

# RURAL PRO BONO DELIVERY:

A Guide to Pro Bono Legal Services in Rural Areas



**ABA STANDING COMMITTEE ON PRO BONO AND PUBLIC SERVICE AND THE CENTER FOR PRO BONO**

Supported by a grant from the Program on Law & Society of the Open Society Institute



**The American Bar Association**

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### **AMERICAN BAR ASSOCIATION**

321 N. Clark St., Chicago, IL 60654

**ABA STANDING COMMITTEE ON PRO BONO AND PUBLIC SERVICE AND THE CENTER FOR PRO BONO**

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A Guide to Pro Bono Legal Services in Rural Areas

**RURAL PRO BONO DELIVERY: A Guide to Pro Bono Legal Services in Rural Areas** is designed to be a resource for legal services providers, bar associations and volunteer lawyer programs looking for ways to serve clients in rural areas and strengthen the support system for the advocates who help rural clients.

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# FOREWORD/ACKNOWLEDGMENTS



The American Bar Association



# FOREWORD/ACKNOWLEDGMENTS

Dear Colleagues:

Building a structure of legal services delivery that helps meet the needs of this country's low-income population is a shared goal for hundreds of bar associations, legal service programs and social service agencies across the nation. With scarce resources and persistent funding challenges, however, it is important that we work together to create a legal delivery system that meets the various legal needs of our client community. The ABA is proud to offer this manual, *Rural Pro Bono Delivery: A Guide to Pro Bono Legal Services in Rural Areas*, as a way of providing bar associations and rural legal services programs the opportunity to network and share information.

To facilitate new community collaboration and encourage partnerships across the country, the Guide contains much useful information, including: an analysis of the barriers to rural legal services delivery, examples of strategies that have been used successfully by many projects, and links to other rural resources. Many of the rural delivery methods highlighted in this manual received funding during two mini-grant rounds of the ABA Rural Pro Bono Delivery Initiative from 2000 through 2002. The ABA received more than 170 mini-grant applications over the course of the Rural Pro Bono Delivery Initiative. You will see descriptions of some of these mini-grant recipients in this Guide, along with descriptions of other rural pro bono projects as well.

The work of the ABA's Rural Pro Bono Delivery Initiative, the mini-grants it generated, and the publication of this handbook would not have been possible without the generous funding of the Open Society Institute and the leadership and guidance provided by the Project's Advisory Board. Many other individuals and organizations made valuable contributions to all aspects of this Initiative and we are indebted to them for their insight, assistance, and leadership. Special thanks go to the members of the Rural Pro Bono Consortium, the ABA's Board of Governors, which provided some supplemental funds for the mini-grant process, and the many staff and consultants, especially Claire Parins, the Initiative's Director, and Susan Curry, Consultant to the Initiative, who assisted with this endeavor.

**DEBBIE SEGAL**

Chair

ABA Standing Committee on Pro Bono and Public Service

# ABA STANDING COMMITTEE ON PRO BONO AND PUBLIC SERVICE



The American Bar Association



# ABA STANDING COMMITTEE ON PRO BONO AND PUBLIC SERVICE

The Standing Committee on Pro Bono and Public Service is the ABA's center of activity for the development and promotion of pro bono policies and initiatives. The mission of the Committee includes fostering the development of pro bono programs and activities by law firms, bar associations, corporate legal departments, law schools, government attorney offices and others; analyzing the scope and function of pro bono programs; and proposing and reviewing legislation that affects lawyers' ability to provide pro bono legal services.

The Committee has been actively involved in the policy arena. Among its initiatives are ABA Model Rule 6.1 (adopted 1983, revised 1993) and the 1995 House Resolution urging bar associations to make the expansion of pro bono legal services a critical priority for the bar. In 1996, the Committee drafted and published Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means.<sup>i</sup> In 1999, the Committee published State Pro Bono Reporting: A Guide for Bar Leaders and Others Considering Strategies for Expanding Pro Bono,<sup>ii</sup> designed to assist in the planning and building of successful state legal services delivery systems. The Committee was also instrumental in the 1997 adoption of Conference of Chief Justices' Resolution VII, Encouraging Pro Bono Services in Civil Matters. In addition, the Committee provided input regarding the pro bono policy adopted by the U.S. Department of Justice in 1997, which has been implemented in federal agencies throughout the country. The Committee also drafted language for the ABA's Law School Accreditation Standards (1996)<sup>iii</sup> pertaining to pro bono work.

Along with its policy initiatives, the Committee actively engages in outreach to the judiciary, government attorney offices, law schools, bar associations, small and mid-size law firms, and in-house corporate legal departments. The Committee is also the primary sponsor of the annual Pro Bono Publico Awards. The Committee co-sponsors the annual Equal Justice Conference with the National Legal Aid and Defender Association. The Conference brings together all components of the legal community for plenary sessions, workshops, networking opportunities and special programming.

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<sup>i</sup> [www.abaprobono.org/standards.html](http://www.abaprobono.org/standards.html)

<sup>ii</sup> [www.abaprobono.org/reporting.html](http://www.abaprobono.org/reporting.html)

<sup>iii</sup> [www.abanet.org/legaled/standards/standards.html](http://www.abanet.org/legaled/standards/standards.html)

# ABA CENTER FOR PRO BONO



The American Bar Association



# ABA CENTER FOR PRO BONO

The Center for Pro Bono is a major project of the Standing Committee on Pro Bono and Public Service. The Center provides technical assistance and planning advice to a wide range of constituents in the field, including bar associations, pro bono programs, legal services offices, bar leaders, law schools, corporate counsel, judges and government attorneys. The Center also produces a number of publications, maintains a national Clearinghouse of materials on a wide range of pro bono topics and operates the Peer Consulting Project. The Peer Consulting Project involves peer consulting teams providing on-site technical assistance and planning advice to bar associations, legal services private attorney involvement programs, law schools and other groups activating or expanding pro bono programs.

The Center has focused increasing attention on coordinating and sharing information with other ABA entities concerning various pro bono projects within the Association. The Center has invited several ABA committees, commissions and task forces to sponsor workshops at the Equal Justice Conference.

In recent years, the Center has also administered a number of special projects focusing on delivery issues impacting particular constituencies, such as the Rural Pro Bono Delivery Initiative. In November 2000, the ABA, through a generous gift by Melita and William Grunow, created the Pro Bono Child Custody Project.<sup>iv</sup> This Project, a joint effort of the ABA's Standing Committee on Pro Bono and Public Service and Family Law Section, supports the development of and provides assistance to a nationwide network of programs and volunteers to represent children in custody situations. The Project will support lawyers' efforts through training and substantive materials that will be made available on the Project's website. The Project is housed in the Center for Pro Bono.

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<sup>iv</sup> [www.abachildcustodyproject.org](http://www.abachildcustodyproject.org)

# ABA RURAL PRO BONO DELIVERY INITIATIVE



The American Bar Association



# ABA RURAL PRO BONO DELIVERY INITIATIVE

The Rural Pro Bono Delivery Initiative (Rural Initiative) grew out of the recognition of an extremely high level of client needs in rural areas. Despite the prevalence and persistence of poverty, clients in rural areas are often overlooked. Rural lawyers have unique limitations on providing pro bono services. These include conflicts of interest, multi-district registration requirements, fewer support staff, and greater travel demands. Staff-based rural legal aid programs face similar difficulties because they cover a wider geographic region with fewer personnel than urban legal aid programs. For their part, rural clients also face greater challenges in the access to justice than their urban counterparts due to scarce resources, transportation problems, and a general lack of information about legal help.

In 1999, the American Bar Association Standing Committee on Pro Bono and Public Service (the Committee) – the policy arm of the ABA with respect to pro bono issues – examined its past experience with small firms and rural delivery. The Committee and its project, the Center for Pro Bono (the Center), had long supported the efforts of lawyers and programs located in rural areas. They created the Rural Pro Bono Consortium, a confederation of pro bono and legal services managers from rural areas who consider and address issues impacting their programs. They also produced manuals designed to assist small and midsize law firms develop pro bono programs and policies.

The Committee and Center concluded that the current pro bono support community, small law firms, rural clients, and lawyers in both rural and urban areas would all benefit from a project designed to increase volunteer participation and build connections between rural and urban lawyers. With financial support from the Open Society Institute, the Center launched the Rural Pro Bono Delivery Initiative in 2000. This two-year Initiative focused energy and resources on rural clients and the programs that serve them. The purposes of the Rural Initiative were to develop and promote successful models for serving the legal needs of particular segments of the rural poor population and to develop, improve and advocate for pro bono delivery strategies that serve the entire rural poor community. The major goals of the Rural Initiative were to:

- build urban-to-rural connections through new relationships and technology;
- encourage urban lawyer participation in rural pro bono delivery, including law firms, corporate counsel, and the government;
- identify and develop more effective models for rural pro bono delivery;
- institutionalize within the Center and state and local legal services providers a focus on the legal needs of clients living in rural areas; and
- analyze and report to the pro bono/legal services community about the state of pro bono delivery in rural areas.

