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LEGAL SERVICES AND THE MIDDLE CLASS

BARBARA A. STEIN*

I. INTRODUCTION

Much has been written in the past several years on the problems encountered by the middle class in obtaining legal services. Suggested solutions to these problems range from new methods of payment of attorneys to the "delawyerization" of many procedures which presently require the participation of an attorney.

Although under normal research conditions a solution is usually preceded by a detailed analysis of the extent and roots of the problem, this method has been employed surprisingly rarely in the legal services field.

Although there is now some helpful research material on the consuming public's attitude toward and use of attorneys, there are few statistics on attorneys' economic and employment status. While a few state bar associations have conducted economic surveys in the past few years, they have failed to provide complete, detailed analyses of economic trends. No national surveys have been conducted.

The fact that such a condition exists while position papers and grants continue to pour out on legal services points to a very disturbing method of inquiry in this field—the approach of building hypothetical solutions and arguments on the basis of one another, rather than on the facts.

The hypothetical nature of these discussions may reflect the "establishment bar's" dominance in this area, and that group's interest in disregarding one of the most pervasive problems in legal services—the severe socio-economic stratification of the legal profession itself.

This article will not attempt to review the many proposals and experimental projects under consideration in the legal services field. Rather, it will employ the simplistic approach of looking at the dimensions of the problem from the perspective of both the provider of legal services and the consumer.

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The opinions expressed in this article are those of the author and are not necessarily those of the Association of Trial Lawyers of America or of TRIAL Magazine.

From the consumer's viewpoint, the surveys which have been conducted will be examined to find the answers to the following questions: when do members of the public use attorneys?; does the public's use of attorneys coincide with the number of times the need for an attorney arises?; and what are the public's perceptions of and attitude toward the legal profession?

From the attorney's viewpoint the following questions will be examined: which types of practices prove the most lucrative?; which economic levels of attorneys serve the middle class the most?; what effect does specialization have upon income?; and which specialties earn the most money?

II. CONSUMER SURVEYS

A number of surveys of the public's use of and attitude toward the legal profession have been conducted. The most extensive and recent of these is the study by the American Bar Association and the American Bar Foundation, *The Legal Needs of the Public.*[1] The preliminary findings of this survey confirmed what many had long known—that the majority of the public fail to use attorneys as often as they have a problem which normally would require legal care.

The study found as follows: of those acquiring real property only 38.3% sought the aid of an attorney; of those having a "serious dispute with a seller of personal property," 6.0% sought aid; of those suffering "discriminatory denial of job promotion," only 1.1% sought aid; of those having a "serious dispute" with a municipal or county agency, 20.7% sought aid; of those having a "serious dispute" with a state agency, 19.1% sought aid; and of those having a "serious dispute" with a federal agency, 17.4% sought aid. Even in the personal injury field, only 35.7% of those indicating that they had a "serious personal injury [caused] by another" consulted with an attorney.[2]

The Koos survey, conducted in 1952, concluded that "only three out of five middle-class families and only slightly more than two out of five working-class families use the lawyer's services in the areas which definitely need legal service."[3]

In their 1969 study, *The Social Organization of Legal Contracts,* Leon Mayhew and Arnold J. Reiss, Jr. concluded as follows: "For both most serious and second most serious problems considered separately, about 9% reported seeing a lawyer about the problem."[4]

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1. SPECIAL COMMITTEE TO SURVEY LEGAL NEEDS OF THE PUBLIC, PRELIMINARY REPORT OF NATIONAL SURVEY, THE LEGAL NEEDS OF THE PUBLIC (1974). [hereinafter referred to as LEGAL NEEDS].
2. *Id.* at 83-84, table 613.
3. A.B.A. COMPILATION OF REFERENCE MATERIALS ON PREPAID LEGAL SERVICES 10 (1976), *quoting,* NATIONAL LEGAL AID ASSOCIATION, THE FAMILY AND THE LAW, REPORT OF A STUDY OF FAMILY NEEDS AS RELATED TO LEGAL SERVICES (1952) (also known as Koos Survey).
4. Mayhew & Reiss, *The Social Organization of Legal Contracts,* 39 AM. SOC. REV. 309, 316 (1969).

