

Perspectives on Finding Personal Legal Services

The Results of a Public Opinion Poll

American Bar Association
Standing Committee on the Delivery of Legal Services
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Summary of Findings

- People with personal legal matters are far more likely to turn to trusted sources instead of impersonal sources to find a lawyer, yet impersonal sources have a substantial and stable place in providing access to legal services.
- Use of print directories, such as the Yellow Pages, as the primary way to find a lawyer for a personal legal matter appears to be eroding and is now about the same as online searches.
- Younger adults are more likely to rely on online searches as the primary way to find a lawyer for a personal legal matter, but the extent to which online searches will expand as this population ages is unclear.
- People are not showing a great enthusiasm for the use of online models to assist in finding a lawyer for personal legal matters.
- Innovative online models, such as those that enable an exchange of questions and answers with lawyers and those that provide consumer feedback about lawyers are most likely to be used to assist in finding a lawyer for personal legal matters.
- People would not use social media avenues to a substantial degree to assist in finding a lawyer for a personal legal matter, but relatively few lawyers market their services through these avenues at this time.
- People are not familiar with limited scope representation, or unbundled legal services, that are provided by some practitioners.
- Once people are aware of unbundling, they show an interest in discussing this as an option with a lawyer who may represent them in a personal legal matter.
- People, particularly those who are younger and have limited incomes, believe it is important for lawyers they are considering using for personal legal matters to offer unbundled legal services.
- When people would proceed on a personal legal matter without a lawyer, they report they are likely to turn to courthouse resources, including judges, court clerks and self-help centers, but are less likely to use librarians.
- When people would proceed on a personal legal matter without a lawyer, they report they are likely to turn to free online services and self-help books, but are not likely to turn to online services that charge costs.

Introduction

The American Bar Association Standing Committee on the Delivery of Legal Services is charged with the mission of expanding access to legal services for those of modest and moderate means, who have incomes and assets too high to qualify for legal aid and most pro bono services, yet lack the discretionary resources to afford full traditional legal representation.

Pursuant to this mission, the Committee advances policy initiatives, encourages and supports the development of innovative models for the delivery of legal services and provides outreach to advocate greater access to legal services. Research serves as the foundation for all of these endeavors. The Committee tracks and scrutinizes research done by those in all settings and conducts its own research from time to time.

In 2010, the Committee commissioned Harris Interactive to conduct public opinion research examining aspects of decision-making when people seek services for personal legal matters.

About the Poll

Harris Interactive is a renowned international, custom market research firm. Among its services, Harris Interactive surveys the general public about a full range of matters. The Committee developed six questions and these questions (along with other unrelated questions) were added to an omnibus survey. This survey, the Harris Poll National Quorum, was administered to a national cross section of 1,004 adults aged 18 or older; the survey was conducted via landline telephone calls between September 8 and 12, 2010. Harris Interactive then applied statistical weights based on U.S. Census information to ensure that the poll accurately represented the adult population.

Although the survey is statistically valid, there are inherent limitations to the survey. While the number of those surveyed may provide reasonably accurate assessments of the questions overall, when responses are broken down by demographics, the numbers sometimes become too low to provide meaningful conclusions within the examined demographics.

The Issues

The poll examined four issues:

- How do people with personal legal matters find their lawyers?
- How likely are people with personal legal matters to use various online models to assist in their search for a lawyer?
- What do people think about limited scope representation or “unbundled” legal services?
- What sources would self-represented litigants turn to for personal legal matters if not a lawyer?

I. Finding a lawyer

A. *The Issues*

In order for the legal profession to identify, create and support models to effectively deliver personal legal services and for practitioners to understand how to cost-effectively reach out to potential clients, it is essential to understand how the public thinks about the process of finding a lawyer. For decades researchers have explored the ways in which people find lawyers for their legal services. Much of this research has been in the context of legal needs of the poor, but other research has more specifically examined how people find their lawyers. This study explores two issues. The first is the dichotomy between trusted sources and impersonal sources. What percentage of people turn to someone they know and trust compared to the percentage that resort to various forms of advertisements as their primary method of finding a lawyer for a personal legal matter? Second, the research examines the role of the Internet. What percentage of people goes online as their main source for finding a lawyer and, if people are going online, what sources are being used less frequently as a result of people using the Internet?

B. *The Question*

Respondents were asked, “If you needed a lawyer for a personal legal matter, what would be the **primary** way you would find one?”

- Ask a friend, family member or colleague
- Contact a lawyer I know or have used before
- Look in the Yellow Pages or a similar printed directory
- Search online
- Use some other form of advertisement like TV, newspaper ad or billboard

The question is prospective, asking people what they would do if they had a legal matter, rather than asking them what they had done when they had a legal matter. The question was structured this way to maximize the number of responses. Had the question asked what people had done, going back any particular period of time, such as the last year, some percentage, presumably a substantial percentage, of respondents would not have used a lawyer and would not be able to reply. If the question had gone back more than a year in order to capture a larger group, the survey would not have been able to determine the most recent uses of technology to find a lawyer.

Unlike most surveys examining how people find a lawyer, this research specified “personal legal matters” in order to separate decision-making about business legal matters. It is likely a small percentage, but some portion of the respondents, are in a position to make decisions about selecting a lawyer for a business matter. The purpose of this research is to examine methods pertaining only to personal legal services and therefore included that qualification in the question.

Obviously, people may use a combination of sources when searching for a lawyer. They may ask a friend for a recommendation and then look that lawyer’s name up in the Yellow Pages. Conversely, they may see a lawyer advertise on television and ask people at work if they know that lawyer. Therefore, the question asked respondents to identify the primary way they would use to find a lawyer.

The possible responses listed in the question separate out trusted sources from impersonal sources. The first two options – friends, family, or colleagues and a lawyer I know or have used before – are trusted sources. The third, fourth and fifth options – Yellow Pages or similar printed directory, search online, or some other form of advertisement like TV, newspaper ad or billboard – are considered impersonal sources. These options are similar to those included in prior research that examines how people find a lawyer.

The Yellow Pages is a well known brand that includes both print directories and online elements. The survey was designed to separate those sources and therefore asked about the “Yellow Pages or similar printed directory.” This was designed to clarify any possible confusion with a printed directory and an online source.