Since its inception, the Rural Initiative has generated new resources, ideas, and volunteers by disseminating mini-grants, building a support system for rural advocates, capitalizing on innovative technology, and improving collaboration with urban pro bono programs. For more information about this Initiative, the Center for Pro Bono, or the Standing Committee on Pro Bono and Public Service, contact: Steve Scudder ([scudders@staff.abanet.org](mailto:scudders@staff.abanet.org)) or Dina Merrell ([merrelld@staff.abanet.org](mailto:merrelld@staff.abanet.org)) at 312.988.5773, or visit [www.abaprobono.org](http://www.abaprobono.org).

# KEYS AND DEFINITIONS



The American Bar Association



# KEYS AND DEFINITIONS

The charts on the following pages provide an at-a-glance overview of project strategies described in this manual. Each approach is categorized by type, that is, whether it is established, developing, or promising. Project developers can use the charts to help identify quickly the kinds of initiatives most appropriate for a particular program, bar, or region to pursue. For example, if project developers were to decide that any new rural delivery model should be self-sustaining (i.e. that it would not require much work or cost to continue after its initial launch or implementation), they would look carefully at those initiatives for which “Upkeep” is rated Low (L).

Please note that the Resource Key contains only estimated averages of the resources required for projects. Project leaders may have greater or less success than these estimates suggest – using more or fewer resources – based on any number of factors.

## INITIATIVE TYPE

- Established:** Implemented in various areas around the country, usually successfully.
- Developing:** Implemented in various areas around the country, but with somewhat varying degrees of success, or circumstances that may prevent duplication.
- Promising:** Implementation is very limited or in early stages.

## RESOURCE KEY

- L:** Low
- M:** Medium
- H:** High

## CRITERIA

- Time:** Amount of time required to implement the initiative, from the beginning of planning until the project goals have been met.
- Cost:** Anticipated cost of implementing the initiative, excluding the cost of staff.
- Staff:** Need for staff person(s) to implement and maintain the initiative.
- Upkeep:** Need for work after the initial implementation period to ensure that project goals continue to be met.

## AT-A-GLANCE CHART OF PROGRAM TYPES AND RESOURCE REQUIREMENTS

Resource Guide: Rural Pro Bono Legal Service Initiatives

| STRATEGY   | INITIATIVE  | TYPE        | TIME | COST | STAFF | UPKEEP |
|--|---|-------------|------|------|-------|--------|
| Opening a pro bono branch office in a rural location                 | Volunteer Lawyers Project of Maine/Pine Tree Legal Assistance                                   | Established | M    | L    | H     | M      |
| Adapting an urban volunteer lawyer program to a rural community      | Ravalli County Family Advice Clinic – Montana Legal Services Association                        | Established | M    | L    | L     | M      |
| Launching a mobile self-help law clinic                              | Winnebago of Justice –Ventura County Superior Court   | Developing  | M    | H    | L     | L      |
| Partnering with local judges to train a community's lawyers          | Judges' Best Practice Seminars –Rural Law Center of New York                                    | Established | M    | M    | M     | H      |
| Using law students to serve the rural poor                           | Student Rural Outreach Program – Utah Legal Services  | Promising   | M    | L    | M     | M      |
| Turning law student vacations into rural service trips               | Spring Break Service Trips – Minnesota Justice Foundation                                       | Developing  | M    | L    | H     | H      |
| Starting a legal services hotline/advice clinic                      | Consumer Telephone Advice Clinic – West Tennessee Legal Services                                | Established | M    | L    | M     | L      |
| Partnering with an urban volunteer lawyer program                    | Rural Pro Bono Project – Central California Legal Services                                      | Promising   | L    | M    | H     | M      |
| Tapping into pro bono resources at large urban law firms             | Law Firm Pro Bono Roundtable – Minnesota State Bar Association                                  | Established | H    | L    | L     | L      |
| Providing training in a specific, high-demand poverty law area       | Consumer Law Training – Three Rivers Legal Services' Volunteer Attorney Program                 | Promising   | M    | M    | L     | L      |
| Providing technical training and assistance to farmers' advocates    | Family Farm Training –Rural Advancement Foundation International USA/Farmers Legal Action Group | Established | H    | M    | H     | M      |
| Overcoming barriers faced by immigrant workers                       | Immigrant Poultry Worker Justice Project – Equal Justice Center                                 | Developing  | H    | M    | H     | M      |
| Collaborating with public libraries in rural communities             | Library Liaison Project – Legal Services of Eastern Michigan                                    | Developing  | L    | M    | L     | L      |
| Forming alliances with faith communities and social service agencies | Interfaith Legal Services Pro Bono Clinic – Southeastern Ohio Legal Services                    | Developing  | H    | L    | L     | L      |
| Using the Internet to reach rural clients and their advocates        | Rural Outreach – Nebraska Appleseed   | Established | M    | M    | M     | M      |
| Using video conferencing for rural client outreach                   | Video Conferencing –Montana Legal Services Association and Pine Tree Legal Assistance           | Developing  | H    | H    | M     | M      |
| Convening local community pro bono planning meetings                 | Rural Community Summit Project – Oregon Law Center  | Promising   | H    | L    | M     | M      |
| Appointing county leaders to develop and expand pro bono             | County-by-County Facilitators – Neighborhood Legal Services Association                         | Promising   | H    | L    | M     | M      |

# **SECTION I: BARRIERS ENCOUNTERED IN RURAL LEGAL SERVICES DELIVERY**



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# I. BARRIERS ENCOUNTERED IN RURAL LEGAL SERVICES DELIVERY

Data from the 2000 Census paints a bleak picture of rural poverty. Rural counties with poverty rates above the national average outnumber urban counties in that category at nearly a 5 to 1 ratio. Of the 500 poorest counties in the country, 459 are rural, and, of the 500 lowest per capita income counties, 481 are rural.<sup>1</sup> According to the Rural Poverty Research Institute (RUPRI), poverty falls disproportionately on rural residents and rural regions. Solutions to rural poverty, RUPRI concludes, must take the long view and concentrate on boosting the capacity of rural communities to build human, social, physical, and economic capital.<sup>2</sup> Unfortunately, the resources necessary to increase capacity, such as transportation, jobs, development capital, government, medical services, and social service infrastructure, are scarce in rural communities. And so are the resources necessary to provide basic access to legal services for the rural poor.

Even though the poverty rate in rural areas reached a low of 13.4 percent in 2000, the rural poverty rate continues to be significantly higher than that in urban areas. That rate means that approximately 6.9 million poor persons lived in rural America in 2000. While rural poverty levels improved due to the long period of economic expansion in the 1990s, that prosperity has not continued into the early years of the twenty-first century.<sup>3</sup>

## THERE'S RURAL AND THEN THERE'S RURAL

Geographic distance – wide-open spaces and isolation from larger urban communities – constitutes only one

impediment, but what an impediment it is. What constitutes a rural community is always a matter of some debate,<sup>4</sup> and often a question of degree. For instance, legal services providers in Montana or Alaska must cope with very large land mass and mismatched resources for their frontier land. Alaska's geographical constraints are unparalleled. The state's territory equals approximately one-third of the entire landmass of the United States. Over 200 villages range in size from fewer than 100 to 6,000 people. Most are accessible only by boat or small bush plane, and prices for air travel tend to be exorbitant. However, some rural areas are confronted with slightly less daunting geographic barriers. These regions might be able to adapt urban delivery strategies more easily to their rural service areas. For example, legal service programs in California and Tennessee have both successfully tapped into "nearby" (relatively speaking) urban expertise, exporting advice and forms and support to help clients in less-populated areas.

## RURAL PRACTICE BARRIERS

A lawyer who practices in a very small town or rural region faces a particular set of practice barriers when he or she tries to serve low-income clients. This is true both for the lawyers at staff-based legal services offices and for pro bono lawyer projects that are operated by bar associations, stand-alone nonprofits, or legal services agencies. Though the delivery models highlighted in this manual focus on increasing pro bono lawyer involvement in rural areas, those

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<sup>1</sup> Rural Policy Research Institute, "A RUPRI Data Report – Rural Poverty and Rural-Urban Income Gaps: A Troubling Snapshot of the 'Prosperous' 1990s" (P2002-5) (July 3, 2002). Online at [www.rupri.org](http://www.rupri.org).

<sup>2</sup> Id.

<sup>3</sup> Between 1993 and 2000, the economy grew by 4 percent per year as measured by gross domestic product. This real rate of growth was almost 50 percent higher than the average growth rate of 2.7 percent experienced during the 20 years prior to 1993. While the incidence of rural poverty is higher than urban poverty in all regions of the U.S., the difference is much larger in the South and West. In 2000, the regional rural versus metropolitan poverty rate was the highest in the West, where 15.9 percent of the rural population was poor. This contrasts with the urban population in the West, where the rate of poverty was 11.4 percent. In the South, the poverty rate in rural areas was 15.6 percent, while the rate for urban populations was 11.6 percent. In the Midwest and Northeast the difference between rural and urban poverty rates was less than a percentage point between each of the regions. See Legal Services Corporation, "A Report on Rural Issues and Delivery and the LSC-Sponsored Symposium" (April 2003). The report can be found online at [www.lri.lsc.gov](http://www.lri.lsc.gov); see also Economic Research Service, "Rural Income, Poverty and Welfare" (September 2002). Online at [www.ers.usda.gov/Briefing/IncomePovertyWelfare/ruralpoverty/](http://www.ers.usda.gov/Briefing/IncomePovertyWelfare/ruralpoverty/).

