



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

April 26, 2019

Ms. Lauren Alder Reid
Assistant Director
Office of Policy
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2616
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Submitted via: www.regulations.gov

**Re: RIN 1125-AA83, EOIR Docket No. 18-0301
Professional Conduct for Practitioners, Scope of Representation and Appearances,
84 Federal Register 59 (Mar. 27, 2019)**

Dear Ms. Alder Reid:

The American Immigration Lawyers Association (AILA) submits the following comments in response to the Executive Office for Immigration Review (EOIR) Advance Notice of Proposed Rulemaking (ANPRM) entitled, "Professional Conduct for Practitioners, Scope of Representation and Appearances," published in the Federal Register on March 27, 2019.

AILA is a voluntary bar association of more than 15,000 attorneys and law professors practicing, researching and teaching in the field of immigration and nationality law. Since 1946, our mission has included the advancement of the law pertaining to immigration and nationality and the facilitation of justice in the field. AILA members regularly advise and represent businesses, U.S. citizens, lawful permanent residents, and foreign nationals regarding the application and interpretation of the U.S. immigration laws. We believe that the collective experience and expertise make us particularly well-qualified to offer views on this matter.

AILA's comments address the questions proposed in EOIR's ANPRM.

Question 1: Should the Department permit certain types of limited representation currently impermissible under regulations? If so, to what extent? If not, why not?

Yes. The American Bar Association (ABA) approved rule changes to Rule of Professional Conduct 1.2(c) in 2002, some form of which has been adopted by the majority of state bar associations.¹ The ABA and most states permit limited scope or unbundled legal services, however immigration courts generally do not. This conflict is confusing to both lawyers and legal services consumers and should be resolved.

The unbundling of legal services is beneficial to all consumers and would increase the number of

¹ See An Analysis of Rules that Enable Lawyers to Serve Self-Represented Litigants, ABA Standing Committee on Delivery of Legal Services (2014), available at https://www.americanbar.org/content/dam/aba/administrative/delivery_legal_services/ls_del_unbundling_white_paper_2014.pdf.

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respondents that are represented overall. Consumers are looking for (or needing) more flexible and affordable options of hiring lawyers for just the work the client is unable or unwilling to complete themselves.²

Allowing limited appearances provides the attorney the ability to tailor the scope of representation to services they are qualified and available to provide. Attorneys should be allowed to enter limited representation notices of appearance for separate hearings such as master calendar or individual hearings, and also to separate master calendar hearing and individual hearing dates. This will also allow currently unrepresented respondents some form of representation and advice and encourage more attorneys to practice in this area as they can be fairly compensated for actual work performed. Additionally, permitting limited appearances will encourage additional pro bono representation based on an ability to control volume and capacity by pro bono attorneys and/or pro bono service providers, thus increasing overall representation rates.

Many individuals in removal proceedings are of limited financial means. When faced with a removal case that could take many years to process, the legal services consumer may be faced with high fees from a lawyer, who must calculate the possible fees and expenses for the entire case. A large swath of respondents cannot afford to pay to retain a lawyer for years of potential representation, so they appear pro se, which slows down case processing in court.

In addition to limited scope representation for court appearances, lawyers or representatives should also be allowed to prepare forms, draft briefs or motions, or do other work that would constitute “practice” or “preparation” as part of limited scope representation and should not be required to submit a formal appearance, provided they take responsibility for their work by providing the same contact information on the work product that is requested in a formal notice of appearance (e.g., name, address, phone, bar numbers, etc.) This will also expand access to pro bono services.

Question 2: Should limited representation be permitted to allow attorneys or representatives to appear at a single hearing in proceedings before EOIR, possibly leaving the respondent without representation for a subsequent hearing on the same filing? If so, to what extent? If not, why not?

Yes, consumers should be allowed to choose from the outset. Consumers and lawyers should be able to define the scope of their representation, so long as the agreement is clear and the consumer is fully informed. Because consumers want more flexible, affordable options to hire lawyers as they go, and the ability to complete some of the work themselves, lawyers should be able to enter their appearance separately for each hearing (whether bond, master calendar, or individual). As such, limited scope agreements should be based upon a unit of work to be completed, not a set number of hours dedicated to it. In other words, the scope must be relevant limited event or motion, not a limit of time.

EOIR should also consider allowing lawyers and representatives to enter their appearance separately for the removability phase and/or the relief phase of a proceeding. This increases access to competent attorneys or representatives who could not otherwise represent some individuals in removal proceedings.

² See *The Changing Immigration Consumer* from the American Immigration Lawyers Association’s the Future of Immigration law Practice Report (2016), available at Addendum A.

Since limited representation has been allowed in bond proceedings,³ we believe based on AILA member experiences that more detained respondents have had access to representation.

Lawyers should be allowed to limit the scope of their representation from the outset to confirm that they will not be required to perform services they have not been engaged for. The concept of limited scope requires that an attorney or representative be retained for a specific purpose (e.g., consulting, document preparation, court appearances for a particular purpose, or court appearance on a particular date). The attorney or representative must clarify to the respondent what specific work will be completed and what the respondent will be responsible for once the limited scope representation is over, and the client must have the opportunity to give informed consent of that scope of representation. AILA recommends that EOIR update its database to reflect this new option, making the history of representation and scope clearer.

Question 3: Should limited representation be permitted to allow attorneys or representatives to prepare or file a pleading, application, motion, brief, or other document without providing further representation in the case? If not, why not? If so, should attorneys or representatives be required to identify themselves as the author of the document or should anonymity (*i.e.*, ghostwriting) be permitted?

Yes, lawyers should be allowed to perform such services, but must take responsibility for their work in writing. This will increase client access to court representation. The lawyer should identify themselves by providing the same information on the document as if the lawyer were to enter an appearance, but there should be no formal requirement to enter an appearance that would create a future obligation to appear in court or perform other work. This is consistent with the majority of state ethics opinions and rules on limited scope representation.⁴

Question 4: If limited representation is permitted in proceedings before EOIR, should an attorney or representative be required to file a Notice of Entry of Appearance regardless of the scope of the limited representation? If so, should a form separate from the EOIR-27 and EOIR-28 be created for such appearances?

Forms EOIR-27 and EOIR-28 should be modified to allow for single court hearing appearances. A new list of options with checkboxes should be added so that lawyers can quickly and clearly communicate to the court and the respondent the limited representation scope. Alternatively, an additional form could be created, to express limited scope. However, an appearance should not be required for “practice” or “preparation” performed outside court for submission in court, provided that the lawyer or representative takes responsibility by signing her work as preparer and providing the same contact information required in a formal notice of appearance. Accordingly, if lawyers or representatives are no longer required to make “appearances” to complete forms, etc., then 8 CFR §1003.102(t) should be amended.

