

# AGENDA ITEM

**NOVEMBER 700**

“Find A Lawyer” — Proposed  
Adoption of Program  
Recommendations

DATE: November 21, 2008

TO: Members of the Board of Governors

FROM: Gary Clarke, Sr. Executive Information Technology /  
CIO State Bar of California

SUBJECT: “Find A Lawyer” - Proposed Adoption of Program Recommendations

## EXECUTIVE SUMMARY

The State Bar of California is developing an enhanced attorney search and member profile feature for its website, currently referred to as “Find A Lawyer (FAL).” FAL is designed as an online attorney directory for consumers searching for information about California lawyers and other legal resources. It is intended to enhance the State Bar’s current online and searchable roll of attorneys and will allow members to supplement their current State Bar profile by, for example, adding a photo, including self-designated practice areas or linking to a firm website that will be posted online. FAL would create a robust communications pipeline between the Bar and its membership. Knowing that consumers will have access to these expanded member profiles gives lawyers an incentive to voluntarily provide the Bar with valuable census, practice-related and other data. The Bar would also benefit because FAL’s expanded database would enable us to better design and tailor programs to meet the needs of the membership. FAL would be offered free initially, although a nominal fee may be assessed in the future to cover administrative costs.

On behalf of local bar associations that operate State Bar certified lawyer referral services (LRS), the Executives of California Lawyers Associations (“ECLA”) have objected to the State Bar’s “Find A Lawyer” online directory project, questioning its compatibility with the State Bar’s regulatory role and raising concerns that FAL would effectively operate as a competing LRS.

As a result of these concerns, then State Bar President Jeffrey Bleich appointed a task force that included members of the Board of Governors as well as Stuart Forsyth, Chair of ECLA and Executive Director of the Los Angeles County Bar. During two task force meetings convened to hear concerns and fashion solutions and responses, the Bar clarified its position by explaining that FAL would not operate as a LRS, nor would it compete with or supplant California’s network of LRS programs. Instead, FAL would supplement the LRS’s by providing access to information about lawyers to those members of the public who do not wish to avail themselves of LRS’s or for whom LRS’s do not exist as a viable option -- either because there is no program in the consumer’s geographic location (**See Attachment #1, Map pinpointing LRS locations.**) or the local service does not have a paneled attorney with expertise in the area of law sought. The “Find A Lawyer” program will also provide business opportunities for those lawyers throughout the state

who do not participate in the certified LRS's. Only 5,500 lawyers out of our 160,000 active attorneys participate on LRS panels and those LRS attorneys cannot possibly meet the legal needs of the over 36 million California residents.

Subsequent to the creation of the task force, The Legal Aid Association of California ("LAAC") representing 80 legal services nonprofits, 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. LAAC also emphasized the need for a direct link to the LawHelpCalifornia.org website, which provides legal information and resources for low income persons.

An additional meeting with representatives of California Certified LRS's also occurred during a recent ABA LRIS Workshop in Garden Grove. The LRS's reiterated their concerns that the proposed Find a Lawyer site would compete with the certified LRS's, but also provided a number of suggestions to further enhance the prominent placement of the LRS's on the site.

The State Bar has agreed to make modifications to "Find A Lawyer" to feature the LRS's prominently and to clearly distinguish between the attorney's official state bar record and any additional information provided by the attorney (which may be viewed as similar to attorney advertising). For these reasons and to assure that full consideration is given to the opinions of our stakeholders, we are seeking Board authorization to implement "Find A Lawyer" to create a valuable member benefit and give the public greater access to enhanced member information. To help the Board better understand the "Find A Lawyer" proposal, the FAL feature will be demonstrated at the Board meeting.

