Delivery Systems Under Construction: Ongoing Works in Progress

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DELIVERY SYSTEMS UNDER CONSTRUCTION:
ONGOING WORKS IN PROGRESS

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I. INTRODUCTION

This symposium on innovations in delivery of pro bono legal services presents a valuable opportunity to share ideas of what worked, what did not, and to generate new visions of models for the future. As we have each journeyed different paths to understanding the legal profession’s public service responsibilities, we have come to appreciate the importance of experimentation. Nothing can be set in stone. Just as the profession has evolved over history in its professional ideology, its conception of pro bono responsibilities has also undergone dramatic change. Under the traditional paradigm, a lawyer’s responsibility to serve the poor for no fee was both limited and happenstance. This passive and reactive model practically meant that few lawyers were actually called to serve, while most could proclaim the virtues of public service with little demand on their time and little impact on meeting the legal needs of the low-income community.

Meanwhile, the public’s unmet legal needs remained enormous, especially among the lower and middle-income populations. It is commonly estimated that upwards of eighty percent (80%) of the legal problems faced by these groups go without legal assistance. Stratification and specialization within the legal workforce reduce the likelihood that public-spirited attorneys will be presented with opportunities to serve pro bono matters in their areas of expertise.

This piece explores several promising innovations as “tributaries of justice.” Part II of this article considers some of the challenges in creating pro bono programs that help address these unmet needs. Besides fostering a culture of volunteer public service among lawyers, programs need to make efficient and effective use of the volunteer lawyers willing to work. Good use must be made

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2 See AMERICAN BAR ASSOCIATION, Legal Needs Among Low Income and Moderate Income Households: Summary of Findings From the Comprehensive Legal Needs Study 7-8 (1994) (reporting that 47% of low-income population and 80% of middle-income population had unmet legal needs) [hereinafter Summary of Findings].

3 Talbot D’Alemberte, Tributaries of Justice: The Search for Full Access, Fla. B.J., Apr. 1999, at 12 (suggesting several tributaries on the river of justice, including, among others, federally funded legal service organizations, Interest on Lawyer Trust Accounts (“IOLTA”), state funding through filing fee surcharge, service tax on for-profit legal services, and comprehensive pro bono plan).
of their time in delivering competent services to those in need. Part III describes
the creation and operation of the Volunteer Legal Center model, created with the
assistance of Rev. Hill while a law student at Oklahoma City University, and
evaluates its performance under the efficiency and effectiveness criteria.

Part IV explores other innovations at various stages of construction. No
single solution will work. Rather, a spirit of volunteerism that is linked to pro
bono delivery of legal services must be pursued with multiple approaches. Many
law schools and local bars have experimented with how to promote public spirit
and service within their communities. Developing a vocational culture favorably
inclined to service only prepares people to say “yes” when asked. To make
access to justice a reality for the underserved population and to link volunteer
lawyers with broader public interest matters needing attention, an infrastructure
must exist to match lawyers and clients and to facilitate efficient and effective
delivery of services. This section discusses two important innovations that show
real promise at accomplishing this goal: self help legal centers that provide
general information on common legal problems, empowering unrepresented
laypersons to go it alone; and legal hotlines where people can get access to
limited legal advice and, if needed, suitable referral to a pro bono, or affordable,
attorney. Finally, it proposes how states with large rural populations in need of
legal services might use communications technology to create statewide referral
and distribution systems that match clients with volunteer lawyers located in
metropolitan areas.

This article has no grand theoretical aspirations; rather, in the spirit of this
symposium, it aims at “when the rubber meets the road,” surveying some existing
programs to provide needed practical information to readers. By providing
information on realistic targets, program types and funding approaches, we hope
to inform discussion occurring throughout the country on methods to foster a
professional culture in which the bar embraces a wide range of pro bono legal
service as something that all lawyers support in ways they are willing and able. The
pro bono umbrella is large, broadly embracing the spectrum of public service
legal work, including a full range of non-profit and law reform organizations.
Competent delivery of legal services to the client must be the hallmark of any pro
bono program. Lawyers should not be asked to volunteer their professional
services in areas where they cannot serve competently, nor should they be asked
to do things that make poor use of their time.

4 Among readership envisioned for this article is the Oklahoma Bar Association Access to Justice
Committee on which Professor Maute serves. This committee and its many counterparts around
the country seek to improve the quality of access to lawyers or legal information for all citizens —
including low and moderate income people who do not know how to find a lawyer, those who do
not need a lawyer but who do need information on how to help themselves and pro se litigants who,
for whatever reason, represent themselves in the courts.

HeinOnline -- 72 UMKC L. Rev. 378 2003-2004
II. CHALLENGES IN CREATING PRO BONO PROGRAMS

Access to justice seeks to meet the legal needs of all Americans. Approximately eighty percent of people in the low- and middle-income population go without when addressing situations that would benefit from legal assistance. Cost issues are significant barriers to access for many people, including those who are relatively affluent. While they might be able to afford hiring a lawyer when considered absolutely necessary, many Americans choose to go it alone, handling matters as best they can, whether informally or in the context of litigation. They also may ignore the legal aspects of a problem until they have no alternative. Pro se litigants are notorious for the difficulties they pose for efficient and orderly administration of justice.

A. Challenge: Creating a Culture of Public Service

1. First Principle: Teach Professional Values Early and Often

People attend law school for a variety of reasons: the more altruistic claim commitment to the public service and pursue a vocational calling to a learned profession; others seek their future in a high income profession; yet others are frankly uncertain about their future aspirations, biding their time with extended liberal arts education. Law school pedagogy is more or less deliberate about acculturating students to a professional ideology that claims objectivity, rationality, and the values of partisanship. Accreditation standards require that all law schools provide instruction in professional responsibility. Since Watergate, course material on the ethics and the law of lawyering has grown exponentially. The current scope and complexity of the law allows substantially less time for class coverage in loftier questions of professional values and ideals. "Law schools teach in subtexts as well as texts, and public service should be a pervasive value throughout the law school experience."

Recent national debates within the organized bar have made much

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5 See Summary of Findings, supra note 2.
of "core values." The American Bar Association ("ABA") accreditation standards for law schools include a public service component. The membership standards of the Association of American Law Schools ("AALS") now make explicit the expectation that schools actively promote public service by their faculty and student bodies.

Public service by lawyers needs to be an ingrained habit, like brushing one's teeth. All who enter the profession should embrace the concept of performing some legal work without expectation of compensation on behalf of the public good. Law schools have the critical responsibility of fostering a service ethic, which hopefully continues throughout one's legal career. This professional orientation is now made more difficult because of the high student loan debts borne by new entrants to the profession. The burden must be carried by law students, as well as by the organized bar and the academy. Economic

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10 See ABA Standards, supra note 7, at Standard 302(e) (recommending that "[a] law school should encourage and provide opportunities for student participation in pro bono activities").

11 See, e.g., Memorandum from Carl C. Monk, to the Deans of Member and Fee-Paid Schools, Members of the House of Representatives (Aug. 16, 2002), available at http://www.aals.org/02-30.html (last visited Feb. 12, 2004) (listing proposed revisions to membership requirements, stating "core values" expected of member schools, including faculty "who are devoted to fostering justice and public service in the legal community"); AALS Requirements of Membership, supra note 7.


13 The American Bar Association estimates that the median amount borrowed by 2002 private law school graduates was $70,147 and the median amount borrowed by public law school graduates was $46,499. American Bar Association, Meeting the Challenge of Law Student Debt: Loan Repayment Assistance Programs (LRAPs), available at http://www.abanet.org/legalservices/downloads/rap/finallawschoollrapbrochure.pdf (last visited Feb. 12, 2004). One private lender estimated that the median law school debt for 2001 graduates as $84,400. Id. For 2002 law graduates, the median entry-level public interest legal salary was $36,000. Id. The increasing debt carried by law graduates has made it difficult for public interest and public sector employers to recruit and retain attorneys. Id.


14 The legal academy is beginning to systematically address the impact of growing debt for educational expenses. Sixty-one law schools sponsored Loan Repayment Assistance Programs ("LRAP") for graduates who work in public interest jobs, among which five are starting or improving an LRAP. Equal Justice Works, Law School LRAP Information, at http://www.equaljusticeworks.org/finance/index.php?view=detail&id=6176 (last visited Feb. 12, 2004). Sixteen schools have public interest scholarship programs. Id. Out of the fifty-six schools with active LRAPs, only thirteen of them are public institutions. Id. Some schools have created loan forgiveness programs or other financial support for students and graduates who work in public
factors clearly influence the willingness of lawyers, particularly recent graduates, to engage in unpaid public service. What can law schools reasonably be expected to do to foster a culture of commitment? Of approximately 180 ABA accredited law schools, about 30 require their graduates satisfy a minimum number of hours in public service as a prerequisite for graduation. The others vary significantly in the degree to which they actively encourage pro bono involvement or merely give lip service to the concept. Besides rhetoric about the importance of public service at symbolically important events like graduation, faculty and administrators can do much in the way law schools regularly function to bring the message home to students. Incoming first year students should read about the profession’s vocational commitment to public service in admissions materials, hear it discussed at orientation and have it addressed regularly throughout the academic year. Just as ethics need to be addressed when the issues arise in every class, the public service commitment should also be apparent in the life of the law school community. It is unrealistic to relegate such fundamental values to the professional responsibility class, often the one course that sets limits on what lawyers can do on behalf of their clients.

Visible support of the dean, the administration, and the faculty communicates to students that public service is not merely a platitude. Of course, words of support are not sufficient. It also requires some commitment of resources, including staffing by a pro bono coordinator, externships with solid public interest placements, a vibrant clinical program, plus awards and respect given to those in the law school community who participate in voluntary pro bono and public service work.

The AALS Pro Bono Commission recommended that all law schools make available to their students at least one opportunity for adequately supervised law-related pro bono work and either require or strongly encourage the participation of most students. Since 1990, many law schools have created innovative programs encouraging students to participate in pro bono legal work. The faculty and administration of each law school should consider carefully the current extent of pro bono involvement, and evaluate the different models in light of the school’s mission and available resources. Inside projects connected with interest programs. See, e.g., Go for the Green: Lawyers Play the Fairway, RES GESTAE, Spring 2001, at 8 (promoting golf tournament for University of Utah repayment assistance program).


Learning to Serve, supra note 8, at 1.

See Rhode, supra note 15, at 461-62 (reporting survey results on law school support for pro bono programs).

Learning to Serve, supra note 8, at 7.


See Learning to Serve, supra note 8, at 8-9.
clinical programs that directly serve clients typically require substantial use of law school funds and can only accommodate relatively few students. Nevertheless, clinical programs often receive rave reviews from graduates as their single most valuable experience in law school.

Outside projects refer, or help students connect with, pro bono opportunities in the community. These programs are popular with students, who get the opportunity to work in real law offices or governmental programs, and the opportunity to establish professional relationships with practicing attorneys. While an effective referral system requires some staffing, the cost of such programs is minimal compared with the funding needed to run a clinic. At the Northwestern School of Law of Lewis and Clark College, the pro bono program operates out of the placement office, and is administered by an assistant dean and a paid student coordinator. At the beginning of each school year, students are provided with an information packet describing the program and introducing resources for students to locate pro bono opportunities. A few weeks into the semester, the program hosts lunch time informational sessions with students to discuss available opportunities and the professional value of public service work. Students who do thirty or more hours of pro bono work during a school year receive Pro Bono Honors Awards, which are noted on their transcripts.

The University of Utah S.J. Quinney College of Law recently launched a Pro Bono Initiative ("PBI") with the support of the state bar and local legal service providers. As contrasted with the Lewis and Clark program, the Utah PBI appears to play a more active role in matching student volunteers with specific opportunities for law-related pro bono work. It is staffed by two part-time coordinators, who screen and list requests for assistance from attorneys, advertise placements on the pro bono bulletin board, promote involvement by students at luncheon meetings held each semester, publish a newsletter, and solicit financial support from the business and legal communities. About fifty pro bono projects are available each semester, including work with legal services attorneys on cases involving family law, housing and eviction, public benefits

22 Id. at 11.
23 Rhode, supra note 15, at 455.
24 Learning to Serve, supra note 8, at 10-11.
25 Id. at 11.
27 Id.
28 Id.
29 See id.
31 Conversation with Scott M. Matheson, Jr., Dean of University of Utah S.J. Quinney College of Law, and Judith Maute (July 31, 2003).
32 Id.
and disability law; volunteering at “street law” clinics in locations frequented by the homeless; work with private pro bono attorneys handling death penalty, prisoner due process and other law reform litigation; and work at pro se or immigration law clinics. Students who perform at least fifty hours of law-related pro bono work during their three years in law school are recognized at graduation. About one-fourth of the student body participated in the program last year, providing over two thousand hours of voluntary service. Initial funding for PBI came from grants and assignment of VISTA (Volunteers in Service to America) staff; a primary future challenge is to find a sustained funding source.

Some schools have blended the external and internal models with a hybrid type of externship (or “midternship”). One program has students interview clients and prepare cases under the supervision of legal services attorneys at the law school, and then appear in court or at agency administrative proceedings. Other programs envision partnership between a student-operated project and an outside legal services project that supervises student volunteers. The Oklahoma City Volunteer Legal Center program described by Rev. Hill appears to be such a hybrid program. “Highly effective” domestic violence projects partner students with legal service attorneys, in which students interview clients and prepare petitions for protective orders and assist with in-court representation.