Why do so many allow their legal needs to go unmet? Perceived inability to pay fees seems to be one of the major reasons. The Koos survey found that 12.3% of middle-class respondents and 47.6% of working-class respondents cited inability to afford fees as the reason for not consulting an attorney. In addition, 15.6% of the middle-class and 5.0% of the working-class respondents cited "lawyer known to have been too costly or unsatisfactory for others," as a reason for not using an attorney.[5] *The Legal Needs of the Public* found that 62% of its respondents agreed that "[m]ost lawyers charge more for their services than they are worth."[6] Also, 56.1% of the respondents felt lawyers work harder for wealthy clients than they do for the poor.[7]

Of course, all surveys of the public's need for attorneys must be recognized as innately culturally biased, for they depend upon society's perception of what constitutes a "legal problem." Mayhew and Reiss argue in their study that at present the legal system is structured to serve primarily property matters, and that other situations which are innately legal in nature remain largely unrecognized as such by both the profession and the public.[8]

Jack Ladinsky agrees with the argument that the system has been organized to serve property matters, but suggests that sufficiently powerful stimuli can expand the law into new areas. Ladinsky states as follows:

> Women's rights and environmental protection are recent examples of shifting cultural ideologies, political pressures, and legislative and court developments radically altering the prospect that individuals and organizations will define certain problems as subject to formal legal action. The fact that informal and non-legal solutions have not provided satisfactory solutions in these areas also has helped to press these problems into more formal legal molds.[9]

One could get into a chicken v. egg debate over whether the public's failure to recognize non-property matters as legal in nature results from the profession's structuring itself to primarily satisfy property-related needs, or whether the profession is organized in that manner to satisfy the public's demand, or at least to conform to the activities for which the public is willing to pay.

It is necessary to look at the economic structure of the bar to find any connections between financial incentive and the types of mat-

5. A.B.A. COMPILATION, *supra* note 3, at 11.
6. LEGAL NEEDS, *supra* note 1, at 96.
7. *Id.*
8. Mayhew & Reiss, *supra* note 4, at 317.
9. Ladinsky, *The Traffic in Legal Services: Lawyer Seeking Behavior and the Channelling of Clients*, in THE ROLE OF RESEARCH IN THE DELIVERY OF LEGAL SERVICES (1976) (Resource Center for Consumers of Legal Services publication).

ters which lawyers handle. The consumer surveys do disclose, however, that the public fails to use attorneys on many occasions because of the perceived costs involved.[10]

III. THE ECONOMICS OF THE BAR

The relatively small amount of research on attorneys' income suggests that income is directly related to the size of a practice, its degree of specialization, and its specialty, if specialized.

The state bar association surveys which have been conducted in the last few years generally indicate that income rises proportionately to firm size, and that sole practitioners with no associates are at the bottom of the private practice income range. In the 1972 Michigan Bar survey, it was found that of those in private practice, solo practitioners earned the least income, excluding law firm associates. Law firm partners led in income.[11] The 1973 Massachusetts survey disclosed the same situation; solo practitioners lag in income, and law firm partners and corporation shareholders earn nearly $20,000 more a year than solo practitioners.[12] The 1975 Illinois Bar survey found that partners made markedly more than solo practitioners, and nearly double the income of solo practitioners in the Chicago area. This survey also found that income rises with the size of a firm.[13]

A more recent study of the Chicago Bar found as follows:

> A disproportionate number of solo practitioners report incomes from law practice of less than $15,000 a year. Solo practitioners are the only group of lawyers overrepresented in the lowest income category. In the two highest income categories—lawyers who report earning more than $40,000 a year—firm lawyers are overrepresented.[14]

Jerome Shuman, in his study of Black attorneys, found that except for firm associates, solo practitioners earn the least income. In private practice among Black lawyers, firm partners are the highest income earners.[15]

Studies have also found that the large, well-to-do firms are usually specialized, particularly in business-oriented law, while the small-firm and solo practitioners tend to be involved in general practice

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10. *Supra* notes 1-7.
11. MICHIGAN BAR ASS'N, THE ECONOMICS OF LAW PRACTICE IN MICHIGAN—A SURVEY 15, table 10 (1974).
12. MASSACHUSETTS BAR ASS'N, ECONOMIC SURVEY, 1973 (1975).
13. *Economics of Legal Services in Illinois—A 1975 Special Bar Survey*, 64 ILL. B.J. 88, 90, tables IV-2a, IV-3 (1974).
14. Heinz, Laumann, Cappell, Halliday & Schaalman, *Diversity Representation and Leadership in an Urban Bar: A First Report on a Survey of the Chiago Bar*, 1976 AM. B. FOUND. RES. J. 717, 781.
15. Shuman, *A Black Lawyer's Study*, 16 HOW. L.J. 225, 239 (1971).

