

# Chicago-Kent College of Law

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From the Selected Works of Ronald W Staudt

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## Transforming Legal Aid

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# TRANSFORMING LEGAL AID

BY RONALD W. STAUDT

Judges and legal aid lawyers have been the slowest segments of the legal profession to adopt technology innovations. Interestingly, another commonality between them is that neither segment needs to impress current clients or do marketing to keep fully employed. For legal aid lawyers, the number of clients and the flood of cases remain overwhelming, despite the fact that the lawyers dedicate themselves to representing as many low-income people as is feasible. Still, a full 80 percent of the legal needs of the poor remain unmet. Similarly, it seems that there are never enough judges to handle all the disputes, and case backlogs continue to grow. But three innovative technology initiatives are about to change the landscape in the delivery of legal aid to low-income people. All have been incubated and supported by the Legal Services Corporation's Technology Innovation Grants (TIG), first authorized by Congress about nine years ago. These innovations may even draw judges into the new century.

**1 Statewide Web Sites.** Stimulated by small technology grants, every state now has a unique Web site facing the public for the purpose of getting out the word about legal information and services for low-income people. Most of these sites are delivered by two national application service providers (ASPs), ProBono.net in New York and Kaivo in Denver. These ASP-hosted sites are fed by content management systems that can draw many contributors from legal aid experts across a state, yet keep the look and feel of the site consistent and reliable. Two or three states (Illinois is one example) built early, richly featured sites on compatible infrastructures with explicit agreements to share their innovations. The state sites, gathered for easy reference at [www.lawhelp.org](http://www.lawhelp.org), provide legal information to low- and middle-



income people and help the public learn about rights and options to seek justice in courts and administrative agencies.

For the first time, legal aid organizations across the country are now connected by the Web, sharing new approaches and content, using RSS feeds to keep current and acting in ways like an efficient large law firm. Duplication is eliminated and best practices are advanced. Even more incredible, these sites are obvious platforms for service delivery. They are authentic and reliable online locations for launching interactive services using e-lawyering techniques to get more legal services to more needy people more efficiently. They use text, graphics and video to explain the law and court processes and agency operations. And increasingly, the statewide Web sites rely on the two initiatives described next.

**2 National Public Automated Documents Online (NPADO).** NPADO is a single Web server running HotDocs Online, donated by LexisNexis. It is managed by ProBono.net, with money from TIG funds and lots of help from Marc Lauritsen at Capstone

Practice Systems. Lauritsen is also the co-chair of the ABA Law Practice Management Section's eLawyering Task Force. NPADO makes more than 3,000 HotDocs templates available to legal aid advocates, and sometimes to low-income people with access to Web-enabled computers. Advocates and the public get to these templates from the statewide Web sites, thus providing a service arm to the information and guidance on the sites. These templates have been written by legal aid lawyers, often in partnership with judges and court clerks, to deliver access to justice more efficiently.

Hundreds of the templates are used by legal aid advocates to speed up document production in routine cases like simple divorce, guardianship, name change and eviction defense. The Web sites also deliver templates to low-income people needing simple pleadings, letters and other routine documents. The number of templates and the number of documents assembled through online interviews have grown dramatically each year. In 2005, there were 32,000 online interviews, and in 2008 there were 171,000. Yet Lauritsen wants more—specifically, for NPADO to deliver 1 million interviews a month. If NPADO hits that target, it will make a huge dent in the 80 percent of legal needs that currently go unmet each year.

**3 A2J Guided Interviews.** The Idaho Supreme Court and the Idaho Legal Aid Society have a partnership to bring free interactive legal forms to individuals in that state, to help them help themselves in the justice system. Because the court and Idaho Legal Aid wanted to deliver these forms directly to the low-

income public, they used A2J Author, a software tool developed by Chicago-Kent College of Law and the Center for Computer Assisted Legal Instruction (CALI). A2J Author empowers legal aid and court experts to put a soft, video-game-like interface in front of the HotDocs engine for nonlawyers. In the three years between launch in 2005 and October 2008, public customers of the Idaho Legal Aid Web site used more than 72,000 A2J Guided Interviews. Of those interviews, 35,800 resulted in the completion of customized forms for filing in the Idaho court system.