<sup>4</sup> For a very thorough discussion of the various definitions of rural and urban, including the two national classification systems, consult the U. S. Census Bureau's "urban and rural" classifications for persons and the Office of Management and Budget's "metropolitan and non-metropolitan areas" classifications for counties. See Legal Services Corporation, "A Report on Rural Issues and Delivery and the LSC-Sponsored Symposium" (April 2003). Online at [www.lri.lsc.gov](http://www.lri.lsc.gov). The fact that counties in most Western states are often the size of entire Eastern states creates serious challenges for gathering and comparing countywide data, allocation of resources or planning. Id.

delivery models necessarily include a high degree of collaboration with both urban and rural offices of staff-based legal services agencies.

A major challenge of providing pro bono legal services to the rural poor stems from the critical shortage of lawyers practicing in rural areas. Most of the nation's lawyers reside and work in urban areas. A survey of 100,000 ABA lawyers found that only 20 percent live in areas of less than 50,000 population.<sup>5</sup> Unlike their

urban counterparts, rural pro bono program coordinators face the challenge of having a small and limited pool of lawyers from which to develop a volunteer panel. Some extremely rural communities have no lawyers at all residing or working in them; others have only one or a few. Private lawyers practicing in rural areas often report feeling constrained from providing pro bono services. They face a series of practice barriers to providing free legal services:

- Extremely rural communities tend to be large in square miles, with one hundred or more miles between lawyer, client and courthouse, not to mention natural barriers such as mountains, deserts, swamps, wetlands, forests and waterways, as well as impassible roads due to flooding, mud and rock slides, snow and ice. These access issues add to delivery costs and influence operations.
- Working in sparsely populated areas with few other lawyers, rural lawyers often encounter conflicts of interest that prevent representation.
- Rural practitioners often work in solo practices or in two or few-person firms with very few support staff.
- Working in geographically large service regions, rural lawyers typically face registration requirements in multiple districts and significant travel demands.
- Much of the technology that is helping urban-area lawyers, such as high-speed Internet service and the increased availability that cell phones bring to lawyers with heavy travel schedules, can be problematic in rural areas, where cell phone reception is spotty and high-speed web connections are not yet widely available.
- Some innovative legal service delivery strategies take longer to implement in many rural communities due to factors unique to those communities; for example, dispute resolution projects – such as those involving mediation, family group conferencing and mandatory parenting classes – have been hampered in rural areas by the lack of affordable mediation services for low-income parties and by the lack of trained mediators (particularly multi-lingual or culturally-trained mediators) serving those regions.
- Public transportation is nonexistent in many rural communities and the structure of rural road systems further complicates access and a meaningful lawyer-client relationship. Frequently, clients live at locations with no street addresses, or on poorly marked or paved rural roads, making access extremely difficult. Lawyers and clients must resort only to phone contact and not much of that, all leading to the further degradation of the lawyer-client relationship.
- Rural lawyer practice areas and rural client legal needs often do not mesh, as in the case of a client in need of family law assistance in a community of lawyers with only bankruptcy and real estate law expertise. Rural lawyers need the same access to resources as their urban cohorts: training manuals, continuing legal education, and bar association practice groups that offer sample forms and potential co-counsel arrangements or assistance.

Of course, staff-based legal services providers face most of the same practice barriers. And, in this time of budget shortfalls, program mergers and general funding

cutbacks, rural legal services programs are forced to grapple with covering wider service areas with fewer personnel than their urban legal aid counterparts.

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<sup>5</sup> AMERICAN BAR ASSOCIATION, 1998-1999 A.B.A. MEMBERSHIP CENSUS (1998).

## INVISIBLE CLIENTS

Even though the 2000 Census indicates population shifts toward the major urban cores, rural legal services programs and rural pro bono programs continue to report high service figures. And with more and more people moving to urban areas, rural pro bono providers must contend with the perception that “no one really lives in extremely rural counties” or that the number of rural people with legal problems is so small that “it is not worth focusing delivery mechanisms in those areas.”<sup>6</sup> This perception of client invisibility is not surprising: rural communities are often agriculturally-based, experiencing shifts in population with the movement of farm workers in and out of the area. Potential clients are often unaware that pro bono programs exist and pro bono programs receive little or no drop-in business or telephone calls from community members. Language barriers compound this problem. The upshot is that rural pro bono programs must understand and respond to the reasons for client invisibility or fail to serve their rural community. The need for effective rural pro bono programs could not be more pressing: because state and federal funding is allocated and re-allocated among legal service providers according to census figures, staff-based rural programs are losing critical resources.

Who are the rural poor? They are more likely to be married than city-dwellers; they are more likely to be working and less likely to be dependent on welfare than their urban counterparts. But poverty populations in rural communities are also more likely to be chronically or long-term poor than poverty populations in urban areas. Extreme age, young or old, is a characteristic associated with rural poverty.<sup>7</sup> And homelessness, often considered a problem of only highly populated urban areas, also haunts rural communities.<sup>8</sup> As providers search for ways to better serve the rural poor, many are concentrating on populations with special needs.

### Family Farmers

Family farms, the backbone of many rural communities, are suffering through their worst economic crisis since the mid-1980s, impacted by natural disasters, low prices, depressed world markets, and the incursion of corporate agriculture. Every year, tens of thousands of farms are lost in the United States,<sup>9</sup> reducing even further the economic vitality of the area.

Virtually all the farms that are subject to foreclosure and dispossession are family farms. For the dispossessed family, this means unemployment and long-term poverty, as well as the loss of a home and a place in the community. The family farmers remaining on their land face a maze of financial programs and legal rights and regulations that are continually changing. They must file applications for numerous kinds of federal assistance and address the inevitable delays and rejections that

come with those applications. Without timely access to adequate operating credit and assistance from crop insurance and federal disaster programs, many farms will not survive. This economic situation creates rural communities with families barely scraping by.

### Migrant Workers

At the same time, rural communities are now home to thousands of new immigrants, who come to take the below-poverty and highly dangerous jobs such as those in poultry processing, meatpacking, or fruit harvesting plants. The consolidation of the largest meat and poultry producers and the resulting pressures to increase profits, has caused deterioration in the overall working conditions in the production plants and erosion of workers' rights. These newly immigrant families face barriers which limit their access to the legal system and make them more vulnerable to violation of their rights: most are unfamiliar

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<sup>6</sup> Jenny B. Davis, “Law in the Vast Lane,” ABA JOURNAL, Oct. 2001; Anthony Young and Ruby Gutierrez, “Delivery of Pro Bono Services in Rural Areas,” CENTER FOR PRO BONO EXCHANGE, vol. 13, no. 1, Feb. 1995.

<sup>7</sup> Legal Services Corporation, “A Report on Rural Issues and Delivery & the LSC-Sponsored Symposium” (April 2003) at p. 5. Online at [www.lri.lsc.gov](http://www.lri.lsc.gov).

<sup>8</sup> For a discussion of rural poverty's disparate impacts on the homeless, elderly, women, children, and people of color, see Legal Services Corporation, *Id.*, at 7-9.

with their rights, even though they are covered by all the same protections as non-immigrant employees; most are unfamiliar with how to reach an attorney or legal services agency; and most feel that if they complain, they will face discharge or potential immigration consequences.<sup>10</sup> As for the surrounding community, it faces new demands on its social services, health care, and other public services. Rural communities are often ill prepared for the cultural, economic and social changes this influx of new immigrants has brought.

### **Reservation Residents**

Lawyers serving the country's American Indian reservations report significant procedural challenges as they navigate through tribal courts, complex tribal council systems, tribal government departments, and reservation social service providers. A child support collection matter, for example, might take many additional months on a reservation that has no centralized child support collection centers like the ones found in state courts; legal services providers must also struggle to enforce child support orders across jurisdictions when husbands/fathers move off the reservation.<sup>11</sup> Many issues, especially educational issues, tribal jurisdiction questions (concerning both civil and criminal jurisdiction), environmental concerns, and issues of cultural preservation, require legal services providers to carefully analyze state, federal, and tribal laws and regulations.

### **Rural Battered Women**

Battered women living in rural locations are confronted with extreme access problems for domestic violence services. Service providers and lawyers are harder to find, transportation barriers loom larger, and ethnic and cultural differences seem more pronounced. It is not unusual to find rural families in which the men exercise complete control in their family relationships, not allowing the women to drive the car, handle any property, or access the family bank account. Some rural domestic violence providers point to the large number of rural women with one or a few large animals (horses, cows) and insist that these women are refusing to get to safety because there is nowhere to board the animals under their care. Finally, battered rural women face profound privacy concerns in small rural areas and tiny towns, where inappropriate information-sharing or outright gossip often occurs between community members and between members of the courts and legal systems, who all seem to know one another.<sup>12</sup> Rural and tribal providers across the nation point out that too many of the solutions for battered women are metro-centric. These solutions assume that women have access to resources, such as batterer's intervention programs, transportation programs, and childcare, that are, in fact, unavailable in rural, economically deprived communities.<sup>13</sup>

**Advocates for the rural poor have long recognized these many obstacles and they understand the difficulties in making much-needed legal services more available to rural clients. They are also realizing that building effective local partnerships in order to improve the delivery of legal services does not depend entirely on developing new resources, but, instead, by creatively leveraging existing resources. By building relationships and resourcefulness, they are helping to meet advocacy challenges in rural communities.**

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<sup>9</sup> Stephen Carpenter and Randi Ilyse Roth, "Family Farmers in Poverty: A Guide to Agricultural Law for Legal Services Practitioners," NATIONAL CLEARINGHOUSE FOR LEGAL SERVICES (1996).

