Low Bono Done Right: Best Practices for Low and Moderate Income Clients

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What is the market for Low Bono?

- The Do-It-Yourselfer
- Access to Justice - The Justice Gap
- Do we even really know how big it is?
  - Those who don’t identify their legal issue
  - Preventative legal services
Challenges with low bono clients

- Level of education
- Resourcefulness
- Ability to problem-solve
- Literacy/English proficiency
- Access to computers/scanners/fax/Internet
- Domestic violence or other victimization history
- Mental health disorders
- Drug or alcohol addiction
- Work schedules and childcare limitations
Informed Consent

- What will you do for the client?
- What will you not be doing for the client?
- Do they understand what they are getting into by not having full representation? Do they understand their deadlines, obligations, and liabilities?
- How will you convert the client to full representation if they get in over their head?
- Does everyone (including the court and opposing side) understand that additional claims that arise during this matter are not part of representation?
- Client Code of Conduct
Full or limited representation?
What is “Unbundled”?

“An alternative to full representation, which allows an attorney to perform a discrete task for a client, while allowing the client to be recognized as pro se for all other tasks in their matter.”
Should I offer unbundled services?

Important Things to Consider:

● Will the judge let me off the case when I’m done?
● Is it ethical? Will it prejudice the client?
● Can the client handle it?
● What is the market for unbundled work in my practice area?
Is it ethical? Will it prejudice the client?

- Explain fully to everyone involved which services are included in representation.
- Unbundled does not mean lowered ethical requirements.
- Insist that your client be present for all conversations in chambers.
- Insist that your client be allowed to participate in telephone status conferences.
- Carbon Copy (“CC”) your client on communications with the court and opposing parties/counsel.
- Be sure to draft in the client’s voice.
- Get off the case.
How Do I Kick Ass at this?

- Counselor at law - Own it.
- Communication and transparency.
- Building efficiencies.
- Budgeting.
- Metrics
Build Your Business Around It!

- Representation agreements that include limited scope definition/plain language
- Fee structures
- Limited Appearance of Counsel template – with specific scope as noted above
- A menu of services and prices, consider a combination menu
- Disclaimer language for your emails to opposing counsel
- Templates for commonly drafted documents
- Electronic client intake documents
- Welcome Kit
- Case Plans
Data-Driven Business Decisions

- Salary Decisions
- Hiring New Staff, Subscribing to Services
- Fee Structure
- Grants/Loan Applications
Metrics

Consider:

- The average number of hours spent on a matter type (this helps you set fees)
- The average hours you bill per week (this helps you project revenue)
- The average non-billable hours you spend working on your business (this helps you determine if it’s time to hire outside help)
- Return on investment (“ROI”) for advertising campaigns, referral building/networking efforts
Avoid Zombies
GOOD LUCK AND HAVE FUN!!

- Contact us
  - Consulting
  - Speaking Engagements
  - Copies of Forms
  - Access to Sliding Scale/Low Bono Resource Groups
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