or consumer-oriented fields such as family law, criminal defense work, or personal injury law.[16]

The 1972 Michigan Bar survey found that the majority of its respondents were not specialized, but that those who were specialized earned higher incomes.[17] When attorneys were ranked economically by their field of first preference, fields such as admiralty law, public utility law, securities law, and banking and commercial law led in income, and areas such as collections law, domestic relations, and criminal defense were at the bottom of the economic ladder.[18]

The Chicago study found that those who had specialized in business-oriented fields such as securities law and anti-trust law were located in large, prestigious firms, while those in such fields as plaintiffs' personal injury work, divorce work, and general family law usually were located in small firms or were in solo practice, the size of practice which normally produces the least income.[19]

Thus the legal profession is largely stratified by size and specialty, with business attorneys generally found in large, high-income firms, and consumer-oriented attorneys located in small, lower-income practices.

Who are these attorneys at the lower economic and prestige levels of the profession? Not surprisingly, surveys have shown them to be those whose backgrounds have traditionally excluded them from the upper class of American society in general.

Jerome Carlin, in his study of the New York City Bar Association, found a segregated bar, consisting of old-line Americans, graduated from the better law schools, predominating in the large, well-to-do corporate firms, and the relatively new, ethnic Americans, graduated from local law schools, predominating in the low income and small firm practices.[20]

A study of the Detroit bar found a similar bifurcation in that city's bar, with a few large firms consisting of White Protestants at the top, and small firms and solo practices consisting of Southern and Eastern European first and second generation Americans at the bottom of the profession. It also found that over one-half of the solo practitioners had studied part-time for at least some portion of their legal education.[21]

Leroy D. Clark, in his study of the effect of specialization on at-

16. *Supra* notes 11-15.
17. MICHIGAN SURVEY, *supra* note 11, at 26, table 23.
18. *Id.* at 25, table 22.
19. Laumann & Heinz, *Specialization in the Legal Profession: The Structure of Deference*, 1977 AM. B. FOUND. RES. J. 169, table 2.
20. L. DEITCH & D. WEINSTEIN, PREPAID LEGAL SERVICES 124 (1976), citing J. CARLIN, LAWYERS' ETHICS: A SURVEY OF THE NEW YORK CITY BAR (1966).
21. L. DEITCH & D. WEINSTEIN, *supra* note 20, at 124, citing J. Ladinsky, Career Development Among Lawyers: A Study of Social Factors in the Allocation of Professional Labor (1963) (unpublished Doctoral Dissertation, Univ. of Michigan).

torneys, argues that "[r]ace, religion and social background, rather than talent, seem also to be very pertinent factors [in succeeding in the legal profession]."[22] According to Clark, "[a] study published in 1964 showed that Jewish graduates with law review credentials had no better chance to be hired by a large firm than gentiles much lower in class ranking."[23]

Jerome Shuman, in his study of Black attorneys, found that the majority of Black lawyers practice alone and that "[t]his characteristic differentiates them from White practitioners."[24] He also discovered that Black lawyers tend to be in "neighborhood practice," dealing with such fields as personal injury, workmen's compensation, divorce, and criminal defense.[25]

Although the studies of Carlin, Shuman and Ladinsky were all conducted in the 1960's, the recent Chicago Bar study indicates that conditions have not changed significantly. The following information was uncovered regarding solo practitioners in Chicago:

> With respect to their ethnicity or national origin, their ranks include disproportionate numbers of Southern and Eastern Europeans; with respect to religion, they tend disproportionately to be Jewish; with respect to education, they tend to be graduates of local law schools. . . . Similarly, we can characterize the lawyers who work in firms as tending to be Northwestern Europeans or in the 'other' ethnicity category.[26]

As the above information indicates, attorneys and their clients are well-matched, with the economically and socially elite of the profession and the lower socio-economic portion of the profession serving their respective levels of society. It would seem natural, from reviewing the types of firms and specialties that the upper half of the profession enters, that their clientele are composed of the upper economic strata of society, and efforts to analyze lawyer-client relations have substantiated these assumptions.