C. The Findings

*If you needed a lawyer for a personal legal matter, what would be the **primary** way you would find one?*

	%
Ask a friend, family member or colleague	46
Contact a lawyer I know or have used before	34
Look in the Yellow Pages or a similar printed directory	8
Search online	7
Use some other form of advertisement like TV, newspaper ad or billboard	3
Not sure/Refused (v)	2

Consistent with prior research, trusted sources dominate the ways in which people would find a lawyer if they needed one for a personal legal matter. Nearly half (46%) would turn to friends, family or colleagues as their primary way of finding a lawyer. An additional third of the respondents (34%) answered that they would contact a lawyer they know or had used before. Overall, four out of five people indicated that they would turn to a trusted source as their primary way of finding a lawyer for a personal legal matter.

Viewing demographic details of the survey, younger respondents were more likely to turn to friends, family and colleagues, while older respondents were more likely to contact a lawyer they know. Nearly two-thirds (64%) of those between 25 and 34 years old would

turn to friends, family or colleagues, compared to the 46% of respondents who would do so overall. Fifty percent of respondents over 65 years old would contact a lawyer they knew, compared to 34% overall and compared to only 15% of those between 25 and 34 years old. These results are intuitive, reflecting the likelihood that younger people are less likely to have used a lawyer or to know of any, while older people are more likely to have used a lawyer or know them and would turn to them for subsequent legal matters.

Primary Way to Find a Lawyer for a Personal Legal Matter by Age

	TOTAL	18-24	25-34	35-44	45-54	55-64	65+
Ask a friend, family member or colleague	46%	40%	64%	53%	48%	35%	37%
Contact a lawyer I know or have used before	34%	26%	15%	31%	37%	44%	50%
Look in Yellow Pages	8%	12%	12%	6%	5%	11%	5%
Search Online	7%	13%	5%	9%	6%	6%	2%
Use some other form of advertisement like TV, newspaper ad or billboard	3%	7%	4%	*%	2%	1%	3%
Not Sure	2%	3%	-	-	2%	3%	3%
Refused	*%	-	-	-	*%	*%	1%

Respondents in different income brackets did not fundamentally vary on this issue, except that those with annual household incomes over \$75,000 were somewhat more likely to ask a friend or family member, while those with annual incomes between \$50,000 and \$75,000 were somewhat more likely to turn to a lawyer they have known. This is somewhat counter-intuitive and not explained by the research.

Research from 1987, 1989 and 1990, before the Internet became a commercially viable communications tool, showed that the use of print directories or specifically the Yellow Pages was anticipated to be between 13% and 34%.¹ Eight percent of the respondents in the current research indicated they would turn to the Yellow Pages or a similar print directory as their primary way of finding a lawyer for a personal legal matter. An exact comparison of this research is not possible because the earlier questions did not ask for the primary way that respondents would find a lawyer, whereas the current research

¹ See Yellow Pages Lawyer Advertising: An Analysis of Effective Elements, ABA Commission on Advertising, 1992.

emphasized that. Therefore, it is unclear as to whether the earlier research identified the Yellow Pages as a primary resource, support resource or both. Nevertheless, it seems that the use of the Yellow Pages and similar print directories is less than it was 20 years ago.

The use of the Yellow Pages is substantially higher for those in the lowest economic cohort, with annual household incomes of less than \$15,000 per year. Nearly one out of four of these respondents report that they would use the Yellow Pages or a similar print directory as their primary method of finding a lawyer for a personal legal matter. At the other end of the economic spectrum, very few would use the Yellow Pages as their primary source, two percent for those of incomes between \$75,000 and \$100,000 and one percent of those with incomes over \$100,000.

Primary Way to Find a Lawyer for a Personal Legal Matter by Income

	Total	<15K	15-<35K	35-<50K	50-<75K	75-<100K	100K+
Ask a friend, family member or colleague	46%	44%	42%	43%	42%	54%	57%
Contact a lawyer I know or have used before	34%	14%	37%	39%	45%	31%	36%
Look in Yellow Pages	8%	24%	8%	10%	7%	2%	1%
Search Online	7%	12%	9%	5%	5%	6%	4%
Use some other form of advertisement like TV, newspaper ad or billboard	3%	3%	1%	3%	2%	7%	1%
Not Sure	2%	3%	2%	-	-	-	1%
Refused	*0%	-	*0%	-	-	*0%	*0%

Online searching is the method identified by seven percent of the respondents. Three percent reported they would use some other form of advertising, a figure roughly comparable to those in prior research.²

Again, not surprisingly, the younger cohort is more likely to turn to impersonal resources. Of particular note here, those in the youngest age group, 18 to 24, are nearly twice as likely to rely on an online search compared to the general population. (13% compared to 7%). Only two percent of those over 65 years old reported they would conduct an online

² Id.

search as their primary method of finding a lawyer for a personal legal matter. This raises the question of whether Internet usage will increase as younger people age or whether they will turn to trusted resources as their social and professional relationship broaden and mature.

D. The Implications

It is important to understand that this research does not address the interplay of the methods of finding a lawyer and does not approach the texture of that decision-making. The finding that a high majority of people would turn to trusted sources over impersonal sources suggests that practitioners in general should apply their energies and resources to better customer service, on-going contact with prior clients and a higher public profile. However, these conclusions are not necessarily instructive for all types of law firms and many questions arise from this finding.

Further research needs to explore:

- Differences with fields of practice or legal issues. In particular, do people differ in their decision to turn to friends and family members for different types of law? Are people more likely to explore impersonal sources for narrow or specialized practice areas, such as litigation over individual education plans for their children, Mesothelioma, or even employment discrimination? Are people more likely to turn to trusted sources for legal problems that help their families compared to legal problems that may disrupt their families?
- The relationships between trusted and impersonal sources. While a high majority of people turn to trusted sources as the primary method of finding a lawyer, what is the role of impersonal resources as a collateral or supporting method? Do impersonal sources reinforce trusted sources and tip the decision-making process or are impersonal sources nothing more than vehicles to locate contact information for a lawyer who is recommended from a trusted source?
- Do people in fact act the way they believe they will act? The question explored what people thought they would do, but not necessarily what they actually did. We may expect that people who used a lawyer recently answered the question according to that actual use, but others considered the question in the abstract. Further research should examine the actual decision-making of those who had found a lawyer in the recent past.

In addition to examining the dichotomy between trusted sources and impersonal sources, the study provided some sense of the use of the Yellow Pages and other print directories vis-à-vis online searches. The research demonstrates some erosion from anticipated use of the Yellow Pages compared to research that was conducted prior to the availability of the Internet. However, the degree of this shift is difficult to assess, not only because the question was prospective, i.e. asking what the respondent would do, but also because the survey questioned respondents only through landline telephone interviews. It is possible the shift from Yellow Pages and other print directories to online searches differs from the general population than in that which is demonstrated in this survey.