³ 80 Fed. Reg. 59499 (Oct. 1, 2015), available at <https://www.federalregister.gov/documents/2015/10/01/2015-24016/separate-representation-for-custody-and-bond-proceedings>.

⁴ See Florida Bar Ethics Opinion 79-7 (Reconsidered 2000) requiring “prepared with the Assistance of Counsel” be added to ghostwritten filings, available at <https://www.floridabar.org/etopinions/etopinion-79-7-rec/>; Colorado Ethics Opinion 101: Unbundling/Limited Scope Representation (2016), available at <https://www.cobar.org/-em-Colorado-Lawyer-em/Details-Page/ArticleID/105/CBA-Ethics-Committee>; and State Bar of Nevada Formal Opinion No. 34 (revised 2009), available at https://www.nvbar.org/wp-content/uploads/opinion_34.pdf.

Question 5: If limited representation is permitted, should attorneys or representatives certify to EOIR, either through a form or filings made, that the alien has been informed about the limited scope of the representation?

This would not be necessary for lawyers since they are subject to Rule of Professional Responsibility 1.2(c), which requires the informed consent of the client. Since non-lawyers who are fully DOJ accredited are also allowed to practice in immigration court, the federal rules at 8 CFR §1003.102 should be modified to mirror ABA Model Rule 1.2(c) so that these practitioners are also required to implement proper safeguards for clients. We recommend adding the language in Rule 1.2(c) to 8 CFR §1003.102(q)(3) since it already provides that a lawyer “should carry through to conclusion all matters undertaken for a client, consistent with the scope of representation as previously determined by the client and practitioner, unless the client terminates the relationship or the practitioner obtains permission to withdraw in compliance with applicable rules and regulations.” Forms EOIR-27 and 28 could be amended so that lawyer and client could consent in writing to the limited scope representation option selected on the form without the need for separate documentation.

Question 6: If limited representation is permitted in proceedings before EOIR, to what extent should such attorneys or representatives have access to the relevant record of proceedings?

The process should be the same as with all cases (see 8 CFR §1292.4(b)), except that in limited scope cases clients would consent to this access by selecting the appropriate box on a new version of Form EOIR-27 or 28. It is already possible to limit the scope of representation on the EOIR-28 to review of the file, but access to the file should be mandated by regulation upon the lawyer or representative’s submission of the EOIR-27 or 28. It’s notable that lawyers have reported some difficulty in gaining access to the file, even with a properly completed EOIR-28. Both lawyers and representatives should have access to files with client consent through the FOIA process. Reviewing the record already is and should continue to be one of the limited scope services for which an attorney or representative can be retained.

Question 7: To what extent could different approaches for limited representation impair the adjudicative process or encourage abuse or other misconduct that adversely affects EOIR, the public, or aliens in proceedings, or lead to increased litigation regarding issues of ineffective assistance of counsel?

Giving respondents greater access to representation, whether paid or pro bono, will improve court efficiency. The nature of limited scope representation provides an opportunity for unbundled representation that would otherwise be unavailable to respondents with limited access to money to pay for representation. The scope of representation would be defined by the legal services agreement signed with the attorney or representative as well as the Notice of Limited Scope Representation Form. This will ensure that the respondents are aware of what representation they have contracted for and this will hold the attorneys or representatives accountable for the work they have agreed to perform. ABA Model Rule 1.2(c) requires that limited scope representation be “reasonable under the circumstances” as well as with the informed consent of the client. Since there will be more clarity on the limited scope of representation, ineffective assistance of counsel claims will likely be reduced, as the role of the attorney and extent of the representation will be better defined and understood by both attorney and client. Requiring the preparer to

identify herself on any pleadings, forms, or documents prepared outside of court will eliminate any concern about “ghostwriting” of papers by those who cannot be held accountable for their contents.

Question 8: What safeguards, if any, should be implemented to ensure the integrity of the process associated with limited representation in proceedings before EOIR, and to prevent any potential abuse and fraud?

Lawyers or representatives should be required to submit notices of appearance in immigration court. For forms and other documents prepared outside court, the lawyer or representative should submit his/her name, address, and phone number (and any other contact information normally collect on Forms EOIR-27 and 28) to accept responsibility for his/her work. By including the limited scope of representation language in Rule 1.2(c) at 8 CFR §1003.102, BIA representatives and lawyers will be required to implement safeguards to protect respondents while providing them with greater access to representation.⁵

Question 9: What kinds of constraints or legal concerns with respect to limited representation may arise under state rules of ethics or professional conduct for attorneys who are members of the bar in the various states?

ABA Model Rule of Professional Conduct 8.5(b), *Choice of Law*, and its state bar equivalents make it clear that the rules of the state where the tribunal sits apply unless court rules state otherwise.⁶ Accordingly, in most court cases, it will be quite clear which state’s rules apply. The various states have rules governing limited scope representation and should also be complied with to the extent possible. If, however, the language in ABA Model Rule 1.2(c) is added to the federal rules, then this specific language may preempt any contradictory language in applicable state ethics rules.

Question 10: Should EOIR provide that practitioners, as a condition of representing aliens in a limited manner, be required to agree to limit their fees in charging for their services?

No. EOIR should respect the freedom of lawyers and clients to agree to legal fees, provided they are not “grossly excessive” as defined by 8 CFR §1003.102. Additionally, state bar rules already impose limitations on fees or expenses that are unreasonable.⁷

Question 11: The Department is interested in gathering other information or data relating to the issue of expanding limited appearances in EOIR proceedings. Are there any additional issues or information not addressed by the Department's questions that are important for the Department to consider? Please provide as much detail as possible in your response.

⁵ Pennsylvania Formal Opinion 2011-100 sets out five safeguards that amount to informed consent, reasonableness of agreement to client, *available at* http://www.philadelphiabar.org/WebObjects/PBAReadOnly.woa/Contents/WebServerResources/CMSResources/JOint_Formal_Opinion_2011-100.pdf.

⁶ See ABA Model Rule 8.5(b), *Choice of Law*, *available at* https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_8_5_disciplinary_authority_choice_of_law/.

⁷ See ABA Model Rule 1.5, *Fees*, *available at* https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_5_fees/.

