

II. Summary of Listening Session

A. Listening Session with Legal Services Line Attorneys – Increasing the Number of Lawyers in Underserved Communities

Thinking Point: Where should new attorneys and initiatives be located to best reach underserved communities? What affiliations would be most effective in increasing and enhancing service provision in neighborhood settings?

Geography: Participants stated emphatically that geography – that is, being present in the community – was imperative to improving service provision in underserved communities. They identified the following reasons:

- 1) clients, especially the elderly and disabled, cannot easily find transportation to legal services offices in Northwest DC;
- 2) presence in the community builds trust;
- 3) presence in the community helps legal services providers become known to the area social services organizations that can both refer clients and help the legal services providers establish trust and credibility with their client base;
- 4) many clients seek legal assistance on a “walk-up” basis -- if they see an available lawyer, they will ask for help; and
- 5) it is easier to visit clients’ homes (which is particularly important in certain types of cases such as housing cases) if legal services offices are in the neighborhood.

Collaboration with area social services organizations: Participants also felt strongly that being connected with an area medical and/or social services organization (broadly defined to include social work services, food banks, etc.) was critical to the success of neighborhood legal services programs. A number of organizations that partner – either formally or informally – with neighborhood medical and social services organizations reported that those connections generated referrals of clients to their programs. Participants identified the following reasons for the success of these collaborations:

- 1) clients are more likely to seek legal assistance as part of a larger effort to seek assistance (that is, if they are waiting for medical care or to see a social worker, they will talk to a lawyer who is on-site about potential legal problems);
- 2) clients are more likely to talk to lawyers if social services organizations that they already trust either refer them to the lawyer or “vouch” for the lawyer (NB: this was reported to be particularly true of certain ethnic and/or religious communities that are particularly distrustful of attorneys or of “unknown” service providers;
- 3) the legal services attorneys benefit more generally from the community’s trust of the social services organization;

4) the staff of the social services organization can be trained to recognize legal problems and make direct referrals (for example, organizations that serve domestic violence victims can make referrals for assistance with civil protection orders and other issues; medical clinic staff that see clients who exhibit domestic violence-related injuries can make referrals for civil protection orders, etc.); and 5) in some instances, it is possible for the legal services attorney to share the infrastructure of the social services organization (note that some organizations have provided space for a satellite attorney to work at the social service organization).

Holistic service provision: As a corollary, many participants commented that their most successful programs provide holistic services. Clients are drawn to the programs by the non-legal services, and program staff and attorneys can then identify legal problems that the clients themselves may not have yet seen in that light.. In some organizations, the social work staff works actively side-by-side with the attorneys to resolve legal problems. A number of participants also remarked that in holistic settings, staff can assess all the client's legal and non-legal problems and in this way identify legal problems that the client would not otherwise have recognized..

Trust; Language: A number of participants commented that the key is to be connected to a widely trusted social services organization, not just any social services organization. Participants also stressed repeatedly that language is key to success in providing services. (Participants were very enthusiastic about the shared interpreter bank and identified language capacity as a foundational need for serving underserved communities.)

Setting up where clients congregate: In thinking creatively about the best strategies for reaching underserved clients, a number of participants reported that it is most fruitful to “set up shop” where individuals will already congregate – for example, waiting rooms at medical clinics, food banks, and churches. It is important whenever possible to bring the services to the clients rather than trying to bring the clients to the services. Participants suggested that the community think broadly about where low-income clients congregate and where they need to go regularly (e.g. grocery stores, check-cashing locations, utility payment centers).

Mobile van: Participants were supportive of using a mobile van, which has been successful in the setting of medical services. One participant whose background is in providing services in rural communities noted that this is a standard strategy in rural settings and urged the group not to think about rural and urban service provision so differently. Participants were also receptive to setting up a computer at a church to do basic intake and triage (a strategy currently utilized by the Washington Legal Clinic for the Homeless), and outfitting a van with sufficient technology to do “roving intake.”

Thinking Point: What would the lawyers funded by these new monies actually do? What is balance of direct provision of services with other needs such as advocacy, community education, etc.?