The Shreveport study found that those lawyers who belonged to a large law firm were much less likely to have handled the problems of poor Blacks than those attorneys in solo practice.[27] The Chicago Bar study found that attorneys in the small-firm, low-income areas of the law, such as domestic relations, personal injury, and criminal defense, had the highest percentage of blue collar clients.[28] Shuman

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22. L. Clark, *The Impact of Certification and Specialization on Racial Minorities and Women* in A.B.A. SPECIALIZATION MONOGRAPH NO. 2 73 (1976) (A.B.A. Publication).
23. *Id.*
24. Shuman, *supra* note 15, at 234.
25. *Id.* at 238.
26. Heinz, *supra* note 14, at 784.
27. F. MARKS, R. HALLAUER, & P. CLIFTON, THE SHREVEPORT PLAN: AN EXPERIMENT IN THE DELIVERY OF LEGAL SERVICES 24 (1974) (American Bar Foundation publication).
28. Heinz, *supra* note 14, at 784.

concluded that the reasons Blacks operated predominately in solo practice "appear to be the lack of large institutional clients available to give the economic stability necessary to sustain large firms or partnerships, and the discriminatory hiring practices of existing large firms and government agencies."[29]

Although minorities and the poor may have been able to work their way up in businesses, particularly via private entrepreneurships, such Horatio Algerism is more difficult in a field such as law, where business rests more on "word of mouth" and social contacts than on advertising or mass production. Law is a particularly socially oriented field, and mixing in the right circles may be a more important determinant of future success than class ranking. Thus, the social matching of provider and consumer in this field is not surprising.

This stratification of both lawyers and clients leads to the realization that much of the discussion of the problems in legal services delivery has been dominated and clouded by a patently false argument—that well-to-do attorneys have been getting rich at the hands of the average consumer. Those who look to wealthy attorneys as either the root of or the potential solution to the problem are on the wrong path. Clearly, if any answer is to be found to the present dilemma in legal services, it must be among those attorneys who actually deal with the public.

Both consumerists and establishment bar representatives, however, have chosen to ignore this fact. In the perception of the consumerists, the bar as a whole feeds upon the public, while not meeting their true needs. Consumerism is an ideology, and like most ideologies, consumerism's fervor outweighs its effectiveness. Any consumer movement which fails to take into account the problems facing the provider is doomed. The consumer advocates' position is particularly distressing in this field, where the true providers—the small firm and solo practitioners—and the public form a natural alliance, and both have something to gain from such a union.

The establishment bar's reason for ignoring this situation is a function of its own make-up. The American Bar Association, the traditional leader of the profession, has long been dominated by large-firm corporate attorneys. The local bars have largely followed a similar pattern. The survey of the Chicago Bar found as follows:

> Solo practitioners, government lawyers, and lawyers not presently practicing are very much underrepresented among CBA [Chicago Bar Association] members while law firm attorneys are proportionately and numerically more often found as members. Attorneys from medium sized and larger firms

29. Shuman, *supra* note 15, at 234.

> are more likely to be members than those from smaller firms.[30]

Thus the bar associations' memberships reflect a disproportionately small number of consumer-oriented attorneys. The leaders of the bar are not attuned to the problems of the middle class and of the attorneys who serve them. Because of this, it is unlikely that solutions to the problems involved in the delivery of legal services to the middle class will come from those in high positions.

The argument made by both consumerists and bar leaders that consumer attorneys make too much money off the public is fallacious. The small-practice attorney makes little enough money now. Lectures from consumerists and his well-heeled peers on the need for charity is not about to make him reform.

IV. THE MEETING OF THE HAVE-NOTS

The consumer surveys demonstrate that the economic suffering of attorneys derives not from a scarcity of need on the part of the public, but from insufficient fulfillment of that need. The reasons for this appear to be as follows: (1) perceived inability to afford legal services; (2) failure to believe that the services will be worth the cost; (3) lack of knowledge about how to find an attorney; and (4) lack of knowledge about what problems are "legal" in nature. The first reason, the perceived inability to afford legal services, is the only one that will be discussed further in this article. It is at the core of the problem, and most of the proposals to make legal services more available to the public deal primarily with it.

The perceived inability to afford legal services is a two-fold problem, because it involves the public's perception and the veracity of that perception. A study by James Frierson found that the public overestimates the cost of many routine services performed by lawyers.[31] Although the advertising of fees would ameliorate the problem of perception, it would not eliminate the whole problem. The perception that legal services are not affordable is partially correct. Legal fees in many instances *are* too high, and are unaffordable by many members of the middle class.

Several proposals have been made that are designed to remedy this situation and to make legal services more available to the public. Little attention has been given to the effect that the implementation of these proposals would have on the lawyers who provide services to the middle class, the small firm and solo practitioners.