As part of this effort, we recommend that a history of representation be added to an electronic database to make the scope of limited representation clear to lawyers, judges, and respondents at any given point in time.

Conclusion

We appreciate the opportunity to offer these comments in response to EOIR's ANPRM and look forward to continuing to engage with EOIR on this important issue.

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION

Addendum A



The Changing Immigration Consumer

The companion articles of this report discuss how the future of immigration law practice is being affected by a multitude of conflicting forces, including revolutionary technology, stagnant rules and regulations, and new opportunities for non-lawyer practitioners. This article, in contrast, identifies the human element that is often overlooked, but is just as powerful a force: the immigration consumer.

The immigration consumer in many respects is an immigrant. And, the term “immigrant” engenders various perceptions and misperceptions. Some Americans respond amiably, while others react with discontentment. Some consider immigrants to be strong and courageous, while others perceive them as poor and vulnerable individuals who take advantage of American benefits. Some visualize an elder Indian woman wearing a sari, while others see an NBA superstar like Dirk Nowitzki.

Immigrants are much more than the word represents. Immigrants are teachers and students, mothers and fathers, employers and employees. They are imaginative three-year-olds and fifteen-year-olds celebrating their quinceañeras. They are scientists and activists, medical students and renowned singers. They are smart and talented, willful and defiant, business savvy and adaptable. And immigration attorneys see this every day in their law practices.

For decades, immigration attorneys have been the gatekeepers for immigrants, defending and advocating for their rights and needs, helping reunite family members, allowing participation in study and exchange programs, securing employment, and fighting for asylum claims. Likewise, immigrants have relied on immigration attorneys for their knowledge and expertise to navigate the complexities of U.S. immigration law in hopes to one day attain their American dream.

In recent years, however, the tide has shifted. The need for knowledge, expertise, and a valiant advocate still exists, but now a greater focus is placed on accessibility, availability, and cost. Today, immigration consumers, as all consumers, are utilizing the technological platforms they use for work and entertainment to access a wealth of information, making them more knowledgeable about the

This article is one of six in a series prepared for the AILA membership by the Future of Immigration Law Practice Task Force. The article series provides foundational information and analysis on the future of immigration law practice, and is meant to provoke thought and reflection about the future of your practice and career, as well as our profession and association. Readers are encouraged to pursue additional research on matters of particular interest. These are issues on which individual members and AILA as an organization must act as we develop our preferred future.



immigration process, among other things. In fact, legal theorists forecast that the next generation of legal consumers will continue to employ new and ingenious technologies to find the answers they need within seconds.¹

Why are consumers of immigration services changing, and how are they changing? We begin this article by framing the changing landscape and identifying the current consumers of immigration services. We then discuss the trends driving consumer change, including the impact of communications and technology and the global movement towards a networked lifestyle. Next, we address the trends impacting the immigration marketplace and how innovation is causing disruption. Finally, we conclude with whether alternative approaches can enhance accessibility to legal services and why consumers may turn towards these methods.

Understanding the consumer of immigration legal services is key to building and maintaining a strong practice into the future. Without understanding who immigration consumers are, there are no clients; without clients, there is no business and without business there is no immigration practice.

The Changing Landscape and Current Consumers of Immigration Services

The practice of law looked very different a decade ago—consumers asked their friends and family members for recommendations or searched the Yellow Pages for attorneys. They called a phone number, made an appointment, and hired the attorney whose office was most conveniently located near their home or workplace. Every minute spent on the client’s case was documented and listed on the client’s bill. Each month, the client’s bill was carefully reviewed to ensure that the time spent matched the tasks performed. The interaction and processes between lawyer and client evolved slowly, leaving the profession and the professional largely unchanged.

Recently, however, signs of change are showing in the marketplace. Digital documents now compete with paper; fixed fee arrangements outpace hourly fees; lawyers no longer are limited to the walls of their office; and clients come from almost anywhere in the world. As immigration attorneys become more technologically advanced, so do their clients. And as clients increasingly engage in all areas of the global marketplace, they are expecting a higher level of ingenuity from their legal services provider. This wave of consumers is aptly putting pressure on efficiency, transparency, and cost-effectiveness for the services they are paying for, or they are turning to alternatives to meet their legal needs.

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Some of the most common immigration-based matters that attorneys handle include family-based, business immigration, asylum and removal, and DACA eligibility. The clients of these categories, and others, require a different set of approaches that are unique to their individual experiences and abilities.

For example, consumers of family-related immigration services cover a diverse spectrum of the population. Some clients are young, educated, and highly technical; while others are aging, illiterate, or unable to speak effectively in English. The most common family immigration case is marriage-

1 See generally, Jordan Furlong, **THE EVOLUTIONARY ROAD: A STRATEGIC GUIDE TO YOUR LAW FIRM’S FUTURE** (Attorney at Work, Digital ed. 2013)



based visas. Because many people marry in their 20s and 30s, a significant sub-population of this group is also dubbed the termed “digital natives,” as they have grown up with technology and the Internet. “Digital natives” are not only comfortable with online ordering and delivery, but often prefer it in many situations.

Business immigration clients cover a different segment of immigration consumers, ranging from small mom-and-pop shops to large technology powerhouses. These consumers require ongoing innovation, responsive communication, and efficient delivery of services. The technology industry in particular will continue to recruit global experts to stay on the cutting edge of technological development. Foreign nationals make up a growing proportion of math and engineering students in the United States, who are in high demand in this economy. These consumers of work visas and permanent residency applications have provided immigration attorneys with a profitable base and a constant stream of business.

Some will likely have a technological device and will be capable in communicating via social media

In contrast, asylum seekers, refugees, and those in removal proceedings make up the largest underserved population of immigration consumers in the United States. Newly arriving to the United States, many in this category may struggle to communicate effectively in English; however, that does not mean they are incompetent. Some will likely have a technological device and will be capable in communicating via social media.² Besides the standard

legal representation, this population requires support, compassion, and strength from their legal services provider, as many do not have family and friends to whom they can turn to for guidance.

In June 2012 the Deferred Action for Childhood Arrivals (DACA) program was announced. Within three years of the program, roughly 665,000 people were granted DACA.³ Studies have found that DACA approval has resulted in an increased wage of approximately 45%, greater educational opportunities, and increased spending on products like cars.⁴ Deferred Action has clearly increased this community’s economic and political clout. For this population, social media and an effective online presence are critical. DACA recipients are much more likely to use the Internet to shop, communicate, and research legal questions. Because this population grew up in the United States, most speak fluent English and have the same level of technological skills as their American counterparts of a similar age.