Tension between providing services and new initiatives: Participants agreed that there is a tension between the need to increase the number of attorneys representing clients and the need to use this funding to provide other critical services such as community outreach and education, systemic advocacy, mediation initiatives, and new proactive strategies for addressing poverty generally. A few organizations that are very focused on providing legal services directly to the poor articulated a strong preference for simply increasing the number of attorneys. but the majority of participants argued that we needed to address these other needs as well. All participants agreed that we need as a community to become more proactive.

Community education and outreach: Participants identified community education and outreach as a critical need for the following reasons:

- 1) many individuals do not recognize that they have a legal need until they attend a know-your-rights or other type of community education workshop;
- 2) these efforts help attorneys to identify clients earlier in the process, before the case becomes urgent;
- 3) doing know-your-rights workshops for staff of community-based organizations helps these organizations to identify individuals with legal needs before they become urgent; and
- 4) these workshops help individuals to strengthen their abilities to advocate for themselves and become lay advocates for others.

Although on balance, participants strongly favored increased community education and outreach, they identified a number of cautions:

- 1) there is significant danger of turning out more clients that can be served, and it seems unfair to raise expectations if we cannot provide representation on the back-end;
- 2) in some instances, identifying cases before they become emergent is not fruitful because there are not currently good strategies for dealing with the cases at this earlier stage (e.g. landlord-tenant cases – clients ultimately do not have good options until the eviction proceedings commence);
- 3) many individuals are frustrated with obtaining services only in walk-in clinic and other “information only” sessions and want actual representation; and
- 4) there is a limit to how successful clients can be as pro se advocates – having an attorney is critical.

Law reform and systemic advocacy: Participants agreed that some portion of the new service provision should focus on more systemic work. They were receptive to the suggestion made in the Law School Clinical Directors listening session that efforts be made to have law firms and law school clinics tackle systemic and law reform issues (this occurs in sporadic fashion now but would be more effective if coordinated).

Creative strategies: Participants had a number of other creative ideas, including:

- 1) attorney/paralegal partnerships (in some programs paralegals currently perform triage functions and pull out emergent cases); and
- 2) creating programs that have both legal and non-legal components (for example, a debt program that includes teaching people how to manage debt before it becomes a legal problem and that also includes direct representation and advocacy efforts; a multi-faceted program like this could leverage law firm expertise for the community education function).

Multi-faceted programs: The idea of creating multi-faceted programs for delivery of legal services was very popular. It was suggested that such programs could include the range of necessary services – community education and outreach, systemic efforts, direct representation – and could tap different types of resources for each component (e.g. law firms and paralegals for community education and outreach; law firms and law schools for systemic efforts; legal services organizations for direct representation). It was also suggested that programs could seek funding from foundations (for the non-legal components of the program) to leverage the anticipated public funding.

Thinking Point: What are the substantive area gaps?

Participants identified a number of substantive areas where there is a gap in legal services. These include: consumer debt, bankruptcy, financial services generally, probate, and workers compensation. A number of participants noted that it is very difficult to place financial services cases with large law firms because of conflicts. One participant said that her organization has successfully used small and mid-sized law firms for these cases and suggested that a database of which law firms have conflicts in particular substantive areas would be valuable. Another participant noted that government attorneys are great resources, particularly for consumer cases.

Thinking Point: Where would the new attorneys be located?

See discussions above on: importance of geography; collaboration with area social services organizations; utility of a mobile van; setting up shop where low-income individuals regularly congregate.

Storefront concept: Participants had mixed reactions to the idea of a “storefront” which would house a number of legal services organizations. Such a setup would certainly provide convenient “one-stop shopping” for clients and would create a community of attorneys to make referrals to each other and to provide support and guidance for each other; however, it also creates difficult problems, including:

- 1) conflict issues;
- 2) confidentiality issues;
- 3) mandatory reporting conflicts (particularly for those programs that have social workers on site);

4) conflicting intake criteria – for example, what to do with a client who is a domestic violence offender and would therefore violate the intake criteria of the domestic violence organizations present in the storefront; 5) mistrust and suspicion because the lack of connection to a social service organization.

One participant commented that there are some significant drawbacks to coordinating service provision in this fashion. Although intake is easier in Maryland and Virginia because there is one centralized provider, if that provider is conflicted out, there are no other options. One benefit to the District’s fragmented system is that options exist when conflicts arise. We should not sacrifice that benefit without careful consideration.

Thinking Point: What about co-locating with court or other governmental services (for example the Office of Administrative Hearings and Appeals)?