## **BACKGROUND**

### **The Board of Governors' Member Services Initiative – A Brief Summary**

In 2001, the Board of Governors launched its Member Services Initiative aimed at creating a more member centric State Bar responsive to member practice needs and bar services and benefits. While the State Bar has many regulatory functions, it also has many associational characteristics. It should be noted that the State Bar is expressly authorized to engage in activities that "may advance the professional interests of the members of the State Bar." (Cal. Bus & Prof. Code, § 6031, subd. (a)) Board direction to pursue non-dues revenue is also permitted and supported in statute (Cal. Bus. & Prof. Code §§ 6001(g) and 6140.9). Funds generated from non-dues revenue sources currently pay, in part, for the mandatory Lawyer Assistance Program (LAP), the member call center, and the California Bar Foundation's scholarship program.

The first step in the Member Services Initiative was to approve a budget authorization of \$250,000 as "start-up" costs for the development of a Member Services Center. The Member Services Center now provides a single-source contact point for members

seeking assistance and information via integrated, multichannel contacts such as telephone, E-mail and web contact.

At the direction of the Board, staff next reviewed and revitalized the State Bar's insurance portfolio. The bar re-negotiated its contract with its professional liability insurance carrier. Now the bar receives greater royalty payments and offers a guaranteed-issue \$675 PLI policy for new admittees who have never practiced in another state. New lawyers can obtain a free (issue-guaranteed up to age 50) \$50,000 life insurance policy good for the first six months after admission. The bar sought to expand the types of endorsed insurance offerings, moving into personal lines of insurance, such as auto and homeowners, securing 10 – 15% discounts for members. The bar re-negotiated its contract with the California Bar Foundation, which agreed to relinquish all affinity programs to the bar. Since that time, the bar has retained an affinity administrator that has secured products and programs offered at 10 – 15% discounts accessible through the member's only website *CalBar Connect* published in March 2008.

In early 2008, State Bar staff began to focus on the next phase of member services development -- products and services that can help members meet the demands of practice and profession. The State Bar made Bank of America its financial partner. In addition to exclusive offers and discounts on numerous financial products and services such as credit cards and merchant services, Bank of America agreed to early compliance with new IOLTA regulations that resulted in significantly higher yields on attorney trust accounts and generated increased revenue for legal services programs.

Currently, the State Bar is seeking to contract with vendors to provide a discount on a suite of products and services to help small and solo firm practitioners better manage their practices. As know you, 95% of discipline complaints involve small and solo firm lawyers. The bar is actively negotiating vendor services to help small and solo firm lawyers market their practices, develop law practice Web sites, provide web enhanced e-mail, buy office furniture at a discount, and provide automated, centrally managed data backup and recovery services to help firms protect their data. Additionally, the State Bar is developing a 1 ½ day "Solo Summit," a set of MCLE offerings specifically aimed at issues and challenges facing small and solo firm lawyers, to be held in conjunction with the 2009 Section Educational Institute (SEI).

Most recently, the State Bar of California has developed an enhanced attorney search and member profile feature for its website, referred to as "Find a Lawyer (FAL)." FAL is designed as an online attorney directory for consumers searching for California lawyers and other useful legal resources. It is intended to enhance the State Bar's current online and searchable roll of attorneys and will allow members to supplement their current State Bar profile by, for example, adding a photo or including self-designated practice areas or linking to a firm that will be posted online. FAL will be offered free initially, although a nominal fee may be assessed in the future to cover administrative costs.

The intersection of website content and advertising linkages in “Find A Lawyer” has raised concerns from LRS’s, legal services programs and local bars that FAL could potentially compete with the State Bar certified LRS’s and have a negative impact on LRS revenues and subsequent reduced financial support for the legal services programs. FAL is, however, not a lawyer referral service. FAL is intended to enhance the search features on the State Bar’s existing Member Search page on the State Bar’s Web site and to operate as an online attorney directory similar to an electronic Yellow Pages rather than a lawyer referral service. FAL will not resemble a lawyer referral service as it will not screen or evaluate consumer inquiries, nor will it refer consumers to attorneys that it feels are appropriate based on the legal nature of issues presented. Moreover, the State Bar will not split fees with the FAL member subscribers as is the practice between certified lawyer referral services and their attorney members.