The desire to immigrate to the United States will undoubtedly remain constant, however, the sophistication and composition of immigration consumers will continue to change and advance.

2 We have seen the remarkable success of communicating and sharing of information on a closed Facebook group with women who were detained at the South Texas Family Residential Center (STFRC) in Dilley, TX and other family detention centers around the country. While addresses and phone numbers have been known to change for some of the women, their Facebook profile remains the same, allowing them to access a constant flow of confidential and reliable information.

3 Tom K. Wong et al., *Results from a Nationwide Survey of DACA Recipients Illustrate the Program’s Impact*, Center for American Progress (July 9, 2015), <https://www.americanprogress.org/issues/immigration/news/2015/07/09/117054/results-from-a-nationwide-survey-of-daca-recipients-illustrate-the-programs-impact/>

4 *Id.*



Trends Driving Consumer Change

In the last decade, leading tech companies were the primary influencers in the marketplace. Companies like Apple, Google, and Facebook drove consumers to what they think they needed and what was available to them.⁵ Early adopters and industry experts determined which ideas and products were good and which were inadequate. And, consumers played into their hands, succumbing to mass marketing, promotion, and the desire for the next shiny new thing. Yet as the speed of technology adoption continues to increase, and swift access to the public becomes the norm, the role of early adopters and industry experts become less important. Consequently, with limitless access to products, services, and information, consumers are becoming the driving force in the marketplace and influencing the way other consumers respond to products and services.

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At the same time, through technology and vast accessibility, consumers of all socioeconomic backgrounds are becoming more empowered,⁶ and this is changing people's lives. Routine Google searches have replaced most calls to attorneys for basic immigration-related information. Family-based clients have met their foreign-born spouses through online dating services. And, globalization has created incentives for foreign businesses of all sizes to enter the U.S. market, and for U.S. businesses to develop ties abroad.

Internet and Communications Technology

84% of Americans use the Internet now, compared to just 52% in the year 2000

The Internet has drastically altered the experience of consumers around the world. Pew Research Center, a nonpartisan fact tank, studied the Internet access of Americans over a 15-year period, from 2000 to 2015. The study found that approximately 84% of Americans use the Internet now, compared to just 52% in the year 2000. The study also revealed that there has been a significant rise in Internet

usage among all age, class, community, and racial and ethnic groups. The age group of 65 and older was found to have the lowest level of Internet usage. Remarkably, however, this population also reported the greatest change over the 15-year period, from 14% in 2000 to 58% in 2015.

In 2008, Pew Research Center began offering this survey in Spanish as well as in English to better document the trends in the Hispanic community. Pew acknowledged that “[m]ore recently arrived Hispanic immigrants are more likely to have limited English ability, have lower levels of income and formal education, and have less internet experience than other Hispanics living in the U.S.” Considering the full Hispanic community, in 2015, 81% of the Hispanic population residing in the United States reported to using the Internet. In comparison, 78% of African Americans, 85% of the white community and 97% of Asians reported using the internet.⁷

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5 Ericsson ConsumerLab, *10 Hot Consumer Trends 2016: An Ericsson Consumer Insight Summary Report* (December 2015), <http://www.ericsson.com/res/docs/2015/consumerlab/ericsson-consumerlab-10-hot-consumer-trends-2016-report.pdf>.

6 Andrew Perrin and Maeve Duggan, *Americans' Internet Access: 2000-2015*, Pew Research Center (June 26, 2015), <http://www.pewinternet.org/2015/06/26/americans-internet-access-2000-2015/>

7 Pew Research Center, *supra* note 6.



On a global scale, Ericsson ConsumerLab, a leading research center based in Stockholm, Sweden, studies the behaviors and values of consumers around the world, surveying and documenting the way hundreds of thousands of people think, act, and use technology in everyday life.⁸ Their most recent report, *10 Hot Consumer Trends*, illustrated insights and trends about consumers in 40 countries, and identified new ways that consumers are engaging with companies online. Through social media, user reviews, opinion sharing, petitions, and instant crowd activities, the report underscored the fact that consumers are gaining market strength in numbers. The data presented in both the Pew and Ericsson studies highlights the ubiquitous nature of Internet usage, and further reveals that a significant number of immigration law clients are using the Internet to approach information.

Even still, it is important to acknowledge that each individual has a unique set of abilities and restrictions based on their generation, the communities they come from and the sum of their experiences. While a majority of the world is becoming interconnected, there are still some who are resistant or do not have the resources to access this lifestyle. According to the Ericsson ConsumerLab report, 18% of worldwide consumers do not partake in the connected lifestyle; this group consists primarily of females in the 40 to 59 year old age range. The highest proportions of these un-networked consumers are found in Indonesia and the Ivory Coast. Although this group is not connected socially, many have mobile phones and are likely connected technically.⁹ Many also indicate a desire to become more socially networked, and believe there are advantages to doing so.¹⁰ Along the same lines, the first global generation that grew up with the Internet is now in their early to mid-30s. While they actively use the Internet and communications technology, their habits and behaviors differ greatly from newer generations. For instance, 16 to 19-year-olds watch over three hours of YouTube daily and spend a larger amount of time on their smartphones than on any other device. In comparison, 30 to 34-year-olds devote much less time on these same activities.¹¹

Connectivity Leading to a Networked Lifestyle

The move towards a networked lifestyle is rapidly becoming mainstream across the world. In a separate study published by Ericsson titled *The Networked Life*, 82% of consumers are actively using the Internet and connectivity to shape their lifestyles. What does this mean? “As consumers spend more time online and use digital services, their perspective on life changes, leading to a networked lifestyle.”¹² Consider that 46% of consumers are active on more than one social network, and that 34% participate in the sharing economy for cars, rooms, bikes, and other goods and services. Even more striking, 38% believe that user reviews are more beneficial than expert reviews. And, almost half of respondents think that technology will have a democratizing effect on education.¹³

8 Ericsson ConsumerLab, *supra* note 5.

9 *Id.*

10 *Id.*

11 *Id.*

12 Ericsson ConsumerLab, *The Networked Life, How connectivity is shaping consumers' lifestyles: An Ericsson Consumer Insight Summary Report* (November 2015), <http://www.ericsson.com/res/docs/2015/consumerlab/ericsson-consumerlab-the-networked-life.pdf>