<sup>10</sup> See Anne Hull, "Ascent and Eclipse in a Small Town," THE WASHINGTON POST, Section A (October 8, 2000)

<sup>11</sup> Minnesota Rural Project for Women and Child Safety, "Mid-Project Summary Report," Minnesota Center Against Violence and Abuse (August 2001). Online at [www.mincava.umn.edu/Rural/hofford.asp](http://www.mincava.umn.edu/Rural/hofford.asp). See also Susan J. Curry, "Legal Services for Women: Lessons Learned," The McKnight Foundation (July 2002). This report can be found online at [www.mcknight.org/cfc/lab.asp](http://www.mcknight.org/cfc/lab.asp).

<sup>12</sup> Curry, *supra*, at 13.

<sup>13</sup> Minnesota Rural Project for Women and Child Safety, "Mid-Project Summary Report," Minnesota Center Against Violence and Abuse (August 2001). Online at <http://www.mincava.umn.edu/Rural/hofford.asp>.

# **SECTION II: LESSONS FROM THE FRONT: COMMUNITY ACTION AT WORK**



**The American Bar Association**

## II. LESSONS FROM THE FRONT: COMMUNITY ACTION AT WORK

According to one old adage, “necessity is the mother of invention.” Responding to the overwhelming need for rural legal services, innovative rural pro bono delivery projects – in rural, urban, and in mixed urban-rural settings – have sprung up all over the nation. The ABA’s Rural Pro Bono Delivery Initiative has studied dozens of projects that have transcended traditional legal services and pro bono advocacy delivery methods. Some projects improve client outreach and clinic operation with websites, video conferencing, hotlines, or mobile law clinics; some focus on training local community advocates or on meeting the needs of populations with special needs; some build bridges with complementary urban programs; and others actively involve the judiciary, law students, or partners from social service agencies or other sectors. Whatever the approach, these rural projects have one thing in common: the recognition that partnership development is the key to delivering services to rural areas.

Effective collaborations help spread resources (time, money, experience, and skills) wider and farther, since the resources that multiple partners can bring to bear

upon a given problem are typically greater than those that one organization can harness on its own. Partnerships also broaden the range of sectors taking responsibility for the well-being of rural clients. They raise awareness of pressing social problems, such as lack of access to justice, poverty, and family violence. Coalitions such as the ones described in the following pages harness previously untapped resources in new and creative ways. Above all, a well-conceived partnership sends a clear and important message: a community, no matter how small or isolated, can contribute to the overall health of its citizens. Pro bono advocates must combine their efforts with other key players in rural communities and assess each community individually to find ways to engage the appropriate stakeholders.

Those small-town and rural pro bono projects that have met with the most success are those that are flexible, open to new opportunities, and understand the value of partnerships – even non-traditional partnerships with churches, public libraries, welfare departments, or other community groups. Successful projects have learned the following lessons:

- ✓ **Tap into urban resources whenever possible.** Long-established urban service agencies, bar associations and volunteer lawyer programs have much to offer newer rural projects: volunteers, expertise, technology initiatives, sample forms, legal research, law students, and law firm pro bono panels. Often rural programs can tap into a larger, better-resourced urban programs’ fund development staff and infrastructure as well, creating joint fundraising opportunities and generating joint grant proposals. It is important to remember, though, that rural programs give as well as they take. Many rural areas and programs have a whole host of valuable assets to offer their urban counterparts, including experienced lawyers who can serve as mentors, cultural awareness and training, and intimate knowledge of the local community and its barriers and resources.
- ✓ **Engage the local community.** At all stages of program development, rural projects and their managers are most successful when they stay as involved as possible with the key stakeholders in the community. This manual highlights some programs that gather community constituents to help them assess local needs and to develop region-specific pro bono plans; that same stakeholder involvement is useful when it comes to evaluating progress, too. Rural providers and programs must be prepared to adapt delivery models according to evolving community needs and must remember to factor state planning efforts into their community needs assessment. They should infiltrate the state planning process and work with Access to Justice coordinators to become part of a statewide delivery system (they are a strong voice for the power and reach of pro bono involvement). Rural providers and programs should forge new community partnerships to assist with rural delivery, and look to other sectors’ resources, such as government or corporate attorneys, judges, law clerks, paralegals and law students and retired attorneys. But they should also include partners from outside the legal community such as faith-based organizations and social service agencies. Legal services agencies are not alone in their missions to help the poor, strengthen communities and ensure access to justice. Creative partnerships with unlikely persons or groups may help a program address not only service delivery needs, but also resource development needs. In recent years, the legal community has seen this kind of cross-sector partnership develop around the need for increased domestic violence legal services: shelters, churches, lawyers and government agencies all banded together and, with the help of federal grants, developed winning service delivery methods.

- ✓ **Experiment with volunteer recruitment strategies.** Rural pro bono programs should set their volunteer targets long and wide: law firms, corporations, government offices, retired attorneys, small-practice and solo attorneys. First, project developers should get to know the community and the special needs it may have, and then talk to potential recruits in person. Project developers should assure potential volunteers that a pro bono coordinator or some other staff will make their jobs easier by providing a variety of supports; these supports may include offering free continuing legal education, up-front client eligibility screening, malpractice insurance, court costs, or even “brownie points” with judges. Sometimes it is possible to offer litigation support too, such as low-cost depositions, interpreters and court reporters, and if possible, legal research or assistance from law student volunteers. Successful pro bono programs have learned about recruitment strategies by looking to models within their own community such as grass roots organizers, fundraisers, special event coordinators, and even salespersons. The best recruiters teach their volunteers that they are providing a valuable community service: in addition to directly assisting one or two individuals with critical legal needs, volunteers are also contributing to the health of their own community and the entire justice system.
- ✓ **Train and support your volunteers.** Some lawyers worry that they cannot be effective volunteers. Rural program coordinators hear, I don’t know how to do that kind of law, I’ve never been in court before, or I’m afraid it will take too much time. This is especially true if the potential recruit does not typically deal with individual clients, as in the case of in-house counsel. Pro bono programs must show their volunteers that gaining new experience is valuable to them and that there is support available to them. Many jurisdictions offer manuals, handbooks, and form books in several substantive areas including those poverty-law areas like Family Law, Landlord-Tenant Law, Consumer Law, Domestic Violence, and Wills and Estates. Successful rural projects realize the value of collaborating with urban resources on volunteer training. They also draw upon the power of mentorship, some with formal mentor programs and events, and others by creating informal networks or even online alliances, listservs and chat rooms. More and more, guides and forms are available online, and each state hosts advocate websites and portals to assist staff-based legal services lawyers and other volunteer lawyers with finding the information they need to be a valuable advocate. Some programs will conduct their own trainings for volunteers, while others will keep volunteers aware of other appropriate Continuing Legal Education trainings. Project leaders should explore the possibility of using their most experienced lawyers or staff-based legal services lawyers in co-counseling arrangements. Finally, by listening to what their volunteers lawyers are telling them about roadblocks they are encountering, pro bono project leaders can consider various legislative advocacy or impact litigation efforts that may effect larger scale, systemic change.
- ✓ **Pay attention to volunteer recognition.** Most volunteers appreciate being recognized personally for their efforts, but rural pro bono coordinators should not be surprised if a volunteer from a small town or rural firm does not want local recognition for fear of gaining a reputation as “the lawyer who works for free.” Successful programs are exploring other ways to recognize and thank volunteers, such as hosting recognition events, award luncheons or judicial networking events, advertising in bar association publications, or offering free Continuing Legal Education trainings in exchange for their volunteer service. Some programs report positive feedback from giving volunteers small gifts, such as t-shirts or coffee mugs, but most programs recommend one very simple and low-cost but effective method for recognizing volunteers: sending personal thank-you notes upon case acceptance and case closing. Many successful pro bono project leaders learn new recognition methods by looking to other volunteer-driven projects or agencies in their communities.
- ✓ **Open up to the idea of pro se projects.** Given persistent rural poverty, overwhelming rural legal needs, and scarce rural resources, it stands to reason that the rural poor will try to help themselves. Rural pro bono programs must be willing to help the rural poor help themselves. Pro bono project coordinators can educate the rural poor

about their rights; teach them the correct procedures and court etiquette; provide them with appropriate forms, how-to books, brochures and self-help videos; give them the advice they need, however brief; and connect them with other advocates whenever possible. Most importantly, rural project leaders can play a role in ensuring that their community's judges, law clerks and court officials warm up to pro se projects too. Well-run pro se projects can lead to clients who receive more effective relief and courts that operate more professionally and efficiently.<sup>14</sup>

- ✓ **Involve state and local bar associations.** Bar associations with as few as 50 members have operated successful rural pro bono projects. Any bar association in a community where there exists significant concentrations of underserved clients and a shortage of lawyers able to take on pro bono work should consider developing or co-developing a rural pro bono project. Consider the following commonly asked questions:

**Q: What are the essential elements of a successful rural pro bono project?**

**A:** The basics include strategies to recruit and train volunteer lawyers and a system of case referral and monitoring.<sup>15</sup> In addition, the essential elements of a successful pro bono project for rural clients are (1) a close working partnership between a bar association and a local legal services organization, (2) a corps of volunteer lawyers, and (3) supervision by experienced lawyers willing to provide general support and professional advice to volunteer lawyers.

