

HALT Launches Petition to Remodel Lawyer Discipline System

As HALT unveils one of the most challenging and important projects in our 32-year history, we are urging consumers across the country to petition state bars to adopt reforms that promise to modernize the lawyer discipline system into a structure that actually protects citizens.

The nation's lawyer discipline bodies—which handle complaints against attorneys for ethics violations, billing problems or outright stealing—have been criticized by consumers, reform advocates and legal professionals as being inefficient, secretive and overly lenient.

"With decades of research and an active base of consumers behind us, HALT is in a unique position to achieve results with discipline agencies looking for a way forward," states HALT Executive Director Theresa Meehan Rudy. "For years HALT has recommended reforms and we believe widespread adoption of these practices, some of which are already in place in one or more states, is necessary to enhance the public's confidence in lawyer-run systems."

By signing the petition, consumers call on disciplinary officials to institute 10 reasonable reforms—such as disclosing a lawyer's complete disciplinary history, opening lawyer discipline hearings to everyone and issuing permanent disbarments—that will streamline the disciplinary process, impose meaningful punishments and protect the rights of consumers.

The 10 reforms arise out of a Best Practices draft report that HALT circulated to states last winter for feedback and additional recommendations based on disciplinary administrators' day-to-day experiences working with complainants.

Nearly a dozen states responded to HALT's request and most praised HALT's analysis and common-sense solutions. Charles Harrington, Assistant Director of Iowa's Office of Professional Regulation, appreciated HALT's

report, agreeing that "[N]onlawyer input is clearly of great value to the process."

Several states have adopted some of HALT's suggestions, such as the public release of a lawyer's disciplinary history and the granting of rights to clients whose complaints have been dismissed. And after receiving our Best Practices draft report, Indi-

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ana's Disciplinary Commission responded that the state's highest court will now amend its rules to provide complainants with absolute civil immunity. Under this important rule change, those who file a grievance against a lawyer may no longer be sued by that lawyer for anything written in the grievance or stated during a disciplinary proceeding.

Other administrators, such as Pennsylvania's Chief Disciplinary Counsel, plan to raise HALT's proposals at the Disciplinary Board's annual meeting. "We feel confident that Pennsylvania's promise isn't just lip service," stated HALT Counsel Suzanne Blonder. "The state immediately responded to our Lawyer Discipline Report Card by soliciting help from HALT staff to craft Pennsylvania's first-ever lawyer regulation Web site and opening disciplinary hearings to the public."

In responding to HALT's call for feedback on the Best Practices draft report, some states offered useful additions. For example, Dennis Carlson, Nebraska's Counsel for Dis-

cipline, recommended Web sites go a step further than simply posting names of sanctioned lawyers by also offering consumers a direct link to the reported disciplinary case to give the public a more comprehensive understanding of the lawyer's misconduct.

To protect against wrongful dismissals, the deputy administrator of Illinois' disciplinary system, James Grogan, recommended that other jurisdictions follow his state's example by creating a disciplinary Oversight Committee. In Illinois, Oversight Committee members conduct regular internal quality reviews of a representative sample of dismissed cases.

Addressing HALT's call for meaningful sanctions, Frederick Lobst, Chief Counsel to Delaware's disciplinary system, suggested states follow Delaware's lead by giving disciplinary officials the authority to impose court-ordered restitution. By implementing this reform, victims could be reimbursed for losses suffered at the hands of a fraudulent lawyer.

While cautioning against a "one-size-fits-all" approach to *(Cont'd on page 2)*

New Name, New Look, Same Great Information!

Welcome to HALT's newly reformatted and renamed newsletter! For years, HALT has worked hard to protect legal consumers from harm. In fact, we've always seen ourselves as sentries or guardians and in this role we move our mission forward daily. So we decided to change the name of our newsletter from *The Legal Reformer* to *The HALT Sentinel* to better reflect this role.

We also took the opportunity to improve the look and design—maximizing space in the layout and reducing the number of pages. This saves HALT money and lets us put more resources toward our programmatic work. We hope you approve. **HS**

(Cont'd from page 1) restructuring the lawyer discipline process, Douglas Ende, Chief Disciplinary Counsel in Washington state, pointed to helpful components of his state's Web site that could be exported to other disciplinary sites. Washington's Web site includes information in four languages, brochures dealing with common situations between clients

2010 Spring Interns

HALT welcomed three interns last spring: Erna Mamikonyan, a graduate of the University of California, Irvine; Ana Pupo, a graduate of Boston University and Malaikuh Choudhry (not pictured), a law student at George Mason University.