13 Ericsson ConsumerLab, *supra* note 5.



One successful platform that people around the world are using to advocate for important issues and to connect with others is the “crowdspeaking” phenomenon of ThunderClap. ThunderClap’s model was initiated by a simple observation of an Occupy Wall Street protestor using a microphone—the objective was clear, to amplify the message for others to hear, engage and react. Through ThunderClap’s platform, individuals and companies can elevate a unified message at the same time through various social media channels, including Facebook, Twitter and Tumblr. In doing so, interested individuals can participate in concerted activism that expands beyond their local community to engage with issues of importance to them. To date, Thunderclap messages have reached over 3.5 billion people in over 230 countries and territories, and over three million people have donated their social reach to influence others.¹⁴ Campaigns range from the Alzheimer’s Association’s message of *End Alzheimer’s #SaveLives* that has reached over 1.1 million people to *FREE Legal Documents!*, a message directed primarily to the LGBT community which has had a social reach of 51,000 people.¹⁵ When comparing the reach of Thunderclap’s campaigns to the attendance of informational sessions held by attorneys and nonprofits to educate immigrant communities, it is easy to see the significant impact that connectivity has on the global population.

The profound impact of the networked lifestyle can also be seen with the Arab Spring movement in 2011, the DREAMers’ relentless advocacy for Deferred Action in 2012, the Syrian refugee crisis taking hold in European countries, and the ongoing fight to end family detention in the United States.

The primary benefit of a networked lifestyle is the accumulation of the group’s collective intelligence which is achieved by the constant flow of information. “This comes from an implicit trust placed in online communities when it comes to information research, reviews or finding new products to buy. This lifestyle is inclusive in nature, because it increases in strength as more people start adopting it.”¹⁶ As illustrated above, these figures are not limited to the United States, but are part of a global transformation. When considering immigration consumers, recognizing the changes globally is just as vital as understanding what is happening in the United States.

Looking ahead, the physical lives of consumers will merge more and more with the online world. The Ericsson ConsumerLab report highlights interesting consumer projections on artificial intelligence, virtual reality services, virtual medical emergency assistance, smart home devices, internal technology devices, and much more. These innovations are all trends that consumers’ envision will materialize fairly soon.

You might think to yourself, “What do these trends have to do with immigration law practice and the clients I serve?” To put it bluntly, a lot. So often, attorneys focus narrowly on the clients in front of them, not paying attention to the full picture or recognizing that their clients are individuals beyond the immigration context. The world is changing, goods and services are changing, and consumers are changing. Shouldn’t the practice of immigration law also change?

14 See Thunderclap, Bringing the Thunder, Thunderclap.it, <https://www.thunderclap.it/casestudies>.

15 See Thunderclap, *End Alzheimer’s #SaveLives* by Alzheimer’s Association, Thunderclap.it, <https://www.thunderclap.it/projects/39277-end-alzheimer-s-savelives?locale=en>, Thunderclap, *FREE Legal Documents!* by Rainbow Law, Thunderclap.it, <https://www.thunderclap.it/projects/37-free-legal-documents?locale=en>.

16 Ericsson ConsumerLab, *The Networked Life* supra note 12.



Trends Impacting the Immigration Marketplace

In the previous section, we discussed the trends driving consumer behavior; in this section, we address the forces influencing the legal landscape. Innovation involves thinking through new ideas, developing processes, and using information and technology to create improved solutions to common problems. The last century brought many technological breakthroughs and made the life of lawyers easier and more efficient. Xerox introduced the copying machine that revolutionized document creation. Soon thereafter, auto-correcting typewriters and word processors with memory chips further enhanced the ability to produce more words on paper, which was a benefit for lawyers who trade words for a living. The fax machine, and later email, enabled attorneys to send documents to other attorneys in an instant without postage and delivery fees. And mini-tape recorders enhanced the production of documents created each day by staff members. Some lawyers embraced these new-fangled, time-saving devices and innovations, while others continued to dictate to secretaries writing shorthand. Competition eventually drove out those less efficient and less productive members of the bar.

Innovation and Technology

consumer needs, and not the technical brilliance of an innovation, will determine whether an innovation will be disruptive or sustaining

With regard to the future of immigration law practice, innovation is not just about benefiting the law firm structure; it strikes to the core of the legal industry—the clients. In *Rethinking Regulation and Innovation in the U.S. Legal Services Market*, Professor Ray Worthy Campbell examined how innovation in the legal marketplace will continue to dominate consumer demands and needs.¹⁷ Professor Campbell pointed out that “consumer needs, and not the technical brilliance of an innovation, will determine whether an innovation will be disruptive or sustaining.”¹⁸

A sustaining innovation has the potential to make existing products in the market better. These advances can be a critical breakthrough, but the structure of the market does not change.¹⁹ Online legal research has proved to be a sustaining innovation, although it was a disruption when it initially entered the market. Before the 1970s, there was a significant disparity between the services provided from large firms and those from small firms. It was difficult for solo and small practices to compete with big, financially well-equipped firms, as they did not have the capacity or the resources to sustain a large print library. Without a large print library, smaller practices were at a disadvantage in representing clients. Clients, particularly those with limited finances, were constrained in their access to counsel. The entry of online legal research provided greater accessibility to primary law, cases, statutes, regulations, and court rules. This innovation leveled the playing field among firm sizes and gainfully impacted legal clients. Initially, this was not seen as a welcomed innovation by large firms, as it disrupted their landscape and shifted their dominance in the legal marketplace. But over time, as online legal research providers improved in availability, accessibility, and cost, attorneys of all firm sizes benefited, thus advancing their practices.

17 Ray Worthy Campbell, *Rethinking Regulation and Innovation in the U.S. Legal Services Market*, 9 New York University Journal of Law and Business 1 (2012)

18 *Id.* at 10.

19 Ray Worthy Campbell, *supra* note 17



Disruptive innovations, on the other hand, do change markets.²⁰ Professor Campbell noted that an innovation is disruptive when new consumers come to the marketplace in ways not anticipated by players in the field. Those most affected by the disruptive innovation are people who would not otherwise be consumers.²¹ This revelation signifies a segment of the population who may, at some level, require legal guidance but will not hire an immigration attorney, for one reason or another. However, with the new innovation, these individuals will be more willing to seek the assistance they need.

