



Modernizing the Practice of Law in Out-State Colorado

BY JOHN VAUGHT



When I began my tenure as CBA president last July, I dedicated myself primarily to assisting lawyers who do *not* live in Colorado's major metropolitan areas. Now more than halfway through that tenure, I would like to believe that at least 80% of my time has been so directed. The most significant out-state agenda item is to enhance access to justice by finding a means to bring broadband infrastructure to all points within the state. Progress in that regard has been previously reported.¹ It's a huge task, but we're making headway.

The second step in my plan to further access to justice in greater Colorado is to develop and

enhance programs that help rural lawyers modernize their law practices. This encompasses numerous changes, including technological improvements (5G, broadband, cyber security, and artificial intelligence); unbundling of legal services (offering limited legal services to a client); a renewed focus on value through, *inter alia*, menu pricing (e.g., selling professional services by the task, rather than by the hour); a focus on profitability; and a host of other concepts that the CBA calls the "Modern Law Practice Initiative," or more simply "Modern Law." While these changes are relevant to urban practices as well, they are *critical* to modernizing legal practice in greater Colorado.

Why Colorado Needs Modern Law

There is a largely untapped legal market in out-state Colorado. Throughout the state's 22 judicial districts, it is estimated that more than 60% of all litigants arrive at the courthouse without a lawyer.² Why? Because they cannot—or believe they cannot—afford a lawyer for their legal matter. The Rules of Professional Conduct now address that problem and permit lawyers to offer some, but not all, services in a specific engagement. This so-called "unbundling" of legal services is mutually beneficial to the client



and the lawyer.³ Through unbundling, access to justice becomes a reality to many people who would not otherwise be able to afford legal counsel. This huge, untapped market of potential clients exists across the state, if not more so in rural districts. Modern representation, therefore, refashions practicing in greater Colorado to recognize an incredible business opportunity for lawyers looking to succeed in the 21st century.

Modern lawyers also use technology to enhance their practice for efficiency and accessibility. Efficiency is key to increasing the number of clients a lawyer can serve (and be paid by), without increasing the number of hours a lawyer works. Furthermore, technology allows a lawyer to increase not only the number of people in the client pool, but also the size of the pool from which clients come. Modern lawyers often run partial or fully virtual offices, permitting longer-distance client relationships because the lawyer can meet the client by traveling “halfway” or participating in a videoconference. Lawyers can share documents and clients can access their files remotely through client portals. A physically larger client pool, in turn, reduces the chance of conflicts of interest in smaller communities. In theory, a modern lawyer who maximizes technology can provide legal services to a rural community while living primarily in an urban area.

The legal landscape is changing across the state, and the traditional business model for lawyers is ill-equipped to meet the new challenges facing the legal profession. Modern representation is an alternative business model that transforms these challenges into a win-win situation for clients and lawyers. The CBA’s Modern Law Practice Initiative provides attorneys with the tools to grasp this opportunity and build a thriving practice benefiting clients and lawyers, regardless of income or locale.

Embrace the future of the legal profession by embracing modern representation.

Where to Start

So, how can you take advantage of CBA tools to modernize and to improve your rural practice?


First, the CBA has a comprehensive toolkit called “Successful Business Planning for the Modern Law Practice.”⁴ Now in its second iteration, this toolkit is designed to help lawyers develop a successful and financially viable practice in the ever-evolving practice of law, including by providing legal assistance to people in the middle class and small-business owners. To obtain this handy toolkit, simply download it from the CBA website.⁵

Second, the CBA is presenting, in conjunction with Colorado CLE, a two-day retreat at the Cheyenne Mountain Resort in Colorado

Springs from June 12 to 14, 2019. While all CBA members are welcome to attend, the retreat will focus on issues unique to solo and small firm practitioners throughout greater Colorado.

Third, the CBA’s focus on issues affecting the rural practice of law will be addressed in an all-day seminar in Grand Junction on June 18, 2019. This program, geared toward practitioners on the Western Slope, will focus on modernizing your practice to make it more profitable. It is my sincere hope that in the balance of 2019 and all of 2020, the CBA will be able to present seven such seminars—one in each CBA region within the state.

Finally, the CBA’s Modern Law Practice Initiative, or MLPI, meets monthly in the CBA offices. Thanks to the quantum improvement in audiovisual services in the CBA’s new office space, you can participate from anywhere in the state.⁶

Modernizing the practice of law in out-state Colorado is critical to furthering access to justice in this state. Help us achieve that goal—while making your practice more profitable—by adopting the principles of Modern Law. 

NOTES

1. See my October 2018 and February 2019 President’s Messages.

2. See Holmes, “Modern Representation: A Win-Win for Clients and Lawyers” 46 *Colorado Lawyer* 77 (“Statistics from the State Court Administrator’s Office show that for fiscal year 2015, 75% of the parties in domestic relations cases, 37% of parties in district civil cases, and 60% of parties in county court civil cases proceeded pro se.”).

3. See page 10 of this issue for an article discussing the many benefits of unbundling, co-authored by Judge Taubman and Judge Espinosa, who both serve on the CBA’s Modern Law Practice Initiative (formerly the Modest Means Task Force).

4. CBA, “Successful Business Planning For the Modern Law Practice—Version 2” (Nov. 2016), www.cobar.org/For-Members/Modern-Law-Practice-Initiative/Successful-Business-Planning-for-the-Modern-Law-Practice-Chapter-Download.

5. *Id.*

6. For more information on the MLPI, visit the CBA’s website at www.cobar.org/For-Members/Modern-Law-Practice-Initiative, or contact Kathleen Schoen at kschoen@cobar.org.

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