Until quite recently, the University of Oklahoma College of Law did not have in place an established infrastructure that actively promoted voluntary pro bono activities by students, faculty and attorney administrators. It has a long tradition of generously playing “Secret Santa” for a client of the Women’s Resources Center (“WRC”). The Organization for Advancement of Women in Law (“OAWL”) holds an annual auction that has become a critical source of funding for the nonprofit organization. The Student Bar Association, consistent with its responsibilities as a constituent of the ABA, sponsors a golf tournament in which the proceeds are used to support a pro bono program for children. Other individual organizations engage in different forms of public service activities, both on a local and national level.

33 Id.
34 Presently, they are listed in the graduation program. Id. In the future, they may receive certificates and have participation noted on their transcript. Id.
35 See Memorandum from Mary Boudreau, Co-coordinator of Pro Bono Initiative, to Judith Maute (July 22, 2003) (on file with authors). Dean Matheson stated that the program costs have been minimal, and were supported by foundation grants, private firms and individual donors. Conversation with Scott M. Matheson, Jr., supra note 31; see also Donor Report, RES GESTAE, Spring 2001, at 31 (listing $15,000 as the designated gift to Pro Bono Initiative in for 1999-2000 fiscal year).
36 Memorandum from Mary Boudreau, supra note 35.
37 Learning to Serve, supra note 8, at 12.
38 Id.
39 Id.
40 See infra Part III.
41 See infra Part III.
In March 2004, the OU Law Pro Bono Referral Program was officially launched. It is an umbrella law referral system designed to foster a culture of commitment to public service. It actively encourages, but does not require, each student to volunteer in providing law-related services under the supervision of a licensed attorney in a wide range of practice areas. Students completed surveys indicating their substantive areas of interest and placement preferences. As this article went to press, we were in the process of placing about forty law students to volunteer in several legal aid programs, offices of state and federal prosecutors and administrative agencies, entities that represent indigent defendants, Oklahoma Lawyers for Children, and to clerk for state court judges on both the trial and appellate levels. The official kick-off followed over a year of planning. It included very basic training on the ethical duty of confidentiality and restrictions on the unauthorized practice of law. Cooperating legal service organizations are expected to provide supervision and substantive skills training relevant to the tasks that students will perform. Because initial placements occurred late in the school year, only upper division students were considered eligible to volunteer while school was in session; ten second and third year students were matched with organizations that submitted project request forms. At least for now, we determined that first year students would not be eligible for placements during the school year, because we thought they needed to focus their energies on academics. We are now arranging for summer placements, and hope to match about thirty first year students to volunteer in a wide range of legal offices. A forthcoming article in the Oklahoma Bar Journal describes the program, and solicits new placement opportunities. It is hoped that more private attorneys will be willing to accept pro bono referrals from legal aid, the bar association, or other public interest organizations if they could rely upon law student volunteers to do the "heavy lifting" in the researching and drafting of legal memoranda, briefs, and other papers. The faculty could also be an exceptionally valuable resource, providing guidance on technical legal issues within their areas of expertise, back-up supervision of student volunteers, and assistance in preparation of briefs to be filed in court.

We have sought a wide array of volunteer placements across the spectrum of political, social, religious, charitable, and legal aid organizations. Consistent with the hierarchy of values embodied in ABA Model Rule 6.1, the structure of the referral system emphasizes delivering legal services to persons of limited

42 See Memorandum from Judith Maute, to Andrew Coats, Dean of the University of Oklahoma College of Law (Dec. 4, 2002) (regarding law school pro bono service referral program) (on file with authors).

43 See Access to Justice: OU Law Students' Commitment to Pro Bono, 75 OKLA. B.J. (forthcoming Apr. 2004). The OU program is modeled after the Utah Pro Bono Initiative, which generously shared its form documents. Where the Utah program posts opportunities and relies on student initiative to arrange the placement, the Oklahoma program undertakes to arrange for placement of individual students with requesting organizations.

44 Ashley Tate (J.D. expected 2005), University of Oklahoma Pro Bono Referral Master List (Dec. 1, 2003) (unpublished compilation, on file with authors).

means and organizations designed primarily to address their needs, but also includes a variety of other opportunities for volunteer legal services to organizations and individuals on matters involving civil rights and liberties, public rights and a full range of educational, governmental and nonprofit organizations. It is critical that opportunities be available to all students, regardless of their political or social viewpoints. Students preparing for a career in business law or tax should have opportunities to volunteer in matters that draw upon their expertise.

The newly-created umbrella referral structure demonstrates the breadth of these potential beneficiaries of pro bono service programs. Several student organizations at the law school expressed interest in developing a structure through which students could provide pro bono legal services in their area of interest. Designated to work on this project by her organization, one student developed an extensive list of organizations and government agencies that might have suitable opportunities for law students to work under the supervision of a practicing lawyer. We wrote over one hundred non-profit, government or advocacy groups with invitations to submit requests for volunteer assistance. The list included projects for those interested in the arts, children and families, tax assistance, transactional matters, criminal prosecution and defense, bar association and law reform activities, and deliberately covered the full range of political advocacy groups, including groups from the right, left and those in-between.

The underlying objective of this referral system is to teach law students that public service is a basic premise for the profession. Avoiding any perception or reality that public service is driven by political agendas is critical. The program aims to stimulate students’ interest in and commitment for public service, with opportunities for very limited or more extensive involvement. Rather than competing with a law school’s clinical program, it would seek to whet students’ appetite for practical skills training under appropriate supervision, and hopefully act as a feeder system to the clinic. Close cooperation and coordination between the clinic director, staff attorneys, and persons who administer the pro bono referral system is essential. It must be emphasized that clinic enrollment, public interest externships and the pro bono referral systems are intrinsic parts of the law school program, and are not mutually exclusive. The program should

46 See Tate, supra note 44.
47 See Letter from Judith Maute, to Potential Volunteer Sponsors (Dec. 19, 2003) (on file with authors). Now that the basic structure is in place, it is hoped that more placement opportunities will arise for the next academic school year. Next year, a pro bono student coordinator will work out of the Career Services Office, to provide administrative support for the matching program.
48 See id.
49 See Memorandum from Judith Maute, supra note 42.
50 See Learning to Serve, supra note 8. This program does not seek to change the role of clinical education in any way. Changing clinical education is a budgetary issue to be decided by each school, in light of how that school defines its mission and vision for the future. How a law school chooses to allocate its budget between classroom and clinical instruction is an issue completely separate from anything to do with this proposal. The pro bono referral system aims to provide
receive adequate descriptions of students' proposed work assignments to insure that their services will not be misdirected as free labor for paid work by private attorneys. Program administration will seek feedback from students on the quality of the experience, including adequate supervision and the opportunity to provide meaningful services.\(^5\)

2. Second Principle: Leadership by Bench & Bar, the Bully Pulpit in Word and Deed

The organized bar has long given symbolic importance to lawyers' public service involvement. At annual bar meetings, law day celebrations and other ceremonial events, speakers invoke lofty quotes about the profession's "common calling in pursuit of the public interest." Groups and individual lawyers are recognized for their heroic (and sometimes not so heroic) pro bono work.\(^6\) A more recent trend regularly spotlights individual lawyers for their pro bono activities in bar journals, specialized advance sheets, and law firm promotional materials.\(^7\) Such regular focus communicates the importance of public service as a professional value. Formal recognition and other external credit give positive reinforcement for those lawyers who take the time for public service, and encourages others "to view pro bono contributions as an integral and inherently satisfying part of their professional identity."\(^8\)

a. Access to Justice Commissions

In recent years, every state has undertaken initiatives to expand and improve civil legal assistance by creating partnerships between the bar, the judiciary and legal service providers.\(^9\) Over twelve states have established commissions, or other formal, independent bodies dedicated to expanding access to legal assistance, comprised of appointed representatives from the bar, courts, legal service providers and other key constituencies.\(^10\) The commission model offers the advantage of an institutionalized structure involving key partners including the state supreme court and legislature; thus, it may have greater continuity and less vulnerability to cutbacks and changes in leadership or

\(^5\) See, e.g., Memorandum from Mary Boudreau, supra note 35 (relating enthusiastic evaluations by student volunteers and supervising attorneys).

\(^6\) Sometimes these awards exemplify how few lawyers do significant pro bono work. According to local legend, after being honored as pro bono attorney of the year, one attorney quipped that it did not take much to distinguish himself; he just tried one case, suggesting that relatively few lawyers do so.

\(^7\) See, e.g., Melissa DeLacerda, Volunteer Efforts of Bar Members Enrich the Profession, OKLA. B.J., Aug. 16, 2003, at 2227; Couple Wins Award for Pro Bono, 41 BANKR. CT. DECISIONS, July 1, 2003, at A8.

\(^8\) See, supra note 15, at 416.


\(^10\) Id. at 7.
priorities. Coordination among the various state entities plays a critical role in resource development. A strong pro bono program within the organized and private bar is the cornerstone for all other efforts to demonstrate the bar’s commitment and the need for expanded resources beyond existing levels.

b. Amend Local Pro Bono Rules

Despite symbolic rhetoric on the professional value of public service, there is great uncertainty about the extent to which lawyers provide pro bono legal services to persons unable to pay customary fees. No precise or reliable data indicates how many attorneys provide pro bono services, or the amount and type of legal services delivered. By some estimates, only twenty percent of American lawyers regularly provide pro bono legal services. To some extent, the question is definitional, as to what counts as pro bono service. In 1993, the ABA House of Delegates amended Model Rule 6.1 to include an aspirational quantitative standard of fifty hours per year, with a “substantial majority” of this time to be given to “persons of limited means” and organizations designed primarily to meet their needs. The original Model Rule 6.1 contained general exhortation to render public interest legal service, which could be discharged with a broad range of activities. About half of all jurisdictions have amended their local rules on pro bono expectations since 1988.

In 2002, the ABA House of Delegates approved comprehensive revisions to the Model Rules, including modest changes to Rule 6.1. As a result, virtually all jurisdictions are considering changes to their local rules. The Ethics 2000 Commission extensively debated issues of mandatory service and reporting, buyout, and the politics of re-opening volatile debate within the bar. It remained closely divided until the very end. As finally approved, a new sentence was added to the text of Rule 6.1(a): “Every lawyer has a professional responsibility to provide legal services to those unable to pay.” New comment language

57 Id.
58 Id. at 2.
59 Id. at 2-3.
62 Id. at 137.
63 See id. at 129-36; Maute, supra note 60, at 546-47, 548-50.
64 Maute, supra note 1, at 137; see also Maute, supra note 60, at 597-608 (including chart detailing local amendments).
66 Maute, supra note 1, at 140 (citing MODEL RULES OF PROF’L CONDUCT R. 6.1 (Proposed Draft No. 2, 1999); Ethics 2000 Commission Memorandum of Reporter’s Observations (Nov. 29, 1999)).
67 Id. (citing Susan R. Martyn, Justice and Lawyers: Revising the Model Rules of Professional Conduct, 12 PROF. LAW 20, 22 (2000)).
68 MODEL RULES OF PROF’L CONDUCT R. 6.1(a).
provided that "[l]aw firms should act reasonably to enable and encourage all lawyers in the firm to provide pro bono legal services." 69 A new comment in the Preamble stressed the importance of "access to the legal system," encouraging "all lawyers [to] devote professional time and resources, and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel." 70

In stark contrast to the Commission's internal debate, these modest changes passed muster with barely a whimper in the House of Delegates. 71 While relatively minor in comparison to the comprehensive rule revisions, these changes represent a distinct step forward, underscoring the expectation that every lawyer should do something to provide direct service, or to financially support pro bono legal services. They heighten the focus on the role of law firms in creating an ethical culture that fosters pro bono involvement by all attorneys. "Taken as a whole, the revisions represent a distinct movement towards a clearly stated, universal expectation that every American lawyer and legal employer has an affirmative responsibility to do her fair share of pro bono work, ensuring access to justice for those unable to pay." 72

While evaluating changes to the local ethics rules, the judiciary and organized local bars should take the opportunity to revise, clarify and expand upon the expected participation of lawyers in improved access to justice. Of those jurisdictions that recently amended their pro bono ethics rules, the vast majority have set specific quantitative standards, measured in number of hours, percentage of professional time, or by number of cases to guide lawyers in fulfilling their aspirational public service expectation. 73 Actual experience in those jurisdictions can be used to alleviate fears that quantitative standards are the first step towards mandatory pro bono. 74 Because committees charged with evaluating changes to the ethics rules may be reluctant participants in any imbroglio over pro bono, other entities within the organized bar and judiciary

69 Model Rules of Prof'L Conduct R. 6.1 cmt. 11.
70 Model Rules of Prof'L Conduct pmbl.
71 Maute, supra note 1, at 138-46.
72 Id. at 147.
73 Maute, supra note 60, at 578-79.
74 The authors are unaware of any instance in which the quantitative standard for voluntary pro bono service has been used to discipline a lawyer or to mandate public service. In our federal system, experimentation and innovations by local jurisdictions have helped inform reasoned debate on issues of great importance. For example, reports of the debate from the August 12, 2003 meeting of ABA House of Delegates reveal discussion on whether to expand lawyers' discretion to reveal client confidences to prevent or rectify the consequences of ongoing client fraud in which the lawyer's services had been used. ABA Amends Ethics Rules on Confidentiality, Corporate Clients, to Allow More Disclosures, 19 ABA Lawyers' Manual on Professional Conduct 467 (2003). According to news reports, the fact that approximately forty jurisdictions already allowed such discretion was persuasive in dispelling concerns about the dreadful consequences of such a rule change. Confidentiality: ABA Amends Model Rules, Ethics and Lawyering Today, Sept. 2003, at http://www.ethicsandlawyering.com/Issues/0903.htm (last visited Apr. 7, 2004). Actual experience under local rules providing for quantitative aspirational standards can alleviate concerns that they are a prelude to mandatory public service.
need to accept leadership and accountability for significant changes to the substance of relevant rules. This is yet another reason for states to have ongoing, institutionalized commissions dedicated to improving access to justice. Rotating political leadership of the organized bar and its committee structure may not be well suited to making long term, viable policy decisions that are accepted by bar membership. Standing committees, or Access to Justice Commissions drawn from prominent segments of the judiciary, legislature and practicing bar are better able to formulate recommendations and have the political clout needed to persuade those with the votes needed to effectuate change. Furthermore, it is likely that these bodies will be hesitant to suggest changes that may be controversial to the larger membership.

