

# Chicago Daily Law Bulletin®

Volume 162, No. 80

Serving Chicago's legal community for 161 years

## Legal community joins gig economy with app

BY DAVID THOMAS

*Law Bulletin staff writer*

A group of Chicago lawyers is aiming to launch a mobile application this summer that will allow attorneys to hire other attorneys to stand in for them during routine status calls in court.

The founders of Run the Call acknowledge they're not inventing a new service — lawyers cover for their colleagues all the time when they can't hustle over to the Daley Center for a quick hearing.

Run the Call expands the list of people available to cover that hearing by allowing licensed attorneys — including ones they have never met — to represent them in court on-demand for a flat fee.

"We realized there was a definite need in the marketplace because court coverage is so inefficient when you need to have someone just cover a status," said Gianna R. Scatchell, a sole practitioner who will serve as CEO of Run the Call Inc. "It's not a crucial decision when it has to happen, but if you're a sole practitioner ... being in two places at the same time becomes quite the juggling act."

The app, which has been described as an "Uber for lawyers," is the brainchild of Scatchell; Adam E. Codilis, vice president and attorney at Burr Ridge-based Codilis & Associates P.C. and Jeffrey S. Harris, a sole practitioner.

According to the app's website, runthecall.com, Run the Call will allow for in-app messaging and document transfers so both sides can share necessary notes before, during and after the hearings.

Users will be able to see and rate the profiles of the attorneys who will be appearing for others in court, which the app founders describe as independent contractors.

The app would allow attorneys to schedule court coverage in advance, even within a few

hours, according to Codilis.

How much the service will cost per use is still up in the air. The website initially advertised a flat fee of \$99 per use — but the app founders said they still have not settled on a price yet or what share of the price stays with the company per transaction.

The app itself is being developed by Gigster, a San Francisco-based software company. According to its website, Gigster has developed a gift-giving app for IBM and an event-sharing app called Konvene.

"If you look at Gigster and the press on them, out of all the applications they receive for software developers, they only accept 5 percent," Codilis said. "They're only taking very high quality, some of the best of the best developers."

Behind the app is an algorithm that pulls a coverage attorney's background, their user rating within the app and their proximity to a particular courthouse.

Scatchell said this algorithm would also pull disciplinary information from the websites of the Illinois Attorney Registration & Disciplinary Commission and its other industry counterparts in other states.

If the ARDC or other state bar is investigating or has sanctioned a coverage attorney, that attorney cannot answer calls for court coverage through Run the Call, Scatchell said.

However, she did indicate the company has not decided yet how it would treat attorneys who have been sanctioned or admonished previously.

"It's something we're working through this week," Scatchell said in early April. "We've created a whole timeline of how we're attacking our launch list."

The app's founders said coverage attorneys would have to list their legal experience, provide proof of malpractice insurance and provide their ARDC number to the company.

"We're going to be vetting with and meeting with all of our attor-

neys and making sure the workforce is reliable and vetted and licensed and insured," Codilis said. "To what levels and how that will change over time, the market will tell us."

When asked how the firm would meet with and screen potentially hundreds of coverage attorneys, Codilis said they are trying to figure out how this would work but speculated there would be some kind of application and possibly an interview.

"We're still figuring out the most efficient, best way to properly vet our professionals," Codilis said, before adding that attorneys are held to a higher standard than other professions.

However, the fact that attorneys could be asking essentially complete strangers to stand in for them during court could present a number of challenges or risks, according to Stephanie Stewart, a partner at Meyer Law Group LLC, and Trisha Rich, an associate at Holland & Knight LLP.

Stewart represents attorneys in legal-malpractice cases and in disciplinary hearings before the ARDC. She has also previously served as a prosecutor for the ARDC.

Rich has also represented attorneys and advised them in professional-responsibility cases.

"They should carefully consider their ethical obligations for any business model that puts the representation of their client in someone else's hands," Stewart said.

Run the Call has been touted to help attorneys who are inundated with routine status calls and hearings where nothing substantive is supposed to happen.

Both Rich and Stewart separately pointed out that sometimes an innocuous court call doesn't go as planned.

"Routine calls sometimes end up not being routine. And if the lawyer hired through the service fails to appear for that routine call, it's possible the case could be dismissed," Stewart said.

If a coverage attorney misses a

scheduled appointment, that attorney is "blacklisted from our services," according to the app's website.

Scatchell expressed doubt a judge would come down hard on an attorney who made a good-faith effort to be represented in court.

"I can't imagine a judge not thinking, 'OK well, this attorney hires someone to minimize any scheduling conflicts. He was proactive in that he filed a motion to vacate,'" Scatchell said. "Courts have wide discretion to grant motions to vacate. That would be the worse-case scenario in having the case dismissed, and there's a workaround there. It's an easy solution."

Another area Stewart and Rich identified is whether the coverage attorney would be required to enter an appearance for the client as opposed to merely "standing in" for them.

Rich said certain judges and courts do require an appearance to be entered, meaning that the covering attorney must pay to file the appearance with the circuit clerk. This could end up being a wash for the coverage attorney, who is being paid a flat fee to be present. And it isn't necessarily easy for an attorney to simply withdraw from a case once they file an appearance.

Then there are issues that concern clients, like whether the coverage attorney will have access to confidential client information. Sharing that information with someone outside of the original attorney's firm could violate rules on confidentiality, Rich said.

And if a worst-case scenario does occur and a client elects to sue his or her attorney for legal malpractice, Stewart and Rich also wondered whether the attorney's legal-malpractice insurer would cover to actions or inactions taken by an attorney hired through the app.

"If something goes wrong and the client sues and the lawyer doesn't have resources, the client

might be left in the lurch in terms of malpractice if the lawyer doesn't have coverage to cover any negligence," Stewart said.

Rich separately advised attorneys to speak with their insurance providers first to see where their coverage is limited.

There's also the question of whether an app like Run the Call constitutes fee-splitting — attorneys are not supposed to share fees with others outside their firm without an express written agreement from their client.

"The money originates with your client," Rich said. "The fact

of the matter is you're ultimately paying somebody else to show up on behalf of your client. Perhaps somebody could make the argument that technically it's not fee-splitting. I am not convinced that that's not fee-splitting."

Both Rich and Stewart indicated many of these issues could be settled early on in the engagement letter between the attorney and the client.

For instance, the letter could clearly stipulate the attorney can use services like Run the Call if they are unable to make what appears to be a routine court hearing. This would address issues like fee-splitting with cov-

erage attorneys, they said.

"The thing about fee-splitting is that I think it's easy enough to deal with in the engagement letter," Rich said. "That people should do that to be prudent and not be making the argument on the back end to the ARDC that this is not technically fee-splitting."

Codilis emphasized that Run the Call Inc. is a technology company and not a law firm. It only provides a platform to connect attorneys with each other and does not sell its own legal services.

Harris indicated in a separate interview that, even with the

app, attorneys are still required to abide by their professional and ethical responsibilities.

While Scatchell will serve as CEO, Codilis and Harris do not have defined roles at Run the Call. Codilis said he handles the "business side" of the app while Harris handles the day-to-day operations.

The founders have not settled on a launch date for Run the Call.

Scatchell said she doesn't want to commit to a firm date outside of "midsummer, around July."

However, she did say they would conduct beta testing in mid-May.