**Q: How much money would a bar association need to operate a project?**

**A:** This depends upon whether a bar association wants to develop a volunteer lawyer program with a staff coordinator or a discrete project aimed at a particular locale or clientele. Some bar associations have operated discrete pro bono projects with as little as \$5,000 in capital and in-kind resources.

**Q: How can a bar association determine which population to target and what area of law to work in?**

**A:** A bar association should rely on the local organizations that work with the community and best know the needs of the community. These organizations can help identify and contact potential clients and help to identify what services the pro bono lawyers will provide.

**Q: How many volunteer lawyers does a project need to be successful?**

**A:** The number of volunteers a project needs depends on the number of persons it plans to assist. New bar projects should set their goals significantly lower than bars with ongoing, established pro bono projects. Projects have operated successfully with as few as ten and as many as 900 lawyers.

**Q: How would volunteer lawyers for the pro bono project be recruited?**

**A:** A bar association bears primary responsibility for recruiting volunteer lawyers. Bar associations with established pro bono programs can easily recruit volunteers by following their established recruiting strategies. Other bars can recruit volunteers through mass mailings, telephone calls, bar publication articles, contact with law firms, and mailings to other non-profit organizations. Once a project gets started, word of mouth usually brings in other volunteers.

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<sup>14</sup>The ABA Standing Committee on the Delivery of Legal Services maintains a Pro Se & Unbundling Resource Center with a variety of pro se materials at its website: [www.abalegalservices.org/delivery](http://www.abalegalservices.org/delivery).

<sup>15</sup>For more information about creating or expanding a pro bono program, consult the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means. The Standards were designed to furnish guidance to newly established programs and their governing bodies and to provide a basis for improving and evaluating the effectiveness and efficiency of existing programs. The Standards are available at [www.abaprobono.org](http://www.abaprobono.org).

**Q: Must pro bono lawyers have a particular expertise?**

**A:** Successful pro bono projects utilize the services of lawyers with various levels of experience. Lawyer volunteers have come from legal backgrounds as diverse as general practice, litigation, family, criminal, personal injury, commercial, and real estate law.

**Q: Must the project conduct a comprehensive training program in all aspects of the law?**

**A:** No, in fact, successful projects often limit their scope to a particular, confined area of the law because of the particular needs in a community. Specialized projects are often the most feasible for volunteer lawyers with little or no practice experience and limited time to dedicate to learning poverty law.

**Q: How many hours can a volunteer lawyer expect to devote to a single case, and over how long a period of time?**

**A:** The length of the representation will depend on the type of case. A simple family law matter may only require representation over a period of a few months; a case involving a hearing could take up to a year or more.

**Q: How many cases should each pro bono lawyer handle?**

**A:** Most bars require the lawyer to agree to accept one or two cases in exchange for training.

**Q: How will pro bono lawyers know they are representing their clients well, and to whom can they look for assistance?**

**A:** Many successful pro bono projects assign experienced mentors to the pro bono lawyers. Mentors help the lawyers with tricky aspects of their clients' cases and monitor progress. Often mentors can be recruited from the pool of trainers. Other mentors are former volunteers or legal services staff members.

**Q: Where is the best place for pro bono lawyers to meet their clients?**

**A:** The most successful projects make their pro bono lawyers as accessible as possible to the target clientele by choosing a location familiar and in close proximity to the clients, in some cases, and by making advocates available at set times and at regular intervals.

**Q: What has been the response of pro bono lawyers to participation in rural pro bono projects?**

**A:** The response of pro bono lawyers has been very positive. Projects from across the country work with community organizations serving rural populations; some use the Internet to reach lawyers and clients, others address the issue of travel, and many have networks of experienced lawyers willing to assist new volunteers.

## SIDEBAR: UNBUNDLED VERSUS HOLISTIC SERVICES

At a time when legal advocates for low-income people, especially family law practitioners, are calling for greater tolerance of “unbundled”<sup>16</sup> legal services – also known as discrete task representation – some other programs serving low-income clients are finding great benefits from taking a holistic service approach through which they use a kind of legal health checklist to uncover legal issues apart from the one that brings the client through the door. This approach to poverty law views a legal services organization as a comprehensive support for low-income persons who seek to transcend poverty. A holistic approach to advocacy focuses upon, analyzes and addresses the needs and situations of the client as a whole person with complex and interrelated issues and challenges – legal as well as non-legal.<sup>17</sup>

But are holistic legal services and unbundled legal services truly inconsistent? Not if lawyers – even volunteer lawyers – remind themselves of the very important referral role they fill, much like that of a case manager or social worker. In essence, the lawyer must focus simultaneously on the many facets of a client’s life in order to achieve true positive change. It may take many more resources to provide full service with all of a client’s needs. Due to the funding

imitations of many staff-based legal services programs, pro bono lawyers are a critical element of any holistic system of advocacy. Pro bono lawyers can connect clients to vital social services and other resources. For their part, pro bono program managers or coordinators can act as “resource developers” and can compile this critical referral information for their volunteer lawyers.<sup>18</sup> Every volunteer should have a list of organizations, phone numbers, websites, or other resources to provide to clients.

Through a holistic client review, providers identify each barrier but they may choose to address these barriers and needs by using the assistance of legal aid staff, volunteer lawyers, or other social service providers. Consider the case of a battered woman requesting help dealing with her abuser. A holistic assessment of her legal needs might reveal that she needs assistance with creditors, immigration assistance, a child support modification, or landlord intervention. Or perhaps, in order to truly move toward self-sufficiency, she needs other social services such as transportation, housing, childcare or public benefits. A holistic legal advocacy approach helps the client and her advocates move from a crisis orientation to one which truly helps individuals and communities achieve real and positive change.<sup>19</sup>

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<sup>16</sup> An attorney who provides a specific service (such as advice, negotiation, document review, document preparation, and limited representation) to a client who is otherwise handling an action pro se is providing one service out of the possible range of bundled services, otherwise referred to as full representation. See, Papers from the National Conference on Unbundling: The Changing Face of Legal Practice, 40 FAM. CT. REV. 26, (2002). For information about this issue of Family Court Review and other resources on unbundling, visit [www.unbundledlaw.org](http://www.unbundledlaw.org) and [www.abalegalservices.org/delivery](http://www.abalegalservices.org/delivery).

<sup>17</sup> Tanya Neiman, “Creating Community by Implementing Holistic Approaches to Solving Clients’ Problems,” JOURNAL OF POVERTY LAW, May-June 1999, at 19; see also Tanya Neiman, “Reflections on Holistic Advocacy,” Management Information Exchange Journal (Fall, 1999), at 34. Over the last decade, delivery of holistic legal services has proliferated. Holistic delivery can mean two things: (1) lawyers can examine the totality of a client’s legal issues, or (2) lawyers can go beyond legal needs, by looking to social service, medical, and psychological care providers to address clients’ nonlegal concerns. While the holistic approach can require a deeper and longer-term effort than traditional pro bono does, attorneys can also witness a more lasting effect for their work. See Robert Lennon, “The Big Picture,” THE AMERICAN LAWYER (December 5, 2002).

<sup>18</sup> Neiman, “Creating Community,” supra, at 23. After the 2001 terrorist attack on the World Trade Center, for instance, the Bar Association of the City of New York designed a model for relief centers throughout the city, using nearly 3,000 pro bono attorneys from private firms. Incoming cases were assigned to attorneys who reviewed a client’s panoply of needs and then either set about tending to them or finding someone who could.

<sup>19</sup> Neiman, “Reflections on Holistic Advocacy,” supra, note 16, at 36. The trend toward holistic legal service delivery also helps explain the interest of many legal aid and other nonprofit community service providers in establishing low-income taxpayer clinics. The resolution of a tax matter often enables the taxpayer to address other problems, such as obtaining better housing with his or her earned income tax credit refund. For information about Virginia’s Community Tax Law Project, go to [www.ctlp.org](http://www.ctlp.org).



# SECTION III: SOME STRATEGIES THAT ARE WORKING



The American Bar Association

### III. SOME STRATEGIES THAT ARE WORKING

Over the course of two years, the ABA distributed Rural Initiative mini-grants to support innovative delivery strategies in rural areas. The ABA Rural mini-grant proposal process helped identify a number of creative approaches underway across the country.<sup>20</sup> The following sections offer a series of service delivery strategies used around the nation, along with sample projects or initiatives that are utilizing those strategies.<sup>21</sup> Some of these strategies are well established and have been implemented successfully in various areas; others are developing in multiple locations, but with somewhat varying degrees of success or with circumstances that may prevent duplication; and still others are in the early stages of development but show great promise. Each initiative includes a resource key, designed to forecast the degree of time, cost, staffing and maintenance required. Each strategy also includes project descriptions, results or outcomes (i.e. the number of volunteers participating, clients served, advocates trained), the pros and cons involved with adopting this strategy, other considerations (such as who are likely collaborators, how it might be marketed or publicized, and how it might be funded), and program contact information.