The demographic information demonstrates that online searches are substantially greater for the youngest cohort. This raises a question of whether it is higher for this population because of its familiarity and reliance on technology or because younger people are less likely to know lawyers and those who have used them. As the cohort ages, will it shift to trusted sources or continue to rely on online searches? Or, will it rely on trusted sources that are available through online searches, as the result of social networking?

II. Use of Online Models to Find a Lawyer

A. The Issues

Lawyers have experimented with the potential of online client development since the mid-1990s. Early efforts included fundamental law firm websites and basic online directories, which generally provided a cross-list of fields of practice with state jurisdictions. These were followed by matching services sites, where those in need of legal services could go to find lawyers who provided the services the website viewer needed, and question and answer sites, where people could post questions online that were then answered by lawyers and posted on the site. More recently, websites that rate the performance of lawyers have emerged. In addition, of course, lawyers now participate in social media sites, such as Facebook, YouTube and Twitter as additional client development tools.

Participation in many of these online models is frequently inexpensive, but little information is known about their effectiveness as client development tools, particularly for personal legal services. This survey explores the interest people have in the use of various online models to assist with their efforts to find a lawyer for their personal legal matters. How likely are people to turn to various online models?

B. The Question

Respondents were asked, “If you needed a lawyer for a personal legal matter, how likely would you be to use the following resources to find one?”

- The lawyer’s website;
- An online directory;
- A website where you can ask lawyers legal questions;
- A website where people post their problems and lawyers interested in representing them follow up;
- A website that rates lawyers;
- Blogs
- Social network sites such as Facebook;
- Twitter; and
- Listservs

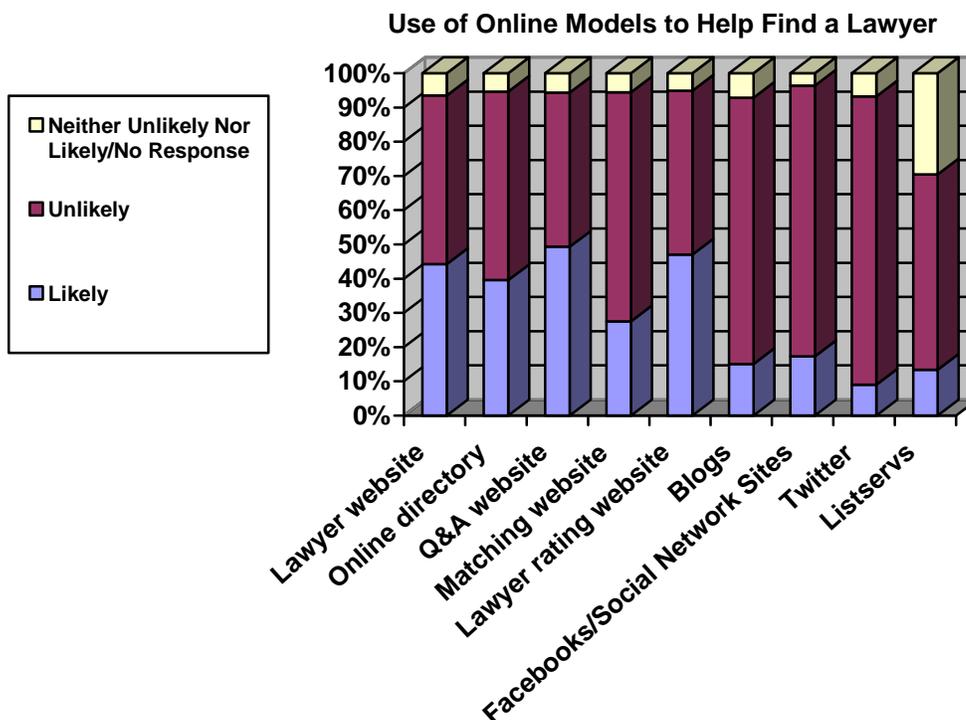
For each of the nine resources, respondents were asked to indicate if they were “very

likely,” “somewhat likely,” “neither likely nor unlikely,” “somewhat unlikely,” or “very unlikely.” Each model called for a response independent of the other models. No response excluded the respondent’s opinion about the use of the other models.

Like the first question in the survey, this question specifically focused on personal legal matters, rather than business matters. Also, the question was again prospective, asking people what models they would use if they had a personal legal matter, rather than asking them what they had done when they had a matter. The question was structured to maximize the number of respondents. Had the question asked what people had done, going back any particular period of time, such as the last year, some percentage, presumably a substantial percentage, of respondents, would not have used a lawyer and would not be able to reply. If the question had asked about decisions more than a year before, in order to capture a larger group, the survey would not have been able to determine the most recent uses of technology to find a lawyer with any accuracy.

C. Findings

Generally, the respondents were not enthusiastic about the use of online models to assist with the selection of a lawyer for a personal legal matter. This is consistent with the large percentage of respondents who indicated they would rely on a trusted source to find a lawyer instead of an impersonal source. Not only are people likely to turn to trusted sources, they may be unlikely to look further online to assess the credentials of lawyers who had been recommended to them through a trusted source. Of the nine online models included in the survey, none had more than half of the respondents indicate they were very or somewhat likely to use the model when looking for a lawyer for a personal legal matter.



The models fell into three tiers. The top tier includes websites where viewers can ask legal questions, sites that rate lawyers and lawyers' websites. The second tier includes online directories and matching services. The bottom tier is comprised of social networking sites.

Forty-nine percent of respondents were very likely or somewhat likely to turn to websites where viewers can ask lawyers for legal information if they needed a lawyer for a personal legal matter. Sometimes sites offer answers exclusively on legal matters, while other sites include legal matters among a variety of topics such as accounting, plumbing and health issues. The interest people have in using Q & A sites to help find a lawyer for a personal legal matter seems consistent with the notions that people want fast and free information on the Internet, be it legal information or otherwise. It is unclear from this research whether people anticipate using Q & A sites to simply solve their legal matters or whether they think about using it to identify a lawyer who is knowledgeable about their particular issues, who they then anticipate subsequently hiring.

Forty-seven percent of respondents were very likely or somewhat likely to turn to websites where lawyers are rated. This type of third-party credentialing is not unlike the verification a person gets when they turn to a trusted source such as a friend or family member. Obviously, the distinction is that the viewer is unfamiliar with those who provide the ratings. Nevertheless, customer rating sites have becoming popular in a variety of matters, including hotel and travel resources, doctors and teachers.

