

STATE BAR OF MICHIGAN  
**21<sup>st</sup> CENTURY  
PRACTICE**  
TASK FORCE



ENVISIONING A NEW FUTURE TODAY

# TOWN HALL MEETING

1–4 p.m. on Friday, January 29, 2016

Michigan Hall of Justice, 925 West Ottawa Street, Lansing, Michigan

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# Opening Remarks

**Chief Justice Robert P. Young, Jr.**

**Thomas C. Rombach**

**Janet K. Welch**

**Lori A. Buiteweg**

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- Persistent and rising inability to meet the legal needs of the poor
- Rise in unemployment and underemployment of new lawyers
- Average law school debt burden over \$100K
- Perception that too many law school grads not “practice-ready”
- Anemic or declining median lawyer income
- New competition from nonlawyers through online marketing
- Transformation in delivery of legal services through technology, LeanLaw

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SRL  
MOOC Kaizen  
LSP unbundling  
LPO  
incubator MDP  
TBD RS insourcing LSR  
systematization LLLT  
ABS SEO  
UPL  
convergence e-filing  
MJP KM gamification  
Disruptor AFAs ODR  
gatekeeper ADR DTR TADRS  
e-learning  
LLTs secondment navigator VLO  
PMBR ALSPs triage LSA2007  
SDF BPA

# COMMITTEES & WORK GROUPS

ACCESS/AFFORDABILITY	PRACTICE	REGULATION
<p>Triage, Referral and Access to Online Information</p>	<p>Legal Education and Continuing Practice Competency</p>	<p>Regulatory Operations</p>
<p>Access to Quality Legal Counsel</p>	<p>Technology Challenges and Opportunities</p>	<p>Legal Practice Business Models and Legal Services Companies</p>
<p>Use of Legal Technicians and Supportive Services</p>	<p>New Practice Paradigms I – Scope and Collaboration</p>	<p>Law Practice Entry and Continuity of Competence</p>
<p>Business Process Analysis and Simplification</p>	<p>New Practice Paradigms II – Business Model Innovation and Marketing</p>	<p>Legal Services Providers and Legal Services Delivery</p>
<p>Miscellaneous</p>	<p>Trial Practice and Court Innovations</p>	

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Systemic and cultural barriers to Innovation

Cost of legal services beyond middle-class income

Slow, rigid systems

Overly-complex business and court processes

Technology upending legal marketplace

New, unregulated competition for lawyers

Stagnant or declining lawyer income

New lawyers unprepared for practice

Burgeoning law school debt

**ST  
LEGAL  
FUTURE**

**Moderator: Bruce A. Courtade**

**Panelists: Lynn P. Chard, Christopher G. Hastings, Angela S. Tripp, Maya K. Watson**

## **THE PROBLEM**

### **A Dysfunctional Legal Marketplace**

Although lawyers are ethically committed to access to justice for all and generously support legal aid programs for the poor, quality legal services have never been available to all those who need them. In fact, quality legal services delivered in traditional ways are becoming more and more unaffordable. Even people who can afford to pay for legal services are often afraid of the cost and are confused about what kind of legal help they need and how to find it.

## **THE VISION**

Transparent and user-friendly access to reliable legal information and connection to high quality legal services through the internet, plus on-the-ground resources that offer clarity and encourage user confidence about the value of legal services, extending good legal help to all who need it.

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**Moderator: Julie I. Fershtman**

**Panelists: Patrick M. Ellis, Joan Howarth, Don LeDuc, Mwanaisha A. Sims**

## **THE PROBLEM**

### **Crisis For New Lawyers, New Challenges For Experienced Lawyers**

Many new lawyers are saddled with huge debt, are unemployed or underemployed, and lack the crucial “practice-ready” skills they need to serve clients competently. Many veteran lawyers lack familiarity with technology needed to take advantage of systems for delivering legal services more affordably. Current Michigan lawyer regulation does not stress the need for practice skills at the beginning of a legal career, nor effectively incentivize updating skills and knowledge throughout a legal career.

