



## The Modern Lawyer Movement

How a Growing Number of Colorado Lawyers  
Are Changing the Practice of Law

BY JP BOX, ERIKA HOLMES, AND LAUREN LESTER

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**T**he legal profession is at a crossroads. With the traditional practice model buckling in a rapidly changing marketplace, lawyers in Colorado are now compelled to ponder the future of the legal profession.

The CBA's Modern Law Practice Initiative (MLPI) positions itself at the forefront of a movement to make the practice of law more accessible to clients and more fulfilling to lawyers. Before launching into the modern lawyer movement, however, it is important to pause and consider the motivation for building this new practice model.

### Changing the Way Lawyers Practice

A growing consensus recognizes that the traditional practice model must adapt to thrive in the current legal marketplace. While the market has its challenges, a lucrative opportunity exists for innovative lawyers and firms. Recently, for example, the 2018 Report on the State of the Legal Market issued an urgent plea for law firms to cast off their systemic "blind spots" and "consensual neglect" and instead embrace a new path forward.<sup>1</sup>

The report warns against the pitfalls of lawyers remaining committed to traditional practice models that fail both lawyers and

clients alike. Despite mounting evidence that "old approaches . . . to managing legal work processes, pricing, leveraging, staffing, project management, technology, and client relationships . . . are no longer working," many law firms "choose to double down on their current strategies rather than risking the change that would be required to respond effectively to evolving market conditions."<sup>2</sup>

The report further noted that 2017 marked another year marred by financial uncertainty in the legal industry. Stagnant growth in demand for legal services, productivity declines, and falling realization rates represent the new norm.<sup>3</sup>

Like the traditional business model, the health and well-being of lawyers also suffer when change is averted. In 2017, the American Bar Association (ABA) Commission on Lawyer Assistance Programs issued an eye-opening report as part of its National Task Force on Lawyer Well-Being.<sup>4</sup> The report stated simply, "To be a good lawyer, one has to be a healthy lawyer. Sadly, our profession is falling short when it comes to well-being."<sup>5</sup>

Chronic stress, high rates of substance abuse, and depression continue to plague legal professionals at disturbingly high rates.<sup>6</sup> The report concluded that “the current state of lawyers’ health cannot support a profession dedicated to client service and dependent on the public trust.”<sup>7</sup>

Law firms and lawyers aren’t the only ones feeling the squeeze. For the past decade, legal practitioners have sounded the alarm concerning urgent access to justice problems affecting litigants and non-litigants alike. For example, in a 2010 *New York Times* op-ed, the Chief Justices of California and New Hampshire highlighted the “growing challenge” of unrepresented litigants, which has created “an inaccessible, overburdened justice system [that] serves none of us well.”<sup>8</sup>

Despite such siren calls, the problem continues to worsen. In its 2016 Report on the Future of Legal Services in the United States, the ABA lamented that “significant unmet needs persist,” as the “traditional law practice model constrains innovations that would provide greater access to, and enhance the delivery of, legal services.”<sup>9</sup>

Surprising to most, these access to justice trends plague a broad socioeconomic spectrum of individuals and businesses that simply cannot access quality legal services.<sup>10</sup> Incredibly, a majority of people involved in civil cases do not have legal representation.<sup>11</sup>

**At its core, modern representation expands access to affordable legal services through innovative, client-driven, and cost-effective legal strategies that empower lawyers to build thriving law practices.**

In Colorado in 2017, neither party had representation in 67% of the domestic relations cases filed, and 75% of parties in domestic relations cases were unrepresented.<sup>12</sup> Similarly, 61% of parties in civil cases filed in county courts and 38% of parties in civil cases filed in district courts were unrepresented.<sup>13</sup> Even more

concerning, 98% of respondents in county civil cases were unrepresented.<sup>14</sup>

Simply put, our profession’s traditional practice model is failing the public and lawyers alike. Fortunately, there is a silver lining; these challenges have created an opportunity for lawyers to reimagine the practice of law to better meet the needs of more clients and more lawyers.

**The Win-Win of Modern Representation**

A growing number of attorneys in Colorado have flocked to the modern lawyer movement. At its core, modern representation expands access to affordable legal services through innovative, client-driven, and cost-effective legal strategies that empower lawyers to build thriving law practices.

The members of MLPI believe that high-quality legal services should, and can, be available to a broad spectrum of individuals and businesses. By throwing out the one-size-fits-all approach to legal representation, modern lawyers focus on the individual needs of their clients and craft unique and creative solutions to help them. In a sense, a modern lawyer has more arrows in his or her quiver.

So, how does a modern lawyer expand access to legal services while simultaneously building a thriving and fulfilling practice? The answer is through the four pillars of modern

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legal representation: empowerment, focus, technology, and value.

Lauren Lester and Erika Holmes are exemplars of the modern lawyer movement. Throughout the discussion below, they offer insight into how their practices fulfill these four pillars of modern representation.

### **Empowerment**

Modern representation empowers clients to be proactively involved in their cases and encourages them to work in conjunction with their lawyer instead of idling on the sideline. A modern lawyer feels empowered to build a customized practice that complements his or her professional goals and personal needs.