Lawyers have been developing their own websites for client development endeavors since the mid-1990s. Larger firms have their own customized websites, while small firms that generally provide personal legal services tend to use a template. Forty-four percent of respondents indicated they were very likely or somewhat likely to turn to a lawyer's website as a source when they needed a lawyer for a personal legal matter.

Websites for law firms are relatively common, even among solo practitioners. Data from the ABA's 2010 Legal Technology Survey Report shows that just over half of the lawyers in solo practices (52%), while four out of five (81%) of those in offices from two to nine lawyers have websites.³

In each of these three top tier models, the younger cohort had a somewhat higher percentage that was very or somewhat likely to turn to these sources of information.

The second tier includes directories and online matching services. Thirty-nine percent of respondents reported they were very or somewhat likely to turn to online directories as a source to find a lawyer for a personal legal matter. Online directories were an early resource for legal services when the Internet emerged as a commercial vehicle. Directories typically enabled viewers to identify an area of practice, such as domestic relations or bankruptcy and cross tab that with a geographic location, often a state or major city. The refinement of a few dominant search engines may have disintermediated and reduced the value of online directories. Now a viewer can now merely search for a divorce lawyer in Peoria through a search engine rather than first finding a directory and then using that to ultimately find the lawyer. Search engines are facilitating local searches for lawyers in a field of practice in a particular location and enhancing the search through mapping features that help viewers find the lawyer's office. Nevertheless, the likelihood of using online directories was in the middle of the pack in this poll.

Twenty-seven percent of respondents reported that they were very or somewhat likely to use a website where people posted their problems and lawyers interested in representing them would then follow up and contact the potential client. This question was intended to ask about matching services. However, it may have been awkwardly presented in a way that led respondents to the belief that their personal information was posted online for all to see. This possibility is supported by the fact that 50% of respondents reported they were very unlikely to use such a model, a percentage substantially higher than the other first and second tier models.

Respondents reported they would be far less likely to use interactive tools that commonly fall under the banner of Web 2.0 compared to the other models included in the research. Less than one of out five of the respondents were very or somewhat likely to use social network sites such as Facebook as a source when they needed a lawyer for a personal legal matter. Fifteen percent were very or somewhat likely to use blogs. Fourteen percent

³ 2010 American Bar Association Legal Technology Survey Report: Web and Communication Technology, Vol. IV, 2010, at 15.

were very or somewhat likely to use listservs and nine percent were very or somewhat likely to use Twitter as a resource to find a lawyer for a personal legal matter. Since these online exchanges are somewhat like recommendations from trusted sources, there may be an expectation that respondents would be more likely to use them. While Twitter is relatively recent and not as widely used, Facebook, listservs and blogs have been widely used social media tools for several years, yet they do not seem to be emerging as models that assist in the selection of lawyers for personal legal matters to a substantial degree.

Even though the percentage of people who are very or somewhat likely to use Web 2.0 models in their search for a lawyer is substantially lower than other Internet-based models, they generally surpass the percentages of solo and small firm lawyers who offer these resources. According to the 2010 Legal Technology Survey Report, less than seven percent of solo and small firm lawyers maintain firm blogs. Nearly half of the solo and small firm lawyers are active personally on social network sites, but only 16% of solo and 12% of those in firms of two to nine lawyers have a firm presence on sites such as Facebook. Very few lawyers at the time of this survey participated in microblogging, such as Twitter, either through their firm or individually. Only 4% of both solo and two to nine member firms participated in microblogging, while 7% of solos and 6% of those in firms of two to nine participated in it personally.⁴

D. Implications

Clearly technology serves many purposes in the practice of law and has great potential for outreach and efficient delivery of legal services. However, the survey shows a limited enthusiasm for its use by the respondents. While respondents demonstrate an interest in sites that answer their legal questions or rate the lawyers they would consider using, the low level of interest in the more interactive, community-building models is curious. Seemingly, social networking tools approximate the off-line communities that respondents indicate they would turn to in order to find a lawyer. However, that same sense of reliance is not translating to the online realm for the selection of a lawyer for personal legal matters. Two possible reasons emerge to explain this. First, it is possible that social media is too recent and too few people are participating in it for it to be a wide-spread method to help find a lawyer. Second, it is possible that the selection of a lawyer for a personal legal matter is simply too intimate a decision to come into play in the everyday use of social media. Perhaps it is not a viable method for individual interaction for some types of legal services. Future research should examine these competing possibilities. If the first proves accurate, then social media will have an increasing and valuable role in the selection of a lawyer. If the second reason is accurate, social media may be limited as a tool for the selection of lawyers for personal matters.

⁴ Id. at 22-25.

III. Unbundled Legal Services

A. *The Issues*

More people have been representing themselves in legal matters in recent years. While a trend toward do-it-yourself legal work goes back more than 20 years, the recent economic downturn appears to have stimulated the growth of self-representation recently. Self-represented litigants obviously need sources of information about both procedures and substantive decision-making. Some of those litigants turn to lawyers for assistance, seeking limited scope representation, or “unbundled” legal services. Unbundled services have been provided in a number of ways over the years. For example, prepaid legal service plans offer consultations on legal matters, sometimes through a hotline. AARP hotlines for the elderly also limit representation in this way. Unbundling is provided in both legal aid and pro bono services, for example through programs such as “Tuesday Night at the Bar,” where lawyer provide brief consultations. Unbundling is now being offered by some practitioners within traditional practices, as an option to full services.

A substantial number of lawyers seem to offer unbundled services. The 2010 Legal Technology Survey Report indicates 54% of solo practitioners and 45% of those in firms of two to nine lawyers provide unbundling.⁵ Similarly, research from the California Administrative Office of the Courts shows that half of the lawyers who responded prepare documents, half review documents, 40% prepare clients for hearings, 40% appear for a limited number of hearings and only a quarter do not provide any unbundled services.⁶

Little is known, however, about public attitudes toward unbundled services. The survey explored the awareness of unbundling, whether people would like to talk to their lawyer about an unbundling option and whether the lawyer’s willingness to unbundle services was a factor in deciding to obtain a particular lawyer.

