

Faulk, Camilla

From: Robert Bennett [robert.bennett@swissonline.ch]
Sent: Wednesday, December 17, 2008 12:44 AM
To: Faulk, Camilla
Subject: Comment: Proposed Legal Technician Rule

Dear Ms. Faulk,

If I presume correctly that the primary purpose for the proposed rule to authorize legal technicians is to serve the public's interests notwithstanding those of the bar, then two main issues conflict, one a benefit to the public and the other a burden thereto:

(1) Increased competition in the legal services market benefits the public by bringing down prices and increasing the efficiency of delivery; but

(2) the market for legal services is asymmetric, meaning that while the public generally lacks sufficient information concerning legal services, legal service providers enjoy this information in abundance, providing them advantages in pricing and delivering their legal services that render the market inefficient.

Considering the benefit and burden together, it would seem that while authorizing legal technicians to provide limited legal services will tend to bring prices down for the legal services they both do and do not provide, the public will generally lack the information necessary to determine whether the services a legal technician can provide are sufficient for any particular matter or mandate. Moreover, from long experience gained by working in teams of international lawyers on multi-jurisdictional matters, it is invariably true that unless a lead lawyer carefully manages the entire mandate and legal team, the clients' costs skyrocket because duplicate work is performed. In the present context, this problem would arise if the mandate were to exceed the legal technician's authority and the legal technician did not fully inform the client of this fact, but instead retained outside counsel to service the gap, thereby necessitating duplicate work and negating the cost-reduction benefit to the client. However, this problem would be averted if legal technicians were required to practice under the supervision of a licensed attorney or firm thereof. In such case, price would tend to decrease and the efficiency of delivery would tend to increase while the asymmetry problem would tend to remain within current margins.

Sincerely yours,

Robert Bennett,
WSBA # 28385.