States should also carefully consider developing a mechanism for lawyers to report annually on their public service activities and financial support of pro bono programs. Absent reliable information on the extent of lawyers' pro bono involvement, it is extremely difficult to identify where there are lapses and successes in the delivery of legal services to underserved populations. Whether reporting should be voluntary or mandatory is a delicate question that has been met with controversy in some jurisdictions.75 Existing data indicates that states with voluntary reporting systems have very low response rates.76 In 1993, the Florida Supreme Court imposed a reporting requirement; despite initial strong resistance, there is now widespread compliance.77 Although valid data produced through voluntary reporting systems may have questionable utility for planning and public relations, it at least prompts lawyers to reflect regularly upon their involvement with and financial support for legal service programs. Questions could be added to the annual bar dues forms that seek information on the amount of time spent providing pro bono legal services, identify the categories in which services are provided, and the financial contributions made to qualified legal service organizations. The form should include a voluntary check-off for lawyers to indicate their willingness to volunteer in designated practice areas. Revisions to local rules might recognize financial support of legal service organizations as an alternative, co-equal means by which to satisfy the aspirational pro bono expectation.78

c. Involving the Judiciary

The judiciary can play a key leadership role in improved access to justice. It has inherent authority to regulate the conduct of lawyers appearing in court. State supreme courts have final say over the content of ethics rules and what is expected from lawyers licensed in the state. Federal and state courts encounter

75 See Maute, supra note 1, at 157 (stating proposals for mandatory reporting have been rejected by the Supreme Courts of Colorado, Massachusetts, Minnesota, Nevada, New York and Utah).
76 See Maute, supra note 60, at 575-76 (noting voluntary reporting rates ranged from low of three percent to high of thirty-three percent).
77 Id. at 575 (stating that approximately ninety percent of Florida lawyers reported their public service and financial support in 1998).
78 See Maute, supra note 1, at 156-59 for development of this idea.
ongoing problems with pro se litigants, resulting in wasted time, backlogs and poor outcomes. The judges have a vital interest in promoting education of pro se litigants about how the legal process is supposed to work and in appointing competent lawyers to represent those who cannot adequately self-represent. Local judicial conferences could serve as forums to generate ideas on how to address these problems, such as development of self help legal kiosks, adoption of court rules allowing for limited pro se appearances, and implementation of regular systems for appointing pro bono attorneys from the list of all attorneys who practice in the local courts. Nationwide, the most successful pro bono programs operate against a backdrop in which the judges make it clear that all attorneys are expected to accept a fair share of responsibility for representing those who cannot afford a lawyer.

B. Challenge: Effectiveness & Efficiency

A pervasive problem in creating a workable pro bono delivery system is making sure that lawyers who volunteer are put to work with meaningful tasks where they get the rewards of providing competent services to a client in need, who would otherwise have to go without. Periodically, the organized bar conducts a campaign to enlist lawyers willing to serve on pro bono panels for legal aid or other similar programs. For whatever reason, many of these lawyers are never asked to accept a referral. Thus, they are left with the impression that their services are not needed. It appears that some legal aid offices have come to rely on regular volunteers, with the names of other good prospects falling between the cracks. Meanwhile, the “regulars” may carry a disproportionate pro bono workload. What is badly needed is an infrastructure, preferably statewide, that efficiently matches volunteer lawyers with clients in need, gauged to substantive areas of law, expertise, and level of commitment to undertake matters of varying complexity.

While it appears that many successful pro bono programs come about because of forceful and effective individual leadership, in order for them to survive and flourish they must have an underlying structure that can function in the absence of the charismatic leader. Lawyers are mortal: they get sick, die, move, get tired or undergo other life transitions. When creating a

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79 Cf. Okla. Legal Ethics Proposed Advisory Op. No. 2001-4 (2001), available at http://www.okbar.org/news/ethics03a.htm (discussing permissibility of attorneys providing limited legal services in representation of pro se civil litigants) (last visited Feb. 12, 2004). This proposed opinion has uncertain future; it appears to address judges' concerns about lack of candor when lawyers ghost write documents for filing by pro se litigants, but legal services administrators fear it may negatively affect lawyers' willingness to accept referrals to perform limited services for indigent clients. See id.

80 One example is Florida, where a dramatic increase in pro bono services and financial support is attributed to the judiciary's strong commitment to the program, which has resulted in multiple changes to ethical standards and court process. See Maute, supra note 50, at 575-76; D'Alemberte, supra note 3, at 648-49 (describing pro bono activities within state judicial circuits).
program, conscious thought should be given to developing a system that will survive the original leader.\textsuperscript{81}

The proposed statewide infrastructure would create a database of all volunteer attorneys according to their geographical and substantive areas of practice. Legal services providers would refer eligible clients to suitable attorneys who had indicated a willingness to accept additional pro bono (or low bono) work in those areas.\textsuperscript{82} Support systems must be created to train and assist volunteer attorneys in areas of law common to the eligible client base so that the attorneys have confidence that their services are competent and effective. Existing data indicates that lawyers are more willing to volunteer in subject areas where pro bono programs currently exist.\textsuperscript{83} These findings suggest the need to create more substantively-focused programs through which to solicit volunteer attorneys, provide training and administrative backup. Quality control checks should monitor whether clients receive timely and appropriate service.

The organized bar rallies in times of crisis, offering triage legal services to disaster victims, or by staffing tables at disaster recovery programs. While these programs are well-intended, they do not necessarily make good use of the attorneys' time, nor do they predictably provide effective legal representation. They are good public relations and symbolic shows, but may lack the institutional support required to assure that clients get appropriate follow-through. When the news splash of a disaster fades, the volunteers return to business as usual. Meanwhile, the less dramatic, ordinary legal problems of the low-income population remain unmet.

C. Challenge: Funding

While legal aid programs have long had to operate on a shoestring, it is clear that adequate funding is essential to support and maintain an infrastructure for the delivery of legal services to the low- and moderate-income communities.\textsuperscript{84} Even when innovative programs are staffed primarily by volunteers, some hard money is needed to pay for an office, equipment, overhead expenses, and to pay staff to keep the system running.

Drastic cutbacks in federal financing of the Legal Services Corporation ("LSC") has forced civil legal aid providers to expand their funding base. "Since 1991, the legal aid community has roughly doubled" the money it receives from other sources.\textsuperscript{85} "While LSC funding has remained relatively

\textsuperscript{81} See Access to Justice Report, supra note 55, at 6.
\textsuperscript{82} See infra Part IV.B for a description of the hotline that would serve as the foundation for referrals under this infrastructure.
\textsuperscript{84} See, e.g., Maute, \textit{supra} note 60, at 555-58 (discussing funding issues in Oklahoma).
\textsuperscript{85} National Legal Aid & Defender Association, \textit{IOLTA & Other Funding}, available at http://www.nlada.org/Civil/Civil_IOLTA/Civil_IOLTA/Home (last visited Feb. 12, 2004).
level during this period," non-LSC funding has increased five-fold. In response to restrictions imposed by LSC grants and by shrinking federal subsidies, most legal service providers have sought additional funding sources and experimented with alternative means of delivering services. There are various mechanisms to raise funds for legal services programs such as expanding IOLTA funding, earmarking state general revenue appropriations and filing fee surcharges. Another avenue is to raise private funds from local foundations, law firms, United Way campaigns and individual contributors. State bar foundations make direct appeals to their members and to firms.

Many legal service providers have both LSC-funded programs subject to significant restrictions on allowed activities, and programs funded by other sources. Access to justice proponents continue to seek increased federal funds and maintain the critical federal role in the delivery of civil legal assistance; they also seek increased funding from state and local sources, both governmental and private. States can receive supplemental funding to staff legal services through

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86 Id.
87 Many of these new LSC-funded entities had established extensive "hot line" advice, brief service and referral systems and were relying upon private attorneys and non-LSC-funded entities to provide basic legal representation. Alan W. Housman, Civil Legal Assistance for the 21st Century: Achieving Equal Justice for All, 13, available at http://www.clasp.org/DMS/Documents/999903354.829 (last visited Feb. 12, 2004).
88 Interest on Lawyers Trust Accounts ("IOLTA") authorize attorneys to pool nominal or short-term client funds into checking accounts where such interest is pooled and used to fund civil legal services programs around the state. Id. at 14. Since their inception in the 1980s, IOLTA funds have generated more than $150 million, much of which is used to support local pro bono programs. See id. at 2. Constitutional challenges mounted against the Washington and Texas IOLTA programs by the Washington Legal Foundation put their legal status in limbo for many years. Washington Legal Foundation, Supreme Court Rejects Challenge to Confiscatory IOLTA Programs (Apr. 4, 2003), available at http://www.wlf.org/upload/4-4-03IOLTA.pdf (last visited Feb. 12, 2004). Finally, after two trips to the United States Supreme Court, their future appears secure. In Brown v. Legal Foundation of Washington, the Court held in a 5-4 decision that a carefully structured IOLTA program did not violate the takings clause of the Fifth Amendment. 538 U.S. 216 (2003). The organized bar nationwide participated in amicus briefs stressing the critical role of IOLTA funding for legal service programs. See Brief for Forty-Nine State Bar Associations and the National Association of IOLTA Programs as Amici Curiae in Support of Respondents, Washington Legal Foundation v. Legal Foundation of Washington, 538 U.S. 216 (2003) (No. 01-1325), 2002 WL 31405680.
90 The Wyoming State Bar Foundation publishes bar member donors and participants of their Equal Justice campaign. The Wyoming State Bar provided Wyoming-licensed attorneys an opportunity to make a contribution on their license fee statements to fund civil legal aid in the state. See Wyoming State Bar, Equal Justice Campaign, at http://www.wyomingbar.org/ejc_campaign.asp (last visited Feb. 12, 2004).
91 Housman, supra note 87, at 28.
fellowship and rotation programs. These programs allow an entity to make "a monetary contribution to support a lawyer position in a legal services office (fellowship program)" or to supply "a series of lawyers to a legal services program (rotation program) for a given period of time." Many fellowships in legal services are administered through Equal Justice Works. "Another source of fellowships is the Skadden Fellowship Foundation, founded and administered by the law firm of Skadden, Arms, Slate, Meagher & Flom." Planned giving, major gifts and special events are also significant components of effective fundraising campaigns. "VISTA (Volunteers in Service to America) and AmeriCorps are both programs of the Corporation for National Service, a federal agency" that provides staffing for legal service offices. While these programs differ in various aspects, they both "place volunteers who are paid a stipend, in community service organizations." The NSLC (National Service Legal Corps) are "AmeriCorps placements administered by Equal Justice Works."

Increasingly, private foundation funding for civil legal aid is available. "[A] recent survey shows that at least 300 foundations have funded civil legal advocacy and poverty-related issues since 1997." National, regional, corporate, company and family foundations have made grants to support civil legal aid. Most grants for legal and policy advocacy are tied to substantive areas such as employment, domestic violence, healthcare and community development. Some foundations have funded infrastructure or capacity in the areas of technology, training, communications or resource development.

Among the most prevalent supporters of legal services grant is the Open Society Institute and the Soros Foundations Network. This foundation...
provides a range of funding to support the development of legal services programs. For example, it funds Florida Rural Legal Services, which provides "legal services to low-income families and individuals throughout . . . rural Central and South Florida." The grant supports an "innovative technology-based model of legal service delivery designed to reach isolated and rural populations through the use of video computers, fax machines and printers located in public libraries." The Soros Foundation also gave $65,000 to the Washington State Bar Association to support replication of a "model for statewide planning on access to justice." The Washington State Access to Justice Board will use the grant to "develop materials and respond to requests from groups throughout the country for assistance in replicating or adapting [its] model." A $500,000 grant to the Maryland Legal Services Corporation will help coordinate, integrate, and leverage the resources of legal services, law schools, the private bar, and the judiciary to meet the need for legal services.

III. THE OKLAHOMA CITY VOLUNTEER LEGAL CENTER: A MODEL

A. In the Beginning

The Oklahoma City Volunteer Legal Center ("VLCenter") began development in the summer of 2000. The VLCenter provided legal services from October, 2000 until April, 2002. The VLCenter was never incorporated as an entity; instead, it functioned as a concept. Without a paid staff or a budget, the


108 *Id.*

109 *Id.*


111 *U.S. Programs Expenditures, supra* note 106.
VLCenter fostered partnerships between local civic groups, businesses, churches, a legal aid organization, and a law school. All of its clinics were supported through financial or in-kind contributions of the sponsoring organizations and through individual contributions made to sponsoring organizations.