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30. Heinz, *supra* note 14, at 735-36.
31. Affidavit prepared by James E. Frierson in Consumers Union v. American Bar Ass'n, 427 F. Supp. 506 (E.D. Va. 1976).

A. SPECIALIZATION

The structure of small firms and solo practices does not lend itself to cost-efficient methods which could pass on savings to consumers. Ironically, the attorney who runs the most efficient shop is the attorney who charges the most—the large-firm attorney. In his case, however, the savings need not be passed on to the consumer, because his clients are willing and able to pay high fees. The attorney at the lower end of the economic ladder, however, runs the least efficient practice, charges the least, and still prices himself out of the range of many consumers.

Small firms and solo practitioners generally do not have the initial financial ability and reputation to specialize, and this failure to specialize is a cause of inefficiency. Specialization lends itself to routinization and efficiency, because one area of the law will be practiced on a mass basis. If an attorney gains expertise in one area, he need not approach every situation as his "first case."

Barlow Christensen's study[32] suggests that the reason the attorney who serves the middle class may be unable to provide his product at affordable prices is that he too often seeks to offer a range of services broader than his functional capacities.[33] Thus, specialization would appear to be at least a partial answer to the problem. But specialization should be approached with trepidation and recognition that it has the potential to exacerbate existing problems. As outlined above, the specialized attorney is now the well-off large-firm attorney. Presumably, in a period of transition to specialization, those who are already specialized would have a decided competitive advantage.

Leroy Clark, in a paper prepared for the American Bar Association's Specialization Committee, warned as follows:

> Specialization or the certification of specialists must then be viewed in the context of this already highly stratified selection process. Without attention being paid to this phenomenon, rather than simply upgrading legal services, or making them more efficiently and readily available to the public, certification may simply still further the gap between income status levels among members of the bar. This is particularly so when one considers that specialists and specialties are particularly prevalent large firm phenomena.[34]

The recent specialization proposals of the American Bar Association show that Clark's warning has not been heeded. The fact

32. B. CHRISTENSEN, LAWYERS FOR PEOPLE OF MODERATE MEANS 44 (1970) (American Bar Foundation publication).
33. *Id.*
34. L. Clark, *supra* note 22, at 73.

that the American Bar Association and the state bar associations probably will determine policy in this area is another reason for concern. It is unlikely that the upper half of the profession, the half that dominates the bar associations, will be sufficiently solicitious or sensitive to the plight of their poor cousins at the bar. Those small-practice attorneys who have been too busy trying to earn a living to participate in bar public service activity are going to have to become involved in professional planning, or they will find themselves planned out of the profession.

Leroy Clark suggests that the problem of lawyer transition into a specialized era might be eased by making "some form of subsidy available for single practitioners to continue in partnership, perhaps extension of the Small Businessman's Act to lawyers."[35]

The age of specialization will probably come hand-in-hand with the age of group practice. Few solo practitioners can acquire sufficient practice in one field to specialize totally. Louis Brown suggests that consumer attorneys entering group practice might lead to "defacto specialization." Thus middle and lower income clients would receive the kind of expert care the rich have long enjoyed.[36]

The bar and the government must understand, however, that the initial organization of such practices will take money. Both these institutions have invested large sums of money in research in this field, and grants enabling attorneys to better deliver services seems money well spent.

B. LAWYER ADVERTISING[37]

Advertising would probably remedy some of the communications problems consumer surveys have disclosed, and could also act as a potential aid to the small practitioner. Large-firm attorneys, through their leadership roles in bar associations and the community as a whole, receive constant free advertising. Presumably, lawyer advertising will grant other attorneys the opportunity to gain exposure and enlarge their clientele.

Barlow Christensen argues that the congregation of so many people in large, impersonal cities has destroyed the "word of mouth" method of communication, and thus has produced the necessity for advertising. He suggests that the only consumers of legal services who retain an analagous community to that of the small town are the

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35. *Id.* at 79.

36. L. Brown, *An Inquiry into Whether Preventive Law Should be Ranked as a Specialty*, in A.B.A. SPECIALIZATION MONOGRAPH No. 2 (1976) (A.B.A. Publication).

