

Board of Governors Agenda Item November 700
Attachment II
STAFF REPORTS on PRESENTATIONS
Re “Find A Lawyer” Function to State Bar’s Website

No.	Date	Name, Title and Affiliation Of Staff	Circumstances of Presentation	Comments
1.	6-6-08	Rodney Low, Program Developer OLSAFP	2008 Pathways to Justice Conference – California LRS’s in Los Angeles	Suggestions-Increase prominence of LRS information. Get more public comments before moving forward.
2.	10-17-08	Pat Lee, Director OLSAFP	2008 ABA LRIS Workshop in Garden Grove	Insufficient admonition that some information on Attorney Search was provided by attorney without verification by State Bar. Include information about malpractice insurance in data publication.
3.	10-18-08	Pat Lee, Director OLSAFP	Legal Services Providers at State Bar Office in San Francisco	Suggestions: Direct consumers to LRS pages exclusively. Direct consumers of free and low-cost legal services to LawHelpCA.org. Collect and publish information on attorneys willing and trained to perform limited scope representation and other ways to serve moderate income.

**2008 Pathways to Justice Conference
June 6, 2008
State Bar Certified Lawyer Referral Services Meeting**

Brief report of issues that were raised at LRS meeting:

The LRS representatives and members of the State Bar staff met at the Pathways to Justice Conference in Los Angeles. Eleven certified LRS's and 3 interested agencies (including the courts), attended. The participants raised legitimate concerns about the State Bar's initiative, Find a Lawyer, and requested that staff bring their viewpoint and perspective to the Find a Lawyer Working Group. This working group consists of various department representatives (Office of General Counsel, Office of Legal Services, Information Technology, Member Services, Meeting Services, Media Services and the Executive Office.)

Suggestions from the LRS representatives who attended:

1. The State Bar homepage should more prominently display the LRS option.
2. The Find A Lawyer page should clearly define what "Certification of Lawyer Referral Services" means for the general public.
3. The LRS dropdown menu should be more prominent. Attorneys obtained through LRS programs are screened and their performances are tracked. Even an excellent attorney who appears in the listing through the "local attorney" dropdown cannot make this claim. The LRIS system was developed by the State Bar to best serve the public. Certified LRS's are a time-tested public service and this deserves consideration.
4. Under the heading, "Where Can I go for more assistance" where it says, "Participating attorneys must..." add the words "State Bar certified" in front of attorneys; so it reads, "Participating State Bar certified attorneys must..."
5. Rather than rush the project, slow the process in order to receive more public comments and be more careful in ensuring no economic harm to the Certified LRS's.

**2008 ABA LRIS Workshop
California Services Session
October 17, 2008**

Presentation of Consumer Information/Attorney Search Site

A total of 27 Representatives attended from the Following LRS's:

Alameda County Bar Association, Bar Association of San Francisco, Beverly Hills Bar Association, Contra Costa County Bar Association, Housing Rights LRS, Legal Zoom, Los Angeles County Bar Association, Monterey County Bar Association, Napa County Bar Association, Orange County Bar Association, Orange County Legal Aid, Riverside County Bar Association, San Diego County Bar Association, San Fernando Valley Bar Association, San Joaquin County Bar Association, San Mateo County Bar Association, Santa Cruz County Bar Association, Santa Monica LRS, and Southeast Bar Association.

ABA LRIS Standing Committee Members: Sheldon Warren, Chair, Ron Abernathy, Immediate Past Chair.

State Bar Staff:

Gary Clarke, Chief Information Officer, Patricia Lee, Director of the Office of Legal Services, Access & Fairness Programs (OLSAFP), and Rodney Low, Program Developer, OLSAFP.

After viewing PowerPoint slides of the current version of the Consumer Information/Attorney Search site, the LRS representatives offered the following comments and suggestions addressing policy and design issues.

Policy Issues:

Consumer Disclaimer: There was an observation that the disclaimer to the consumer was not conspicuous enough to alert the consumer that additional information provided by the attorney is not reviewed for accuracy by the State Bar. The concern is that the public will, after finding an attorney through this function, assume and believe that the attorney is "approved" by the State Bar. Additional comments suggested that along with the enhanced disclaimer there should be additional promotion of the Certified LRS's as a positive alternative.

Directing Consumers to LRS's: There was a recommendation that when the consumer uses the Advanced Attorney Search feature, before the consumer sees the list of attorneys, that the consumer first sees a list of the LRS's in that county. It was further suggested that the Certified LRS's be promoted on the Attorney Search pages.

Consumers By-Passing LRS Option: There was a strong sentiment that despite our attempts to emphasize the benefits of State Bar Certified LRS's and despite our prominent placement of the LRS options, consumers will prefer to go directly to the Advanced Attorney Search, especially where the attorneys indicate free initial consultations, thereby undercutting the LRS's.