At the Pathways to Justice Conference, “Find A Lawyer” was discussed with LRS staff who indicated that, if the project were to be implemented, they wanted the LRS’s to be prominently featured on the website as the primary option for consumers to locate a lawyer. In response to the concerns expressed by ECLA and the LRS’s, the Board of Governors appointed a “Find A Lawyer” Task Force that includes members of the Board of Governors and ECLA President, Stuart Forsyth (LACBA) **(See Attachment #2, Pathway LRS Meeting Summary).**

Staff convened a small group of Legal Services representatives to demonstrate the current version of the Consumer Information and “Find A Lawyer” site and to solicit feedback. Legal services programs were aware of the proposed site from prior ECLA and LRS communications. The programs 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. Several design recommendations were received **(See also in Attachment #2, Legal Services Meeting Summary).**

An additional meeting with representatives of California Certified LRS’s also occurred during the ABA LRIS Workshop in Garden Grove on October 15-18, 2008. The LRS’s reiterated their concerns that the proposed Find a Lawyer site would compete with the certified LRS’s, but also provided a number of suggestions to further enhance the prominent placement of the LRS’s on the site **(See also in Attachment #2, ABA LRIS Workshop Meeting Summary).**

As a result of input obtained from stakeholders, discussions and overall agreement during the four task force meetings that the members did not want to compete with the LRS’s the State Bar has agreed to make modifications to feature the LRS’s prominently and to clearly distinguish between the attorney’s official state bar record and any additional information provided by the attorney (which was viewed as similar to attorney advertising) and, to eliminate several of the original FAL design’s searchable options and restrict the information that will be displayed following a search. For these reasons and to assure that full consideration is given to the opinions of our stakeholders, we are seeking Board direction.

## **A MORE INTERACTIVE BAR CREATING INCENTIVES TO DRAW MEMBERS TO WEB SITE AND INCREASE USE OF ONLINE SERVICES**

The State Bar has over 217,500 members. About one-half of our membership has provided a current e-mail address to the State Bar. Of these, approximately 25,000 pay their fees and regularly transact State Bar business online. While the Bar continues to enhance and provide additional online services, the absence of any requirement that attorneys provide e-mail addresses means that the State Bar is reliant on voluntarily compliance. The lack of a robust communications pipeline between the Bar and its membership limits our ability to collect valuable census, practice-related and other data that could be used to design and tailor programs to better meet the needs of the membership. Consequently, we must rely on costly traditional methods to communicate with our members and process their requests.

The “Find A Lawyer” initiative is an opportunity to create a valuable member benefit and give the public greater access to enhanced member information. “Find A Lawyer” is also a means to draw members to our website to voluntarily provide census and other data as described above. It is a foundation for future online dialogue between the Bar and its membership. As we continue to seek ways to streamline operations and reduce our costs, it is critical that our membership become familiar and comfortable conducting business with the State Bar through the web site.

Our current Attorney Search function is a rudimentary system that allows for an exact, phonetic search of the official roll of California Attorneys. In addition, this function can be used to search for Legal Specialists and Lawyer Referral Services. Even in this simple state, the Attorney Search function is our most accessed web service, getting over 12 million hits annually.

The information about attorneys is limited to name, address, telephone and fax number, e-mail address, date of admission to The State Bar of California, undergraduate and law schools attended, membership status (current eligibility to practice law in California), and public record of discipline.

By contrast, the prototype for the “Find A Lawyer” program developed this year would have allowed members to post a bio and link to a firm website. It also created an enhanced search function that allows members and the public to search the State Bar’s database by attorney name, bar number, self designated area(s) of practice, zip code, certified specialty or State Bar section membership, other languages spoken, years admitted, size of law firm, accepting credit cards, and accepting new clients, modest means and “unbundled” services.

When the search criteria is met, the Official Record of the Attorney is presented along with the option to view additional information provided by the attorney including: all of the searchable data, the attorney’s Web site address (if applicable) and photo (if applicable). Other information to be collected but not displayed to the public is whether

the attorney is accepting pro bono clients and/or offers sliding scale fees, information that could be provided to public interest organizations.