Those most affected by the disruptive innovation are people who would not otherwise be consumers

Consider Uber. Founded in 2009 in San Francisco, Uber disrupted the taxi industry and redefined the way billions of people get from one place to another.²² Now the term “Uber,” and not “taxi,” is synonymous with getting a ride. While the company still faces legal backlash from some taxi companies and governments around the world, Uber has risen to markets in 58 countries and over 300 cities worldwide. Uber’s success is a result of recognizing the disadvantages of taking a taxi and constructively addressing the needs of the consumer. Uber does not just offer a service, instead it collects, tracks and reacts to the data it gathers from drivers and riders to continually enhance the overall customer experience. From those who had never before hailed a taxicab to those who only preferred luxury car services, billions of people around the world are now active consumers of this revolutionary application.

nearly half (47%) of consumers would be more likely to retain the services of a firm that offered the convenience of online access to legal services and documents

In 2010, a study conducted in the United Kingdom by YouGov, yielded that nearly half (47%) of consumers would be more likely to retain the services of a firm that offered the convenience of online access to legal services and documents over a firm that did not offer such capability.²³ Further, the research supported the notion that consumers view online services as a way to reduce costs and they would change service providers for that reason—43% stated they would be willing to explain their matter online if an alternative firm offered a reduced fee. As we are seeing now, Avvo, Rocket Lawyer, Visa Now, and others are catering to the needs of these consumers’ and are disrupting the traditional mode of legal services.

The ABA Law Practice Magazine featured an article with Mark Britton, founder and CEO of Avvo, on the “uberization” of law. Mr. Britton discussed the rise of “end-to-end,” also known as “E2E,”²⁴ which seeks to eliminate middle layers to optimize performance and efficiency. The concept of E2E merges technology and digital channels from one end online, to genuine human interaction at the other end, offline, making the experience for the client simple and seamless. Services like Uber, Redfin, and AirBnB essentially strip the middleman down to the click of a button, with consumers receiving more accurate and transparent information in return. The concept of E2E reflects the trends reported in the Ericsson studies above—consumers are not only engaging with companies online, but are also embracing the concept. Comparatively, in the legal arena, RocketLawyer boasts “Helping 20

20 *Id.*

21 *Id.*

22 Max Chafkin, *What Makes Uber Run*, Fast Company (Sept. 8, 2015, 6:30 AM), <http://www.fastcompany.com/3050250/what-makes-uber-run>.

23 Pam Andrews and Rebecca Green, *Over Half (56%) of Consumers Expect Good Law Firms to Offer Legal Services Online*, Prweb.com, May 7, 2010, <http://www.prweb.com/releases/2010/05/prweb3970654.htm>.

24 Patrick A. Wright, *The Uberization of Law*, **LAW PRACTICE MAGAZINE**, July/August 2015, at 49, 49.



million people. Just like you.”²⁵ Though the figure cannot be substantiated with other sources, it is still remarkable that one legal platform is able to assist such a sizeable population, especially when compared to the volume of clients a typical law office expects to see in its lifetime.

Delivery of Legal Services

Traditional law practices have been built to provide a problem-solving service to clients, much like doctors and engineers.²⁶ A client meets with an immigration lawyer, and the immigration lawyer then uses her years of experience and legal knowledge to assess the situation, diagnose the issue, and develop a pathway to achieve the best solution. The immigration lawyer and client then work closely together hoping to achieve that solution. This business model relies on the attorney to provide competent advice tailored to the individual client, and the client to pay the attorney for her time. It allows the immigration lawyer to work with unique and interesting cases while also employing standardized processes to increase efficiency. This form of service delivery has been engrained in both consumers and lawyers since the beginning of time. According to Campbell, “To flourish, the service provider needs to know how to do things the clients cannot do more cheaply by themselves.”²⁷ Previously, this was not an issue. In recent years, however, technological innovation has provided greater information for minimal cost. As a result, consumer inquiries, that at one time may have led to initial consultations, are now easily searchable on the Internet and answers are provided “more cheaply,” albeit the information may not always be accurate. Consumers now are more likely to do initial legal research and analysis on their own, thus demanding more value for their money when contacting an attorney.

technological innovation can provide greater information for minimal cost

The delivery of legal services is not the same as a cab ride; however, understanding that the delivery of products and services is changing and acknowledging the impact on the immigration marketplace will allow attorneys to be well-positioned for the next five to ten years.

Enhancing Accessibility to Legal Services through Alternative Approaches

The very essence of how consumers obtain legal services is changing. The perception that lawyers are expensive is not new. In Malcolm Mercer’s article *So Many Lawyers, So Many Unmet Legal Needs*, he states, “Many legal issues are not being addressed because getting legal advice is costly and time-consuming.”²⁸ Further, the American Bar Foundation maintains that “[b]road agreement exists that many people in the United States—particularly the poor—who need assistance handling civil justice issues do not obtain it.”²⁹ Several studies, including one from the American Bar Foundation, reflect that the cost of legal services, among other factors, has created a large proportion of unmet needs;

25 See RocketLawyer, About Us, Rocketlawyer.com, <https://www.rocketlawyer.com/about-us.rl>. In our research, we attempted to substantiate the 20 million reference but were unable to find other reliable sources.

26 Clayton M. Christensen et al., *THE INNOVATOR’S PRESCRIPTION* 6 (McGraw-Hill Education; 1st ed. 2008).

27 Ray Worthy Campbell, *supra* note 17.

28 Malcolm M. Mercer, *So Many Lawyers, So Many Unmet Legal Needs*, *LAW PRACTICE MAGAZINE*, July/August 2015, at 47, 45.

29 Am. Bar Foundation and Nat’l Ctr. St. Cts., *Increasing Access to Justice Through Expanded ‘Roles Beyond Lawyers’: Preliminary Evaluation and Classification Frameworks*, April 2015, http://www.americanbarfoundation.org/uploads/cms/documents/rbl_evaluation_and_program_design_frameworks_4_12_15.pdf.



only one-fifth of people with civil justice issues seek the assistance of a lawyer or the like

despite the number of lawyers present in the marketplace, only one-fifth of people with civil justice issues seek the assistance of a lawyer or the like.

Although access to justice has always been a priority for the legal industry, expanding access to those excluded from the market has been a challenge. And, while underserved communities lie at the heart of this predicament, broadening the scope to include all potential

consumers of immigration services can provide a well-rounded, holistic understanding as to why unmet needs continue to exist in accessing legal services from lawyers.

Traditionally, consumers of immigration services were limited in their means of retaining an attorney. Some contacted their family and friends, while others found a lawyer in their geographic location. This, of course, left many—especially those in rural areas and in certain ethnic communities—unable to find adequate counsel to help them with their immigration matter. Technological innovation has lifted some barriers by enabling consumers to locate a larger pool of attorneys and allowing attorneys to more easily connect with clients. Still, the rising cost of living, economic downturn and personal financial stressors prevent many competent and capable individuals, who are well above the poverty line, from affording an attorney.

