

Faulk, Camilla

From: Joseph Devlin [jdevlinlaw@yahoo.com]
Sent: Thursday, April 30, 2009 2:30 PM
To: Faulk, Camilla
Subject: Re: Proposed Legal Technican Rule

Good Afternoon,

I am writing today to voice my opposition for the proposed legal technician rule. I have gone back and forth on this issue since I first learned of it last year. Low to middle income families are the individuals that I represent in my solo practice. I understand the need for more help to be available for these individuals because they really can't afford to pay the going rate for most attorneys. However, getting help from individuals who have some training in the legal arena can be as bad as getting help from someone without any training at all. It is my understanding that these legal technicians will be supervised by a licensed attorney, however, this does not mean that the attorney will actually have the time to review the cases that the legal technicians will be working on. I know this goes against the Rules of Professional Conduct, but looking at it from a practical standpoint it is going to happen and even to the best attorneys. I agree that there are a number of individuals who are lacking the resources necessary to afford legal representation and therefore they are going without. These individuals are then jamming up the judicial system by not knowing the rules and procedures associated with the courts that they are appearing. However, the use of legal technicians will not help alleviate these problems, because these same individuals are going to be sent into the court system without any better understanding of its workings because the legal technicians will not have any practical courtroom experience. An individual can watch motions and hearings all day long and still not gain a true appreciation for how it actually works or feels to be the individual that is participating in it.

As a new attorney I was scared to death days prior to and on the day of my first motion. These proposed legal technicians will never know this fear and are therefore unable to adequately prepare the clients for the actual experience. It is not enough to be able to explain how to fill out the paperwork properly, but the clients have to be educated on courtroom etiquette and how to interact with the commissioner/judges.

An alternative to the proposed legal technicians would be to promote the use of limited representation by attorneys. This is not a new concept, but rather one that is not clearly defined and not utilized to its full potential. A number of people who utilize the court systems are simply in need of someone to review their paperwork to verify its accuracy and maybe give them a couple of suggestions regarding the process. This can be done by attorneys who use a limited type of representation, because it gets the benefit of reduced legal fees and the voice of experience in most cases.

Thank you for your time,
Joseph P. Devlin II
Attorney-at-Law

The information contained in this email is confidential and may also be attorney-privileged. It is intended solely for the addressee. Access to this email by anyone else is unauthorized. If you are not the intended recipient, please reply to the sender that you have received the message in error and then delete it. Any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it by anyone other than the intended recipient is prohibited and may be unlawful.