

# How not to address legal needs of the public

By Mauricio "Mo" Hernandez

This past November, the State Bar of Arizona's governing board approved spending \$300,000 on a new program. This is worth mentioning not because lawyers are paying all its incremental staff and vendor costs. That's just par for the course when lawyers are the only Arizona professionals forced to belong to their trade association to earn a living.

Instead, the \$300,000 is worthy of comment because that money is supposed to establish what the state bar is calling a "Public Service Center." That fancy name sounds like a center serving the public. But it's not so much a public service center as a tech-enabled lawyer referral operation helping lawyers prospect for clients and get more business.

Persons seeking legal assistance complete an online form stating their legal needs to cre-



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ate a "legal project." This enables Arizona lawyer participants to review the paid or pro bono project. If interested, they then disclose their profiles, fees (if applicable) and other relevant information to the would-be client. There's nothing wrong with the idea -except for calling it a "public service" and the fact a half-dozen similar consumer-lawyer internet matching services are already online.

In a mass email to members, the state bar announced its "Public Service Center" was about "improving the public's access to justice" in accordance with a recently amended state supreme court rule. That rule states, "The State Bar of Arizona exists to serve and protect the public with respect to the provision of legal services and access to justice."

Promoting "access to justice" is great. But this isn't the way to do it. In a state where the Kaiser Family Foundation says the 2015 real median household income is \$52,248, there's more than ever the need to bridge the chasm between that income and Arizona's median hourly lawyer billing rate, which the last state bar survey said was \$275.

How going online to access a lawyer -- something consumers can do right now -- is supposed to help poor and middle income Arizonans who can't afford legal services is a question the Public Service Center leaves unanswered. The fact is that this expensive new initiative does more to promote 'access to lawyers' than 'access to justice.' Why? Because promoting low-bono and pro-bono legal help is merely incidental to the undertaking. It's magical thinking to believe that by running a client lead-generator to grow the business of members, the state bar will also be helping the large swath of Arizonans who can't afford to hire a lawyer.

Also left unexplained is the impact this new marketing program will have on the longtime revenue-generating referral services run by the Maricopa County Bar Association, which



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The state bar will not help Arizonans who can't afford to hire a lawyer by running a client lead generator to grow the business of members.

presumably ends up either subordinated if not subsumed by the larger competing program. Moreover, how does all this fit with pro bono volunteer web portals already in place?

The reality is that if there's no lawyer on the other end willing to work for free or for much reduced fees, this is no public service.

Ventures like this arise when a trade association promoting the interests of its members tries to also serve the interests of the public. "Our job today is to find the best way to help both the public and our members," said the state bar's mass email to members.

However, lawyers and the public often have different interests. When these interests conflict— such as when out-of-state lawyers or lower-cost legal services wish to compete with Arizona lawyers— lawyers use the State Bar to stop that competition. Examples include the state bars' efforts to stop realtors (in the 1960s), legal document preparers (1990s), and out-of-state lawyers (2000s) from offering services in Arizona.

The better fix then is not a misnomered "Public Service Center" but real solutions like

bolstering existing pro bono legal services providers. And how about doing away with institutional restrictions that often impose costs and barriers that keep, for example, inactive and retired lawyers from providing pro bono legal services? Waive the annual licensing fees paid by retired and inactive lawyers to encourage volunteerism. Ease Arizona's requirement that retired attorneys can only provide pro bono services through established legal services organizations.

Finally, divorce the state bar's public protection functions from their trade association functions.

Eliminate the conflict of interest of helping "both the public and our members." Only then will the interests of the public truly be always paramount. Now that would be a real public service.

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## ON THE MOVE

### Lewis Roca Rothgerber Christie elects new partners

Lewis Roca Rothgerber Christie LLP announced that Justin Henderson and Marla Hudgens were elected firm partners.

Henderson represents creditors, debtors and landlords in all aspects of Chapter 11 bankruptcy cases involving businesses and individuals. He focuses on preferential and fraudulent transfer litigation. Henderson is based in Phoenix and also practices in Nevada.

Hudgens is a member of the firm's regulatory and government practice group and represents businesses, business owners, develop-

ers, banks and insurers in complex litigation cases, procurement matters and all aspects of civil, commercial and administrative appeals. She is based in Phoenix and also practices in Nevada and California.

### Herberger Theater Center names new board members

The Herberger Theater Center announced five new members were recently elected to its board of directors. They are Michael W. Sillyman, Patrick Lee Dostal, Dan Jones, FACHE, Mara Pernick and John B. Weldon Jr. Board members serve for three years, with an oppor-

tunity for election to a second term.

Sillyman is a senior partner at Kutak Rock LLP, where the focus of his practice is arbitration, commercial litigation and employment defense. Dostal is a director of product development at American Express Co. Jones, FACHE, is the CEO at Abrazo Central Camus.

Pernick is the director of business development at BDO, the fifth largest global tax and consulting firm.

Weldon Jr. is a founding member of Salmon, Lewis & Weldon, where he focuses on water law, natural resources litigation, environmental law, Indian law, and electric power and utilities.

### Jones, Skelton & Hochuli member VP of Los Abogados

Jones, Skelton & Hochuli, PLC announced that Ashley Villaverde Halvorson was elected vice president of Los Abogados, an affiliate of the Hispanic National Bar Association.

Halvorson has served three terms as secretary and has served as the chairperson of the gala and mentorship committees.

Halvorson concentrates her practice on bad faith and extra-contractual liability, and insurance coverage. She received her undergraduate degree and law degree from Arizona State University.