This common dilemma opens the door for innovation benefiting both consumers looking for alternate approaches and competitors looking to fulfill their needs. Can alternatives to lawyers significantly enhance accessibility of legal services? In this section, we attempt to explain why some consumers prefer self-lawyering, online platforms, and non-attorney legal professionals as alternatives to retaining an immigration attorney.

Self-Lawyering

A British scholar once wrote, “A man who is his own lawyer has a fool for a client.” However, with the constant flow of legal information available to consumers today, this notion may seem dated.

For anyone who makes a large purchase, the inherent question is, “Is the need worth the cost?” Community online forums, easy access forms, or the willingness of a family member or neighbor to help can at first make the complexities of immigration law seem easy to navigate. For others, the sum of the required costs—such as government application fees, biometrics, filing fees, and traveling expenses—can make them reassess the need to pay for an attorney.

What is self-lawyering? Self-lawyering is the notion that an individual can represent herself to the fullest extent possible. The individual can research information about an issue, find a solution, and possibly even carry it out. Self-lawyering enables consumers to have the power to determine how much or how little they can accomplish on their own. Though lawyers may think self-lawyering is plagued with problems, consumers find they have greater control and can manage their expectations of both cost and quality. To go one step further, consumers find serious drawbacks to traditional legal services, including a lack of accessibility, transparency, and decision-making power, plus cost. While these issues may not seem threatening to attorneys, these lingering problems leave consumers looking for other alternatives.

Self-lawyering or the do-it-yourself client has become more common in recent years, although not new. This concept is not just supported by consumers or tech companies, it is also being reinforced by state judicial systems and regulators. Steps are being taken both statewide and globally to address the rise of self-lawyering. In Connecticut, a pilot program called Limited Scope Representation



was launched by the state's judicial system in January 2014. This program is designed to make family court easier to navigate for those representing themselves.³⁰ There are now up to 40 states that allow similar practices. These programs have not only helped alleviate some of the pro se issues that the courts are seeing, but have also promoted more pro bono work among attorneys in these areas. Similarly, in the United Kingdom, a report commissioned by the Legal Services Board forecasted that self-lawyering is the future. The report also found that access to justice would be enhanced if consumers of legal services are empowered to handle more of their own legal affairs.³¹

Steps are being taken both statewide and globally to address the rise of self-lawyering

Many attorneys do not have a strong presence online and see no need to establish a robust online presence if a steady stream of business from other sources is available. However, from a potential consumer's perspective, the opposite is true. When a question or issue arises, no matter how trivial or substantive, the first action that the individual will employ is to access the Internet. The consumer's dilemma of sorting through the multitude of search results heightens if only a few results include lawyers and their websites. For example, the scant results from a Google search on "help with a fiancée visa" makes it difficult for an individual to locate a lawyer that meets their needs. Instead, the search will yield top results for rapidvisa.com, YouTube videos on how to self-file a fiancée visa, a one-stop site such as Path2USA.com, or hundreds of other non-lawyer results.

In turn, consumers create their own how-to blogs and videos to help other consumers in similar situations

Similarly, searches for lawyer reviews precipitate ambiguity and uncertainty when there is an absence of trustworthy reviews and relevant price points. As noted by the Ericsson report, *The Networked Life*, "56% state that it is easier to find products and services on the internet than through friends and family; the highest in the U.S. (71%)."³² The limited availability of attorney information hinders the group's collective intelligence that guides decisions on whether to retain a specific lawyer. The absence of discernable information on the experience of a lawyer in a specific immigration matter or the

process (what is involved, how difficult it will be, the price, and the actual cost for everything involved) leaves many unanswered questions for consumers, increasingly turning them towards other options or provoking them to figure the process out for themselves. In turn, consumers create their own how-to blogs and videos to help other consumers in similar situations.

If a consumer manages to locate and schedule a consultation with a lawyer, the next problem that arises is the lack of control the client has in the situation. When a client meets or speaks with an attorney for the first time, they often find that the information the attorney is sharing is similar to what they found when researching the topic online, and leaves them questioning the attorney's consultation fee. Additionally, it may seem that the attorney is speaking in circles, neither providing assurances nor a clear path forward in achieving the desired outcome. The client's decision-making power is often reduced to whether or not they want to retain that specific attorney; the lawyer controls the cost, course of action, and the work to be completed, often leaving the client in the dark as to what is

30 State of Connecticut Judicial Branch, Notice of Limited Appearance Pilot Program, Jud.ct.gov, <http://www.jud.ct.gov/external/news/press366.htm>.

31 Legal Services Consumer Panel, Legal Services Board of England and Wales, *2020 Legal Services: How Regulators Should Prepare for the Future*, November 2014, http://www.legalservicesconsumerpanel.org.uk/publications/research_and_reports/documents/2020consumerchallenge.pdf.

32 Ericsson ConsumerLab, *supra* note 16 at 9.



happening. Eventually, as noted by Malcolm Mercer, some consumers find that paying for a solution may be more financially or emotionally draining than the problem itself. For these consumers, it is easier to resolve the situation on their own rather than hire an attorney.³³

Though more often an issue of cost rather than accessibility, corporate consumers of immigration services are also beginning to invoke the DIY model to some extent. Using robust and expert systems, companies and businesses that would previously outsource their business immigration work to a skilled and seasoned practitioner can now employ in-house counsel (with paralegals) to take on the more routine and standardized tasks.

We have seen do-it-yourself concepts take hold in other areas, disrupting that industry's marketplace. When the first online travel agency emerged on the Internet in the mid-1990s, many people were skeptical of it, including the travel agents. At that time, entering credit card information on a booking site may have seemed preposterous. Two decades later, websites like Priceline, Orbitz, and CheapTickets dominate the industry. Other sites such as TripAdvisor fill in the gap by enabling travelers to gain valuable insight and information on how to plan a trip specific to their needs. A report by CNN in 2013 found that the number of travel agencies in the United States dropped 60% within a twenty-year period.³⁴ What prompted this shift? The consumers. Consumers found that using online sites produced not only better prices, but also more efficiency, transparency and convenience. In addition, as we noted above, consumers started heavily relying on others' reviews to make informed decisions for themselves through collective intelligence.