Participants had mixed reactions to this concept. A number of participants disliked it because clients are likely to be suspicious of a program that is co-located with a court or government agency and to be confused as to the allegiance of the service providers at the program. A few participants also commented that programs located at the courthouse tend to be deluged with emergent cases. Trying to deal with that influx encourages bad practice, as attorneys often go to court without sufficient preparation. One participant noted that there may be challenges in meeting the technology and other equipment needs of the program if the program depends on the court or agency for this service. Other participants said that the court’s support can change the nature of services being provided. For example the Family Court Self-Help Center only provides information and referral and not advice because of the court’s involvement in its operations. Another participant noted that when a provider’s practice centers on taking cases at court, it is hard to do a merits analysis. Attorneys end up taking on a case with little or no opportunity to evaluate it, simply to provide “damage control.” If upon further investigation, the case turns out to be meritless or otherwise to conflict with the organization’s criteria for representation, the provider may not be able to be released from representation.

Some participants had more positive reactions to the concept of court-based programs. One participant reported very good experience with location at the court. A couple of participants noted the benefit of being able to intervene in emergent cases and the substantial number of referrals received. A number of participants observed that to their knowledge, two successful court-based programs, the Landlord-Tenant Resource Center and the Family Court Self-Help Center, have not encountered the confidentiality problems discussed at the Law School Clinical Directors listening session (see Section D) and other problems noted above because they only provide information and referral rather than direct representation. It was also noted that the pros and cons of co-location depend on the type of case. Housing cases, for example, do not generally involve the same kind of sensitive information that domestic violence cases do and may therefore be a better fit for co-location.

Thinking Point: Who should be doing this work? New attorneys? Experienced attorneys?

Participants seemed universally to agree that it is optimal for experienced attorneys, rather than new attorneys, to be placed in neighborhood settings. A number of attorneys who were themselves placed in neighborhood settings as new attorneys lamented the very steep learning curve and the lack of on-site supervision and colleagues. One participant approximated that it took 6 – 9 months to get up to speed and felt that the lack of on-site supervision and colleagues on-site made the learning curve even more difficult. One participant noted the importance of having results early in the program and cautioned that it would be much more difficult to show good results if brand new attorneys rather than experienced attorneys were sent to staff these new initiatives. A number of participants also noted that it is better if these attorneys were not forced to be generalists first and were instead encouraged to specialize as quickly as possible.

If programs are inclined to use new attorneys in these positions, participants suggested they be rotated with an experienced attorney so that the new attorney could spend some time at the central office or so that the experienced attorney could spot the new attorney a few months in the central office to get up to speed. Another participant noted that senior lawyers could be used to mentor new attorneys and supplement supervision.

One participant noted that the lack of security about this funding may mean that only new attorneys are willing to take these positions.

It was also noted that even if it takes a new attorney longer to get up to speed, having that attorney will immediately free up program capacity which is itself a tremendous benefit.

Thinking Point: What do attorneys need to be successful in this setting?

Participants were most emphatic about two needs – supervision and technology. On the supervision front, participants universally agreed that regularly available supervision is imperative. Participants were split as to whether that supervision needed to be on-site, but agreed that it needed to be regular, flexible, and available in emergency situations. A number of participants noted difficult supervision experiences where they struggled to get sufficient time with supervisors and had to share supervision resources with a number of other staff. Participants also agreed that if regular on-site supervision was not available, it was important not to place attorneys in neighborhoods alone. More experienced colleagues or any colleagues on-site can provide critical support and guidance.

Participants agreed that if supervisors had Blackberries, it would increase exponentially the amount of supervision available. Supervisors spend considerable time at court just waiting for cases to be called; if they were reachable by email during these long stretches it would make a tremendous difference. On the technology front,

Blackberries or analogous technology was a high priority. Having mobile email would afford neighborhood attorneys versatility and flexibility. Having a laptop that they could take to neighborhood settings is also critical.

Participants also reported that having regular and easy access to the DC advocacy community was important. Some would like to see the case-handlers meetings and other informal communication groups formalized or made virtual; others were concerned about adding any more meetings to the roster. Some participants also advocated for more formalized referral networks. Other resources requested include: money to send attorneys to training programs; money for travel; and on-site administrative support.