The enhanced “Find A Lawyer” program is one of many services that will be featured in the State Bar’s new Consumer Clearinghouse Center. We envision The Consumer Clearinghouse Center as the cornerstone of our initiative to reposition the Bar as a “One Stop Source of Information for California’s Lawyers and Law.” In the same way that collecting information about our membership boosts our capacity to create programs for their benefit, collecting data about the search and usage patterns of the public allows us to fine-tune existing member programs and develop new programs for California consumers.

Because this service assists attorneys and improves the access to and availability of information for the public, other bars have implemented similar enhancements as both a member benefit and public service. These bars report favorable acceptance from their members and the public.

## **OTHER STATE, LOCAL, AND NATIONAL PROGRAMS**

The State Bar of California is not the only bar undertaking this type of member and public service endeavor. The ABA has a “Lawyer Locator” on its website that serves as a portal to “Martindale.com” and allows consumers to search for an attorney by location, type of practice, years in practice, languages spoken, and law school attended. The Illinois Bar Association, The State Bar of Arizona, Arkansas Bar Association, The State Bar of Texas, The Colorado Bar Association and The Oklahoma Bar all provide “Find A Lawyer” programs, some charging from \$50 to \$1,000 per year. Of these state bars, the following are mandatory bars: Arizona, Texas and Oklahoma. Other local bars providing “Find A Lawyer” programs are: Columbus, Ohio; Montgomery County, Maryland; Washoe County, Nevada; Boulder County, Colorado; and Santa Clara County, California.

## **LEGAL SPECIALIZATION AND SECTION SUPPORT**

The “Find A Lawyer” feature was presented to the Board of Legal Specialization at its July 25<sup>th</sup> meeting and was well received. **(See Attachment #3, letter from Chair of the Board of Legal Specialization, Alice O’Sullivan).** FAL was also presented on August 11<sup>th</sup> to the Council of State Bar Sections and the orientation and training session for new executive committee members. The feedback from the Sections has generally been “positive.” **(See also in Attachment #3, letter from Officers of the Council of State Bar Sections.)** FAL was discussed with the California Young Lawyers Associations’ Board at their September 26<sup>th</sup> Board meeting and was seen as a positive website enhancement for new attorneys **(See also in Attachment #3, letter from CYLA President on behalf of the Board).**

## LOCAL BAR CONCERNS

There has been a great deal of interest and concern over this program and its implementation expressed by LRS's, The Beverly Hills Bar Association, the ABA, and the Executive of California Lawyers' Association (ECLA), comprised of the executive directors of those local, mostly county, bars that have hired staff. Their expressed concerns have been around the potential impact a robust and consumer friendly "Find A Lawyer" function could have on local LRS programs. The California LRS programs empanel approximately 5,500 attorneys throughout the state with a recommended concentration of programs in urban and coastal metropolitan areas. The "Find A Lawyer" service will feature the certified lawyer referral services as the primary option, but will also provide access to information about lawyers to those members of the public who do not wish to avail themselves of LRS's or for whom LRS's do not exist as a viable option -- either because there is no program in the consumer's geographic location or the local service does not have a paneled attorney with expertise in the area of law sought. The "Find A Lawyer" program will also provide business opportunities for those lawyers throughout the state who do not participate in the certified LRS's. Only 5,500 lawyers out of our 160,000 active attorneys participate on LRS panels and those LRS attorneys cannot possibly meet the legal needs of the over 36 million California residents.

In response to the concerns expressed by ECLA and the LRS's (**See Attachment #4, Public Comment in Opposition**), the Board of Governors appointed a "Find A Lawyer" Task Force that includes members of the Board of Governors and ECLA President, Stuart Forsyth (LACBA). At the initial meeting, State Bar staff advised the Task Force that the planned launch of FAL would also include a strategy to re-invigorate the LRS message and re-introduce consumers to the advantages of using the LRS network. The State Bar also agreed to make modifications to feature the LRS's prominently and to distinguish clearly between the attorney's official state bar record and any additional information provided by the attorney.