Consumer Protection Issue: There was the sentiment that the Advanced Attorney Search function, without any verification of information provided by the attorney, represents a contradiction of the State Bar's duty of consumer protection.

Additional Consumer Protection Issue: It was recognized that the certified LRS's afforded benefits to the consumer that did not exist through the random attorney search. Among the key features is the requirement of E&O coverage for LRS panel attorneys. It was suggested that in the Attorney Search listings, attorneys have the opportunity to indicate voluntarily if they have E&O coverage.

LRS Reference in Attorney Listings: One suggestion was made to allow attorneys who are LRS members to post in their profile "Go to the LRS in your County" and for the attorney to receive a refund of any portion of his/her State Bar dues which was allocated towards the website design. Staff explained that the basic Attorney Profile has the official State Bar data and is the same Attorney Profile that currently exists on the website. Staff also indicated that the attorney did not have to participate in the advanced search function, thereby avoiding additional costs on behalf of that attorney. Finally, staff indicated that we had considered noting on an attorney profile if that attorney is associated with an LRS, but decided that such a reference could possibly undermine the rotational referral process inherent in the LRS system.

Impact on State Bar Certified LRS's: The services asked that the State Bar seriously consider the ramifications for the public and the local bars, if LRS's are forced to fold because of the Advanced Attorney Search Function.

Featuring Certified LRS's in Marketing for the Attorney Search Site: The representatives asked that reference to the certified LRS's be included in marketing efforts on behalf of the new Attorney Search Feature.

Consumer Complaints: A question was raised as to whether the State Bar has considered the possibility of increased consumer complaints as a result of negative experiences with attorneys located through the Advanced Search feature.

Staff Referrals: The LRS representatives wanted to be assured that State Bar staff would continue to refer callers to State Bar Certified LRS's should the Attorney Search feature be implemented. Staff explained that the current practice is to refer callers to the Certified LRS's and that the practice would not change.

Design Issues:

Attorney Names: One attendee noted that the current State Bar's Attorney Profile system prevents him from listing his name as he wants it (first initial, middle name). Staff indicated that we have addressed that issue.

ABA LRS Logo: It was requested that the ABA LRIS logo be added to the listing for those LRS's that are qualified under the ABA standards.

System Capacity: It was asked what could be done if a consumer's computer is incapable of supporting the pop-up video or is blocked. We indicated there may be options for the user to select and view the written script/text.

Sorting LRS's by Areas of Services Offered: A suggestion was made to enhance the county listings of LRS's, enabling the consumer to sort the LRS's by types of services offered. Staff indicated that this would be possible, but that it was necessary for the LRS's to provide and continue to update the information, so that staff could make the necessary programming adjustments.

Provide for Multiple Zip Code Listings: It was noted that an attorney's practice area might cover more than one zip code (e.g. the example given was an attorney with his office in one zip code and appearing in the court located in another zip code). This would not be reflected in the current design Attorney Search design. Suggestions were made to search by city and/or allow for additional addresses/zip codes to be included in the profile.

Feature Benefits of State Bar Certified LRS's: It was suggested that the distinguishing benefits of State Bar Certified LRS's appear on the site. Staff explained that the LRS features would be included on the Attorney Search "home page".

Design of State Bar LRS Pages: There were questions as to how the LRS pages would look. Concerns were expressed re: whether the LRS's would have to spend additional funds to make design changes to their websites or modify outreach consistent with State Bar listings. We indicated that the LRS listings would link to the individual LRS websites and that the design of the LRS pages was still in development, but that we would keep these concerns in mind.

Examples of Bar Association FAL Sites: A question was raised as to which of the sample State Bars with Find a Lawyer sites (Arizona, Illinois, Oklahoma and Texas) were mandatory bars. Staff determined that the Arizona, Oklahoma and Texas bars are mandatory bar associations.

Find A Lawyer Presentation to Legal Services Representatives

The State Bar of California

San Francisco Office

Friday, October 10, 2008

SUMMARY:

Staff convened a small group of Legal Services representatives on Friday, October 10, 2008, to share the current version of the Consumer Information and Attorney Search Site. Legal services programs were aware of the proposed site from the prior ECLA and LRS communications. The programs have expressed concerns over the potential negative impact on State Bar Certified LRS's and possible reduced revenue flowing to legal services, pro bono and diversity programs. This was an opportunity to provide a firsthand presentation of the current version of the proposed site and to solicit feedback on the Attorney Search Function, as well as the Consumer Information features.

Participants:

Legal Services Representatives: Bob Capistrano (Legal Aid Association of California, Vice President, Bay Area Legal Aid), Leslie Alexander (LAAC), Linda Kim (Public Interest Clearinghouse), Tiela Chalmers (Bar Association of San Francisco-Volunteer Legal Services Program), Elizabeth Hom (Alameda County Bar Association-Volunteer Legal Services Corporation)

Staff: Gary Clarke, Cathy Schoenfeld, Pat Lee, Stephanie Choy, Michael Dayao, Rodney Low, Terrie Mesa, and Christy White (temp) (Sharon Ngim attended part of the discussion)

Following the showing of the latest version of the Consumer Information/Attorney Search website, the following Comments/Recommendations were offered by the Legal Services Representatives.