The VLCenter provided access to free legal advice or referrals for consumer counseling to low-income individuals and offered networking opportunities for law students and attorneys. From the outset, the VLCenter was dedicated to providing legal services to the poor, that is, persons who satisfied the eligibility standards for receiving services from federally-funded legal aid programs. Although the VLCenter is not currently sponsoring clinics, the VLCenter clinics served as a model for the Medical/Legal clinics currently sponsored by one of its partners, Legal Aid. Community interest remains in revitalizing the concept of the VLCenter and in improving its model.

The Oklahoma City VLCenter began through a series of networking relationships. Attorneys interested in helping low-income clients developed relationships with law students and the Oklahoma City University (“OCU”) School of Law. At almost the same time, the Oklahoma City Cooperative Urban Parish (“OCCUParish”), a community of churches, expressed interest in adding a legal component to the OCCUParish structure in order to provide legal access to low-income clients.

Legal Aid of Western Oklahoma, Inc. merged with Legal Services of Eastern Oklahoma, Inc. in January, 2002 to create the current Legal Services Corporation organization in Oklahoma, called “Legal Aid Services of Oklahoma, Inc.” Throughout Part III, Legal Aid of Western Oklahoma, Inc. and its successor organization will be referred to as “Legal Aid.”

By August 31, 2000, the following organizations were identified as partner organizations: (1) Oklahoma City University; (2) OCU School of Law; (3) Pro Bono Students’ Association at OCU School of Law; (4) National Association for Public Interest Law Student Chapter at OCU School of Law; (5) Alternative Dispute Resolution Student Chapter at OCU School of Law; (6) NAACP, Oklahoma City Branch; (7) Legal Aid; (8) Printing Products (a local business that donated copy paper); (9) Oklahoma City Cooperative Urban Parish (“OCCUParish”); (10) Criminal Justice and Mercy Ministries of the Oklahoma Annual Conference of the United Methodist Church; and (11) St. Andrews Presbyterian Church. See Cheryl Lynn Wofford Hill, Description of the Oklahoma City Volunteer Legal Center (Aug. 14, 2000) (unpublished description prepared for St. Andrews Presbyterian Church, on file with Hill).

By August 2001, additional partners joined the effort: (12) Multicultural Student’s Organization at OCU School of Law; (14) Friends Meeting of Oklahoma City (Quakers); and (15) a faculty member of the University of Oklahoma College of Law (OU College of Law).

Contributions were made to tax-exempt 501(c)(3) organizations that sponsored the VLCenter. Organizations accepting contributions for the VLCenter included the St. Andrews Presbyterian Church and Skyline Urban Ministry, Inc. Most of the contributions supporting the VLCenter were in-kind gifts of physical plant resources, copy costs, and administrative costs. Hill, supra note 113.

As it evolved, both Maute and Hill had questions about whether the program made good use of volunteer lawyers’ time in delivering effective legal services to clients. Constraints of time and energy prevented the authors from developing a comprehensive evaluation of the VLCenter. It is hoped that the lengthy program description that follows will enable others, with the benefit of distance, to ask the appropriate reflective questions.
Although faith-based organizations partnered in sponsoring the VLCenter clinics, client integrity, rather than religious recruitment, was central to the project from the beginning. Hospitality toward clients was a central concern for Rev. Hill, co-author of this article, then a third-year law student and clergy member of the United Methodist Church. Another second-year law student, M.C. (Mary Catherine) Smothermon, inspired the VLCenter organizers to be clear about the limitations of discussing religious topics during clinic hours. If religious values were discussed, it would be because a client invited this type of discussion.

In the initial discussion regarding the formation of the VLCenter, various other legal clinic models were considered. Ultimately, “consumer counseling”

116 The following statement was presented to St. Andrews Presbyterian Church in a recruitment document:

VLCenter volunteers are encouraged to live out their faith quietly with commitment to delivering needed services. Although member organizations individually aspire to grow and gain new members, the VLCenter recognizes that persons involved in its programs will have diverse beliefs or philosophies. In order to faithfully serve and respect a diverse faith community, volunteers will be encouraged to demonstrate their faith through action rather than through intentional recruitment of participants to member organizations. The VLCenter is a faith-based organization, and its aim is to be an organization of diverse peoples of faith. The VLCenter does, however, anticipate that some of its participating partner organizations and its participants will benefit as a direct result of being involved in VLCenter programs. Professional and religious networking is expected. Faith in action speaks powerfully.

Hill, supra note 113.

117 Id. The problem of at least one VLCenter client centered around religious values. The client articulated that family and friends were being judgmental regarding bankruptcy proceedings because of their religious values. The client introduced this as part of the legal issue, explaining why the client had waited so long to ask for bankruptcy relief, and the attorneys and client addressed the problem in a spiritual climate that respected the needs of the client. Ultimately, the client came to see bankruptcy through a religious perspective that honored the forgiveness of debt.

118 Among the resources consulted were: (1) ABA/NLADA Equal Justice Conference: Pro Bono, Innovations, and New Partnerships, New Resources for Holistic Advocacy: Law School Partnerships, (Apr. 8, 2000) (on file with Hill) (including a document by Ann Moynihan entitled “Social Work Role Integration” describing Fordham University’s Interdisciplinary Center for Family and Child Advocacy’s intake procedures, client consent to social work involvement, confidentiality, and other aspects of these clinics); (2) Ellie Crosby, Assessing the Effectiveness of Legal Hotline Services: How Are We REALLY Doing? (Apr. 7, 2000) (on file with Hill); (3) Ada Shen-Jaffe, Multiple Dimension Thinking about Civil Equal Justice (Sept. 1999) (on file with Hill); (4) Board of Trustees, Southern Illinois University, How to File for Divorce in Illinois: Family #1 (July 1, 1998), available at http://www.law.siu.edu/selfhelp/info/family/divorce.pdf (last visited Feb. 12, 2004); (5) Memorandum from The Self Help Legal Center, to Volunteer Attorney Teachers (May 3, 1999) (on file with Hill); (6) Robert F. Cochran, Jr., Professional and Christian Responsibilities to the Poor, (Feb. 16, 1999 Draft) (on file with Hill); (7) The Self Help Legal Center, Southern Illinois University School of Law, FY 98/99 Protocol Form - The 10 “Rules” (on file with Hill); (8) The Self Help Legal Center, Southern Illinois University School of Law, FY 98/99 Intake Form - Revision 2 (on file with Hill); (9) Volunteer Legal Services Project of Monroe County, Inc., Description of Debt Collection Advice Clinic (developed in approximately 1994) (on
was the clinic topic that could most easily be embraced by all of the VLCenter’s partnering organizations. Tasks were divided between the law school, Legal Aid, and community volunteers. Needs of all of these entities were considered prior to submitting written presentations to the groups involved. Written proposals were submitted to the law school and the host church governing committee.

Electronic communication made much of the networking among founders possible. Sometimes, however, electronic communication was inadequate to accomplish complex tasks. For example, a meeting, rather than electronic communication, was required to develop a purpose statement. The following purpose statement was developed at a meeting held at Legal Aid:

The purpose of the Volunteer Legal Center is fourfold: (1) to provide legal services to clients who might not otherwise obtain legal assistance; (2) to promote the development of ethical lawyers and leaders through encouraging volunteerism; (3) to provide a network linking law students, attorneys, and other volunteers interested in community service; and (4) to encourage people to live their faith through outreach to persons in need.

Many detailed tasks were accomplished within the two months prior to the first training event. Specifically, a draft document was immediately developed that identified additional partner organizations and suggested partner responsibilities. Legal Aid developed a Continuing Legal Education workbook for the first training event held at OCU School of Law on September 9, 2000.

In addition, the “Description of the Oklahoma City Volunteer Legal Center” was drafted to present to the dean of the OCU School of Law. After discussions with the administration about the need for legal malpractice insurance and limiting OCU law student participation to those who had

file with Hill) (10) Board of Trustees, Southern Illinois University, How to File for Divorce in Illinois -- Supplement C: Divorce Without Minor Children, available at http://www.law.siu.edu/selfhelp/info/family/divsupc.pdf (including the statement, “This supplement includes a forms guide as well as forms. The forms guide is for use only in filling out the forms. For more information about what these forms mean or are used for, consult the appropriate Self Help packet”).

One reason why the clinic topic changed from pro se divorce to consumer counseling was the recognition that differing religious values made pro se divorce a more controversial topic than consumer counseling.

Cheryl Lynn Wofford Hill, Description of the Oklahoma City Volunteer Legal Center (July 31, 2000) (unpublished draft, on file with Hill) (including an executive summary, purpose statement, partners and resources, organization, application, potential negative perceptions or possible conflicts, expectations and outcomes, and accountability and evaluation).

See Hill, supra note 113.

This mission statement was created by five representatives of partnering organizations serving on a coordinating committee that met at Legal Aid on July 27, 2000.


Hill, supra note 120. Smothermon arranged for this meeting to take place.

Legal Aid provided malpractice insurance for participating attorneys and support staff as long as the clinic issue was civil, not criminal, and as long as the clinic served low-income clients, most of whom would qualify as clients under Legal Services Corporation rules and regulations.
completed the required professional responsibility course, Dean Lawrence K. Hellman enthusiastically agreed that OCU would host training events. Preparations for the clinics included the creation of a welcome flyer for new OCU law students, a website, an e-mail address, presentations to church-related partners, and setting clinic dates.

"Consumer counseling" was identified as the specialized subject matter of the clinics early in the development of the VLCenter. Initially, a pro se divorce clinic was considered. The Self Help Clinic at the Southern Illinois University School of Law had extensive materials that could have provided a start for the clinic model. However, the VLCenter’s sponsoring institutions were better suited to help low-income clients address consumer law continuing education materials on consumer law. Additionally, narrowing the scope of services provided helped identify potential partners. Church staff and founding attorneys noted that it may have been more difficult for the sponsoring church to approve use of their facility for pro se divorce clinics because of the theological and social concerns of church constituents.

Legal Aid and the OCCUParish were the first partners of the VLCenter project. Legal Aid wanted to develop a clinic model that would serve clients who had problems that could be addressed by simple advice, but who could not obtain legal services at Legal Aid. The large number of low-income clients

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126 Model Rules of Professional Conduct Rule 1.6, regarding confidentiality of information, and Rule 5.5, regarding unauthorized practice of law, were of most relevance to participating law student volunteers.

127 OCU School of Law administrators were extremely supportive of the VLCenter concept. On her first day as Assistant Dean for Students, Deborah Fathree was assigned to be the liaison between OCU School of Law and the VLCenter.

128 The greeting to first-year law students included a general warning regarding the unauthorized practice of law and a description of the VLCenter.

129 No funds were needed to develop the website or e-mail address. The website was set up as a link from the OCU School of Law website at the National Association of Public Interest Law Student Organization’s web link. The e-mail address was set up through a free commercial e-mail service.

130 On August 15, 2000, Rev. Hill reported on the development of the VLCenter to members of the full OCCUParish Board. The Board voiced support for the project. Child-care forms and clean-up crew forms were distributed to member representatives from neighborhood churches and institutions. Although none of the churches ever signed up to help with child-care or clean up, these sign-up sheets were useful in publicizing the new OCCUParish project. The OCCUParish also developed brochures to describe the OCCUParish’s involvement in the project.

131 Six clinics were planned and dates were set. Training dates were set in conjunction with the Young Lawyers Division of the Oklahoma Bar Association. The first training event was video taped, and the tapes were available for playback at two other training events. Clinic dates were set in conjunction with St. Andrews Presbyterian Church.

132 Unmet need for legal services inspired involvement of Legal Aid in the development of a clinic model. See Editorial, Justice for All: Legal Aid Fund Drive Deserves Support, SUNDAY OKLAHOMAN, Apr. 13, 2003, at 10-A (stating that in 2003, Legal Aid provided attorneys for the poor at a ratio of one lawyer for every 9,800 poor people, compared to one lawyer for every 229 persons in the general public); Julie DelCour, The LASO Fund Drive: Stitching the Safety Net Together for Low-Income Oklahomans, TULSA WORLD, Apr. 13, 2003, at G-1.
with unmet legal needs required Legal Aid attorneys to serve only those with the most severe legal problems. Because Legal Aid was only able to provide this "emergency room" style of triage care, it envisioned a legal clinic to take care of "routine doctor's office" styled problems presented by low-income people.\textsuperscript{133}

Recruitment of volunteers was critical in the initial stages of organization. Since the VLCenter did not have a corporate structure, a budget, or financial responsibilities,\textsuperscript{134} the entire VLCenter effort depended on the strengths of its partner entities and volunteers. Recruitment of VLCenter partners, attorneys, law students, other volunteers and clients each required different strategies. Partners were recruited after identifying specific resources that each prospective partner could offer.\textsuperscript{135} Recruiting partners required explaining both what the partner could contribute to the project, and what the partner would gain from the alliance. Both written and oral communications were vital in recruiting partners. Some partners were recruited with up to ten pages of written materials. Other partners asked to be included after the VLCenter clinics were publicized.

Legal Aid\textsuperscript{136} took responsibility for recruiting, training, supervising, and providing malpractice insurance for the attorneys. The VLCenter benefited from volunteer attorney contributions, and attorneys benefited by earning free CLE credit and by fulfilling a responsibility to perform pro bono work as members of the Oklahoma Bar Association.\textsuperscript{137}

\textsuperscript{133} The need for a clinic was explained by Peggy Big Eagle by using this medical metaphor during the earliest stages of the program's development.