B. *The Questions*

The survey assumed many people would not be familiar with lawyers limiting the scope of representation or unbundling their services. Therefore the following statement was read prior to the series of questions on unbundling:

Some lawyers are unbundling their services. “Unbundling” means that the lawyer and the client team up to divide the work between them. Instead of the lawyer doing everything, the lawyer does some of the work and the client does some of

⁵ Id. at 21. The survey defined “unbundling” as services involving “an agreement with a client to provide only a portion of the services, such as a consultation or document preparation, as an alternative to full representation.”

⁶ Attorney Survey, California Administrative Office of the Courts. Data collected from December 1, 2008 to January 23, 2009, and in the possession of Bonnie Hough.

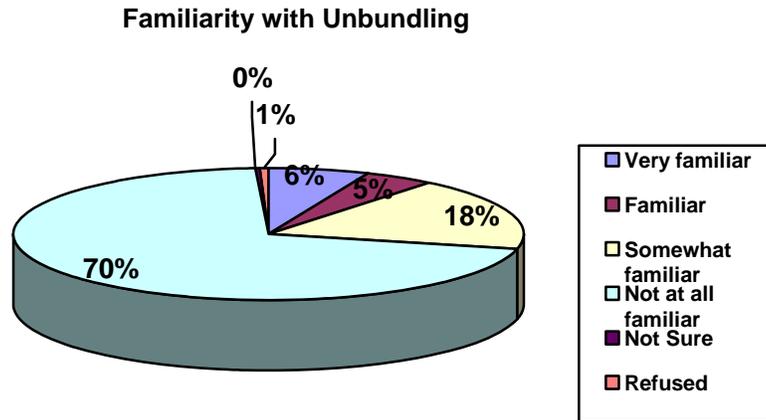
the work. For example, a lawyer may give the client instructions on how to fill out the paperwork necessary for court and the client then completes the forms. This would save money on attorneys' fees, but may take a lot of your time.

Respondents were then asked "How familiar are you with the idea of unbundling legal services?" They were asked if they were "very familiar," "familiar," "somewhat familiar," or "not at all familiar."

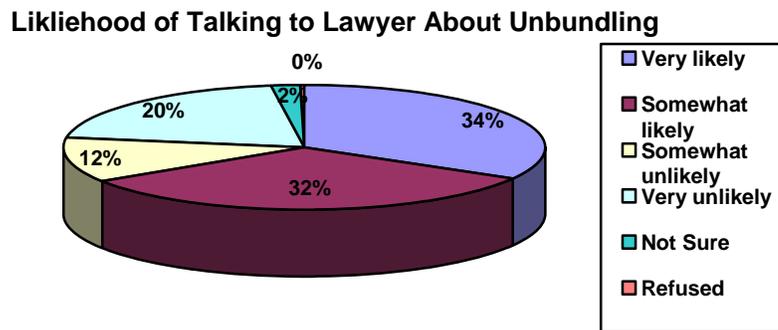
Respondents were then asked "If you had a personal legal matter to deal with, how likely would you be to talk to a lawyer about the possibility of unbundled legal services?" They were asked if they were "very likely," "somewhat likely," "somewhat unlikely," or "very unlikely."

Finally, respondents were asked "When deciding to obtain a particular lawyer, how important would it be to you that the lawyer provides an option to provide unbundled legal services?" They were asked if it was "very important," "somewhat important," "not very important," or "not at all important."

C. Findings



Unbundling is clearly not something that respondents were aware of. Six percent of the respondents reported they were very familiar with unbundling legal services. An additional five percent reported they were familiar with it, and 70% indicated they were not at all familiar with unbundled legal services. This level of familiarity was uniform across the age and economic cohorts, with one exception. Those with household annual incomes less than \$15,000 per year reported that they were somewhat familiar with unbundling at a rate substantially higher than the respondents as a whole (32% compared to 18%).



Despite the fact that the vast majority of respondents were unfamiliar with unbundled legal services, after hearing the statement about it, two-thirds of them had an interest in exploring an unbundling option for their personal legal matters. When asked how likely

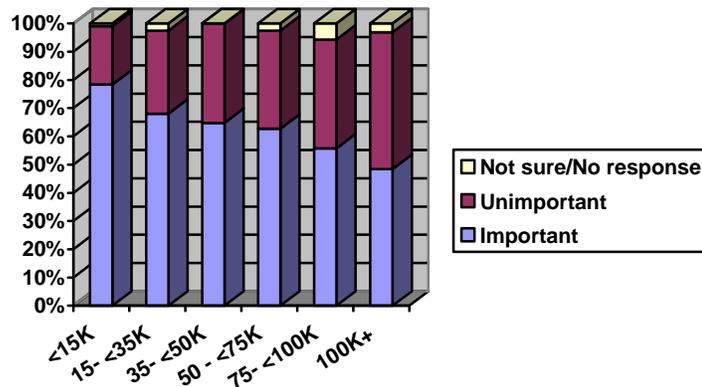
they were to talk to a lawyer about unbundling if they had a personal legal matter, a third of the respondents reported they were very likely to do so and another third reported they were somewhat likely.

Respondents over 65 years old reported they were less likely to explore unbundling as an option. Only about one in five of the respondents in that cohort were very likely to talk to a lawyer about unbundling, compared to a third of the respondents overall. On the other hand, about half of the respondents who had moderate incomes, with household annual incomes between \$35,000 and \$50,000 per year, were very likely to talk to a lawyer about unbundling for a personal legal matter.

The willingness of a lawyer to provide unbundled legal services for personal matters is an important decision when people seek a lawyer. Sixty-two percent of the respondents indicated that it is very or somewhat important that a lawyer provides an option for unbundled services when they are deciding to obtain a particular lawyer.

Unbundling has the greatest appeal among the youngest cohort and the least among the oldest. Four out of five of the respondents between 18 and 24 thought it was somewhat or very important, while half of those over 65 thought so. Similarly, the importance of the willingness of a lawyer to provide unbundled services was higher for those of lower incomes and lower for those of higher incomes. About four out of five of those with household incomes less than \$15,000 per year believed that the willingness of a lawyer to unbundle legal services for personal matters was a very or somewhat important factor in their decision, while only half of those with household incomes over \$100,000 per year found it to be very or somewhat important. The level of importance scaled down as income rose across all cohorts.

**Importance of Providing Unbundled Services
By Income**



These demographic variations are intuitive, since those who are older and have higher incomes are more likely to have worked with lawyers before and more likely to rely on those lawyers either as the source of assistance or source of referral when addressing a subsequent legal matter. Therefore, whether or not their lawyer provides an unbundling option is not as important to them as it may be to those who are younger, have lower incomes and perhaps have not established a professional relationship with a lawyer.