CONSUMER INFORMATION PAGES:

Coordinate with existing sites for consumer access/navigation: The programs questioned the need for State Bar listings of consumer information and resources that appeared to duplicate what appears on LawHelpCalifornia.org (a national and state site providing resources for low income consumers). It was also noted that we should take care to minimize the number of "clicks" needed by consumers to reach their destination.

We explained that our site was a vehicle for linking consumers to existing resources and that where resources/sites already exist, we would be linking as opposed to creating our own content. The State Bar consumer information includes State Bar-created resources (e.g. consumer pamphlets, Kids and the Law, "When You Turn 18", access & fairness materials, etc) and also links to LawHelpCalifornia, CourtInfo.net and other existing sites. We also noted that it made sense for us to have this general information (and all other links) on our site, given the volume of consumers accessing the State Bar website and who may not be aware of the LawHelpCalifornia or other key consumer sites and resources. .

Suggestions: To facilitate linking to LawHelpCalifornia, we suggest adding a button prominently featured on the home page that says: "For Low Income Legal Services click here". This would link directly to the LawHelpCalifornia site. This button would immediately direct consumers unable to afford an attorney to Law Help California and low income legal services resources, rather than have them navigating the LRS and Attorney Search sites for services they could not afford.

We also propose that this button appear on the Attorney Search Page (the one with the four boxes) and that the "low income services" choice appear as part of the menu going across the top of key pages.

We also suggest that the low income eligibility guidelines be featured in some way on the State Bar site, so consumers will know if they are eligible for free legal services. When we asked if the LawHelpCalifornia site listed the financial eligibility guidelines, the response was that it was not immediately featured and that consumers would have to drill down to get this information. Listing on the State Bar site would facilitate consumer guidance re: program eligibility.

ATTORNEY SEARCH FUNCTIONS:

Minimize potential negative impact on LRS's by channeling consumers directly to the State Bar Certified LRS listings: The recommendation of the Legal Services representatives was to provide direct links to the State Bar Certified LRS's and not provide the Advanced Attorney Search option. A similar suggestion also made by ECLA. The feedback from the legal services representatives was that clients should be directed to the LRS sites, which would screen and provide assistance or referrals to legal services programs or other services. If a consumer could not be assisted through the LRS and legal services network, the consumer should not be provided the option to return to the Attorney Search pages, as the consumer probably does not have a viable legal claim or question.

An alternative suggestion was to have consumers directed to those counties with viable, "robust" LRS's that would be capable of responding to the consumer

demands. It would be up to the State Bar to create the criteria for determining which LRS's would be included in this select LRS listing. It would also be the responsibility of the State Bar to work with the other LRS's to raise the level of consumer services, so they could be included in this limited listing.

Staff explained that the State Bar was not inclined to channel consumers in any one direction but to allow consumers a choice of navigation. Staff also noted that given the concentration of LRS's in the key urban areas (Los Angeles, SF Bay Area, San Diego and Orange County) and given that only 5,500 attorneys participate in the State Bar Certified LRS's, it is not conceivable that the LRS's alone could respond to the potential numbers of consumers seeking legal assistance.

Staff also felt that it was not a good idea to abandon consumers who could not be assisted through the LRS or legal services options. These consumers should be re-directed to the State Bar Attorney Search site.

Suggestion:

During discussion, a suggestion was made to feature a button on the Attorney Search page (the one with the four boxes) that says: " Need to talk to a lawyer right away? Click here" (this would take the consumer to the LRS site). In addition to directing consumers to the LRS's, it is hoped that this extra button would provide consumers with immediate screening through the LRS's to avoid any missed filing deadlines, responses, statutes of limitations, etc.

Also, the language in the State Bar Certified LRS box should be modified to say something like: "Not sure where to find a lawyer? Click here for a State Bar Certified LRS. This would link to the bulleted features/benefits of the LRS's and then allow the consumer to find the appropriate LRS's by county listing.

Additional Considerations:

Need to Address Modest Means options:

During the discussion it became evident to staff that the LawHelp California and the Attorney Search options were addressing low income and regular consumers -- consumers on both end of the financial eligibility spectrum. Given the disparate needs and situations of moderate income consumers, we need to identify modest means services, both through the State Bar Certified LRS's and through the individual attorney profiles.

Suggestions:

Categories could be added to the Voluntary Attorney Profile as follows:
Sliding Fees, Unbundled Services, and Rates (the attorney would have the option of providing specific information or could put "Varies")

Certified LRS descriptions should feature the offering of Modest Means Panels, sliding fee scales and unbundled services.