As a modern lawyer, Lauren Lester built a practice that fits into her life by setting her work schedule around her other priorities, maintaining a virtual office so she can work wherever she's most productive, and limiting client engagements to only work she enjoys. While she works significantly less hours than traditional lawyers, her revenue stays comparable and the extra time allows her to focus on business development, personal health, and family.

Erika Holmes offers only unbundled legal services on a flat fee basis. She uses a virtual office to bring her services to her clients at times and locations convenient for both. Optimizing the work-life blend of modern representation, Erika is able to maintain a successful practice while enjoying an active outdoor lifestyle.

### **Focus**

Clients who work with modern lawyers receive creative and flexible solutions focused on their particular legal needs. By using modern techniques to minimize the business side of practicing law, a modern lawyer can focus on doing rewarding work, serving thankful clients, and practicing with a purpose.

For example, a modern lawyer helping a small business may offer a monthly subscription model that covers certain tasks each month. With this customized solution, the client can budget for the predictable monthly cost, focus on the most important needs first, and systematically protect his business.

By streamlining business aspects such as client development, client intake, task lists, and invoicing, modern lawyers have more time each day to do what they want to do. They can earn more money by taking more cases, they can research interesting topics, they can give back to the community, they can go play, or they can take a nap. The bottom line is that modern lawyers have the time to focus on what makes them happy.

**Many clients who are well-educated, well-employed, and sit far above the poverty line cannot afford five-figure retainers and a \$250+ hourly rate. And, frankly, even if they could afford it, they won't pay it because they don't see the value.**

### **Technology**

Modern law practices leverage technology to provide clients a better way to find and access legal services that meet their needs. Modern lawyers leverage technology to deliver legal help efficiently and effectively, which increases profits and customer satisfaction.

While Lauren enjoys a day off, her clients continue to receive updates, access important documents, and review instructions about next steps. By implementing technology such as A.I. schedulers, digital tutorials, and online surveys

that collect client information and generate case documents, Lauren's practice works even when she isn't, allowing her to complete tasks in less time and focus on providing value and delivering a great client experience.

Erika, who is not inherently tech-savvy, found that integrating even a small amount of technology into her practice (e.g., sending out automated client intake forms that populate the data into her case management software, creating email templates, and getting documents signed electronically) went a long way in increasing efficiency and organization. No one should let the use of technology scare them away from practicing modern law. By taking baby steps, Erika found that the tech was much easier to use than she had anticipated, and the enormous benefits soon overshadowed the discomfort of learning a foreign concept.

### **Value**

Modern representation provides clients with affordable legal help and meaningful value. With a modern law practice, lawyers maintain highly profitable and thriving businesses.

Under the traditional model, lawyers are simply too expensive. Many clients who are well-educated, well-employed, and sit far above the poverty line cannot afford five-figure retainers and a \$250+ hourly rate. And, frankly, even if they could afford it, they won't pay it because they don't see the value. While the traditional model prices out vast swaths of Coloradans, modern representation offers the flexibility to expand access to legal services.

This expansion not only improves our profession's standing and benefits more Coloradans, but also helps lawyers build thriving practices. By practicing modern representation, Erika makes more money than she did as an associate in a mid-size firm while working less hours, practices in the areas she finds most interesting, can selectively choose the services she offers and the clients she takes, dresses comfortably at all times (outside of court), and enjoys her life immensely.

### **The Modern Lawyer Movement**

The modern lawyer movement has its roots in the CBA's Modest Means Task Force, formed



in 2012.<sup>15</sup> However, because individuals and businesses of a wide range of economic levels struggle to access high-quality legal services, the task force since reformed as MLPI to promote modern legal representation for all clients and all lawyers.

In 2018, the modern lawyer movement continued to accelerate, as MLPI unveiled its Strategic Plan with the CBA's full support. The Strategic Plan calls for an ambitious rollout of modern legal representation to lawyers, individuals, and businesses throughout Colorado's urban, rural, and mountainous regions.

In the past year alone, MLPI presented its vision to numerous audiences composed of lawyers and potential clients, including:

- a full-day continuing legal education (CLE) seminar teaching the nuts-and-bolts of modern legal representation;<sup>16</sup>
- a Denver Start-Up Week event showcasing how modern lawyers can help start-ups and small businesses;<sup>17</sup>
- a modern lawyer interactive presentation to Colorado law school students;
- a session on creating a modern representation business model and a panel discussion on unbundled legal services at the 5th Annual Western States Regional Summit on April 6, 2019;<sup>18</sup>
- a full-day CLE seminar focused on implementing modern legal representation and the unique challenges of practitioners in Greater Colorado on June 18, 2019;<sup>19</sup>
- a plenary session and one-on-one strategy sessions on client-centered pricing and profitable alternatives to the billable hour at the 1st Annual Solo and Small Firm Conference on June 13 and 14, 2019;<sup>20</sup>
- a featured appearance on the LawWeek Hearsay podcast with Erika Holmes and Lauren Lester addressing the "Four Myths of Modern Law;"<sup>21</sup>
- a monthly collaborative lunch for modern lawyers to discuss the practical application of modern representation in their practices;<sup>22</sup>
- a designated track within the Colorado Attorney Mentoring Program offering individualized mentoring for practicing modern representation;<sup>23</sup>

- a new one-hour CLE seminar teaching the practical aspects of unbundled legal services; and
- a traveling informational session available to any bar section or committee interested in modern representation for its members.

