information, and organizations benefit by receiving fewer inquiries from people they cannot help.

The triage system is scheduled to launch this fall and will be easily accessible on the Michigan Legal Help website. After answering a short series of questions, visitors will receive a list of resources tailored to their individual situations. One resource will be Find a Lawyer, which directs people to legal aid offices and law school clinics when appropriate and includes a direct link to the State Bar's lawyer referral service.

If a person is income-eligible for legal aid, modest means, or MI Free Legal Answers, links to these resources will appear in the list of referrals; if not, the links won't appear. Meanwhile, legal aid programs and law school clinics can specify

the types of cases their offices or pro bono panels regularly handle, and clients will be referred only if it is likely they will get help. This saves time and frustration for both clients and intake staff. Several legal aid programs will soon launch online intake that will work in conjunction with Michigan Legal Help, providing a seamless connection for these clients.

Integration with the State Bar's lawyer referral program will allow potential clients to move from Michigan Legal Help's triage into the State Bar's list of nearby attorneys who practice the type of law they need, drawn from the lawyer referral service database and tailored to modest means or limited scope based on client need. In this way, Michigan Legal Help can direct its thousands of weekly visitors to the most appropriate form of legal assistance while smoothly integrating with several other systems.

### We all win

The State Bar's new Online Legal Resource and Referral Center may not be the best thing since sliced bread, but it will be close. It will connect with Michigan Legal Help, automating referrals by matching the legal need to available nearby help and efficiently helping people assess whether online legal information, assisted self-help, or referrals for limited scope or full service representation is best for them. Clients and organizations win with tailored recommendations that are likely to be a good fit for both parties.

Careful calibration between legal needs and legal resources will be facilitated by the State Bar's comprehensive, enhanced-profile member directory. Underserved populations may be the biggest winners, as they will be directed to resources designed for low- and moderate-income people, enabling them to access legal representation that once seemed out of reach.

The State Bar, its 21st Century Practice Task Force, and its partners in the legal services community have crafted a referral system worthy of the twenty-first century. ■

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### ENDNOTES

1. SBM, Public Online Legal Resource and Referral Center <<https://www.michbar.org/LRS/Intro>> (accessed April 29, 2017).
2. The Limited Scope Representation workgroup was chaired by Linda K. Rexer and included Erika L. Davis, Christopher G. Hastings, Hon. Elizabeth P. Hines, Deborah J. Hughes, Margaret J. Nichols, Edward H. Pappas, Eliza Qualls Perez-Ollin, Angela S. Tripp, John F. Van Bolt, and a number of advisors.