D. Implications

Clearly respondents are unfamiliar with the concept of limited scope representation or unbundled legal services. Over two-thirds of respondents report they have no familiarity with unbundling at all. At the same time, once provided a brief explanation, respondents indicate they would like to at least discuss an unbundling option and find it an important factor in the decision of selecting their lawyer.

There seems to be a large gap between the percentage of lawyers who report that they provide unbundled services and the awareness of that service in the population as a whole. This suggests that lawyers are not making enough of an effort to make consumers aware of the availability of unbundled services. Subsequent research should examine the ways in which lawyers publicize their willingness to provide limited scope representation.

Research should also look at stakeholders in the delivery of personal legal services, such as lawyer referral services, professional liability carriers, bar associations, CLE providers, law schools and the judiciary, to determine what steps are being taken and what steps are needed to assure that consumer demand for limited scope representation be addressed in ways that are ethical, responsible and carried out in the best interests of the consumers.

IV. Self-Help Resources

A. The Issues

While some people who self-represent rely on lawyers who provide unbundled legal services for advice and document preparation, others proceed without any involvement from a lawyer. While some entrepreneurial legal service providers tout the number of people they have served, little is known about the range of alternative resources people may turn to when they decide not to go to a lawyer for their personal legal matters. The increase in self-represented litigation has resulted in a wider variety of resources to assist these litigants. Notably, hundreds of jurisdictions have responded to the demands of self-represented litigants by providing specially designated court administrators and self-help centers to guide litigants through the processes necessary to address the litigant's legal matters. At the same time, technological resources have emerged providing both free and compensated services such as document preparation and answers to legal questions. Libraries have served as a resource to the public for decades, as have self-help books on various legal topics.

Little research has demonstrated the degree of the public's interest in using these resources when they have decided to go forward with a personal legal matter without the assistance of a lawyer. What resources do people believe would be helpful to them? To what extent are people seeking readily available resources and are they willing to pay for them? These questions are important for both those providing legal services in the public domain and in the marketplace.

B. The Question

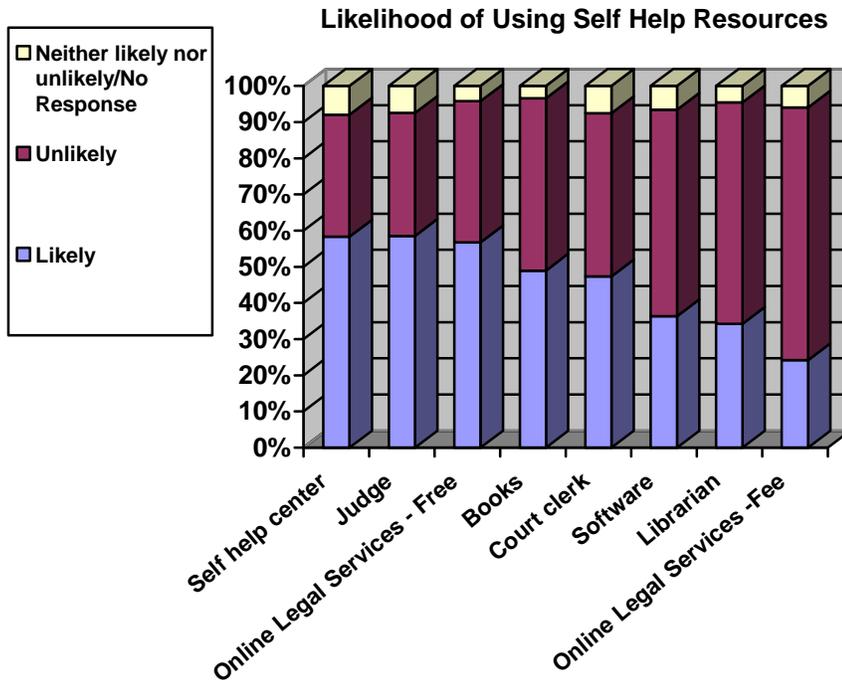
Respondents were asked, "If you had a personal legal matter and decided not to use a lawyer, how likely would you be to use the following resources?"

- A court self-help center;
- A court clerk;
- A judge;
- A librarian;
- Self-help books;
- Self-help software;
- Online legal services that charge a fee;
- Online legal services that are free."

For each of the eight resources, respondents were asked to indicate if they were "very likely," "somewhat likely," "neither likely nor unlikely," "somewhat unlikely," or "very unlikely." Each resource called for a response independent of the other resources. No response excluded the respondent's opinion about the use of the other resources.

Like the other questions in the survey, this question specifically focused on personal legal matters, rather than business matters. Also, the question is again prospective, asking people what resources they would use if they had a personal legal matter, rather than asking them what they had done when they had a matter. The question was structured to maximize the number of respondents. Had the question asked what people had done, going back any particular period of time, such as the last year, some percentage, presumably a substantial percentage, of respondents, would not have proceeded with a legal matter and would not be able to reply. If the question had asked about decisions more than a year before, in order to capture a larger group, the survey would not have been able to determine use of the most current resources with any accuracy.

C. Findings

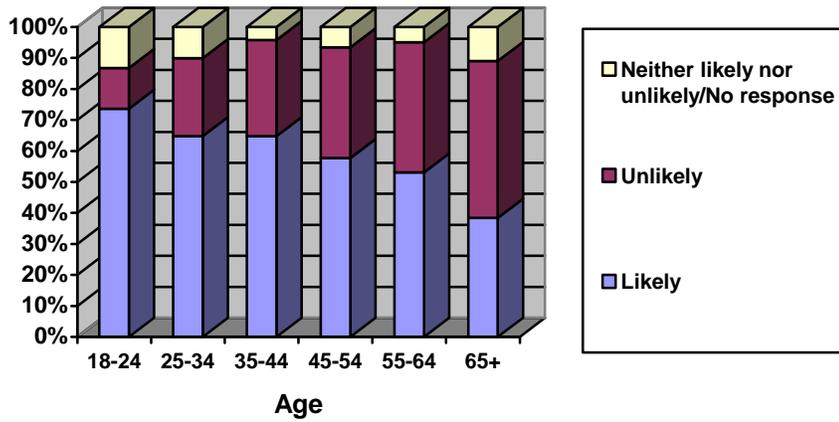


If people were to proceed on a personal legal matter without a lawyer, they are most likely to rely on court resources.