\textsuperscript{134} This lack of institutionalization was initially celebrated, recognizing that volunteers and community resources could be utilized to meet needs. Later, many key participants of the VLCenter recognized that without organization or a primary partner that financially invested in the VLCenter, the entity was difficult to sustain. Dependence upon volunteer energies ultimately led to a suspension of VLCenter-identified clinics when certain volunteers were no longer able to contribute to the VLCenter planning process. Legal Aid continued the legal clinic model through the leadership of paid staff.

\textsuperscript{135} Some partners, such as Legal Aid, contributed staff resources. Other partners, such as the St. Andrews Presbyterian Church, contributed building space, insurance for the clinic site, and volunteer human resources.

\textsuperscript{136} The Code of Federal Regulations requires non-profit organizations receiving federal grants from the Legal Services Corporation to devote at least 12 1/2 \% of the grant for the involvement of private attorneys. \textit{See 45 C.F.R. § 1614.1} (2004). Individual attorneys were recruited by participants in the VLCenter clinics. Because Legal Aid had responsibility for attorney supervision and evaluation, interested attorneys were asked to contact the Volunteer Attorney Coordinator at the Oklahoma City Legal Aid Office.

\textsuperscript{137} Rule 6.1 of the Oklahoma Rules of Professional Conduct encourages attorneys to provide "professional services at no fee or a reduced fee to persons of limited means." \textit{Okla. Rules of Prof'L Conduct} 6.1 (2003). In Oklahoma, attorneys are required to have twelve (12) hours of continuing legal education ("CLE"), \textit{Okla. CLE R. 3} (2003), which must include at least one (1) education credit in the area of legal ethics, \textit{Okla. CLE R. 7}, Reg. 3.6 (2003). Attorneys were offered, without cost, three (3) CLE hours with an optional one (1) hour of ethics. The attorneys were asked to commit to volunteering for one of the pro bono projects that sponsored the CLE. Twenty-three lawyers and eight students participated in the first training event. Cheryl Lynn Wofford Hill, \textit{Report on Oklahoma City Volunteer Legal Center} (Oct. 20, 2000) (unpublished report, on file with Hill).
Law students were also recruited to help them develop "the pro bono habit," so that, as attorneys, they would appreciate the importance of regularly serving the public at no fee or at a reduced fee. This strategy proved successful. After being admitted to practice law, several former student participants returned to participate as attorneys in the VLCenter clinics. Student organization involvement also enhanced student recruitment for the VLCenter.

Law school administrators and faculty helped with student recruitment at both OCU School of Law and at the University of Oklahoma ("OU") College of Law. Administration and faculty of both OCU School of Law and OU College of Law helped to support the VLCenter in various ways including publicity, networking, direct e-mails to students, classroom presentations, inclusion in a program sponsored by the AALS Pro Bono Project, and participation in award ceremonies. They were also instrumental in recruiting law students through a flyer included in an orientation packet and through e-mail communications. The OCU School of Law administrators and VLCenter leaders jointly honored students and organizations participating in the first year of the VLCenter.

Finally, recruitment of community volunteers also involved a variety of strategies. Community volunteers were recruited through word-of-mouth publicity, Internet websites, and community meetings. In less than four months, the VLCenter had matured from an idea into a cooperative effort. The VLCenter and its clinics had begun.

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138 Rev. Hill remembers learning the phrase "pro bono habit" from Peggy Big Eagle during initial conversations regarding the formation of the VLCenter. Law student involvement helped to meet two prongs of the VLCenter's purpose statement: "(2) to promote the development of ethical lawyers and leaders through encouraging volunteerism; [and] (3) to provide a network linking law students, attorneys, and other volunteers interested in community service." See Hill, supra note 113, at 1.

139 Among the students who later participated in VLCenter clinics as attorneys through financial contributions or through giving legal advice at clinics were as follows: Rev. Hill, Philip D. Hixon, Kelly Leaf, and Amanda Salisbury. M.C. (Mary Catherine) Smothermon, who helped establish the VLCenter as a student, currently coordinates the Medical/Legal clinics as a Legal Aid attorney. The Medical/Legal clinics are a project of Legal Aid Services of Oklahoma, Inc., designed from the VLCenter clinic model.

140 The administration at OCU invited representatives of student pro bono organizations and attorneys interested in pro bono projects to attend an Association of American Law Schools ("AALS") Pro Bono Project program on November 13, 2000. This meeting created an opportunity for networking among the student community interested in creating pro bono opportunities. Awards were highlighted as a way to increase student participation in pro bono efforts.

141 Acknowledging excellence in students through certificates and recognition of organizational participation in the company of peers helped to encourage students to participate in pro bono activities. During the VLCenter's first year, each participant in the VLCenter was given a certificate. The second and third years of awards were presented to outstanding students and new member organizations. Certificates were signed by six individuals representing partner organizations.

142 One volunteer, the president of a neighborhood association who was recruited at the neighborhood association meeting, became a valuable resource for client services within the community.
B. The Clinic Process

The clinic process was comprised of pre-clinic, clinic, and post-clinic components. The pre-clinic process was largely organized by volunteers. The clinic experience was coordinated both by volunteers and staff members of partner organizations. The post-clinic component largely fell to a few individuals at Legal Aid.

1. Pre-Clinic Preparations

Prior to each clinic, clients were screened and clinic appointments were made. Clients were referred through Legal Aid and sponsoring organizations. Clients called the Legal Aid office to apply for Legal Aid services and left their names and telephone numbers. Legal Aid then gave client lists to law students who returned calls to clients, identifying themselves as “intake specialists,” and set clinic appointments. Clients who were called more than a week in advance of a clinic frequently did not keep appointments. To maximize client participation, students began calling clients a few days before the clinic, and many clients were called the day before the clinics met.

Some clients’ legal concerns could be better addressed during the pre-clinic process, so they did not become VLCenter clinic clients. Law students identified which clients could more effectively be served over the telephone. For instance, if a client was physically disabled, he or she might be best served with telephone advice rather than through a clinic appointment. In these situations, law students delivered client information to the Legal Aid staff attorneys and then relayed the legal advice back to the clients.

Law students were initially assigned clients prior to the clinic because the students’ familiarity with the clients’ issues was expected to facilitate the process. Clinic organizers discontinued this practice when they realized that not all clients and not all law students would always attend clinics as scheduled. “Flexibility” became the key in preparing for clinics.

Organizers began intentionally over-booking the clinics because of Legal Aid’s experience with the culture of low-income clients who often missed appointments. If the goal was to serve five client families, ten or eleven appointments would be scheduled. Clinic organizers were surprised when all eleven families attended the second clinic, however, this level of participation was atypical. Four lawyers were present at the second clinic, but at least one

143 Conflicts of interest were rarely a problem because Legal Aid rarely represented creditors, and most of the clients’ adverse parties were credit card companies, car dealerships, and mortgage companies. Conflicts were checked when the consumer problem arose between individuals.

144 Hill, supra note 137. The text of the report is as follows:
The first Volunteer Legal Center clinic, held at the St. Andrews Presbyterian Church on Saturday, September 16, 2000, served five client families. Five students, three lawyers, one paralegal, and three Cooperative Parish volunteers assisted two clients at the clinic, provided follow-up telephone advice for two clients, and rescheduled one client for the October 14, 2000 clinic.
attorney did not attend as scheduled. Two Legal Aid lawyers provided direct services to clients rather than observing and facilitating as planned. Although the clinic organizers had anticipated that some of the clients would not keep appointments, they did not anticipate that this would also be true for volunteer attorneys. Sending reminder letters prior to the clinic was one suggestion to remedy this problem.

2. The Clinic Experience

Clinics were client-centered. Every effort was made to help clients manage fears of seeing an attorney. A climate of hospitality was central to the development of the clinic process. The dress code for the volunteers attending the clinic was casual, usually jeans and tee shirts.

At least one volunteer from the St. Andrews congregation, a host facility volunteer, was asked to unlock the facility for clinic volunteers on each of the six Saturdays throughout the 2000-2001 school year. Often, five or six volunteers from the host facility were present throughout the clinic morning, sometimes being present from eight o’clock in the morning until two o’clock in the afternoon. The host facility volunteer was able to help clinic volunteers rearrange furniture both before and after the clinic, have familiarity with kitchen resources that would be available to volunteer clinic staff, give tours of the facilities to clinic volunteers, and help the volunteer clinic staff leave the building in the appropriate condition for the host facility’s normal Sunday morning worship services.

Initially, the clinic featured five counseling stations for lawyer-client interviews. These stations were located in five different rooms, one on the basement level and four on the main level. As the clinic evolved, however, the clinic staff discovered that some clients were more comfortable staying in the large hospitality room and visiting with attorneys at tables near the coffee and refreshments. If a client or lawyer had a concern about confidentiality or there were not enough clients to provide a sound buffer, interviews were then moved to one of the available interview stations.

Hospitality was a task assigned to community volunteers and law students. Clinic volunteers were prepared to guide children to childcare stations. A small welcome center was set up to greet clients upon entry into the building; a larger hospitality center was also located in the large church basement hall. Since clients were greeted and matched with either a law student or paralegal

The second clinic of the Oklahoma City Volunteer Legal Center was held at St. Andrew Presbyterian Church on October 14, 2000 from 8am until 2pm and served eleven client families. Five students, four lawyers, one paralegal, and five Cooperative Parish volunteers assisted eleven client families at the clinic, and rescheduled one client family for the November 11, 2000 clinic.

Id. The text of this section was adapted from Hill, supra note 113.

145 Although provisions were made for child-care, clients did not bring children to the clinics.
volunteer in the welcome center, host facility volunteers gave new volunteers a tour of the building on clinic mornings.

Clinic volunteers were scheduled to arrive at eight o’clock. Prior to the clients’ arrival, the clinic site was set up, and new volunteers became familiar with the facility and attended orientation sessions. Although core clinic volunteer staff consistently attended clinics, most clinic volunteers changed from month to month, so this orientation time was very helpful.

Clients began arriving at nine o’clock. A volunteer was stationed at a reception table where clients signed in and were offered a nametag. After meeting at the welcome center, clients and law students or paralegal volunteers were introduced and sent to the designated counseling station. However, if the client was early or the lawyer was behind schedule, clients were escorted to the larger hospitality area. While waiting, the law student or paralegal volunteer assisted the client in filling out a holistic intake form and gathered facts to present to the attorney. Attorneys arrived at ten o’clock and met with clients until eleven o’clock.

The first clinic scheduled clients in half-hour intervals between nine and eleven o’clock. As the model was refined in response to participant evaluations, all clients were given nine o’clock appointments. After the last client left, volunteers had varied tasks. Law student and paralegal volunteers spent time debriefing and staffing with the volunteer lawyers, while other volunteers began the clean-up process. At the debriefing and staffing session, legal volunteers discussed advice given to clients. Occasionally advice needed to be modified, and clients were contacted on the day of the clinic from cell phones. If the client was unavailable, Legal Aid staff then had the responsibility of delivering the advice. Although the staffing session was the favorite part of the clinic for many law students, paralegal volunteers, and attorneys, a few attorneys indicated that the staffing session was a point of frustration.

3. Post-Clinic Process

After the clinic, Legal Aid staff (occasionally assisted by law student volunteers), would document advice given at the clinics, attempt to contact clients who might need further advice or services, and close completed cases. If follow-up was necessary, appointments were set for the next scheduled clinic. If the client’s legal problem was more complex than first assessed, referral services were sometimes provided.

The post-clinic process was the most frustrating part of the model for several reasons. First, this stage was more time-consuming than the organizers had anticipated. Technological issues also contributed to the overall frustration. Legal Aid attorneys were required to document all cases and to identify eligible clients whose cases fell under LSC standards. However, Legal Aid’s computer software was not user-friendly, and VLCenter clinic founders did not plan to train volunteers to accurately document cases in a manner that would comply with LSC standards. By default, this task fell to Legal Aid attorneys and to a few law student volunteers.
The VLCentrc's clinic model was developed for clients whose legal problems could be addressed through advice and counsel. Some clients, however, needed more than advice and counsel but did not qualify for Legal Aid representation or for Legal Aid referral to pro bono attorneys. Only low-income Legal Aid clients could receive extensive follow-up legal services, such as litigation, or pro bono referral.

Overall, clients, volunteer participants, and clinic organizers were pleased with the clinic. Although many clients expressed satisfaction with the clinic experience, the organizers were not always satisfied because a few legal problems could not be adequately addressed in this setting. According to clinic organizers, planning for extended services was inadequate. All extended services were delivered through Legal Aid. Additional volunteer resources to help coordinate follow-up would have increased the number of clients receiving extended services. Further, Legal Aid attorneys were hampered in providing extended services by LSC restrictions. They also prohibited Legal Aid attorneys from referring financially ineligible clients to Legal Aid pro bono attorneys. The restrictions also prohibited Legal Aid attorneys from solving eligible low-income clients' problems by reforming the law through class action litigation. This problem could have been reduced if VLCentrc clinic organizers would have had a system in place to refer clients who could not be served because of LSC restrictions to private, pro bono attorneys.147

C. Statistical Analysis of Volunteers

Eighteen attorneys, eighteen law students, and twenty-three other community volunteers participated in the VLCentrc’s eleven clinics.148 Two of the attorneys had also participated in clinics as law students, resulting in a total of fifty-seven people participating in the clinic setting. Attendance patterns indicate that the clinics operated well with a few people attending every, or nearly every, clinic to provide stability and continuity. Other volunteers were able to participate more infrequently without diminishing the quality of the clinic.