At the September 10, 2008 meeting, these changes were reviewed and there appears to be some consensus that the new design has addressed most concerns. A key feature of the new design is the prominent showcasing of LRS programs. This enhanced focus of LRS programs and services is likely to benefit the LRS community and may substantially increase the number of consumers using LRS programs. Lawyers, knowing of an enhanced consumer focus on and traffic to the bar's Web site, may have a greater incentive to join LRS panels. If implementation is authorized, staff will regularly monitor, measure, and report on the program.

At the October 22, 2008 meeting, issues concerning conflict of interest and including attorneys' unverified information regarding their practice and public protection were addressed. To conclude its assignment, the task force held its last meeting on October 27, 2008, which resulted in several motions to eliminate the type of voluntary information that would be searchable to and displayed for the public (**See Attachment #5, Executive Summary**).

## **ADDITIONAL STATE BAR ASSISTANCE TO THE LRS COMMUNITY**

The State Bar of California certifies Lawyer Referral Services, as authorized by Business & Professions Code Sections 6155 and 6156 and the resulting Rules and Regulations of the State Bar of California Pertaining to Lawyer Referral Services, including Minimum Standards for a Lawyer Referral Service in California.

The State Bar's Office of Legal Services, Access & Fairness Programs conducts the compliance review of renewing LRS's and new entities applying for certification status. Technical assistance is provided in the certification and recertification process on an ongoing basis.

In addition to the compliance matters, OLSAFP is authorized to provide technical assistance in developing the scope of services, such as creating or expanding subject matter panels. Popular topics, such as percentage fees and the use of LRS revenues are also areas of programmatic development. Given concerns about organizational health and growth, OLSAFP is preparing to provide additional resources and information to LRS's on these topics to assure the continuing viability of our LRS programs. Finally, the major issue of increasing market share and techniques to achieve that will be part of enhanced services and resources to LRS's in the near future.

## **WHAT'S IN A NAME?**

There is also a continuing concern about what the "Find A Lawyer" program should be called. Some believe that use of the name "Find A Lawyer" conveys the misleading impression that it will "match consumers to lawyers like an LRS".

In its detailed and comprehensive Terms of Use – acceptance of which is required of both consumers and lawyers -- the State Bar has made clear that the bar's "Find A Lawyer" service is NOT a lawyer referral service that matches consumers with attorneys.

Staff had come to using "Find A Lawyer" naturally, because from a consumer perspective, "Find A Lawyer" is a simple, real life phrase that clearly articulates what they are trying to do. "Find A Lawyer" has become common parlance --- much like the words "Xerox" and "Kleenex," are synonymous with their generic twins "photocopy" and "facial tissue." Most bars that have this online feature call it "Find A Lawyer." Consumers that don't know about the State Bar's Web site are likely to use the "Find A Lawyer" nomenclature with Internet search engines such as Google. Go to any Internet search engine and type in the words "Find A Lawyer" as search criteria. The names of bar associations with "Find A Lawyer" programs, as well as proprietary online legal directories, such as LegalMatch, FindLaw, Avvo, and LawyerFinder, typically come up

when this search criteria is used. “Find A Lawyer” has become the generic name for online lawyer directories.

Although we still believe that “Find A Lawyer” is a good, consumer-friendly name for the program, we are in the process of developing alternatives, given the concerns raised.

## **ORIGINAL STAFF PROTOTYPE**

The prototype of “Find A Lawyer” was presented to the task force. The original staff concept was to create a searchable membership database which emphasizes to consumers the safeguards afforded by the LRS’s, allows users easy and direct access to an enhanced attorney search capacity, and offers our members an opportunity to supplement their current State Bar profile. The State Bar’s membership database could be searched using each of the following criteria:

- Currently searchable State Bar member record data: Name, Bar #, City, State, Zip, District, County and Certified legal specialty
- Self-designated practice areas
- Section Membership
- Languages spoken
- Accepting new clients
- Offering “unbundled” legal services

The following information would be collected and displayed to the consumer within the member profile:

- Accepting credit cards
- Size of law firm
- Offering a free consultation
- Attorney photograph
- Link to attorney website

The following information would be collected available for State Bar use and not published on the State Bar of California’s website for consumer users:

- Accepting pro bono
- Accepting sliding fees
- Accepting modest means

Thus, as originally conceived, a consumer could search the bar’s database to obtain, for example, a list of Spanish-speaking attorneys in Modesto that are certified specialists in Immigration law that are accepting new clients and willing to accept credit cards payments.

