

## YOUNG LAWYERS

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## FUTURE OF LAW... COMING SOON

Not to let the cat out of the bag, but President McGhee has established a new Task Force on the Future of the Law. This group will soon meet to study and make recommendations to better serve the citizens of West Virginia. I am excited to be a part of the initial wave to address developing problems.

Looking ahead, it is reasonable to assume that one of the biggest issues we are facing in this state involves access to legal services. These constraints are varied and serious. In my time as a criminal defense lawyer, I saw firsthand the financial disparity between those who cannot afford a lawyer and those who can widen. The financial guidelines to qualify for court appointed counsel needs to be examined, and affordable, competent options need to be available to the working class that is on a limited budget.

However, a person is only guaranteed a lawyer if a loss of liberty is at stake. What happens in a child

custody case? Or a dispute with a landlord? Or any other proceeding that representation has to be retained? In cases like these, a party will oftentimes accept their fate and avoid the courthouse if at all possible. Relying on pro bono services alone is insufficient.

Other options can come in the form of bartering, prepaid legal service plans, online legal resources or alternative fee arrangements.

Bartering is as older than the profession itself and routinely utilized, especially in the more rural areas of the state. Any service can be traded for legal representation. Lawyers are not immune from needing lawn care, home/car repairs, tax advice or fresh vegetables from the garden. The good will gained from bartering will go a long way to creating a lifelong relationship. The only pitfall to be aware of is any tax implications that may occur through bartering. I suggest you check before you proceed.

Prepaid legal service plans are gain-

ing traction. A lot of employers and associations offer these services to employees. I would recommend to any young lawyer that they research what plans are out there and apply to become an affiliated provider. The payment structures are varied and generally lower than a normal rate. However, it will get clients through the door, and a simple will or divorce client today could be a large contingency fee client tomorrow.

Online legal resources allow individuals to access forms and research as a way to avoid retaining a lawyer. Despite this access, there is still an uncertainty that exists. Also, there is something to be said for familiarity of the process and experience with the local courts that only a lawyer can provide. A simple consultation can suffice on some matters. It won't bind the attorney, and it can give the person the confidence that they are heading in the right direction. In other, more complicated matters, a brief consultation may reveal to the

person that legal representation is necessary to avoid problems down the road.

Another barrier to legal services depends on location. Some areas are severely underserved because there are only one or two lawyers in the county. This is not a comment on those lawyers; in fact, I bet the breadth of their legal knowledge is second to none. However, a lawyer can only represent so many clients. Dean Bowman, also a member of the new Task Force, is actively working on this exact issue, and I look forward to hearing more of the solutions the law school is developing.

Shifting gears, many lawyers are unemployed or underemployed. This seems like a solution to many of the issues identified above. It's not that simple. Most lawyers are tied to a specific area due to family. Also, as stated above, it takes a lawyer that has experience in a multitude of areas to competently practice in these underserved areas. Beyond that, the job market for lawyers is not what it used to be. With the amount of debt many new graduates are carrying, it is becoming increasingly difficult to accept employment in the public service sector. We are losing lawyers who want

to serve the needy but seek other employment opportunities solely for compensation reasons.

Lastly, the legal profession is unconsciously resistant to change. Our profession is built on tradition and a mentor model. The gap between classroom law and real world law needs to be bridged. Technology has and will continue to shape the practice of law beyond collection of evidence and advertising. I hope to borrow from other professions in the utilization of technology. We now have the ability to have a doctor's visit over the web, so what is stopping the legal profession from doing the exact same thing? Talk about increasing access! A lawyer could virtually consult with a client from his office and appear in any court. This would allow lawyers to concentrate in specific areas of the law and serve a bigger population.

These are just a few of the issues that I anticipate will be addressed with the formation of this new Task Force. The funny thing about the future is that it keeps coming, and I see that the creation of the Task Force will be a necessary and permanent fixture. Kudos to President McGhee for his vision and leadership! **WVL**

## WHEN EXPERIENCE COUNTS...

- Trial Strategy & Case Consultation
- Witness Preparation
- Crisis Management Services
- Fitness for Duty/Return to Work
- Competency to Stand Trial/Criminal Responsibility
- Psychological Damages/PTSD
- Sex Offender Sentencing Evaluations
- Law Enforcement & Public Safety Evaluations
- Neuropsychological Assessment/Brain Injury
- Testamentary Capacity



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