Mamikonyan and Pupo

the HALT SENTINEL

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and lawyers, details about the Lawyer's Fund for Client Protection and a reference to each lawyer's malpractice insurance coverage.

These recommendations will be incorporated into the final Best Practices report when HALT formally releases it this summer. To

join our efforts in persuading disciplinary officials to adopt these important reforms, please mail back your signed petition or download a copy at www.halt.org. Mail to HALT, 1612 K St., NW, Ste. 510, or fax to (202) 887-9699. We're counting on your participation! **HS**

LEGAL NEWSROUNDUP

Family Law Task Force Reforms Pass

On April 23, the Judicial Council of California approved the report of the state's Elkins Family Law Task Force, which includes recommendations to increase access to family law courts. HALT submitted testimony in support of the recommendations, which include increased assistance for self-represented litigants and expanded education about the court for its users. HALT also asked that the panel recommend making more information available about legal document assistants to family law court users, but the panel did not act upon this request.

LegalZoom Faces Class Action Lawsuits

LegalZoom, the online legal document preparation company, is facing class action lawsuits in California and Missouri that allege unfair and misleading business practices (CA) and the unauthorized practice of law (MO). Brian Liu, CEO of LegalZoom, told the ABA Journal, "LegalZoom is aware of the Missouri lawsuit and is confident we have not violated any laws. Class actions of this nature are common tactics of plaintiffs' attorneys. We intend to vigorously defend the plaintiffs' claims." In response to the California suit, a LegalZoom press release states, "We are confident that the lawsuit filed in Los Angeles last week is without merit, and that LegalZoom will be vindicated in a court of law."

E-Filing

In Nebraska, e-filing for lawyers in good standing with the bar and e-payment on civil and criminal court cases for citizens and businesses alike is a big success. According to the Nebraska Administrative Office of the Courts, in 2009 alone, e-filing saved over 3,000 hours of court personnel time and generated nearly \$500,000 in fines and fees for the courts.

Kudos to HALT Member

Long-time HALT member and former Montana State Senator Jerry O'Neil scored a major victory in his fight against Montana's judicial system when an unauthorized practice of law case brought against him by the state Attorney General was dismissed. O'Neil was accused of deceptively advertising independent paralegal services under the Attorneys section of the *Yellow Pages*. "Instead of admitting there was no deception, the Attorney General's office chose to dismiss their case," said O'Neil who is now asking the Ninth Circuit Court of Appeals to increase the allowable scope of para-professionals' abilities to help the public access their judicial system. **HS**

Dear HALT,

I think my lawyer committed malpractice and want to file a grievance. Is there anything more I can do?

Steamed in Seattle

Dear Steamed,

You can file a complaint against him with your state's disciplinary agency but that won't correct the wrong done to you or put money back in your wallet. For that, you'll need to sue your lawyer in court. Legal malpractice lawsuits can be complex and expensive so it helps to educate yourself before going down this path. We recommend *How & When to Sue Your Lawyer: What You Need to Know*. Well-researched and written in plain English, this guide tells you exactly what you need to do to pursue a malpractice claim. We're offering it for free in our latest membership appeal or you can order a copy for \$17.95 plus shipping and handling (see page 4 for order form).

Walmart: Shoes, Toasters and ...Non-lawyer Legal Document Services

HALT Interviews Legal Document Assistant (LDA) Sharon Miller-Metoyer

HALT: What services does your business offer?

Sharon: We run a legal document assistant business called My Community Legal Network, Inc. The majority of what we handle involves living wills, family law (divorce, legal separation, paternity cases), wage garnishment and marriage settlement agreements. We don't do criminal work, because that's very much an attorney-handled field. We have done small claims and there are quite a few other documents we also prepare.

HALT: How did your business end up in a Super Wal-Mart?

Sharon: We sublet space from Wal-Mart. I drew up a business plan that included not only how Wal-Mart would benefit from it, but most importantly, how the public would benefit.

HALT: And their lawyers signed off?

A: They were part of the decision-making process. They had never heard of our ser-

vices before. They wanted to make sure that what we were doing wouldn't be a conflict of interest in any way for Wal-Mart. You can imagine if someone wanted to sue Wal-Mart and they came to us for help, that that could be viewed as a conflict of interest.

HALT: What does Wal-Mart get out of this arrangement?

Sharon: Our mission is very similar to Wal-Mart's which is to provide services and products to the public that are needed and affordable. The more products and services Wal-Mart can provide under one roof, the happier their customers.

HALT: How's business so far?

