



Week of **April 27, 2010**

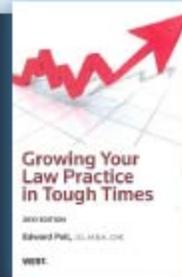
## Taking It to the Limit

The Great Recession continues to have a major impact on the legal profession in this country - especially on the nation's one million-plus lawyers who are sole practitioners or members of small firms. These lawyers generally represent individual clients and small businesses in personal injury, family disputes, criminal defense and personal debtor claims that tend to pay less. As clients are fewer and payments are slower after two-plus years of hard times, the financial and economic difficulties such lawyers face have been substantial.

Now there may be a new way to cope. According to the *ABA Journal*, the chief justices of the New Hampshire and California state supreme courts, noting the rise in *pro se* representation by people who cannot afford a lawyer, have advocated limited scope representation. ([Click here](#) for article). The justices say 41 states have adopted an ABA model rule or related variations to allow lawyers to take only a part of a case. That could mean a person or business hiring a lawyer to help them fill out forms, prepare documents, coach them on how to present in court, or to represent them in court for one or two hearings.

The justices disagree with lawyers who see this as undermining the value of the legal profession. In a *New York Times* column, they wrote: "Litigants who can afford the services of a lawyer will continue to use one until a case or problem is resolved, ...[b]ut for those whose only option is to go it alone, at least some limited, affordable time with a lawyer is a valuable option we should all encourage."

Giving representation this way to people of limited means also gives business to lawyers who otherwise would not have it. It recognizes that lawyers are in business to make a living while helping people with their personal issues. It draws a distinction between providing services at a reasonable fee, and providing



## Growing Your Law Practice in Tough Times

Following the worst economic crisis since the Great Depression, and facing a sea change in clients' demands and expectations, law firms must respond and adapt quickly and effectively. Law firms must choose the kind of law practice they will be; the marketing and business development tactics they will use; the overhead that is critical to their functioning; how to price, bill and collect for services; and how to manage the cash flow cycle.

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*pro bono* services voluntarily without charge. Lawyers have a professional obligation to provide legal services, not just to the clients who can pay for them, but to the people who need but cannot afford them. Limited scope representation occupies a middle ground between the two. If the lawyer's decision is to charge for a limited scope representation, it would seem a good idea to get the money in advance of when advice or services are rendered. Otherwise the client may exert subtle or overt pressure to ultimately make it a *pro bono* matter. If clients are told the cost beforehand, the decision to retain the lawyer is theirs. As the justices point out, this may be the best way to provide affordable legal service to those who are not indigent - while at the same time giving lawyers paying work that may even lead to a full-time client later on.



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## Personal Commentary

This week has been one of extensive travel. First, I went to Newport, RI, staying at an outstanding hotel, the Castle Inn. It is a charming historic landmark, one of great dining excellence. Then, on to Boston where I met several lawyers who I either coach or who are members of our LawBiz Forum. Then I was off to New York. I'm staying at the Palace Hotel and meeting with some of the best consultants in the world. This promises to be a challenging and invigorating several days. And, of course, it's New York!

Along the way, I got to visit with my son and his family including 2 of the cutest and cuddliest grandchildren!

Be sure to **check out LawBizBlog's new contest** in celebration of my new book *Growing Your Law Practice in Tough Times*. The contest will run for the entire month of April. At the end of the month, participants' names will be drawn out of a hat raffle style to determine the first,

## What Readers Are Saying...

"No matter how you slice it, there is no substitute for wisdom and experience. Ed Poll has demonstrated both in this eyeopening book about the essential elements of running a profitable law practice. He provides practical wisdom along with simple ways to adopt and incorporate best practices for each. After explaining the pros and cons of every decision, he makes recommendations and provides useful guides disguised as key principles. Buy the book so you too can access Ed's wisdom and experience. It's worth much more than the investment."

second, and third place winners.

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**SECOND PRIZE:** 1/2 hour coaching session with Ed

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Remember, you have all month to enter (but that doesn't mean you should wait)!

Best wishes,

Ed Poll

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*STEWART L. LEVINE. ESQ.,  
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AUTHOR, GETTING TO RESOLUTION;  
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