Idaho is not the only state using A2J Guided Interviews, just the most successful. More than 1,200 A2J Guided Interviews from 33 different states are now posted on the national NPADO server. Each month thousands of people use these interviews

by clicking through to NPADO from the statewide sites. The public starts at the state sites because that's where they learn about their rights and find the correct links to launch a process to build the documents they need to seek justice.

**Win, Win, Win.** Like three legs of a well-designed stool, the statewide Web sites, NPADO and A2J Author work together as a foundation to help legal aid lawyers and courts meet the unmet legal needs of low-income people. Courts and court clerks everywhere are desperate to help self-represented litigants, and these types of innovations count tremendously. These technologies offer tools for collaboration that legal aid and courts can actually use to reduce barriers to justice. It's a win, win, win.

## LITIGATION IN-SOURCING

BY STEVE MATTHEWS

One of the big goals of in-house legal departments is to cut the overhead costs of outside legal services. While media coverage has focused on outsourcing as a cost-saver in routine elements of litigation, Randy McClanahan of Houston's McClanahan Myers Espey is advocating something else—his law firm is offering to help in-house counsel bring their litigation work back in house. The advantage for legal departments is less economic reliance on outside providers, and perhaps a higher level of care with the work remaining closer to in-house corporate counsel.

The firm's litigation "in-sourcing" service is based on bringing routine aspects of document production, discovery, investigation and research back inside the company to be handled by corporate employees. The law firm assumes the role of lead counsel by acting in an advisory role, directing the in-house employees' discovery and trial preparation work, and helping track the

case throughout its lifespan. And if the file goes to court, the company can rely on having an experienced trial lawyer with full knowledge of the file who's ready to hit the ground running in the courtroom.

Lawyers can learn from this service in a couple of ways. First, that unbundling and isolating elements of legal services can be valuable, and offered as a commodity unto themselves. In McClanahan's vision, we can also see the roles of the trusted advisor and the experienced trial lawyer being packaged together. Another take-away is how it targets a segment of the intended audience: corporate counsel who, for any of various reasons, may not be excited about the idea of setting up offshore offices or using outsourcing services. This firm has created a branded service to appeal to that perspective—and it promises to help clients contain costs while providing quality representation. I call that an excellent concept.

## TRY THIS: PROJECT MANAGEMENT

BY STEPHEN P. GALLAGHER | Clients are increasingly demanding more creative and proactive lawyering, driven by new ways of thinking about legal solutions while focusing on reducing legal costs. Diderico van Eyl, who is intellectual property counsel for SABIC Innovative Plastics (formerly GE Plastics) is focusing on this point by designing "proactive legal services" for delivery to corporate clients. To accomplish this, he is using project management, a discipline ordinarily used by industries outside of the legal profession. As van Eyl explains it, "Many deliverables that lawyers produce can be considered a 'project'—or, a 'temporary endeavor undertaken to create a unique product, service or result' as a project is defined under the Project Management Institute (PMI) framework. The legal work flow, particularly within a corporate setting where the lawyer is well integrated into the business, lends itself nicely to being organized and structured around the five project process areas of the PMI framework: the initiating, planning, executing, monitoring and controlling and closing processes." Moreover, he says, "the project management framework can help lawyers provide commercially useful, integrated legal advice and communicate across cross-functional teams."

This approach recognizes that a lawyer's true value in a global company is to actively participate with clients' profit centers and help improve their product development and management processes. Lawyers have a critical choice in the face of globalization and ever-changing client needs. We can either wait to see what happens to demand for traditional legal services, or we can anticipate the changes certain to affect the future and act now to shape the direction of new services. What's so interesting about van Eyl's thinking is how it advocates for applying practices from other industries in "traditional" legal settings in ways that can help lawyers bring about new benefits and better serve clients.