Certain themes – or over-arching categories of strategies – were revealed through the mini-grant process. These were projects that sought to: establish a presence within a local community, involve the judiciary or law students, build urban-to-rural bridges, target high-need populations, forge non-traditional partnerships, minimize geographic divides with technology, and encourage community planning. The strategy and project list, however, is not an exhaustive one. Indeed, the list is constantly expanding and evolving. Multiple programs have implemented several of the service strategies outlined here, and many more have implemented other strategies not discussed in this manual, such as centralized intake systems and retired lawyer or corporate counsel pro bono programs.

# ESTABLISHING A PRESENCE WITHIN THE COMMUNITY

## BY OPENING A PRO BONO BRANCH OFFICE IN A RURAL LOCATION

### Rural Outreach Office – Volunteer Lawyers Project of Maine

Maine's Volunteer Lawyers Project is a joint project of the Maine Bar Foundation and Pine Tree Legal Assistance charged with coordinating the pro bono activities of Maine's bar. VLP's small staff is dedicated largely to the administration of referrals and the supervision of intake volunteers, but it also helps clients with various levels of pro se assistance. To handle client intake and referral, VLP had been operating what it calls its "Lawyer of the Day" program out of urban Portland. Through this program, community volunteers screen callers for eligibility and problem type; then staff paralegals identify which callers require legal representation and prepare written intake summaries. They pass these case summaries to volunteer referral lawyers (called Lawyers of the Day) who come into the VLP office, review the summaries, locate a lawyer in the client's area and ask that lawyer to accept the case pro bono.

But geography was helping to create a rural-urban division among Maine lawyers. The majority of Maine's lawyers were located in the high population centers in the southern portion of the state. Many of these lawyers practiced in specialized areas and with large firms, while lawyers in the more rural areas of the state were often members of small firms or solo practitioners, with generalized practices. Each group tended to associate only with others from its own group. While the Lawyer of the Day program was working well in the southern urban areas of Maine (receiving over 10,000 requests for legal assistance annually and referring

|        | low | medium | high |
|--------|-----|--------|------|
| TIME   |     | ✓      |      |
| COST   | ✓   |        |      |
| STAFF  |     |        | ✓    |
| UPKEEP |     | ✓      |      |

between 1,000 and 1,400 to volunteer lawyers), making rural referrals from urban Portland proved more difficult and far less successful. VLP noticed that it had the most success when the referring and accepting lawyers both lived in the same county; it also noticed that volunteer lawyers were often more successful than non-lawyer volunteers in convincing their colleague-lawyers to accept cases. A recent organizational strategic planning effort had also highlighted the need to reach out to rural northern and central parts of the state.

So, VLP opened a pro bono branch office within an existing legal services branch office in Bangor, two and a half hours north of Portland, and established a rural version of its Lawyer of the Day program to handle rural outreach to the six counties in the predominantly rural portions of central and northern Maine. VLP staffed the new office with a paralegal who spends half of her time administering the Lawyer of the Day program. During the rest of her time, she supports volunteer lawyers who take cases, teaches volunteers how to use an interactive website, and adds other family law forms from the rural jurisdictions to the website (go to [www.ptla.org/forms.htm](http://www.ptla.org/forms.htm) to learn how the interactive forms work for volunteer lawyers and clients).

### Project Results/Outcomes

By using local lawyers to refer out northern, eastern, and central Maine cases, VLP increased the number of lawyers accepting cases. VLP attributes this to the relationships that lawyers in these more rural areas have among themselves and to the prominence in the legal community of many of the rural Lawyers of the Day. In its first year, the rural office recruited 40 new volunteers who either worked as Lawyers of the Day, accepted rural pro bono cases, or did both. This new recruitment effort led to approximately 150 new rural case acceptances. Including brief advice, brief services (such as negotiations) and pro se assistance, project leaders estimate that the outreach office assisted 648 new clients.

<sup>20</sup> As part of a rural delivery symposium held in October 2002, the Legal Services Corporation issued a call for papers on various topics related to rural legal services. Many of the papers contain examples of projects or potential projects that are in use or being considered for use in overcoming some of the challenges of rural legal services delivery. Abstracts of papers and author contact information can be found in: Legal Services Corporation, "A Report on Rural Issues and Delivery and the LSC-Sponsored Symposium" (April 2003) ([www.lri.lsc.gov](http://www.lri.lsc.gov)).

<sup>21</sup> While many of the initiatives that are spotlighted did receive an ABA rural mini-grant, some – due to limited resources – did not.

### ***PROS***

- Establishing a physical office in a rural or small-town area is the strongest and clearest way of creating a local community presence.
- By raising community awareness of a volunteer lawyer program, this project also raises awareness of the needs of low-income people in that community. Opening a rural pro bono office also improves the private bar's perception of the volunteer lawyer program as a statewide or community organization that is equally committed to the rural bar.
- A very small amount of staff time might be adequate to staff the new office, since client intake can still be handled through toll-free telephone lines in the urban office.

### ***CONS***

- Costs can run high when trying to open a branch pro bono office. It is wise to explore space-sharing options with legal services programs, bar associations, or other local community groups.
- Training newly recruited rural volunteer lawyers can be more taxing on agency resources, since urban staff must travel to local communities for any substantive legal trainings, at least until qualified local trainers are identified.

### ***CONSIDERATIONS***

- Project collaborators and other funders of this effort are the Maine Bar Foundation and Pine Tree Legal Assistance, an LSC-funded, statewide, nonprofit legal office for low-income Maine residents. An earlier program investment by Pine Tree allows VLP staff to swap information about client files and attorney records, and conduct legal research from a "virtual office" in a collaborative manner with urban staffers.
- Project recruitment efforts can get a jump-start in rural communities by identifying just a small number of well-known and respected local lawyers, who then call other lawyers and ask them to join the project.

### **Contact Information**

Project Director  
Volunteer Lawyers Project  
88 Federal Street, P.O. Box 547  
Portland, ME 04112  
207.828.2317  
207.828.2300 (fax)  
[www.vlp.org](http://www.vlp.org)

## BY ADAPTING AN URBAN VOLUNTEER LAWYER PROGRAM TO A RURAL COMMUNITY

### Family Law Advice Clinic – Montana Legal Services Association

Montana is the fourth largest state in total land area in the nation. Its population is just over 900,000, but over 75% of Montana's population is classified as rural or non-metro. Sixteen percent of its 35,000 residents have incomes below poverty level. Legal assistance is hard to come by; two out every three divorces are filed pro se.

The Montana Legal Services Association (MLSA) had been successfully operating a pro se Family Law Advice Clinic in urban Missoula. The clinic helps individuals and families obtain uncontested divorces or develop custody or visitation agreements, but only after clients first attend a family law class that an attorney teaches. The class covers basics such as how cases proceed through court, how child support is calculated, how to file for divorce, and how to develop a custody or visitation agreement. Clients and volunteers receive a pro se manual that Montana Legal Services developed.

Operated as a joint project of MLSA and the Western Montana Bar Association, and funded by a special grant from Missoula County, the Family Law Advice Clinic grappled with daily phone calls from needy family law clients in rural Ravalli county about 70 miles away.

### Project Results/Outcomes

After each training, the Ravalli County-Family Law Advice Clinic Coordinator schedules volunteer lawyers to meet with each participant one-on-one for an hour to discuss the particulars of the case, address questions or concerns, and give further advice. The Ravalli County Family Law Advice Clinic has enabled MLSA to accept 150-175 new rural pro se participants per year. MLSA estimates that 450 volunteer advocate hours were donated as a result of this successfully adapted program.

### PROS

- With a relatively small amount of assistance, rural residents can obtain child support, assign debt responsibility, protect themselves and their children from abusive spouses, and become economically self-sufficient and empowered.
- A rural project such as this can be established with little or no additional costs for staffing, materials, volunteer lawyer malpractice insurance, and volunteer and participant trainings. In Montana, the local domestic violence services agency provides MLSA with free office and clinic space.
- Participants appearing in court are better prepared, organized, and court time is used more efficiently.

### CONS

- This type of single-purpose project is unable to meet the current client demand in other substantive legal areas such as elder law, landlord-tenant law, and consumer law.
- Pro se projects such as this one offer only very limited one-on-one lawyer representation at the start of a legal matter and virtually no ongoing lawyer assistance.

|        | low | medium | high |
|--------|-----|--------|------|
| TIME   |     | ✓      |      |
| COST   | ✓   |        |      |
| STAFF  | ✓   |        |      |
| UPKEEP |     | ✓      |      |

Very few of these clients could manage the multiple trips to Missoula to complete their family law needs. Ravalli County, also known as the Bitterroot Valley, is located on the western edge of rural Montana between two mountain ranges.

Convinced that Ravalli County needed its own pro se family law clinic, MLSA set about adapting its Missoula program to the needs of rural Ravalli County. First, project staff adapted their forms and procedures to rural Ravalli County; then they set up client referrals through SAFE – the county's domestic violence and sexual assault service provider, the Ravalli County District Court, other county agencies, and MLSA lawyers. Twice a month, MLSA conducted two-hour pro se classes for the eligible rural pro se participants. MLSA also gave participants educational manuals with sample forms and taught them about court procedures.

