

## ***ACTION STEPS***

### ***TO ACHIEVE THE PREFERRED FUTURE***

*We create the future by our collective actions. If we wish the future we prefer, we must take actions to achieve it. This list of action steps must be taken by the legal profession to achieve its preferred future. The steps are intentionally broad in nature. Many different programs could be undertaken to achieve a particular action step. Which particular program(s) will best achieve a given action step are policy matters for the ABA Board of Governors and the profession to determine. A few of these steps are footnoted with examples of programs that could be undertaken to achieve them. The examples are illustrative, not exhaustive or even preferred.*

*American Bar Association Committee on Research about the Future of the Legal Profession*

In order to achieve its preferred future, the legal profession must:

- Foster:
  - National and international valuing of the Rule of Law—even in terrorist times—and understanding of how it allows societies and citizens to prosper<sup>1</sup>
  - Diversity in the profession<sup>2</sup>
  - Legal education that teaches law students how to be lawyers<sup>3</sup>
  - Dual-degree programs that allow law students to obtain training in other fields relevant to the practice of law<sup>4</sup>
  - Development of technology to assist in the delivery of legal services, including self-help programs, artificial intelligence and expert systems

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<sup>1</sup> For example, the ABA could promulgate a model rule requiring lawyers to commit to at least one civic education project at a school or community center in their area, e.g., a presentation, moot court, dialogue for freedom, etc.

<sup>2</sup> For example, the ABA could (a) seek to spread the Judicial Division’s Minority Clerks program to the states and (b) promote lawyer mentoring of minority law students

<sup>3</sup> For example, (a) the Law Practice Management Section could be asked to develop a model curriculum on running a law office and (b) law student intern programs could be created to give law students some real life experience in the practice of law.

<sup>4</sup> E.g., social work, child psychology, financial planning, tax planning, etc.

- Promote:
  - Extensive and frequent lawyer communication with clients
  - The multi-jurisdictional practice of law (including international)
  - Unbundling of legal services
  - Alternative dispute resolution, both voluntary and mandatory
  - The use of private means to resolve disputes, particularly in large cases
  - Mandatory pre-litigation dispute resolution processes
  - Courts requiring litigants to disclose the evidentiary and legal basis for a claim at the time of filing<sup>5</sup>
- Facilitate:
  - *Pro se* representation
  - Do-it-yourself solutions to legal needs<sup>6</sup>
- Work together with non-lawyers to provide clients with the most appropriate mix of services
- Cause significant numbers of lawyers to be elected to legislatures at all levels of government<sup>7</sup>
- Increase public funding to enable legal services providers and public defenders to meet caseload and quality standards
- Create programs that allow law students to pay off their law school debts by working in any sort of public interest setting
- Provide a government-funded lawyer to a party who cannot afford one in a *civil* proceeding<sup>8</sup>
- Cause business expenses for employee prepaid legal services plans to be tax-deductible

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<sup>5</sup> For example, the ABA could promulgate model rules of procedure for issues such as MJP, unbundling, involvement of paralegals and document preparers, ADR, discovery, etc.

<sup>6</sup> For example, (a) the ABA could assist in the creation of self-help centers, and (b) attorneys could voluntarily review all forms, materials, website content, etc. for accuracy and update them annually.

<sup>7</sup> For example, lawyers could create and fund meaningful political action committees to help lawyers get elected to public office.

<sup>8</sup> For example, the ABA could propose model legislation and lobby for its enactment at both the federal and state levels.