Sharon: It's like any start up business. You have your good days and your bad days. So far, feedback has been positive. People say, "Wow, it's about time that Wal-Mart has something like this." We also developed an LLC corporation called the Justice Legal Referral Group which will allow us to refer people to attorneys for legal issues we can't handle.



SHARON MILLER-METOYER

HALT: How do you let the public know you are not attorneys?

Sharon: We have disclaimers that we have to post in our office and in print. According to the Business Practice Code, we have to give out what is called a "Notice to Consumers." The notice states that we are not attorneys; we can only provide self-help at the clients' specific directions. That's why we formed the other group, because there are things we can't do and some people get frustrated.

HALT: Any response from lawyers or the legal profession yet?

Sharon: It's been a mixed bag. Some attorneys and even paralegals look at us with their noses up in the air. They think a business like ours (being in a Wal-Mart) cheapens the profession. But, in this economy, you have to bring prices down. We're not competing with big successful firms or their high dollar clients. Even with sole practitioners that rely on the type of people we're getting, they look at us and know it's competition but say, "Well if you can refer people to us who really do need attorneys we can work well together." **HS**

HALT Prepares for 2010 Small Claims Court Report Card

HALT has begun research for its 2010 Small Claims Court Report Card, its third such report card since 2002. This year's report card will assign grades to the small claims court systems of all 50 states and the District of Columbia using improved methodology that more accurately reflects the experience of those seeking to use these courts.

The report card will be based on four general areas of criteria: "What Types of Cases Can I Bring?," "How Easy Is It to Start My Case?," "How Easy Is It to Resolve My Case?" and "How Easy Is It to Collect a Judgment?" These areas are mapped to the chronology of filing and resolving a dispute in small claims court. "What Types of Cases Can I Bring?" looks at the dollar amount for which a person can sue in small claims court as well as the court's power to award non-monetary judgments. "How Easy Is It to Start My Case?" is based upon the ease of filing a case, includ-

ing the user-friendliness of forms, ability to file online, and ability to serve a complaint on a defendant. "How Easy Is It to Resolve My Case?" deals with the availability of court personnel to assist litigants. "How Easy Is It to Collect a Judgment?" looks at how well the court assists people after a verdict has been handed down.

Several areas of the report card are either new or newly emphasized in this year's methodology. Online filing did not exist when HALT issued its previous report card in 2004. A greater emphasis on collecting a judgment comes from HALT's realization that too many people win their cases in court, only to walk away with a piece of paper saying they won their case but no money and no clue of how to get the money to which the court says they are entitled. Similarly, the fact that two of the four categories pertain to issues that precede any courtroom appearance indicate that half

of the battle in small claims court is getting to court in the first place.

The report card is scheduled to be released this Fall. **HS**

Small Claims Roundup

Nebraska has passed a bill that will raise its small claims dollar limit from \$2,400 to \$5,000, effective July 1. The bill also maintains the state's unique Consumer Price Index based increase in the limit, which takes place every five years.

Pennsylvania House Bill 2172, which would raise the state's small claims dollar limit from \$8,000 to \$12,000, is pending before the House Appropriations Committee.

Wisconsin Assembly Bill 524, which would have raised the state's small claims dollar limit from \$5,000 to \$10,000, failed to pass.

HALT Advises Ohio on Attorney-Client Relationships

The Ohio Supreme Court has released two free guides for its citizens—one for those who hire lawyers and the other for those who represent themselves in court.

“A Consumer’s Practical Guide to Managing a Relationship with a Lawyer,” educates Ohioans about their rights and responsibilities within the attorney-client relationship. Before its release, HALT urged the court to include more detailed information about the kinds of questions clients should ask before they hire an attorney, the importance of getting legal fees and estimates in writing and the consumer’s right to file complaints or initiate fee disputes against attorneys with the Ohio State Bar. We also suggested that information about the state’s mandatory legal malpractice disclosure law be included. The finished product, while not as detailed as we’d like, touches upon important issues confronting clients in their working relationships with lawyers.

“A Pro se Guide,” contains information on filing deadlines and fees, examples of properly filed documents, summaries of rules and frequently used legal terms.

Virtual copies of both guides can be found on the supreme court’s Web site at www.sconet.state.oh.us. **HS**

Book Sale

To purchase any of the titles listed, mail in the Publication Order Form along with a check, money order or your credit card information to: HALT, 1612 K Street NW, Suite 510, Washington, DC 20006. Or, if it’s more convenient, call us toll-free at (888) 367-4258 and charge your order. Please allow 4-6 weeks for delivery. DC residents add 6% sales tax.

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