

# Affordable Legal Services Committee

Fiscal Year 2021

**Jurisdiction:** Support the State Bar of Michigan’s access to justice and member services goals by:

- Reviewing, developing, and recommending innovative practices to provide low-cost legal services and evaluating efforts to expand access to affordable legal services for persons of modest means, including low bono services; non-profit law firms and sliding scale civil legal services; online dispute resolution and alternative dispute resolution services; lean process analysis, both at law practice and court administrative levels; alternative fee agreements; and fixed fee packages
- Identifying possible collaborations to support the committee’s jurisdiction
- Identifying the need for any workgroups to support the jurisdiction of the committee
- Conferring and coordinating regularly at least annually with the Justice Initiatives, Unauthorized Practice of Law, Access to Justice Policy, and Online Legal Resources and Referral Center committees
- Identifying possible collaborations to support the committee’s jurisdiction
- Reviewing and evaluating metrics measuring

**Note:** This committee may have more than 15 members.

Time Frame	Strategic Plan Goal/Strategy	Description of Activity
FY 2020-2021	1.2, 1.3, 1.4	Limited Scope Representation — Michigan Bar Journal Article. The LSR Subcommittee focused on several strategies to increase LSR in Michigan, including developing an article for the access to justice theme issue of the Michigan Bar Journal slated for publication in November 2021. To encourage increased LSR engagement by Michigan attorneys and the public, the forthcoming article provides practical information that includes best practices on 1) why attorneys should consider/engage in LSR, 2) how attorneys can incorporate LSR into their practices, and 3) how LSR benefits attorneys and clients. The article is based on interviews with several solo and small firm practitioners that have successfully incorporated LSR into their practices. The article will also include recent amendments to MCR and MRPC.
	1.3, 2.3, 3.2, 4.4	Sliding Scale Fees. The subcommittee researched sliding scale fees as a component of legal practice and found that: <ul style="list-style-type: none"> <li>• Firms offering sliding scale legal services are rare.</li> <li>• The reference scale is consistently a percentage of federal poverty guidelines.</li> </ul>

		<ul style="list-style-type: none"> <li>• Most follow a similar scale generally starting at 125% and moving in increments of 50%.</li> <li>• Hourly rates within the scale vary.</li> <li>• Retainers vary.</li> <li>• Many offer a calculator or chart on their website.</li> <li>• Caps vary but are generally between 300% and 400%.</li> <li>• The areas of service generally track with common legal issues including family, probate, and housing (landlord-tenant). Some include criminal, bankruptcy, and guardianship.</li> <li>• Many firms offering sliding scale are nonprofits that accept donations. The subcommittee did not explore the economic viability of sliding scale services including issues such as attorney compensation, managing overhead, or the economic impact of a nonprofit model for the specific firms researched. Reports are that overhead is generally less than traditional firms and attorney compensation is consistent with other nonprofit legal services, such as legal aid. The subcommittee also considered possible ethical implications of sliding scale fees but concluded that the ethical considerations would be the same as any practice or service delivery model. The subcommittee offered preliminary suggestions to attorneys/firms considering a sliding scale fee structure that included selecting the percentage increments in legal fees charged, the corresponding hourly rates, the areas of practice, case selection criteria, number or percentage of sliding scale cases within practice, and how to communicate the option to prospective clients.</li> </ul>
	1.3, 2.2, 4.4	The LEAN/Continuous Improvement. The subcommittee identified short- and long-term goals, with an overarching focus on educating attorneys on LEAN processes and the importance of continuous improvement. The workgroup initiated development of a LEAN tool kit that will include LEAN resources, information, and materials in one easily accessible location on the SBM's website. The subcommittee will also focus on developing/offering LEAN layering training materials, videos, and other helpful resources to Michigan attorneys interested in implementing LEAN techniques into their practices.
FY 2021-2022 Priorities	1.3, 2.2, 3.2, 4.4	Develop an LSR practice guide that will include all pertinent information easily accessible in a single document.
	1.3, 2.3, 3.2, 4.4	Reorganize/overhaul the LSR Tool Kit website to make it easier to navigate
	1.3, 2.2, 3.2, 4.4	Develop a LEAN lawyering tool kit to support Michigan attorneys interesting in implementing LEAN concepts in their law practice and access to other training materials and resources.

	1.3, 2.3, 3.2, 4.4	Additional research on sliding scale fees and strategies/guidelines for implementation.
Proposed Future Priorities	1.3, 2.2, 3.2, 4.4	Review/improve the proposed LSR practice guide as needed.
	1.3, 2.3, 3.2, 4.4	Review/improve LSR tool kit website and other resources as needed.
	1.3, 2.3, 3.2, 4.4	Review/improve LEAN tool kit as needed.

**Recommended Committee Changes:** No changes appear necessary at the current time.

**Additional Comments:** None.