### ***CONSIDERATIONS***

- Collaboration is key to success. This model's formal partners include the Western Montana Bar Foundation, SAFE (domestic violence service provider), MLSA and the Ravalli County District Court. The number of partners also makes this project easier to publicize. MLSA announced the new program at an appreciation luncheon for past volunteers and this led to new recruits. They also sent letters from MLSA and District County Judges announcing the program and followed up with personal letters and phone calls. SAFE and the Bar Association simultaneously publicized the project.
- MLSA also sought support and volunteer coordination with the University of Montana School of Law so that law student volunteers could be available to staff clinic dates
- A project such as this can eventually benefit from using the Internet and other technology to reach rural clients with needed materials.
- MLSA funds the primary staff coordinator for the Ravalli County Clinic using Americorps VISTA funding and supplements project funds with District Court Discretionary funds and in-kind donations from MLSA and SAFE.

### **Contact Information**

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## BY LAUNCHING A TRAVELING SELF-HELP LAW CLINIC

### Mobile-Self-Help Center – Winnebago of Justice, Ventura County California.

The Ventura County Superior Court recognized that for a variety of reasons, primarily economic ones, many people needing to access the courts must do so without a lawyer, and that the complexities of the law create minefields for those who find themselves in court without a lawyer. Often these people are elderly, disabled, single women with children, or others having special needs. Often they reside in non-metropolitan regions.

Ventura County Superior Court has a well-established network of self-help centers at its various courthouses. But because of geographic limitations, the self-help centers located in the courthouses were not able to meet all the needs within the county. So the County decided to take pro se on the road. It purchased a 35-foot custom-built motor home and outfitted it like a bookmobile, with computer and video stations, bookshelves and racks of self-help materials. Calling it their Mobile Self-Help Center, volunteers take the law to the people living in outlying communities of the county, where limited public transportation creates barriers between the court and those needing services. The Winnebago follows a predetermined and well-

|        | low | medium | high |
|--------|-----|--------|------|
| TIME   |     | ✓      |      |
| COST   |     |        | ✓    |
| STAFF  | ✓   |        |      |
| UPKEEP | ✓   |        |      |

published schedule so that the public knows when and where assistance is available. It gives the public easy access to research materials, annotated codebooks, social service agencies, videos, form packets, and other community resources. From its computers, people can access information about their court cases and obtain legal information from Web sites.

The Mobile Self-Help center does not charge a fee to use its facilities or for assistance (and court forms are sold at a nominal charge). Trained volunteers are available to provide informational assistance to people needing help understanding the materials or completing court forms. These volunteers are drawn from a pool of court lawyers, volunteer lawyers and law student interns.

### Project Results/Outcomes

Each year, the mobile unit provides legal assistance and self-help information to approximately 1,200 residents. It took about one year for the Mobile Center to move from the initial idea to its maiden voyage, but Ventura County saved considerable time when it came to filling the traveling clinic with forms and resources, since its courthouse clinics were already well stocked.

#### **PROS**

- A mobile law center can travel from town to town within the county, bringing desperately needed services at a fraction of the cost of renting and staffing multiple facilities.
- The very act of going to people, instead of waiting for them to find a way to the court, helps to break down barriers, build public trust and confidence, and improve access to justice to all segments of our population, particularly the poor, disenfranchised, and under represented.

#### **CONS**

- While using volunteers may contain operating costs, the front-end costs of simply acquiring one mobile home to serve as a traveling pro se clinic may exceed \$100,000. The Ventura program acquired the bulk of necessary purchase funds from a private foundation donor.
- Even with pre-determined schedules, weather and road conditions will always play a factor in achieving consistent and reliable service. Clients must be informed to call ahead for any schedule changes.
- The work hours of farm workers and day laborers, and their inability to get time off from work during the day, can pose great scheduling challenges.

- Reaching and effectively helping individuals with limited English-speaking abilities will require that special attention is paid to recruiting bi-lingual volunteers or other volunteers to serve as interpreters.

### ***CONSIDERATIONS***

- Collaboration is critical to both start-up and maintenance of this delivery method. In this instance, a partnership that included the court's administrative officials, the presiding judge, Self-Help Legal Access Center lawyers, a local law school dean, a private foundation, and community volunteers brought the project from an idea to reality.
- The concept of a mobile law clinic can be replicated in any jurisdiction that has highly prioritized its commitment to serving the public, and that has a court system that is receptive to pro se representation. Because the Ventura project built upon existing resources in the community, it was able to provide a broad range of assistance with limited staff and money. Private or public grants can often provide seed money to start a program or purchase a motor home, but the ongoing costs can be contained through judicious use of existing resources and volunteers.
- Because of its mobility, the mobile center can be adapted to a wide range of needs and services. It lends itself to rural and urban settings and can be easily adapted to unique demographics in terms of the languages spoken or materials carried on board.
- The Ventura Court project coordinators used an intensive outreach program: they addressed city council hearings, posted flyers in laundromats, stores and bakeries, and brought the Mobile Center to Sunday Mass at those churches that serve primarily Spanish speaking populations. Mobile Center coordinators meet regularly with community leaders.
- Other counties in the state are designing their own mobile centers, based on Ventura's award-winning model.

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# INVOLVING THE JUDICIARY AND LAW STUDENTS

## BY PARTNERING WITH LOCAL JUDGES TO TRAIN A COMMUNITY'S ATTORNEYS

### Judges' Best Practices Seminars – Rural Law Center of New York, Inc.

Despite its urban image, New York State has 44 rural counties spread across a vast, sparsely populated area. Since rural practitioners often practice alone, or in small firms, they often do not have the resources available in urban areas and routinely face difficulties of time and distance when trying to meet their mandatory Continuing Legal Education (CLE) requirements. Lawyers from rural areas often have to close their small practices to attend CLE courses in the bigger cities and towns in New York. The courses are often both expensive and not directed toward the needs of a rural practice.

The Rural Law Center of New York corrects this by partnering with local judges and their law clerks to develop half-day trainings suited to local practitioners' needs. These Judges' Best Practices Seminars are actually taught by the community's local judges and

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| COST   |     | ✓      |      |
| STAFF  |     | ✓      |      |
| UPKEEP |     |        | ✓    |

emphasize each judge's recommended "best practices" for effective local representation. The seminars focus on the practice areas of Supreme Court, Family Court, County Court and Surrogate's Court. Local lawyer-participants receive free CLE credits for attending the best practices seminars, so long as the lawyers commit to accepting pro bono cases in their service areas. A local legal services office or local bar association refers the volunteer matters. Pro bono referrals are generally in the areas of family law, bankruptcy/consumer law, elder law, domestic violence law, and landlord-tenant law.

### Project Results/Outcomes

This project has grown quickly. At their first Best Practices course, held in summer 2000, seventy local lawyers attended and pledged to take a pro bono case. In the next two and a half years, the Rural Law Center of New York had expanded the project to reach 26 counties and had received pro bono commitments from 835 rural and small-town lawyers since the start of the project. Project coordinators have not yet estimated the number of clients assisted nor the precise number of lawyers meeting their pro bono pledge, since lawyers have at least one year from the time of their training to take their pro bono matters. However, preliminary project data from all but the very first Best Practices training (in which approximately 25 of 70 attendees went on to take a case) indicate that nearly all of the lawyers who made commitments actually went on to accept a pro bono matter. Project coordinators estimate that in the first thirty months of the project, volunteer lawyers pledged over 8,300 hours of pro bono legal services at a value of more than \$1,250,000.

### PROS

- A model such as this serves the needs of all project partners. The judges can convey their court's specific expectations and thereby elevate the level of practice. The practicing lawyers appreciate the convenience of the seminars and the opportunity to broaden their local practice skills with useful information and guidance from local courts. Local legal services offices benefit when their pro bono programs receive an expanded list of local lawyers willing to accept cases. And, of course, low-income clients receive pro bono legal services.
- The project can be adapted to suit specific training needs and include additional partners. For example, the Rural Law Center of New York partnered with rural domestic violence advocacy groups and other statewide legal trainers to offer domestic violence law trainings to rural and small-town lawyers. This training also attracted funding from a corporate giving program dedicated to supporting domestic violence services.

### CONS

- In order to expand to fill the need and to ensure that project goals continue to be met, this model requires that time and funds be directed to upkeep, and to ongoing administration of the resulting pro bono commitments. Regional legal services offices or pro bono programs can administer volunteer commitments, provide malpractice insurance, and reimburse lawyer expenses.

### ***CONSIDERATIONS***

- When choosing sites for the training seminars, project coordinators must ensure that the local region has an efficient system to coordinate pro bono case assignment.
- To make this an ongoing project, the Rural Law Center of New York successfully raised funds from the New York State Bar Foundation and supplemented those funds with revenue from their yearly IOLTA grant.
- This project may benefit from a wide range of recruitment methods. In order to encourage judges to participate as trainers, the Rural Law Center of New York secured letters of support from administrative judges in rural judicial districts and posted announcements, took out advertisement space in bar association newsletters, and publicized in local press outlets. Once they set up a training, RLCNY sent direct mail to all practicing lawyers in several contiguous counties.
- The creative design of this project has captured some attention outside of New York State and the model is now being replicated in areas of Alaska, Texas, Florida and Maryland.

