

## II. Summary of Listening Sessions (continued)

### D. Listening Session with Law School Clinical Directors

Participants began the discussion with a brief review of the intake strategies employed by their clinical programs. They agreed that fragmented intake is a significant problem both within their programs and for the local legal services community as a whole. The clinics represented all have “ad hoc” strategies for performing intake functions, including circulating a general law school or clinic-specific phone number, using local media to advertise their services, affirmatively seeking out clients by having a neighborhood presence and listing contact information on court forms. Participants agreed that this intake strategy is inadequate and, like participants in other listening sessions, are extremely concerned about chronic re-referral of clients. A number of participants noted that law school clinics are often closed for intake and it is frustrating to have to turn clients away rather than being able to refer them to a central intake site or hotline. Many participants would like to see increased coordination of intake. One participant noted that the Domestic Violence Intake Center model (centralized intake combined with email communication to potential providers) has been very successful. This participant advocated broad email communications to place cases with specific providers. A number of participants were in favor of some type of centralized intake that would have multiple entry points (for example, phone intake capacity as well as the ability to serve walk-in clients). One participant noted that any centralized intake site should have TDY capacity.

Participants also briefly discussed the interpreter bank. They noted that it is “long overdue” and were very enthusiastic about the project. One participant suggested that students be trained through the interpreter bank to provide interpretation. This would have the dual effect of increasing the pool of interpreters and introducing students to public interest work.

Participants identified the following general principles to consider with regard to the new funding:

- 1) the new funding should be used to expand services, not just to redistribute the work that already exists;
- 2) we need to think “outside of our own boxes” and try new strategies and models;
- 3) we need to be proactive and not just reactive; and
- 4) as a community we have to try to “be responsive to community needs, not just institutional needs.”

**Thinking Point: What is the best way to leverage these limited resources to have the greatest impact?**

Participants agreed that the community should explore “multiplier strategies” to augment the impact of the public funding. They suggested the following strategies:

**Use law schools for training:** Participants agreed that law schools should be utilized to train the attorneys funded by the new grants. They noted that law schools have the capacity and expertise to train on both substantive law and trial practice. A significant amount of the training in the community is currently performed by legal services organizations that could better use their limited resources to serve clients.

**Use law schools and law firms to focus on law reform and systemic advocacy:** Participants agreed that some portion of the new services funded by the Foundation should focus on more systemic work. They suggested teasing out the systemic and law reform pieces and having law firms and law school clinics tackle those cases (this occurs in sporadic fashion now but would be more effective if done in a coordinated fashion). This strategy would create a “secondary market of cases on systemic issues.” This would have a number of benefits, including freeing up the legal services attorneys to focus on non-systemic cases, insulating legal services providers from the fallout that often accompanies law reform initiatives, and tapping law firm resources to take on these costly and time-consuming cases. For example, in the housing arena, legal services organizations could focus on eviction defense and refer other claims – such as personal injury claims – for law schools and law firms to litigate. This would permit a niche market to develop in law schools and law firms while permitting legal services organizations to focus on eviction defense and other “bread and butter” housing cases.

**Include a spectrum of institutions in the project:** A number of participants argued that “we should exploit the obligation of every institution to help with this initiative” and suggested that “we look at all institutions with ties to the low-income community” to ascertain how they can contribute to the project. Participants mentioned in particular: encouraging law schools to adopt mandatory pro bono requirements; using paralegal institutes for training and triage; asking utility companies to include attorney referral information in their mailings; and using the chamber of commerce to do outreach and education.

**Consider the “Time Dollars” model:** One participant spoke in depth about the “time dollars” model (created by Professor Edgar Cahn of the UDC David A. Clarke School of Law) under which consumers of legal services give services back to the community in exchange for receiving legal services. The definition of “services” is extremely broad in order to permit clients to make whatever contributions they can. In this way, the hours of legal services provided also generate an equal amount of social services provided by the legal services “consumers.” Advocates of this model describe it as also reversing the marginalization of clients, helping to involve clients in improving their communities, making clients equal partners in the “co-production” of justice, organizing clients to advocate for themselves and their communities, and countering the political argument that the poverty law community is “creating dependency.”<sup>1</sup>

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<sup>1</sup> Note that a number of participants in the Line Attorneys Listening Session voiced strong concerns with the Time Dollars model. Those participants argued that many of their clients are far too overwhelmed to take on the

**Thinking Point: What types of services are most urgently needed in the community?**

Participants agreed that, in addition to increasing the number of attorneys providing services, the most pressing needs are:

**Law reform and systemic advocacy:** As is noted above, participants strongly agreed that advocates need to tease out a strategy beyond reactive litigation.