## **THE VISION**

More affordable and practice-oriented legal education that gives graduates the skills they need to begin to earn a living upon admission to the bar and serve the public. More opportunities for new lawyers to initiate their practices through service to low-income and modest means clients. More training and resources for all lawyers on the ethical, appropriate application of technology to the delivery and marketing of legal services. A post-admission continuing education system that encourages professional development throughout each lawyer’s career through innovative delivery and incentives.

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## Moderator: Bruce A. Courtade

Panelists: Mark A. Armitage, William B. Dunn, Jeffrey F. Paulsen, Elizabeth A. Silverman

### THE PROBLEM

#### Regulatory Obsolescence

Technology and the changes it is creating in the global legal marketplace threaten to make traditional law firm business models, lawyer regulation, and some of the rules regulation is based on, irrelevant or obsolete. Clients' legal problems are often intertwined with other problems beyond a lawyer's or law firm's expertise. There is a new recognition that the value of many types of legal services can be enhanced by formal collaboration with other non-J.D. professionals. The need for smarter regulation is urgent. Nationally, non-lawyers operating outside of the official regulation of any jurisdiction are becoming major players in the online legal services marketplace. Their freedom from the rules that govern the legal profession perversely provides them a competitive advantage, but presents new risks to the public.

### THE VISION

Modernized, more transparent, nimble, and accountable regulation of the legal profession that is responsive to both the risks and benefits of lawyers' use of technology and of new business models for legal service delivery. Modernized rules of professional conduct whose application to the use of technology and the evolving marketplace is clear, coherent, and consistent. A state bar association that members can count on to help them negotiate the rapidly-changing legal marketplace and deliver services to their clients most cost-effectively, consistent with long-standing ethical standards that protect the public.

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**Moderator: Julie I. Fershtman**

**Panelists: Daniel W. Linna, Jr., Marla R. McCowan, Hon. Cynthia D. Stephens, Bert Whitehead, IV**

## **THE PROBLEM**

### **Inefficient Legal Processes, Resistance to Change**

The legal profession's focus on precedent has contributed to an institutional resistance to innovating litigation processes and court rules and business practices that could deliver solutions to legal problems more efficiently and inexpensively. Better systems, technology-based procedures, and business process tools already exist that can cut costs for clients, lawyers, and taxpayers, but U.S. bar associations and regulators on the whole have not yet taken up the challenge of evaluating, testing, and implementing changes that could benefit the public and the legal profession.

## **THE VISION**

Simplification of unnecessarily complex legal processes and court procedures, adoption of appropriate cost-saving technology, application of business process analysis, and greater use of effective resources like problem-solving courts statewide.

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**Moderators: Bruce A. Courtade and Julie I. Fershtman**

**Panelists: Jerome Crawford, Erika L. Davis, William B. Dunn, Christopher G. Hastings, Elizabeth A. Silverman**

## **THE PROBLEM**

### **Cultural Resistance to Innovation**

The legal system does not have an innovative orientation. In a time when technological innovations are transforming the marketplace, the absence of an innovative culture puts the legal profession and quality legal services at risk. This Task Force was created to address that problem by developing a comprehensive set of changes, from the practical and immediately achievable to cutting edge ideas. But staying ahead of changes to create the best possible future requires an ongoing, permanent commitment. The changes on the horizon are profound, particularly with the advent of artificial intelligence applications to legal processes. The rules and processes of the legal system will need to adapt at a much faster pace to take advantage of the new efficiencies while preserving quality. Jurisdictions that embrace the need for change and are most adept at adapting their rules and processes will not only be leaders in enhancing access to justice for their citizens but will also provide advantages to their business community and the jurisdiction's economic competitiveness.

## **THE VISION**

Continued momentum for innovation already underway in Michigan, expanding the ongoing transformation of the court system through increased use of functional, working technology, triage, mediation, ADR, and eventually ODR. Acceleration of changes in MCRs and MRPC to take advantage of technological developments. Michigan as a U.S. leader in modernizing the delivery of legal services, helping Michigan's economy.

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