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June 29, 2016

Re: Issues Paper Concerning Unregulated LSP Entities

Dear Ms Englehart,

On behalf of the BCBA, we thank you for the opportunity to comment on the issue of the provision of legal services by unregulated LSPs. In general, the BCBA opposes the concept of expanding and legitimizing the non-attorney provision of legal services, for the reasons discussed herein.

First, we do have non-attorneys providing services to the public in our community, on an unregulated basis; e.g.:

- non-attorneys in the process service industry preparing eviction petitions, warrants etc and attending court with their "clients"

- at least one non-attorney, in the typing business, processing uncontested divorces, and preparing stipulations regarding equitable distribution issues

- one or more enterprising individuals practicing transactional work including setting up corporations, drafting and filing articles of incorporation or organization, etc, and preparing deeds for recording

- non-attorneys representing defendants in foreclosure settlement conferences and appearing before the court (this may possibly be regulated?)

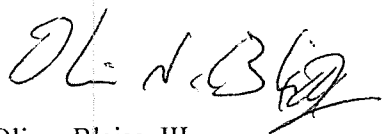
- Legal Zoom and other companies preparing wills and POAs.

Our members have expressed deep concern because, while it is possible for such providers to navigate through these matters, we have noticed mistakes and deficiencies in their products that have actually imperiled the rights of their "clients". Their services are offered at a rate that is substantially lower than the rates of licensed attorneys, which undoubtedly is attractive to some consumers, however, we believe that the public is not well served and actually put at risk by hiring these persons or entities to provide services within the expertise of attorneys. There is limited recourse, e.g., in the event of malpractice, as malpractice insurance is unavailable to such providers, leaving the unsuspecting consumer with no safety net, except perhaps a costly civil action for breach of contract.

Nor does this practice, at least in our area, fill an unmet need for reasonably priced legal services. There are members of our association who are negatively affected by this unfair competition, whose bread and butter is made from matters such as processing SSD and SSI cases, attending court on eviction matters, preparing Wills, deeds, and POAs, etc. While some of these matters are routine, an attorney is needed to make this call and to ensure that the legal rights of the public are safeguarded by competent legal advice.

While non-attorneys, such as paralegals, are used all the time and are essential, they work under the supervision, and ultimate responsibility, of an attorney, as we believe should be the case. And while there are admittedly areas in our state, such as housing court in NYC, where there is a need for further assistance to the public, our members in Broome County do not view the expansion of non-attorney provision of legal services as a positive development for our profession or for those whom we strive to serve and represent.

Very truly yours,

A handwritten signature in black ink, appearing to read "Oliver Blaise, III". The signature is stylized and cursive, with a prominent initial "O" and a long, sweeping underline.

Oliver Blaise, III  
President  
Broome County Bar Association