147 One case was particularly troubling to attorneys who participated in one VLCentrc clinic. That case involved a possible predatory lending scam on a senior-citizen client. Legal Aid qualifies senior citizens for advice and counsel regardless of income. However, in order for other clients to qualify for referral services to Legal Aid pro bono attorneys, the clients must be low-income. Legal Aid attorneys could not refer the VLCentrc client to pro bono attorneys through the program, but ten attorneys were involved (four attorneys from the clinic and six attorneys contacted through the post-clinic process) in an attempt to find an attorney who would take the case on a contingency fee basis. Legal Aid attorneys and attorneys volunteering at the clinic were unable to find a lawyer who would accept the case, and the client ultimately lost a home in a foreclosure action. If Legal Aid had not been constrained by LSC standards, perhaps a pro bono attorney could have been located through its network of private attorneys.

148 Cheryl Lynn Wofford Hill, Statistical Analysis of the Oklahoma City Volunteer Legal Center (July 31, 2003) (unpublished report, on file with Hill) (using clinic sign-in sheets, clinic staffing notes, and evaluation forms to compile data) [hereinafter Statistical Analysis]. Three attorneys participated in the project as law students in clinic settings or in VLCentrc promotion. See id.
Although the VLCenter model was intentionally designed to accommodate volunteers with varying levels of time and commitment, low commitment to follow-up care by volunteers was a weakness. Because the model was designed to be volunteer-friendly, it did not always effectively deliver post-clinic services to those clients who needed more than advice and counsel.

D. VLCenter Evaluation

All VLCenter participants were invited to complete evaluations. Most of the participants in the VLCenter clinics reported a positive experience. Clients' fears about seeing a lawyer were addressed, and most lawyers and law students reported enjoying their time at the clinic. Many law students expressed appreciation for the opportunity to work in a setting with real lawyers and real clients. Community volunteers could see that they were reducing clients' anxiety. A good balance between continuity and accessibility for new participants was maintained. The VLCenter was designed to help volunteer participants self-determine their level of participation. Four attorneys, seven students, and seven community volunteers participated in more than two of the eleven clinics. Three attorneys, two students, and three community volunteers participated in five or more of the eleven clinics.

One weakness of this clinic model was the lack of institutionalization. The VLCenter did not continue hosting clinics after April 6, 2001. When key volunteers did not function to organize the clinics, Legal Aid created a similar model utilizing new church facilities to host legal clinics. A state bar association, law school, legal aid organization, or a new 501(c)(3) organization

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149 See id. Three people attended all eleven clinics, one lawyer, one student who later participated in the clinics as a lawyer, and one community volunteer. See id. Each of these three people provided continuity for each category of volunteers. See id. Half of the attorneys, students, and community volunteers attended only one clinic. Statistical Analysis, supra note 148. Community volunteers included undergraduate students, paralegals, and church affiliated volunteers. See id.

150 Rev. Hill writes this section in response to evaluations, conversations with VLCenter participants, interviews, and personal observations.

151 Evaluation forms were distributed to clients and volunteers. The forms that were returned are on file at Legal Aid and with Rev. Hill.

152 The VLCenter model provided services to approximately eighty-six client families through eleven clinics that spanned the period between September 16, 2000 and April 6, 2001. Statistical Analysis, supra note 148. Approximation is used because some families were seen at more than one clinic. Some families were served with advice and counsel during the intake process making an appointment at the clinic unnecessary. These statistics have not been analyzed.

153 Id.

154 Id.

155 In May, 2003, the OCU School of Law invited Rev. Hill to give an award at the OCU School of Law Awards Celebration to a student participant. This was the most recent activity of the VLCenter.

156 Medical/Legal clinics were established at two churches near Legal Aid in Oklahoma City. Medical clinics had already been established at those churches, so the legal clinic was added to this medical clinic setting.
could provide the staff, direction, and commitment that the VLCenter could not sustain as a volunteer organization.\textsuperscript{157}

Very few attorneys were disappointed with the VLCenter clinics. One private attorney responded that the clinic experience used attorney time inefficiently, and that attorney ultimately served the same VLCenter client as a pro bono client referred by Legal Aid.\textsuperscript{58} The attorney did not think that the client was better served by attending the clinic, and could have had the same level of service with a referral only.\textsuperscript{159} A second attorney was initially pleased with the VLCenter process, but was later discouraged upon discovering that the client did not receive additional legal services following the clinic event.

Most attorneys appreciated the time spent in the VLCenter clinics. Attorneys described the VLCenter clinic experience both as a way to serve low-income clients and as an investment in student development.\textsuperscript{1} In an interview with Peggy Big Eagle, Legal Aid's Volunteer Lawyer Coordinator, she commented, "We built in some [time] inefficiencies on purpose to create a learning experience."\textsuperscript{161} By "inefficiency," Big Eagle said she meant being "deliberate about creating a process that was more concerned about meeting client and student needs, and we didn't care so much if we were wasting attorney time."\textsuperscript{162} Since student learning and participation was a "core part" of the VLCenter clinics, Big Eagle stated that attorneys should be told that the clinic would take more time than might be necessary under other circumstances.\textsuperscript{163} "It was a balance between the best use of attorney time, serving client need[s], and creating a real live learning situation for law students."\textsuperscript{164}

Big Eagle recruited experienced consumer law attorneys, as well as government and corporate attorneys with limited consumer law experience. She noted that the benefit of "inefficiency," was in exposing more attorneys to Legal Aid's culture of poor people and to the culture of law students.\textsuperscript{165} Part of the recruiting strategy was to "mix lawyers with idealistic students [to] remind lawyers why they went to law school and to give them a chance to consider those values."\textsuperscript{166}

\textsuperscript{157} M.C. (MaryCatherine) Smothermon was instrumental in developing both the VLCenter clinic and the Medical/Legal clinic models. Smotherman suggested that the Volunteer Legal Center become a 501(c)(3) organization. See Interview by Cheryl Lynn Wofford Hill with M.C. (MaryCatherine) Smothermon (June 20, 2003) (on file with Hill).

\textsuperscript{158} See supra note 150.

\textsuperscript{159} Id.

\textsuperscript{160} Id.

\textsuperscript{161} See Interview by Cheryl Lynn Wofford Hill with Peggy Big Eagle (Jan. 31, 2003) (on file with Hill).

\textsuperscript{162} Id.

\textsuperscript{163} Id.

\textsuperscript{164} Id.

\textsuperscript{165} Id.

\textsuperscript{166} Interview with Peggy Big Eagle, supra note 161.
Legal Aid assumed the responsibility to evaluate the advice given to clients. Legal Aid also intentionally recruited both experienced and inexperienced attorneys in terms of the specialized subject matter practice area and time spent working with low-income clients. In order to provide the appropriate oversight regarding advice given, the VLCenter devoted time at the end of each clinic for attorneys and legal volunteers, such as law students, to report the advice given to the clients. This strategy was chosen so that the VLCenter could monitor attorney advice and “develop students who have a life-long commitment to serve poor people.”

Although reports were generally positive, the VLCenter model could be improved by having a more institutionalized entity oversee its clinics with clearer guidelines for client screening. This oversight would improve communication and increase attorney efficiency and effectiveness. Moreover, the institutionalized entity could help develop job descriptions, create greater coordination among partners, and provide funds for a few paid staff.

IV. OTHER INNOVATIONS: IDEAS AT VARYING STAGES OF CONSTRUCTION

Sandy D’Alemberte’s use of the term “tributaries of justice” makes the point: there is no one solution to resolving issues of access to justice; it must be approached from many different angles. The possibilities are limited only by the imagination of local leaders and the resources available to make them a reality. Revisions to local court rules could permit limited pro se notices of appearance, so that individual defendants in landlord/tenant or consumer disputes could avoid default judgment and present their factual defense without waiving jurisdictional or venue objections. When these defenses appear meritorious, judges could refer defendants to self help kiosks, or other services where they could obtain limited representation. Statewide, toll-free hotlines could provide callers with limited legal advice and make appropriate referrals to attorneys (both pro bono and those expecting to be paid) and other service-providers.

A. Self Help Legal Centers and Kiosks

The consumer movement starting in the 1960s has developed nationwide appreciation for how consumer welfare and quality of choice making are

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167 Legal Aid’s Oklahoma City Law Center Managing Attorney, Marilyn Staats, gave invaluable time, support, and oversight to the legal aspects of the VLCenter clinics.

168 Interview with Peggy Big Eagle, supra note 161. Additionally, Marilyn Staats introduced attorneys to low-income “client culture” at the training events. Attorneys were trained, not only to deal with the legal issue that the client presented, but also to deal with all the poverty considerations.

169 See D’Alemberte, supra note 3.

enhanced by quality information about the law and the legal system. Respect for individual autonomy and fair access to the legal system strongly supports creating systems that enable people to responsibly address problems on their own, with accurate information about the law relevant to the situation. Moreover, concerns for the efficient and orderly administration of justice demand that pro se litigants be given sufficient information and assistance to be able to navigate through legal processes. Self help programs provide this information and empowerment. They can be the foundation of community and statewide collaborations to help pro se litigants understand the legal process and relevant law sufficiently to raise basic claims or defenses in commonly encountered legal problems. Self help services open the door to the courtroom, enabling unrepresented persons the opportunity to be heard and have their position considered by the courts.

A nationwide study found that "[o]ver 60 percent of the legal needs involving housing matters and personal or economic injuries were either ignored or addressed outside of the legal arena." While many people forego legal solutions altogether, an increasing number of people are addressing their legal problems pro se. An ABA study found that the primary factor in the decision to proceed pro se is the "individual's belief that the legal task [i]s simple enough to complete without formal assistance." Self help programs take various forms and shapes, including “do it yourself” legal aid packets with brochures, forms and user instructions; high tech, computerized, web-based kiosks; and differing levels of individualized assistance. The American Association of Retired Persons (“AARP”) pioneered in developing a self help program for the elderly in low-income communities in the District of Columbia. The AARP Legal Counsel for the Elderly provides free legal services and advocacy for their target population. Lay volunteers assist users in navigating a website designed to address legal problems commonly encountered by the elderly. Additionally, the program has outreach sites at social service agencies, where attorneys are regularly available at scheduled times. AARP attorneys will also do home visits to meet with

172 Id.
173 Id.
homebound clients. Another self help model is truly portable. The Superior Court of California in Ventura County outfitted a mobile home into the Mobile Self-Help Legal Access Center. Similar to a library 'book mobile,' the center includes computers, video stations, books, pamphlets and instructional materials. Volunteer lawyers and court personnel staff the center in its visits to communities countywide.

The AARP Legal Counsel for the Elderly sponsors another self help outreach model through its Self Help Office. These offices "use AARP volunteers to provide hands-on assistance to computer-based information designed to address a variety of legal issues." For more involved legal matters, clients are referred to lawyers staffing AARP hotlines. The centers use non-attorney volunteers to navigate a website with information on various types of legal problems. The volunteer prints out and explains the relevant information to the client. Volunteers also print self help guides along with other documents that people can use to resolve their own problems. The offices are located in local community agencies or churches where people often go for help anyway.

The Self Help Legal Center at the Southern Illinois University School of Law may be the most comprehensive and sophisticated self help program to date. Its clients receive, free of charge, a wide range of information and limited legal advice designed to help them handle their own legal problems. It provides users with a combination of internet access, how-to packets, videos, brochures and other written publications, and some individual assistance. All materials are designed to provide simple but thorough explanations about the relevant law and legal process. They cover a wide array of legal subjects commonly encountered by lower income people, including consumer issues, utility and business disputes, health, housing and family law, and guidance on dealing with governmental

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178 Id.
180 Id.
181 Id.
182 Id.
183 Id.
184 ABA Standing Committee on the Delivery of Legal Services, supra note 179.
186 Volunteers are supervised by an on-site paralegal, and the AARP is currently testing whether the volunteers can be supervised remotely via telephone and e-mail by staff located at their headquarters. Id.
entities, such as schools, police and immigration authorities. Users may also access listings of other support agencies and use the law library. The publications are available on reserve at the Center in the SIU law library, via mail request, and may be downloaded from its website.

Each broad subject matter is broken down into discrete legal issues, allowing the user to select the relevant legal assistance and documents. Each packet is put together in a simple, step-by-step format created for people with no legal expertise. Booklets begin with an explanation of universal icons or symbols that signal the need to pay attention and either stop, use caution, proceed, or look up an issue in another packet. At appropriate places, users are warned to consult with an attorney or find a free source of legal assistance instead of continuing on their own. The warning explains that users with difficulties in reading, writing, or following directions should get help in using the packets. The packets describe “people you should know,” identifying persons often encountered regarding particular legal problems. The packets also provide simple definitions of common legal terms, summaries of

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188 Id.
189 The copyright information on the materials is as follows:

All of the packets and supplements created by the Self Help Legal Center are copyrighted. You are free, however, to download and to copy any of the packets or supplements created by the Self Help Legal Center for your personal use or if you are a non-profit agency or organization, a library, or a unit of local, state, or federal
government which provides information to its constituents, to copy this information for distribution. Reproduction, retransmission, or other use of this information without the express written consent of the Center is strictly prohibited.