As a result of input obtained from stakeholders, discussions and overall agreement during the four task force meetings that the members did not want to compete with the LRS's, the State Bar has agreed to make modifications to feature the LRS's prominently and to clearly distinguish between the attorney's official state bar record and any additional information provided by the attorney (which was viewed as similar to attorney advertising) and, to eliminate several of the original FAL design's searchable options and restrict the information that will be displayed following a search.

To reduce the risk of false and misleading postings, staff also proposed that members be required to state under penalty of perjury that any information, such as biographical information (sometimes referred to in Task Force meetings and voting as the "attorney advertising component"), not independently verified by the State Bar, is true and correct. Before submission, members would also be reminded that the posting of false and misleading information could subject the member to discipline. **(See Attachment #6, Chart of FAL search capabilities – current state, task force and staff recommendation)**

## **REPORT OF THE TASK FORCE**

### **Task Force Voting Summary**

The Find A Lawyer Task Force was chaired by now-former Board member James Penrod and included current Board members Angela J. Davis, Richard A. Frankel, Paul A. Kramer, Jr., and Patricia P. White as well as Stuart Forsyth, Chair of ECLA and Executive Director of the Los Angeles County Bar. After several meetings that further refined the original staff concept, the Task Force took series of votes at its October 22, 2008 meeting to recommend to the Board of Governors a more restrictive approach to "Find A Lawyer."

**First Motion:** The Task Force moved to proceed with the "Find A Lawyer" concept, but to eliminate the so-called "attorney-advertising component," wherein an attorney could post on the State Bar's website biographical information not independently verified by the State Bar.

**Motion passes unanimously.**

**In favor: Angela Davis, Stuart Forsyth, Richard Frankel, Paul Kramer, and Patti White**

**Not voting: James Penrod**

**Second Motion:** Include Weblinks to attorneys' websites, with an interrupt page clearly indicating that user was leaving the State Bar's webpage.

**Motion passes, 3 to 2.**

**In favor: Angela Davis, Paul Kramer, and Richard Frankel**

**Opposed: Patti White and Stuart Forsyth**

**Not voting: James Penrod**

**Third Motion:** Include self-designated areas of practice.

Vote on the motion to allow attorneys to provide self-designated areas of practice, provided the information was submitted under penalty of perjury and subject to discipline if false and/or misleading.

**Motion passes, 3 to 2.**

**In Favor: Paul Kramer, Patti White, Angela Davis**

**Opposed: Richard Frankel and Stuart Forsyth**

**Not voting: James Penrod**

**Conclusion:** Recommend to the full board that this project go forward, but eliminate the “attorney-advertising component,” wherein an attorney could post on the State Bar’s website biographical information not independently verified by the State Bar and allow links to the attorney’s website, if any, and self-designated areas of practice.

### **October 27, 2008 Task Force Meeting**

**First Motion:** Publish only the following information on the website:

- Official regulatory information that is already displayed on the State Bar’s website, including certified legal specialization(s), if any and section membership(s), if any.
- Self-designated areas of practice, accompanied by information explaining the significance of the self-designation (as distinguished from certified specialty or section membership) as well as guidance on how to evaluate a lawyer’s experience [this material to be accessible on the profile page], and that information is submitted under penalty of perjury and subject to discipline if false and/or misleading.
- A link to the attorney’s website, if any, with an interrupt page indicating that the user is leaving the State Bar’s website
- A photograph

**Motion passes, 3 to 2.**

**In favor: Stuart Forsyth, Dick Frankel, Patti White**

**Opposed: Angela Davis and Paul Kramer**

**Not voting: James Penrod**

**Second Motion:** Include language(s) spoken in the office as a searchable data point.

**Motion failed 2 to 3.**

**In favor: Angela Davis and Paul Kramer**

**Opposed: Stuart Forsyth, Dick Frankel, and Patti White**

**Not voting: James Penrod**

**Third Motion:** Display language(s) spoken in the office on the attorney's profile page, but not as a searchable data point.