The change is underway as the pendulum swings toward a new practice model aimed at

expanding access to legal services and improving the well-being of lawyers. Modern representation offers not only a profitable business model, but also a meaningful and fulfilling way to practice law. Modern lawyers connect genuinely and creatively with a larger pool of clients and create a professional and personal life well-suited to each individual lawyer. **CL**



**JP Box** is a lawyer-turned-entrepreneur, consultant, and author of *The Millennial Lawyer* (ABA 2018). Box helps law firms understand how to attract, motivate, and retain top young associates, and his work has been featured in various publications, including *Law Practice Today*, *Law Technology Today*, and *The Georgetown Law Magazine*. He is the current chair of the CBA's Modern Law Practice Initiative—[www.jpboxjr.com](http://www.jpboxjr.com). **Erika Holmes** is the founder of ELHolmes Legal Solutions, LLC, a modern law practice focusing on family law and attorney ethics and regulation. She is a past chair of the CBA's Modern Law Practice Initiative—[erika@elholmeslaw.com](http://erika@elholmeslaw.com). **Lauren Lester** is the founder of Lester Law, LLC, where she helps individuals find practical solutions to their family law issues—[lauren@mylifelawyer.com](mailto:lauren@mylifelawyer.com).

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#### NOTES

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2. *Id.* at 3.
3. *See id.*
4. ABA Commission on Lawyer Assistance Programs et al., National Task Force on Lawyer Well-Being: Creating a Movement to Improve Well-Being in the Legal Profession (Aug. 14, 2017).
5. *Id.*
6. *Id.*
7. *Id.*
8. Broderick, Jr. and George, "A Nation of Do-It-Yourself Lawyers," *New York Times* (Jan. 1, 2010).
9. ABA Commission on the Future of Legal Services, Report on the Future of Legal Services in the United States (2016).
10. Holmes, "Modern Representation: A Win-Win for Clients and Lawyers," 46 *Colo. Law.* 77 (Mar. 2017) (noting that the justice gap excludes individuals in low-income, middle, and upper-middle income brackets).
11. *Id.* (noting that in 2015 nearly 60% of parties in civil cases were unrepresented).
12. Cases and Parties without Attorney Representation in Civil Cases FY 2017, [www.courts.state.co.us/userfiles/file/Administration/Planning\\_and\\_Analysis/Research%20and%20Data/Cases%20Parties%20without%20Attorney%20Representation/Cases%20and%20Parties%20Without%20Attorney%20Representation%20in%20Civil%20Cases%20FY%202017.pdf](http://www.courts.state.co.us/userfiles/file/Administration/Planning_and_Analysis/Research%20and%20Data/Cases%20Parties%20without%20Attorney%20Representation/Cases%20and%20Parties%20Without%20Attorney%20Representation%20in%20Civil%20Cases%20FY%202017.pdf).
13. *Id.*
14. *Id.*
15. *See Holmes, supra* note 10.

16. CBA CLE, Modern Representation 101: A Win-Win for Lawyers and Clients (May 11, 2018), <https://cle.cobar.org/HomeStudies/Product-Info/productcd/LP051118D>.
17. Denver Start-Up Week, The Modern Lawyer and Your Business: Affordable Legal Services At Last (Sept. 25, 2018), <https://www.denverstartupweek.org/schedule/4378-the-modern-lawyer-your-business-affordable-legal-services-at-last>.
18. 5th Annual Western State Regional Summit, Limited Scope Representation and the Modern Law Practice, and How to Create a Business Mission that Works for You (Apr. 4-7), <https://community.cobar.org/events/event-description?CalendarEventKey=d894cbaa-ed9b-4a86-b3a0-1e3db06c8bd0&Home=%2Fevents%2Fcalendar>.
19. CBA CLE, Modern Representation 101: A Win-Win for Clients and Lawyers (June 18, 2019), <https://cle.cobar.org/Seminars/Event-Info/sessionaltcd/LP061819L>.
20. CBA CLE, Client-Centered Pricing: Profitable Alternatives to the Billable Hour (June 13, 2019), and Advice on Implementing Client-Centered Pricing (June 14, 2019), <https://cle.cobar.org/Seminars/Event-Info/sessionaltcd/SS061219L>.
21. The LawWeek Hearsay Podcast, The Four Myths of Modern Law (May 6, 2019), <https://lawweekcolorado.com/2019/05/four-myths-of-modern-law>.
22. Held on the last Thursday of each month. More information is available at <https://community.cobar.org/communities/community-home?communitykey=f3202fe5-5a7e-4bf7-af52-50cdad4a090d&tab=groupdetails>.
23. Colorado Attorney Mentoring Program, Modern Law Practice Mentoring Plan Curriculum, <http://coloradomentoring.org/wp-content/uploads/2019/03/Modern-Law-Practice-Mentoring-Plan-Template.pdf>.