See, e.g., Board of Trustees, Southern Illinois University, School: Packets, at http://www.law.siu.edu/selfhelp/info/school/packets.htm (last modified July 10, 2002).

190 For example, school packets include: (1) How to enroll a child as a non-parent in Illinois and (2) Your rights if your child is expelled in Illinois. See id. Police Packets include: (1) How to get an order of protection in Illinois; (2) Expunging an arrest record in Illinois; and (3) Traffic court in Illinois. Board of Trustees, Southern Illinois University, Police: Packets, at http://www.law.siu.edu/selfhelp/info/police/packets.htm (last modified July 10, 2002).

191 A stop sign instructs the reader when to stop and obtain legal representation or advice before proceeding. See, e.g., Board of Trustees, Southern Illinois, Your Rights if you Bought a Used Car in Illinois 3, at http://www.law.siu.edu/selfhelp/info/auto/used.pdf (July 1, 1998). A construction barricade urges caution to pay careful attention to the material. A green traffic light instructs the user to proceed with the next step. Id. A judge with a gavel tells the user when to refer to further discussion of an issue in another packet. Id.


193 In “How to file for Divorce in Illinois” some definitions include general legal words such as “affidavit,” “petition,” “pro se,” “jurisdiction” and “statute” along with issue specific definitions such as “alimony,” “child support,” “irreconcilable differences,” “primary caretaker,” “joint parenting order.” Id. at 9-11.
important areas of state and federal law, and a section on myths and tips that dispels common misconceptions about the law and suggests how to make specific tasks easier.

The Center has an attorney who serves as project coordinator and who supervises law students providing individual assistance to clients. Law students may participate in Center activities for course credit, as volunteers or as paid assistants. The Center also administers classes on divorce, child support and visitation. There is no charge for any of these services.

The technology revolution has impacted every aspect of American life. Self help technology has tremendous potential to improve access to the legal system for individuals who are not represented by counsel, and who are capable of handling many matters on their own if given access to basic legal information. "Almost every legal services advocate has desktop access to the Internet and e-mail." Most states have, or are in the process of building, websites that "contain information useful both to advocates and clients." Some statewide and national web sites use cutting-edge software that is both functional and user-friendly. Many states and local counties have self help Internet sites, most of which include forms, instructions, and contact information for legal aid, attorneys and courts.

Effective use of technology-based self help tools will be difficult for clients with low literacy skills, limited access to or unfamiliarity with computers, or

194 Id. at 12.
195 Id. at 12.
196 Id. at 20-21.
197 Self Help Legal Center, Southern Illinois University School of Law, The Staff of the Self Help Center, at http://www.law.siu.edu/selfhelp/about/staff.htm (last modified Sept. 2, 2003) (Michael Ruiz is Director of Admissions and also Project Coordinator).
198 In some courses, students prepare a self help packet on a topic relating to the course subject matter. Students may begin with a packet currently used by the Center and make suggestions to improve the format and content. Self Help Legal Center, Southern Illinois University School of Law, What Students Can Do In the Center, at http://www.law.siu.edu/selfhelp/about/students.htm (last modified Oct. 31, 2001).
199 Besides the Project Coordinator, the Center employs a project assistant and a technology support person. See The Staff of the Self Help Center, supra note 197.
200 These classes give individuals an opportunity to receive individual help in completing forms and to "ask questions about filing, court procedure and hearings." Self Help Legal Center, Southern Illinois University School of Law, Self Help Classes, at http://www.law.siu.edu/selfhelp/info/classes (last modified June 10, 2003).
201 Gordon, supra note 185, at 8.
202 Id.
203 Id.
204 States and counties with self help sites include: Arizona, California (Orange, Sacramento, San Mateo, Santa Cruz, and Ventura counties), Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan (Grand Rapids Legal Assistance Center), Minnesota (Hennepin County), Nevada (Clark County Family Law Self-Help Center), New Jersey, New Mexico, North Carolina (Mecklenberg County), Oregon, Tennessee, Utah, Washington. American Judicature Society, Pro Se Links, at http://www.ajs.org/prose/pro_links.asp (last visited Feb. 12, 2004).
some mental disabilities. Several legal service organizations are adapting their technology-based self help programs to accommodate the technological limitations of such clients. Among the most impressive is the Legal Aid Society of Orange County's I-CAN! self help kiosk. I-Can! Interactive Community Assistance is a free internet based legal services system that educates users about various legal subjects and walks them through completing and filing court documents.

I-Can! modules are designed to address the common legal problems encountered by low-income and pro se clients. Self-represented litigants may either use the touch-screen kiosk feature or the keyboard to progress through the application. Above the area where users submit information, most screens play a brief video explaining the available options. In addition, there is a Help Center button on each page that gives additional assistance. I-CAN! also provides court tours, depicts a court hearing, and answers frequently asked legal questions. When the user is done, I-CAN! generates the original forms to be filed with the court, and a copy for the user. It also generates a missing information page to remind users to fill in blank fields, and an instruction page with general information about filing and serving the pleadings. Since judicial forms must be submitted in English, any non-English information input into fields is printed on a separate page to be translated and written into the appropriate blank fields on the judicial form.

As with the SIU Self Help Center, the most positive aspects of I-CAN! are its accessibility and its step-by-step service to individuals with little or no legal understanding. Kiosks and workstations with I-CAN! are located where lower-income people already go to initiate or research legal proceedings, such as legal aid offices, courthouses, community centers, women's shelters and libraries. By using video and touch-screen technology, the kiosk version of I-CAN! is more readily accessible to users with literacy problems or those with limited

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205 Gordon, supra note 185, at 24.
207 For information about the kiosk, see Legal Aid Society of Orange County, Learn About I-CAN! Legal, at http://www.icandocs.org/newweb/about.html (last visited Feb. 12, 2004).
208 Id. at “How does I-CAN! Work?”
209 Id.
210 Id.
211 Legal Aid Society of Orange County, supra note 207, at “What is I-CAN!”
212 Id.
213 Id.
214 Id. at “Does I-CAN! Support Multiple Languages?”
215 Id. at “Where Can I Find I-CAN!”
computer experience. Instructions are available in English, Spanish, and Vietnamese.\textsuperscript{216}

Self help systems – whether totally technological or a hybrid of people, paper and technology – seem to be working. It is “important to target these tools toward social workers, librarians, teachers, and the many other people who often find themselves interacting with low- and moderate-income people.”\textsuperscript{217} These people may act as intermediaries to assist individuals in effectively using legal internet and technological resources.\textsuperscript{218} The tools of technology, combined with individualized legal assistance, have genuine potential for making access to justice a meaningful possibility.

\section*{B. Statewide Lawyer Referral and Information Service Hotlines}

Innovative uses of telephone legal hotlines have developed over the last twenty years. These innovations aim to serve a broad spectrum of the population and to create opportunities for matching paying clients with private lawyers in their locale who practice in the relevant legal fields. Lawyer advertising has not, contrary to early aspirations, prompted informed selection by consumers stimulated to make further inquiry so they rationally identify and retain competent counsel suitable for their legal needs. While some of the impetus for creating hotlines and referral services comes from the legal aid providers, and includes referrals for pro bono assistance, these systems benefit anyone who needs help in locating a suitable lawyer. Significant pragmatic issues must be confronted in how to create a workable referral system, such as determining the criteria for listing a lawyer, quality control and liability concerns.

In 1985, the AARP and its Legal Counsel for the Elderly established the first legal hotline for senior citizens in Pennsylvania.\textsuperscript{219} The AARP Legal Counsel for the Elderly hotline, operating in Washington, D.C., is one of the country’s most experienced hotlines\textsuperscript{220} and serves as a national model.\textsuperscript{221} Today, many states are experimenting with hotlines designed to serve large segments of the lower- and middle-income communities.\textsuperscript{222}

\begin{thebibliography}{99}
\bibitem{216} Legal Aid Society of Orange County, \textit{supra} note 207, at “Does I-CAN! Support Multiple Languages?”
\bibitem{217} “For example, workers in domestic violence shelters can use computerized modules to help battered women prepare the pleadings necessary to obtain court orders of protection from their batterers. Formal partnerships and training programs for these intermediaries are most useful.” Gordon, \textit{supra} note 185, at 25.
\bibitem{218} Id. at 24.
\bibitem{222} Houseman, \textit{supra} note 87, at 2.
\end{thebibliography}
Efficient use of limited financial resources encourages increased use of communications technology.\footnote{For example, the Legal Services Corporation recently gave Texas Rural Legal Aid a $100,000 technology grant for University of Texas law students to staff a new toll free legal advice hotline. Press Release, University of Texas at Austin, Legal Aid Program Receives Federal Grant To Open Toll-Free Help Center In Austin To Assist State's Poor (Aug. 30, 2002), available at http://www.utexas.edu/law/news/2002/083102_techgrant.html (last updated Nov. 17, 2003). Texas Rural Legal Aid is a “federally funded program that serves the indigent in 68 Southwest counties.” Id. They “received the grant on the strength of it s technology grant proposal.” Id.} Telephone hotlines for lawyer referral and legal information help increase access to justice for those who may not have other means to obtain legal advice.\footnote{American Bar Association, \textit{Standards for the Operation of a Telephone Hotline Providing Legal Advice and Information} iv-v, available at http://www.povertylaw.org/legalresearch/hotline/Leghot.%20libass/standards.pdf (last visited Feb. 12, 2004).} Hotlines enable delivery of limited legal services through a “telephone-based system, supported by appropriate computer software and staffed by advocates specially trained in the provision of advice and referral services.”\footnote{Jessica Pearson & Lanai Davis, \textit{The Hotline Outcomes Assessment Study Final Report-Phase III: Full-Scale Telephone Survey 1}, available at http://www.clasp.org/DMSIDocuments/1037814145.6/Hotline_Phase3.pdf (last visited Feb. 12, 2004).} Callers may “speak directly to a legal worker who can analyze the caller’s problem and provide legal advice, information, referral, and in some cases, brief services.”\footnote{Id. at 39.} Statewide hotlines use different models. “Some focus on particular client groups such as the elderly,” while others are open to all clients.\footnote{Id. at 39.} Each state has different situations and, for many states, “the most efficient way to provide advice and brief service is to do so through a statewide centralized system.”\footnote{Id. at 40.} A successful hotline system “must ensure that, throughout the state, there is an accessible, flexible, and responsive intake system or systems which include telephone screening, case evaluation, and referral systems.”\footnote{Id. at 40.} Such an integrated system should identify and diagnose legal problems to determine the level of service needed.\footnote{Id. at 39.} Trained hotline workers refer clients to a variety of legal services including “pro bono advice and referral panels, evening workshops and clinics, law school clinics, high-volume automated document assembly systems and pro se assistance programs.”\footnote{Id. at 40.} “They should also be able to make referral to alternative dispute resolution (ADR) providers or community based organizations and . . . other appropriate non-legal organizations.”\footnote{Houseman, supra note 87, at 40.}

Many local LSAC providers have devoted significant resources to develop statewide hotlines; some have almost abandoned using their own legal staff to provide direct representation to callers, instead referring callers needing extended
services to cooperating volunteer attorneys.\textsuperscript{233} Hotlines provide a statewide toll free telephone number; most also have web sites allowing users to pair up with an attorney.\textsuperscript{234} Some bar associations even provide a nationwide toll free number.\textsuperscript{235}

Staffing may depend on whether the specific function of the hotline is full or part-time, and whether the workers are volunteer or paid, attorney or non-attorney. Where hotline workers give both referrals and brief legal advice, or perform issue-spotting functions, the staff usually consists of attorneys, paralegals or supervised law students.\textsuperscript{236} Some state bar hotlines use nonlawyer specialists who cannot provide legal advice. Instead, the caller is given the name and telephone number of an attorney who handles cases in the relevant area of law.\textsuperscript{237} These more limited hotlines are used as clearinghouses that refer clients to private attorneys and a variety of other service providers.\textsuperscript{238} While the hotline services may provide basic legal information such as how to get or fill out a form, the specific legal advice function is referred out.

Legal hotlines have minimal requirements for participating attorneys; they merely require that the attorneys’ licenses to practice law are current and in good standing. Some also require the attorneys to carry malpractice liability

\textsuperscript{233} Id. (citing the Law Line of Vermont and Statewide Legal Services of Connecticut as examples).


\textsuperscript{236} For example, the Center for Arkansas Legal Services Helpline is “staffed by its managing attorney, seven staff attorneys (five of whom are just part time), and three intake specialists who determine whether the callers are eligible to receive services. All the Hotline’s attorneys have at least three years legal experience.” Pearson & Davis, supra note 225, at 10. Callers to the Legal Aid Society of Orange County “speak with paralegals, who consult with attorneys about each case and relay the attorney’s advice to the caller. Each case is assigned to one paralegal and one attorney; however, the attorney does not speak directly to the caller.” Id. at 12.

\textsuperscript{237} See State Bar of Texas, Lawyer Referral Information Service, at http://www.texasbar.com/Template.cfm?Section=Selecting_a_Lawyer&CONTENTID=3836&TEMPLATE=/ContentManagement/ContentView&CONTENTID=3836 (last visited Feb. 12, 2004); Wyoming State Bar, Lawyer Referral Service, at http://www.wyomingbar.org/need_an_attorney.asp (last visited Feb. 12, 2004). “If the attorney is not able to assist the referred caller with the legal problem, the caller may contact LRS again for another referral. Callers may receive up to three referrals per legal matter per call.” Id.

insurance. Other programs also require that lawyers who accept referrals have a minimum level of experience in the relevant legal fields.