When the first online travel agency emerged on the Internet in the mid-1990s, many people were skeptical of it, including the travel agents

Alternatives to Lawyers

Not everyone is a do-it-yourselfer. Some find their matter more complicated than previously anticipated, some prefer paying to get the work completed, and some want the assurance from a trained individual. In the past, these dilemmas would encourage the consumer to walk straight into an attorney's office; however, as online legal services and non-attorney legal professionals become permanent fixtures in the legal industry, consumers now have alternative options to meet their legal needs.

As discussed earlier, online immigration services are a disruptive technology. This new model of delivering legal services competes with the traditional model of a brick-and-mortar law practice. The companion article, *Online Legal Services: Do They Help or Harm Consumers?* delves into how these new technologies could impact potential immigration clients. Attorneys are understandably uncomfortable with the emergence of these new services. Even after years of being on the market, attorneys remain skeptical and unconvinced of the benefits to consumers and view the offerings of such providers as the unauthorized practice of law. From a consumer's standpoint, the benefits of these online providers initially outweigh the cons—especially for those consumers who would not otherwise retain a lawyer.

³³ Malcolm M. Mercer, *supra* note 28.

³⁴ Rebecca L. Weber, *The Travel Agent is Dying, But It's Not Yet Dead*, CNN.com (Oct. 10, 2013, 6:20 am ET), <http://www.cnn.com/2013/10/03/travel/travel-agent-survival/>



A 60-second search on Avvo.com, in comparison, can provide a potential client the answers they need

A client may use an online legal provider for many reasons. For the younger generation, the classic attorney-client relationship of a traditional law setting does not fit the mobile, on-the-go lifestyle that many consumers expect from other industries. For others who cannot afford legal services, online services offer an alternative at a more reasonable cost. Others believe they do not need to retain a lawyer for his full fee, and feel competent to complete some of the work themselves. And still other consumers have difficulty finding an attorney near their residence or work, as legal service providers are not distributed equally across all geographic communities. A 60-second search on Avvo.com, in comparison, can provide a potential client the answers they need, yielding clear results on how long the process will take, an exact price of how much it will cost, and a guarantee that the consumer will receive a response within a day. Few attorney websites provide such assurances. Attorneys can argue that it is difficult to offer definitive answers and that the rules and regulations prohibit this; however, consumers would dispute that based on the attorney's years of experience, knowledge about the subject, and skills in carrying out the matter, a level of assurance and transparency should be provided to the client at the outset.

In *Rethinking Regulation and Innovation*, Professor Campbell provides greater insight as to why consumers would select an inferior service such as LegalZoom compared to a competent attorney:

At a fundamental level, the form legal document is inferior to the services of a competent attorney. The attorney can use specialized expertise to evaluate the client's needs, and can deliver not only a properly written document but also the correct document for the particularized needs of the client. On the other hand, even given uncertainty about selecting the correct form or filling it out properly, form legal documents may be the best available solution for those unable to afford the services of an attorney and incapable of drafting their own legal documents. Form legal documents thus represent a potentially disruptive way to provide a useful—if inferior—solution to consumers unable to afford an attorney.³⁵

To sum it up, in the legal marketplace, as Mr. Britton points out, “There is a lack of transparency, affordability and access.”³⁶ Online legal service providers, on the most basic level, provide these assurances to consumers.

The accessibility of non-lawyer practitioners is another controversial debate within the legal profession. From a consumer's perspective, Accredited Representatives (AR) and Limited License Legal Technicians (LLLTs)³⁷ provide a practical and more affordable alternative to attorney representation.

Some have compared the work of accredited representatives and LLLTs to nurse practitioners (NPs). According to the American Association of Nurse Practitioners, “[Nurses Practitioners]... are a proven response to the evolving trend toward wellness and preventive health care driven by consumer

35 Ray Worthy Campbell, *supra* note 19 at 12.

36 Patrick A. Wright, *supra* note 24.

37 In 2012, the Washington State Supreme Court (WSSC) responded to the access to justice crisis in that state by allowing a limited license to non-lawyers to practice law. According to the WSSC, the authorization for LLLTs to engage in certain limited law-related activities, “holds promise to help reduce the level of unmet need” for low-income people who have “uncomplicated family-related legal problems and for whom some level of individualized advice, support and guidance would facilitate a timely and effective outcome.” For a more detailed discussion, see the companion article *The Present and Future State of Non-Lawyer Practitioners*.



demand.”³⁸ An extensive report demonstrates that NPs have consistently proven to be more cost-effective providers than physicians. Similarly, LLLTs bring a related option to the legal world, attempting to make legal services more accessible to people who cannot afford a lawyer. While these legal professionals cannot represent clients in court, they can consult and advise, complete and file necessary court documents, help with court scheduling, and support a client in navigating the often-confusing maze of the legal system.

Compared to online legal service providers, non-lawyer practitioners offer a low-cost alternative to consumers who still want to physically see and meet the person handling their legal matter. Whereas younger generations will go online to look for an answer, Baby Boomers and Generation Xers may prefer to receive assistance in person, and will more willingly turn to these practitioners. In addition, several states are recognizing the benefit of non-lawyer practitioners for their underserved communities and are looking to close the access to justice gap by allowing training and licensing.³⁹ As the knowledge base and competency of non-lawyer practitioners increase over time, those who cannot find the assistance they need online will also turn to these trained professionals to assist and resolve their legal matters.

Conclusion

As multiple studies have shown, consumers of all socio-economic backgrounds are becoming more empowered because of revolutionary technology.⁴⁰ Technology, which can be as complex as printing a spoon, or as simple as conducting a Google search on how to prepare for a citizenship interview, is transforming people’s lives. Yet technology is not the driving force of change; consumers are. Consumers decide which technologies thrive, survive, or go out of business. And today, consumers have more influence than ever before in how they access and consume goods and services, including immigration law.

One thing is clear: The tide is shifting for the immigration law consumer. While the desire to immigrate to the United States has remained unchanged, the sophistication and composition of the immigration consumer has, in most instances, drastically evolved. To remain relevant and competitive the immigration bar must meet the demands of our changing consumers. By meeting these demands, immigration lawyers can continue to fiercely advocate for the rights of their clients and uphold the quality and justice of immigration law and policy.

38 American Association of Nurse Practitioners, report on Nurse Practitioner Cost-Effectiveness, <https://www.aanp.org/aanpqa2/images/documents/publications/costeffectiveness.pdf>.

39 Other states that are following Washington State in seeking ways to expand non-lawyer training and licensing in high-need areas include California and New York, among others.

40 Andrew Perrin and Maeve Duggan, *supra* note 6.