**Mediation services:** A couple of participants advocated the introduction of more community-based mediation services (and large scale mediation services) to the services available through local organizations.

**Community education:** Participants believe that community education is imperative. Too many clients do not recognize when they need an attorney. As a result, many cases reach legal services providers only at when the client faces a crisis. One participant noted that the community prosecution model, where prosecutors are located within communities, has been very successful. The participant noted in particular that community prosecutors are able to “hear about things early” and intervene.

Participants noted some tension here – they agreed that these are all important services but questioned whether funds should be siphoned away from litigation services for these purposes.

**Thinking Point: Where should new attorneys be located?**

A number of participants were in favor of “mapping” communities. Those participants noted that James Bell at the Youth Law Center has a very accurate mapping system to highlight the areas in a neighborhood of “greatest deprivation” and to determine where advocacy is most needed.

Participants were also in favor of mobile services and advocated that we copy the medical community in funding a mobile van. They noted generally that the medical community already has considerable experience providing mobile services, working with clients who have trouble accessing services, and working with clients who are non-English or non-proficient English speakers. Participants would also favor a “roving band of experts” who could meet with tenant groups and other community groups both to do community education as well as triage and intake of individual cases.

Like participants in other listening sessions, participants favored locating services in the community where low-income clients already congregate (e.g. grocery stores) to address issues of access and to help clients earlier in the litigation process before they

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additional task of providing community services. They also noted that many anti-poverty advocates consider civil legal services to be a “right” and that poor clients should not be expected to “pay” for the receipt of such services.

face a hearing. One participant warned against setting up shop at a public school because, in her experience, the school bureaucracies are extremely difficult to navigate.

Participants also noted that geography is not the only consideration when identifying “underserved communities.” They supported having a presence at a mosque and/or other religious setting where underserved individuals may gather.

**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 noted that in some instances, the benefits of a court-located program are strongly outweighed by the downsides. In particular, actual and perceived confidentiality may be difficult to secure in a program housed within a court, particularly if court staff has access to – or control entry to – the premises. This can, in some circumstances, place a client at risk if, for example, a non-attorney overhears and reports information that may implicate immigration, child welfare, or law enforcement concerns. One participant recounted such an occurrence, which had long-lasting negative effects on the court-based program in question. Even in a situation where the offices of the program are private, if the information booth directing traffic to the program office, the technology, the security or anything else is provided by the government, these participants perceive a risk of privacy being breached. Moreover, it takes significant resources to set up a truly private office (where nothing is provided by the court or government agency) inside a court or government building.

Other participants noted that clients are likely to be suspicious of a program that is located at a courthouse or government agency. Another participant commented that programs set up at court tend to be overwhelmed by emergent cases and that trying to deal with that influx may encourage bad practice.

Other participants noted that some court-based services have been successful, such as the Family Court Self-Help Center and the Landlord-Tenant Resource Center. They noted, however, that the Family Court Self-Help Center limits itself to providing information (and not legal advice or legal services) and that landlord-tenant cases do not tend to involve the same types of sensitive issues as family law cases. Another participant observed that the Public Defender Service is at the court and has managed to create a real sense of “separateness” from the court.

**Thinking Point: Who should provide these services?**

Some participants favored creating a type of fellowship program and rotating more junior attorneys through the funded projects. They envisioned a cohesive group of new neighborhood attorneys that look to each other for support. They suggested talking to Equal Justice Works about the long-term impact of the Fellowship model both on the organizations and the communities in which the Fellows work.

Participants also urged the community to increase legal services/law firm partnerships. They noted in particular the success of the tenant purchase efforts; partnered legal services and law firm attorneys are learning from each other and bringing different expertise to the cases.

**Thinking Point: How should we evaluate the effectiveness of the funded initiatives?**

One participant recommended an evaluation model she has used and will forward that information to the Bar Foundation. Some local psychologists have designed an evaluation tool specifically for the evaluation of legal services provided to the poor. The tool is unique in that it measures the impact of services on the community and surveys qualitative issues such as increases in community empowerment and changes in client decision-making. Another participant suggested that the Bar Foundation tap into the Justice Department's expertise in designing evaluation tools.