Hotline referral services vary in their rules regarding attorneys' fees. In most, participating attorneys agree not to charge referred clients more than a certain amount, usually under $50 for the initial consultation. Some programs set a time limit on the initial consultation subject to a maximum, fixed fee. Other programs do not regulate fees for initial consultation, permitting direct negotiation of the fee between the client and the referred attorney. Most referral services provide alternate avenues for clients who may be unable to afford private attorneys, such as legal aid, pro bono attorneys or reduced rate attorneys. Others make referrals only to attorneys who expect compensation for their services.

In 2002, the Center for Policy Research and the Project for the Future of Equal Justice published the “Hotline Outcomes Assessment Study,” evaluating

240 The Oregon State Bar requires that attorneys participating in the Law Referral Service participate in panels reasonably within the panelist’s competence. See Oregon State Bar, Lawyer Referral Service General Information 1, available at www.osbar.org/docs/forms/lrs.pdf (last visited Feb. 12, 2004). The subject matter panels include “1) felony defense, 2) interstate/independent adoption, and 3) deportation.” Id. Applications for special subject matter panels are reviewed by the legal referral service staff in accordance with eligibility guidelines set by the Oregon Board of Governors. Id. at 2.
241 See Alaska Bar Association, Lawyer Referral Service, at http://www.alaskabar.org/index.cfm?ID=4999 (last visited Feb. 12, 2004) ($50 for initial thirty minutes); State Bar of Nevada, supra note 239 ($45 and no time limit); Virginia State Bar, supra note 235 ($35 for initial thirty minutes); State Bar of Texas, supra note 237 ($20 for initial thirty minutes); Vermont Bar Association, supra note 237 ($25 for initial thirty minutes); West Virginia State Bar, Lawyer Referral Service, at http://www.wvbar.org/referral (last visited Feb. 12, 2004) ($10 for initial thirty minutes).
242 See Wyoming State Bar, supra note 237 (stating that some attorneys charge for the initial consultations and that “[c]allers should clarify the consultation fee in advance with the attorney,” but noting that, “[i]n most cases the attorney will have indicated if they offer a free initial consultation and this information will be given to the caller”); Hawaii State Bar Association. HSBA Lawyer Referral & Information Service, at http://www.hsba.org/HSBA/Lawyer_Referral_Service/main.cfm?submenu=5 (last visited Feb. 12, 2004) (encouraging clients to discuss fees charged by the individual attorney).
243 See Wyoming State Bar, supra note 237.
244 The Center for Policy Research is a Denver non-profit research firm “that specializes in planning, developing, and testing projects to improve the effectiveness and efficiency of the justice system.” AARP Foundation Practice Manuals and Reports, at Hotlines Outcome Assessments Study, at http://www.legalhotlines.org/standards/index.cfm (last visited Feb. 12, 2004).
245 As stated in the study:
The Project for the Future of Equal Justice is a joint effort of the National Legal Aid & Defender Association (NLADA) and the Center for Law and Social Policy (CLASP) that is funded by the Open Society Institute, the Project’s mission is to advance the cause of justice for all in America.
the "effectiveness of telephone hotlines to provide brief legal advice and referrals to low-income people." It found that when "an outcome could be determined, hotline cases were almost evenly split between successful (48%) and unsuccessful (52%) outcomes." The highest favorable outcome ratings occurred when the attorneys gave brief advice on simple issues. Following in success were attorneys who "coached clients on how to deal with a private party, provided written legal information, and coached clients on how to proceed pro se in court." Lower assessments were given when hotlines suggested how clients should deal with a government agency or were referred elsewhere. Clients who were told to hire a private attorney had the worst outcomes and were the most dissatisfied. "Most clients advised by the hotline to retain a private attorney, particularly in divorce cases, . . . were unable to afford one willing to take their case." The prospect of dealing with a private attorney seemed overwhelming and out of reach for many in need of legal services. Most importantly, the study found that clients prevailed when they completely understood the advice they were given. When clients understood what they were told to do, they were less apprehensive and better able to follow that advice. Many clients were found to face barriers that possibly affected their "ability to follow through on hotline advice."
communication, the use of translators and avoidance of legal jargon were essential. Most clients who did not follow through did not "understand the advice they [were] given, or [were] too intimidated or overwhelmed to attempt the recommended action."\textsuperscript{257}

The assessment study reached several conclusions on how to run a successful hotline, such as improved follow-up procedures and systems to flag matters "for a callback to check on the client's progress."\textsuperscript{258} These systems can "gauge the effectiveness of [the hotline's] services and identify ways to improve them."\textsuperscript{259} The study found that "[b]rief services are more likely to result in successful outcomes than advice or referral services," and encouraged hotlines to "develop or increase their capacity to provide brief services or institute a brief services unit."\textsuperscript{260} "[W]ritten information, whether a generic pamphlet on an issue or a letter detailing the advice provided, increase[d] the likelihood of a successful outcome."\textsuperscript{261}

The Wisconsin Bar Lawyer Referral and Information Service exemplifies the goals of an effective and efficient hotline, providing resources for residents with an array of legal concerns. Clients are matched with lawyers by trained legal assistants and receive help through three distinct mechanisms.\textsuperscript{262} The first barriers listed above were associated with outcomes that were significantly less favorable.

\textit{Id.} \textsuperscript{257} Pearson & Davis, \textit{supra} note 225, at i.

Three to six months after phoning the hotline, 21 percent of callers had not acted on the advice they received. About a quarter of the no action cases were attributed to clients not understanding what they were supposed to do, another 25 percent were too afraid to try or lacked the time or initiative, and 10 percent were told to hire a private attorney and reported that they could not afford or find one.

\textit{Id.} \textsuperscript{258} \textit{Id.} at iv.

Cases that should be flagged are those in which one of the following factors is present:

- The recommended action is one where clients are less likely to obtain a favorable outcome; representing oneself in court; dealing with a government agency; obtaining legal assistance from another provider.
- The client falls into one of the demographic categories identified above that are less likely to obtain a favorable outcome.
- The client reports one of the barriers described above as associated with a reduced likelihood of obtaining a favorable outcome.

\textit{Id.} \textsuperscript{259} \textit{Id.}

\textit{Id.} \textsuperscript{260} Pearson & Davis, \textit{supra} note 225, at iv.

In cases where it may be possible to resolve the client's problem with a letter, telephone call, or completion of a form or referral, it is likely to be a more effective use of resources for the hotline . . . to perform the action than for the hotline to advise the client how to do so.

\textit{Id.} \textsuperscript{261} \textit{Id.}

track of legal assistance is through a basic lawyer referral service. If hotline staff determines that the caller needs to speak to an attorney, the client is referred to a local attorney who practices in the relevant legal field and who agreed to fee limitations for the initial consultation.\(^{263}\) The second track provides for brief legal advice through the hotline. If the client seeks "general legal information or an answer to a simple legal question," the client may receive help through a hotline attorney.\(^ {264}\) The service will "make an appointment for a lawyer to call [the client] back, free of charge, within a few days to briefly discuss [the legal question]."\(^ {265}\) The third track of legal services is through community referral. If the staff member determines that the client does not need a lawyer, there is a referral to other available resources.\(^ {266}\)

The Wisconsin hotline website also gives callers helpful hints for working with a lawyer, in recognition that laypersons' contacts with attorneys are often intimidating or confusing.\(^ {267}\) "[M]ost people who contact a lawyer referral service . . . believ[ing] they have a legal problem for which they need a lawyer, do not become clients."\(^ {268}\) In some jurisdictions, relatively few callers ultimately hire a lawyer.\(^ {269}\) The three-track approach conserves attorney resources for those matters where they are really needed, and enables suitable pro se litigants to handle their own problems.

\(^{263}\) Id. (stating limit of $20).

\(^{264}\) Id.

\(^{265}\) Id. "Most hotline questions involve landlord/tenant, small claims court, basic family law, simple wills, bankruptcy and traffic issues. Attorneys do not discuss specific documents, topics requiring complex evaluation or research, or court procedures other than small claims courts." Id.

\(^{266}\) The legal assistant provides "information about resources such as government agencies, community resources, consumer protection, the legislative hotline, low-income legal services, the equal rights division, or other services." State Bar of Wisconsin, supra note 262.

\(^{267}\) Id. The website offers the following suggestions:

- **Ask about cost.** If your problem requires more work than the initial half-hour consultation, remember to ask for the lawyer's fees in writing.
- **Remember your Rights.** You do not have to hire the lawyer after the initial consultation; feel free to find a lawyer with whom you are comfortable. You have hired a lawyer when you agree to allow them to do more legal work for you.
- **Be prepared.** When you call the lawyer for the appointment, ask what papers you should bring to the first half-hour consultation. Be prepared to give the lawyer all background information. You may also want to prepare a list of questions to ask the lawyer.
- **Be efficient.** If you do hire an attorney, don't make unnecessary phone calls. Most lawyers charge for the time spent on the phone with a client. Keep a running list of questions; cover them in one phone call or ask them at your next scheduled appointment.
- **Keep records.** File any material you receive from your lawyer in one place. Your file is often the best way to answer your questions about your case.

\(^{268}\) Id.

\(^{269}\) Id.

\(^{269}\) Hornsby, supra note 171.
Telephone hotline services help clients in "becoming aware of their legal rights and responsibilities, making important decisions, and responding to the information . . . received from hotline personnel."

It is important to recognize the limits of using phone contact and new technologies, as well as the potential costs and benefits. The use of new technologies "must be developed in the context of maintaining and improving lawyer-client relationships, not supplanting them." Standing alone, "[I]mproved hotlines cannot . . . fully identify the most critical issues facing potential clients," but they empower individuals by providing valuable background information about the underlying law and procedures. Properly operated, hotlines offer resources to people with legal problems: resources not otherwise readily available.

C. Maute Pipedream: Volunteer Legal Center Revisited, With Statewide Technology

I have a dream to match volunteer lawyers concentrated in metropolitan areas with low-income clients who live in sparsely populated areas where there are few lawyers. As a dream, its details are fluid and subject to change. It has two components, with one presently more attainable than the other. First and more feasible would be to establish a toll-free, statewide phone number accessible to everyone who thinks they have a legal problem and needs either limited advice or service, or referral to an attorney. Second, in the longer term, to create a delivery structure using modern technology that connects metropolitan pro bono lawyers with eligible clients throughout the state.

Communications technology can make this dream a reality. The first component, the toll-free telephone hotline, would be designed to serve both the client base eligible for legal aid and the many middle class residents who do not have a lawyer and need help in locating a competent lawyer suitable for their legal problem and ability to pay. It would operate as a centralized intake system, based on the Wisconsin model. Trained paralegal staff would handle initial phone inquiries, screen for eligibility and need for direct contact with an attorney, and administer appropriate referrals. Initial funding for equipment, program design and implementation would probably need to come from a private foundation seed grant. Recurring operating costs of maintaining the phone line and staffing perhaps could receive combined support from legal service funding, bar foundations, and lawyers who accept referrals for paid, non-legal aid representations. This component of the dream could be implemented as soon as funding is made available, and operate as an ongoing entity dedicated to expanded access to justice for all persons in the state. Its existence would not depend on whether or not the second component is considered feasible.

270 Standards for the Operation of a Telephone Hotline Providing Legal Advice and Information, supra note 224, at iv.
271 Houseman, supra note 87, at 39.
272 Id. at 39.
Admittedly, the second component is more of a pipedream. People might wonder whether it was induced by hallucinogenic optimism. No; it is just inspired by wistful thinking to make full use of existing technology and nascent volunteer labor. Some bar associations currently use teleconferencing equipment so that lawyers statewide can attend meetings without spending hours of valuable time in transit. At least to begin, the existing equipment could be used as the foundation for a Volunteer Legal Center model delivering services to low-income persons in rural communities. Using the VLCenter model, volunteer lawyers in metropolitan areas could appear at their local bar centers at specified times when the building is normally closed, either on regular Saturday mornings, or a regular week-night.

If the initial program proved viable, additional equipment might then be purchased and set up at community centers in select outlying communities. Use of teleconferencing facilities would enable virtual "face-to-face" meetings between volunteer attorneys and their clients. Initial consultations would provide only limited legal services in the form of triage. Any significant follow-up work would be referred to another volunteer attorney. Participating lawyers could elect whether to serve in the scheduled session for the Volunteer Legal Center, or to accept referrals needing follow-up in their areas of expertise. This dream would call into play developing concepts on unbundling legal services, limited performance agreements, and the ethical responsibility of all lawyers to devote professional time in the resources to ensure access to the justice system. It appears that, compared to metropolitan lawyers, the few rural lawyers bear a grossly disproportionate burden in meeting the legal needs of the low-income population. Technology can revolutionize the current methods of delivery of legal services "in ways that make them cost-effective and affordable to a greater percentage of the American population."
V. CONCLUSION

Our great nation has no shortage of lawyers. Rather, the problem is one of distribution. The organized bar must dedicate itself to creating statewide systems through which low and moderate income persons can receive needed legal services at prices they can afford. There are now many different models available on which to base an infrastructure to meet the legal needs of the underserved communities. This article is a preliminary survey of innovative systems for the delivery of legal studies. While it did not undertake comprehensive program designs, such detailed architectural concerns must be carefully addressed in any planning process. It is time for bar leaders and law schools to roll up their sleeves and begin tending to the tasks at hand.