**Motion passes 4 to 1.**

**In favor: Angela Davis, Dick Frankel, Paul Kramer and Patti White**

**Opposed: Stuart Forsyth**

**Not voting: James Penrod**

**Conclusion:** Information regarding languages spoken in the attorney's office will be included on the attorney profile page, but not as a searchable data point.

Following the October 27th meeting, circulated notes of the meeting indicated that the Task Force had narrowly approved the concept that the State Bar's database would be searchable by the following criteria: certified legal specialization(s), if any, section membership(s), if any, and self-designated areas of practice. Once these notes were circulated, some Task Force members believed the Task Force had narrowly voted that the database would not be searchable. They believed that they were voting only to publish information on a bar member's profile about legal specialty, section member and practice area but that this information would not be searchable data points. Because of the shortness in time and the need to get this agenda item posted for the November 20-21 Board meeting, the Chair<sup>1</sup> directed staff to make a recommendation on the issue of "searchability" and any other related issues to Find-a-Lawyer.

## **BOARD BOOK/ADMINISTRATIVE MANUAL UPDATE**

There is no known impact on the Board Book.

## **STATE BAR RULES IMPACT**

None known.

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<sup>1</sup> James Penrod, immediate past member of the Board of Governors, was appointed as the Chairperson of the FAL Task Force. Due to a trial commitment, Mr. Penrod assigned the Chairperson responsibility to Richard Frankel.

## RECOMMENDATIONS / RESOLUTIONS

### Staff Recommendation

In forming our recommendation, staff notes that the State Bar member record is currently searchable by Name, Bar #, City, State, Zip, District, County and Certified legal specialty. To provide a robust site, which consumers would find useful and members would find beneficial, staff recommends that in addition to the currently searchable member record data we include:

- **Self designated area(s) of practice** (*allows consumer to identify attorneys that practice law in areas related to their legal issue and substantially reduces the amount of search time*)
- **Section membership**
- **Other language(s) spoken** (*promotes language access for non-English proficient clients, particularly necessary in California*)
- **Accepting new clients** (*helps avoid wasting the time of consumers and attorneys that cannot or do not wish to accept clients, such as government lawyers, in-house counsel or members on inactive status; allows such attorneys to present an expanded profile and avoid client contact; would be useful for attorneys and judges seeking information about other lawyers*)
- **Offering “unbundled” services** (*while not always available or appropriate, limited scope representation helps the moderate income consumer contain the costs of legal services; encourages attorneys to offer “unbundled” legal services by agreeing to represent a client in a narrow area of a case, rather than full representation*)

If the members of the Board of Governors concur with the recommendation of staff, it would be appropriate for the Board to adopt the following resolutions:

**RESOLVED**, that the Board approves the recommendation of staff and implementation of the “Find A Lawyer” design which constitutes the following information on the website; and it is:

- Official regulatory information that is already searchable on the State Bar’s website: Name, Bar #, City, State, Zip, District, County and Certified Legal Specialization(s). (**searchable**)

- Self-designated areas of practice, accompanied by information explaining the significance of the self-designation (as distinguished from certified specialty or section membership) as well as guidance on how to evaluate a lawyer's experience (**searchable**)
- Section membership (**searchable**)
- Accepting new clients (**searchable**)
- Providing "unbundling" services (**searchable**)
- Languages spoken (**searchable**)
- A link to the attorney's website, if any, with an interrupt page indicating that the user is leaving the State Bar's website
- Attorney photograph

**FURTHER RESOLVED** that an alternative to the "Find A Lawyer" name will be given to this program; and it is

**FURTHER RESOLVED** that the enhanced member profile be offered initially at no cost, with the understanding that if a charge is proposed, a report and request for authorization will be submitted for consideration by the Board.