

PRESIDENT'S PERSPECTIVE

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NJSBA Taking a Proactive Stand to Support Garden State Attorneys



Pressure from globalization compels local systems and rules to yield to uniform standards and turns what was once locally specialized roles into fungible commodities that operate unmoored to local tethers. Our system of legal governance is not immune from this pressure, especially since it can

assume different forms. This puts us on a collision course with our primary reliance on our state system for governance and the professionals who administer it.

incentivized to anchor themselves to New Jersey's economy. They can extract resources, rather than return them into New Jersey.

Currently, the need for judicial redress reduces the attractiveness of a remote practice and limits that model's reach. However, that impediment to remote practice creates an incentive to work to limit access to judicial redress in New Jersey, divert to less costly forums or eliminate personal appearances. The resulting impact on the right of access to justice and on the quality of that access warrants close scrutiny. It also requires an examination of whether such changes serve the greater good or greater profitability for a distant few. Distant operations further raise the question of diminished court oversight and whether that creates an unfair competitive

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Already, evolutionary forces are at work driving significant changes for access to legal services and to the practice of law. Portable admission and the absence of a physical presence requirement allow for the creation of remote or virtual practice models. These can operate from less costly and more tax-favorable locations than New Jersey. This raises a question whether an unintended competitive advantage was created for these models over the vast majority of small business professional models, which now serve New Jerseyans.

Current practice models are small, with over 94 percent of New Jersey firms consisting of one to five lawyers. These professionals are closely tied to their communities and form a critical part of the financial anchor that recycles dollars in this state. These firms hire locally, spend locally, serve their local communities and are an important part of New Jersey's tax base. By contrast, remote or virtual practices are not

advantage and places the public at greater risk.

Another area of change is the drive for control of access to legal services by for-profit, non-professional entities. Unlike New Jersey lawyers, these entities are not subject to regulation by New Jersey's Supreme Court. Such entities essentially serve as a broker for legal services and add another layer of costs while diverting funds to a non-professional entity that would otherwise go toward the professional providing the legal services. This arrangement begs the question whether the client can obtain the same service for the same price without a broker.

Therefore, we need to take a closer look at these referral entities. The NJSBA has initiated measures to monitor their impact, to seek review and affect changes that preserve the advantages of our system while integrating the benefits of change. We recognize the need to be proactive. ☞