MEMORANDUM

To: Commission on the Future of Legal Services

From: Hon. Lora J. Livingston, Chair, Standing Committee on Legal Aid & Indigent Defendants

Re: Comments on Issues Paper on Alternative Business Structures

Date: May 5, 2016

Thank you for the opportunity to comment on the Issues Paper regarding alternative business structures (ABS).

The Standing Committee on Legal Aid & Indigent Defendants has limited expertise on matters pertaining to delivery of legal services in the for-profit context. However, in its work to nurture improvements in access to justice for the poor, our committee has learned that people with income slightly or even modestly above the poverty line often struggle to obtain legal help just as much as people who fall within traditional definitions of poverty. Therefore, if adjustments to the for-profit law firm model can be shown to result in reduced costs for personal legal services, and will do so without diminution in the quality of services to clients or an erosion of ethical behavior by lawyers, then such adjustments may be warranted. Those above and those below the poverty line would benefit from a reduction in costs for personal legal services; many people in poverty cannot access free civil legal aid due to the severe shortage of resources for such services, and must turn to the for-profit legal services marketplace to seek help.

In reviewing the issues paper, we observe that the studies of the results where ABS has been implemented that are cited in the report do not examine differences that may exist in the impact of ABS on access to justice in urban versus rural communities. There are immense challenges that inhibit full access to justice for persons in many states who live in rural communities; those communities have experienced a prolonged decline in the number of lawyers willing or able to open solo and small firm practices. Therefore, we encourage the Commission to include in its examination of the issue, what impact ABS will have on access to justice in both rural communities and urban communities, before concluding that alternative business structures are appropriate.

Thank you for your consideration of the views of our committee.