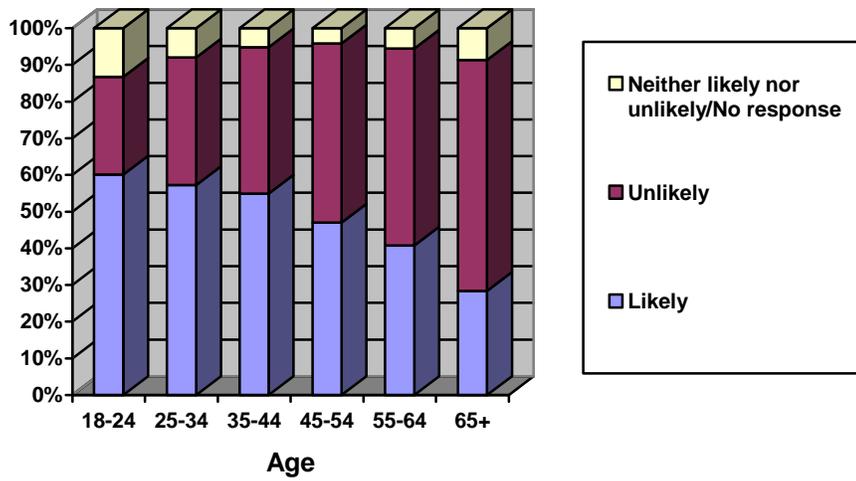
Nearly six out of ten people indicate they are very or somewhat likely to turn to a judge as a resource when proceeding with a personal legal matter without a lawyer (59%), with nearly three out of ten being very likely to do so (29%).

Court self-help centers were also a likely resource. Fifty-eight percent of the respondents indicated they were very or somewhat likely to use a court self-help center if proceeding without a lawyer. Court clerks were viewed as a likely resource. Nearly half of the respondents were very or somewhat likely to turn to a court clerk (49%).

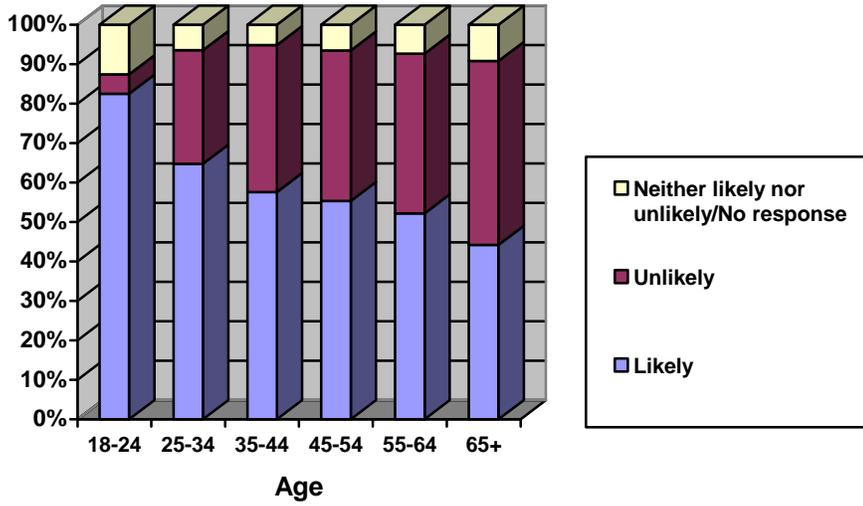
Likelihood of Using Self Help Center, By Age



