

# The Legal Checkup – A Tool for All

by Chris Fortier

Seventy-seven percent of all people with legal problems do not consult a lawyer.<sup>1</sup> A large portion of this group are people who desperately need our services and expertise on issues large and small. However, so many people do not even want to think about their legal issues. The public generally knows when a problem is a problem; however, *how* people see their problems is where they run into trouble. What the public may see as a business disagreement, a minor landlord-tenant problem, a problem between friends, or even a moral or character problem may actually contain a significant legal issue that affects someone's future ability to sustain themselves and their families.<sup>2</sup> As any lawyer would know, many of the legal issues contain statutes of limitation, which can limit or prohibit rights based on when someone chooses to take action.

Yet, we as a profession only serve 23 percent of the population with legal needs.<sup>3</sup> Of the 77 percent who don't consult a lawyer, 46 percent of those with legal needs self-help, and 22 percent seek help from family and friends.<sup>4</sup> Furthermore, the percentage of those with legal issues either representing themselves or doing nothing, hoping the issue goes away, is 16 percent.<sup>5</sup> These statistics alone undermine the exceptional, client-oriented service that all of you do. This is also a potential source of work for the many new lawyers we swear in every December and June. But how does the legal community engage these potential clients? There should be a simple solution that is also approachable.

The Virginia State Bar Young Lawyers Conference (YLC) may have an idea: establish "Legal Checkups," a no-cost, low-hassle, online tool for in-person consultations. Like an annual checkup at a doctor's office, a client simply fills out a legal assessment form. The questions asked are in plain English

and to the point. Topics include income, housing, employment, education, veterans' benefits, and other common legal needs. Then, the client is invited to have a free, brief chat with a lawyer, or referred to resources online. Legal checkups are a great way to involve potential clients who may need help but have no idea where to get started.

When it comes to the delivery of legal services in the future, the American Bar Association's Future of Legal Services Report (the report) recommended that all members of the public receive an annual legal checkup.<sup>6</sup> The ABA also recommended that legal service organizations, bar associations, and community groups develop guidelines to administer these checkups. According to the report, legal checkups should have these characteristics:<sup>7</sup>

1. Easy to understand
2. Candid and transparent
3. Created by those competent in the areas of law presented
4. State that users get out what they put into the checkup, disclosure-wise
5. Communicate the limits of the checkup
6. Refer to the proper resources for someone to follow up on their issues
7. Low cost or free
8. Accessible to many users in different venues
9. Identify unique and relevant state law
10. Compliant with current law
11. Respect the privacy of the user
12. Provide the provider's contact information
13. Note prominently when the checkup was last updated

Legal aid organizations, bar associations, community outreach groups, and many others can use these checkups to get legal clients the ability to prepare themselves for the questions a lawyer will ask to aid in the case. This checkup will allow for a more transparent attorney-client relationship as the client will know more specific questions and the attorney will be able to provide legal advice and/or services based on better information from the client. Additionally, the client may be able to spot and take action on potential legal issues in the future.

Legal checkups should not be a onetime action. The report notes that citizens should come in annually for a checkup, especially when life changing events occur<sup>8</sup>. These events range from getting married, giving birth to or adopting a child, a hospitalization, starting school in a new setting, or even making a major purchase, such as a house or a car.

The service is becoming more accessible to the general population. The ABA partnered with ARAG Legal Insurance and CuroLegal to create [veteranslegalcheckup.com](http://veteranslegalcheckup.com), which is a checkup focused on military veterans.<sup>9</sup> The free service does not collect personal information but flags issues and provides resources a veteran can use based on the zip code entered. One of the best examples I have seen is with the Halston Legal Clinic in Ontario, Canada. The clinic has put together a comprehensive checklist, covering seven categories most encountered: income, housing, education, employment, health, and family and community support. This program has expanded from the local area of the legal clinic to cover many more communities in southwestern Ontario.<sup>10</sup>

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In the States, Tennessee has provided a legal wellness checkup that can be easily accessed online whether at home or at the library. The site, [help4tn.org](http://help4tn.org), is a partnership of the Tennessee Alliance for Legal Services, West Tennessee Legal Services, and the National Association of Social Workers Tennessee Chapter, with a technology assistance grant from the Legal Services Corporation. In addition to the checkup, the site provides many resources for those with legal needs in many different situations, combining manuals from local legal aid providers mixed with federal information for topics such as disaster relief.<sup>11</sup>

Our YLC Pro Bono Committee has been diligently working on this project. They are partnering with a number of groups including the Veterans Clinic at George Mason Law and Legal Services of Northern Virginia. I was inspired by the group's professionalism and its passion to serve those veterans who have given so much to allow us to exercise our

constitutional rights and allow us to do our jobs as lawyers: serving clients, advancing access to justice, and providing a place for citizens to protect themselves and to resolve disputes. I hope our work will assist veterans to get the legal support they need.

In order to survive in the long term, the legal profession needs to ensure that those requiring legal services have access to the information they need to make the best decisions possible to preserve their rights. The Legal Checkup is one step in achieving that ideal. Are you interested in bringing legal checkups to your pro bono agency, bar association, or nonprofit? Contact me and I will get you involved with our efforts in the YLC.

*Endnotes:*

- 1 *A Report on the Future of the Legal Profession*, American Bar Association, p. 14 (2016) (ABA Future Report), citing *Accessing Justice in the Contemporary USA: Findings from the Community Needs and Services Study*.
- 2 *Id.*

- 3 ABA Future Report, p. 14
- 4 *Id.*
- 5 *Id.*
- 6 ABA Future Report, p. 43
- 7 ABA Future Report, p. 44-45
- 8 ABA Future Report, p. 44.
- 9 Veterans Legal Checkup, accessed at [veteranslegalcheckup.com](http://veteranslegalcheckup.com)
- 10 Halston Legal Clinic, [legalhealthcheckup.ca/en](http://legalhealthcheckup.ca/en)
- 11 Tennessee Legal Checkup, [help4tn.org](http://help4tn.org)



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