37. Since this article was written, the United States Supreme Court has decided the case of Bates v. State Bar of Arizona, ——U.S.——, 97 S. Ct. 2691 (1977). The court in *Bates* struck down Arizona's blanket ban on lawyer advertising, but suggested that regulation of advertising by state bar associations to prevent abuse would be permissible. *Id.* at ——, 97 S. Ct. at 2708.

corporate clientele who employ large law firms. He argues that through their social and professional contacts, such clients' "selection of counsel is relatively easy and safe."[38] The large firms can therefore be assured of financial security, thanks to their reputation in the community they serve. The majority of small firms and solo practitioners do not have access to this kind of publicity.

It is not safe to assume that advertising will alleviate this situation. It will remove some of the consumer's fear of the unknown, and will give definite estimates of future cost, but because of the many variables associated with professional services the public will probably continue to rely largely on reputation in selecting an attorney.

Also, although advertising proponents suggest that advertising will, by itself, lower prices, they may be correct only in the short run. Under the profession's present structure, such an initial lowering could result in higher fees in the long term. There are two reasons for this. First, the small practitioner may not be able to afford advertising as would more well-to-do firms. Second, in his present practice he is probably already charging as little as he can while still maintaining an income. Thus, any lowering of prices could actually harm the marginal practitioner. The survivors would be the well-established firms who could raise their prices when their smaller competitors are pushed out of business. Thus, while consumerists believe eradication of restrictions on advertising will automatically lower prices, to the extent that limitations protect the small practitioner, it would actually work to retain high fee levels.

C. THE ABOLISHMENT OF MINIMUM FEE SCHEDULES

Although many people applauded the decision of the United States Supreme Court in *Goldfarb v. Virginia State Bar*,[39] which struck down minimum fee schedules, the long-term effects of the decision may not be in the best interests of the public. The same rationale that leads to possible higher fees if lawyer advertising is permitted could also lead to higher fees in the absence of minimum fee schedules. The larger, more efficient firms may undercut small firms and solo practitioners and drive them out of business, giving large firms a monopoly in legal services.

The above scenario is, of course, hypothetical. The possibility of its realization should be considered, however, whenever one speaks of the supposed advantages that are to result from abolishment of fee schedules, from lawyer advertising, and from specialization. Advertising, specialization, and the end of minimum fee schedules

38. B. Christensen, *supra* note 32, at 130.
39. 421 U.S. 773 (1975).

all have the potential to grant large firms a monopoly. This is not to suggest that the above innovations are innately bad, but that they cannot be initiated in a vacuum. Their ramifications should be studied to ensure that such proposals are not applied in a manner which would achieve results contrary to the intentions of their initiators. They are all good ideas whose time has come, but if serious consideration is not given to their effect on the attorneys who serve the public, they will serve only to more drastically stratify an already severely stratified profession.

D. PREPAID LEGAL SERVICES

Another innovation advocated by consumerists and bar associations is prepaid legal services. Although prepaid legal services serve an important function, too often they have been regarded as a solution, when in truth they are merely one of a number of catalysts of further reform. Prepayment for legal services is merely a means of administering money. By itself, prepayment for legal services changes nothing. Its significance lies in the uniting of consumers in bargaining units, thus forcing the legal profession to reorganize itself to meet their demands. Prepaid services has been most effective when exposing the present problems in the organization of the profession.

Bar associations are naive to the extent that they believe prepaid services will act as anything more than a means to further reform. Americans are of a culture which buys now and pays later. Doing the reverse is a leap many will not wish to take. Although the legal profession may take comfort from reviewing the medical profession's experience with prepaid services, attorneys must remember that medical care is probably the only service for which consumers would be willing to make such a sacrifice, and that the two professions are not analagous. If prepaid services plans pressure solo practitioners to enter group practice and make their practice more efficient, and if they force the bar to aid such attorneys in the transition to specialized and group practice, prepaid services themselves may no longer be necessary.

V. CONCLUSION

As promised, this article did not give any solutions. There is no simple manner in which to reorganize a major portion of the legal profession, but ways to do so must be investigated. This article does suggest that too often those attorneys who must be a part of the solution have been excluded from the resolution process, and that such exclusion harms both the bar and the public. Until the bar is willing to recognize the problems in its own structure,

it will be unable to rectify the problems of consumers. The fact that both consumers and many attorneys share problems in the delivery of legal services should be a source of encouragement. This phenomenon means that both groups have a vested interest in seeing the problem resolved. Attorneys must recognize that they may have to be ready to change their habitual practice methods to conform to the demands of consumers, and that doing so will enhance both their own self interest and the interests of consumers. Attorneys to whose practices legal services to the middle class are irrelevant must stop dominating this field, and realistic approaches from those sensitive to the issues involved must be developed.