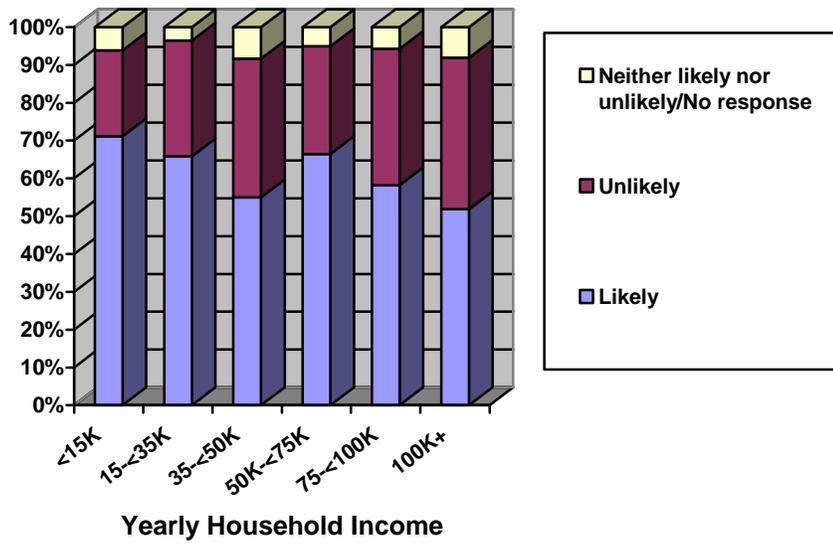
Likelihood of Using Court Clerk, By Age



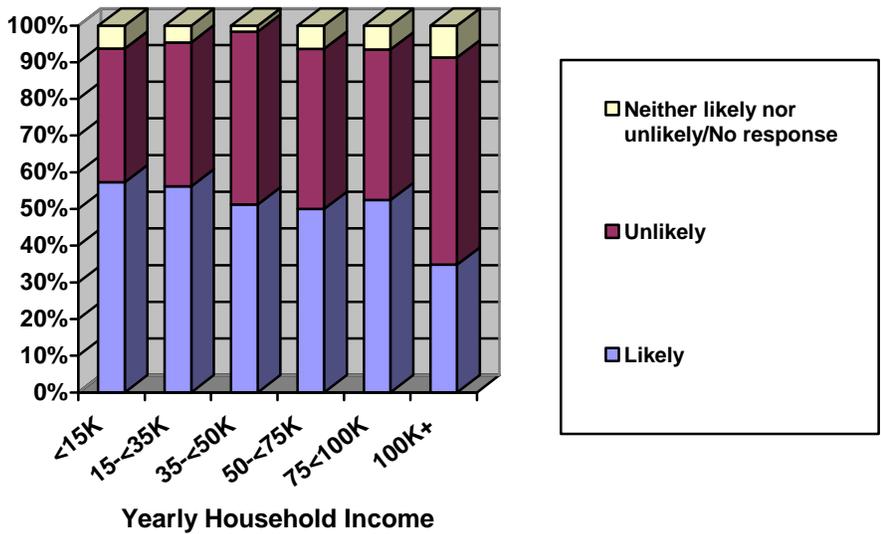
Likelihood of Using Judge, By Age



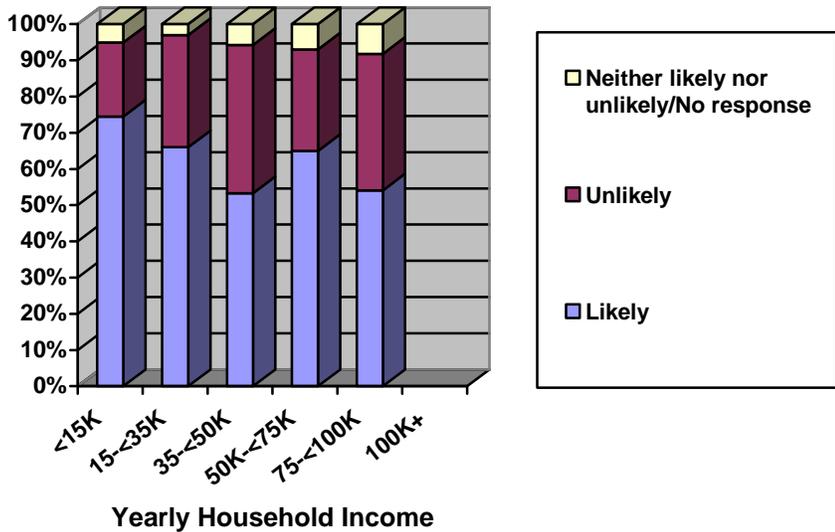
Likelihood of Using Self Help Center, By Income



Likelihood of Using Court Clerk, By Income



Likelihood of Using Judge, By Income



People under 35 are more likely to use the court resources compared to those in the other age cohorts. Three out of four respondents under 35 years old were very or somewhat likely to turn to a judge, while seven out of ten people under 35 are very or somewhat likely to use a self-help center and six of ten in that cohort would turn to a court clerk. Similarly, three out of four people with household incomes under \$15,000 per year were very or somewhat likely to consider a judge a resource, while about half of those with incomes over \$75,000 would do so.

People are likely to turn to free online services and self-help books when looking for resources outside of the courthouse.

Nearly six out of ten respondents indicated they are very or somewhat likely to turn to free online legal services (57%) if they would proceed with a personal legal matter without a lawyer, a number almost equal to those who would turn to a judge or a self-help center. About two-thirds of respondents younger than 35 years old were very or somewhat likely to turn to free online services. Also, two-thirds of respondents with household incomes less than \$35,000 per year were very or somewhat likely to use these services.

Nearly half of the respondents reported they were very or somewhat likely to use self-help books, (49%), the same number who indicated they would turn to court clerks as a resource for personal legal matters.

People are less likely to rely on librarians, self-help software and fee-based online services.

Just over a third of respondents were very or somewhat likely to turn to self-help software (36%) or a librarian (35%) as a resource for a personal legal matter when not using a lawyer, while about one out of four respondents (24%) were very or somewhat likely to turn to online legal services that charge a fee.

Younger people and those of low and moderate incomes were somewhat more likely to use self-help software, but the likelihood of turning to a librarian was fairly consistent across age and economic categories. Younger people are somewhat more likely to use fee-based online services (35%), but no distinctions appeared across the economic categories. More than half of the respondents overall (52%) reported they were very unlikely to turn to online fee-based services. This is the only resource that more than half of the respondents were very unlikely to use.

People in western states are more likely to use self-help resources when not using a lawyer compared to other geographic areas. Generally, the survey responses did not show geographic distinctions. However, the use of self-help tools tends to be higher in the west. Three out of four people in the west, compared with 58% percent overall were very or somewhat likely to use a self-help center, for example. Six out of ten of those in the west, compared to just less than half overall, were very or somewhat likely to turn to a court clerk. Similarly, 61% of those in the west were very or somewhat likely to turn to self-help books, compared to 49% overall. Forty-three percent of those in the west were very or somewhat likely to use a librarian, compared to 35% percent overall. A third of those in the west were very or somewhat likely to use an online service that charges a fee, compared to just under a quarter overall.

D. Implications

People are more likely to turn to a judge as a resource in a self-litigated matter when proceeding without a lawyer than any other resource listed in the survey. This suggests a basic misunderstanding of the role of the judge in our courts. This result indicates a need for better public education about the role of the judiciary. Alternatively, people are highly likely to use court clerks and self-help centers. While courts differ on the role of clerks, self-help centers have been established around the country for the very purpose of serving as a resource to litigants who proceed without a lawyer.

While a high use of courthouse resources is intuitive, less interest in the use of librarians is somewhat unexpected. Even though librarians are a public resource and often highly skilled in providing resources for personal legal matters, far fewer respondents reported they were likely to turn to them as a resource. This suggests a need to create a better public understanding of the assistance that is available from librarians.

Not surprisingly, respondents indicated they are likely to turn to free online services, particularly those who are in the younger and lower income cohorts. While it is also intuitive that respondents were far less likely to turn to fee-based online services, it may be surprising that nearly half indicate they are very unlikely to use this resource for their personal legal matters if they do not turn to a lawyer. This suggests that courts, governments and non-profits should continue to provide services that are free and that efforts to generate revenue, whether by the public or private sector, should be examined in further research.

Conclusions

The survey illustrates the importance of trust and value when people are faced with personal legal matters. A high percentage of respondents would turn to a trusted source over an impersonal source as the primary method of finding a lawyer, even though a substantial minority of respondents, particular younger adults, would go online or turn to the Yellow Pages or other forms of advertising.

While people may trust the Internet to order books or download music, they seem unconvinced thus far that Internet resources assist them in finding the right lawyer. While a reasonably high percentage of people are interested in consumer rating sites and law firm websites, the notion of using online communities through social networking and other Web 2.0 models has not yet demonstrated widespread interest. This may be because of the limited amount of participation by lawyers. On the other hand, people are interested in Q&A sites, perhaps as a value proposition to obtain the information necessary to solve their legal problems at little or no costs.

Similarly, people are interested in the value they may obtain from limited scope representation for personal legal matters. While few respondents indicate they are aware

of the idea of unbundling, when they find out about it, they want to explore the possibility of using it with their lawyers.

If people were to proceed on personal matters without the assistance of a lawyer, they report they would rely on the trusted resources imbedded in the courthouse, including judges, court clerks and self-help centers. People would also rely on resources of high value to them, including free online sources, self-help books and, a little less so, librarians and software, but a large percentage are unlikely to turn to fee-based online legal services.