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## BY USING LAW STUDENTS TO SERVE THE RURAL POOR

### Student Rural Outreach Program – Utah Legal Services

Almost 30% of Utahns with incomes below the poverty level live in rural areas hundreds of miles from the nearest legal services office. But, roughly 90% of the state's practicing lawyers live and practice along the Wasatch Front, a 78-mile area from Ogden to Salt Lake City to Provo. This leaves approximately 500 practicing lawyers to represent the population in the rest of the state. Law students provide a likely pool of pro bono volunteers to help reach these rural residents, but, because it is so difficult to regularly export student volunteers to multiple remote locations, Utah Legal Services (ULS) decided to concentrate some law student pro bono hours in one particular needy area: the Ute Native American Reservation located 130 miles from Salt Lake City.

Through its Student Rural Outreach program, ULS recruits law students to represent juveniles and to act as guardians ad litem (GALs) in abuse and neglect cases in the Ute Tribal Court. Clients of the project include juvenile offenders and juvenile victims of physical and sexual abuse as well as children neglected by their parents. Nonlawyers may be admitted to practice in certain parts of Utah. The Law and Order

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| UPKEEP |     | ✓      |      |

Code of the Ute Indian Tribe of the Uintah and Ouray Reservation, for example, allows students to represent clients as "lay counselors." The Code also stipulates that attorneys and counselors who seek admission to the courts of the Ute Indian Tribe must agree to accept and represent indigent clients without compensation or without full compensation when asked to do so by a judge of the court.

First, a ULS staff attorney and a lawyer with both prosecutorial and defense experience train the students in how to handle neglect and dependency cases in tribal court. These trainings are held every semester. Then, a group of at least five law students, a professor from the law school at Brigham Young University, and the ULS staff attorney travel several times a month to the Uintah-Ouray Tribal Court, where the students serve as GALs.

### Project Results/Outcomes

Prior to this project, the tribal court had been unable to provide legal representation to these juveniles, so both the judges and the students welcomed the chance to help these children.

Approximately 15 cases per week are accepted for representation and service trips are scheduled approximately three weeks out of every month. Project coordinators estimate that in the first 15 months of the program, a total of 176 cases were opened (99 remained open after 15 months while 77 cases had been closed by the project). Each court session involves at least five students and takes an average of 10 hours per week per student, including 5 hours round trip travel time. Project coordinators conservatively estimate that these student pro bono advocates have donated over 2,500 advocate hours in the first 15 months of the program's operation.

#### **PROS**

- This project provides children, who otherwise would not have legal representation, a legal advocate to be present with them in juvenile court.
- By starting with a targeted group in one area, this project leaves room for well-planned expansion both to new schools and to new rural populations. For example, Utah Legal Services is working with the state bar and the University of Utah College of Law to involve more students and volunteer attorneys at other rural clinics. The number of interested law student volunteers from the University of Utah grows; that school also provided 15 students to help in court for a one-month period while the law school was closed for the 2002 Winter Olympics.

#### **CONS**

- Because of distance and travel times, it can be very difficult to match law student schedules with travel to multiple remote areas. Faced with these scheduling realities, ULS project leaders modified the project to provide ongoing service at only one location rather than various rural areas as originally designed.

- Much of the donated time will, in fact, be taken up by travel. In the ULS project, almost half of the estimated donated advocate hours are for travel time. Nevertheless, supervising attorneys and students may use this time to discuss the cases or their experience with other cases and underserved populations.
- Some students who participate in the various trainings and orientations will not go on to sign up for the project. However, some of these students may decide to participate in the project in a later semester or will volunteer at an urban area service provider.

### ***CONSIDERATIONS***

- This type of service project requires some scheduling cooperation on the part of the program receiving pro bono assistance. The Ute Tribal Court has accommodated this project since its inception by setting court hearings every Tuesday.
- Project planners may be able to find some in-kind support for transportation and other costs. In Utah, the Brigham Young University (BYU) Law School has provided a van to transport their students every Tuesday. ULS originally used ABA mini-grant funds to pay for gas and student meals, but BYU is now providing the gas and van on its own. BYU has also provided some ongoing organizational staff, by allowing law student research assistants to help organize trips and recruit law student volunteers.
- Law schools can make this project a class with credit for students who want to be graded in their participation in the project.
- Recruitment for law student volunteers can be easier and more concentrated, given the fact that students are a “captive audience.” ULS used law school publications and posted notices of trainings and opportunities in bulletins and through BYU’s video publicity system, through University employment and volunteer recruitment offices, and through joint publicity efforts with the law school’s public interest law forum and minority law student association. Other ways to recruit include making announcements at fall orientation and in targeted classes such as poverty law, family law, Indian law, or trial advocacy.
- ULS has been able to institutionalize this project as part of its Native American Law Project and has also been able to institutionalize its funding for this project by tapping law school resources and student-run public interest organizations.

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## BY TURNING LAW STUDENT VACATIONS INTO RURAL SERVICE TRIPS

### Spring Break Service Trips – Minnesota Justice Foundation

When it comes to law student resources, Minnesota – like many states – has a mismatch of resources: large numbers of law students live and attend school in the metropolitan region (all four of the state’s law schools are located in the Twin Cities metropolitan area), while a large number of client needs go unmet in the rural Greater Minnesota region. The Minnesota Justice Foundation (MJF) is a nonprofit organization that administers year-round law student volunteer projects and summer clerkships among law students at Minnesota’s law schools – Hamline University, University of St. Thomas, University of Minnesota and William Mitchell College of Law.

In the summer, when students are free of their regular class schedules, MJF places interested student law clerks at rural staff-based legal service agencies, where the students receive a small stipend to work in these rural regions for at least ten weeks during the summer. But during the rest of the year, it is the urban agencies that primarily benefit from law student pro bono

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|--------|-----|--------|------|
| TIME   |     | ✓      |      |
| COST   | ✓   |        |      |
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| UPKEEP |     |        | ✓    |

efforts. Many law students want to volunteer with legal service agencies, if only for a few hours a week, but apart from providing long-distance legal researching, performing centralized client intake, or participating in newly-developing video conferencing projects, it is too time-consuming for students to serve rural providers because of the travel time required.

MJF has begun taking advantage of that “down time” in the law student schedule, popularly known as spring break. MJF staff located on-site at each law school recruit students willing to volunteer during their spring breaks. MJF staff simultaneously work with rural legal services providers to develop short-term service projects.

### Project Results/Outcomes

Every service project is different: some require the time of only a few students while others, such as client outreach projects, can benefit from a dozen or more volunteers. For example, a group of students spent their breaks helping clients from Western Minnesota Legal Services (WMLS) in St. Cloud with immigration forms, while others assisted WMLS clients with welfare extension forms and assisted lawyers with legal research on extension rules. Other volunteers traveled to Bemidji and Moorhead, Minnesota, to conduct outreach at manufactured and mobile home parks in northern Minnesota, surveying residents about pressing legal issues. These students were hosted by All Parks Alliance for Change, HOMELine, and Legal Services of Northwest Minnesota.

Inspired by the students’ willingness to donate their free time, MJF is now recruiting incoming first-year law students even before their law school careers begin: MJF staffers recently took four prospective Hamline law students to Moorhead, Minnesota, for a four-day trip to work with local lawyers on projects related to flood relief in northern Minnesota.

One of MJF’s more popular spring break service trips involves law students traveling to high schools and alternative learning centers in Duluth, Rochester, Winona, and Mankato to teach “Street Law” to the high school and junior high school kids from rural areas and small towns. MJF hosts a mandatory training for the volunteer law students before they are placed in classrooms and asked to teach the teens about law, democracy, human rights and other substantive areas of law that are relevant to the teens’ lives, such as landlord tenant issues or family law. MJF has expanded its Street Law project to winter breaks as well.

### WHY WAIT UNTIL LAW SCHOOL?

Texas Legal Services Center (TLSC) launched its “Face to Face” project in late 2000 to reach rural communities near Abilene. TLSC sends pre-law students from area colleges door-to-door in rural communities to explain several TLSC projects that benefit low income and elderly individuals. Introducing pre-law students to some of the problems faced by the rural poor will hopefully increase the likelihood that they will do more pro bono once they are admitted to the bar. For more information, call TLSC at 1.512.477.6000.

### ***PROS***

- This project helps instill in lawyers – very early, while they are still law students – the professional obligation to provide pro bono legal services to low-income people.
- Students gain valuable client representation skills and work experience to complement their legal studies, and, at the same time, they are made aware of the mounting need for legal services in rural areas.

### ***CONS***

- Administering a joint-law school program will be time-consuming and require staff resources to ensure that each law school is adequately and fairly served and to ensure that appropriate rural legal service programs participate. Minnesota is fortunate to have a stand-alone agency dedicated to recruiting law student volunteers; other states may have to administer similar programs out of a single law school or a single legal service agency.
- Even if joint-law school administration is possible, not all law schools schedule their spring breaks at the same time, which leads to increased volunteer coordination and cost.
- A project such as this includes costs associated with travel, lodging, supervision, and, sometimes, increased insurance costs due to travel.

### ***CONSIDERATIONS***

- To get the most out of very short-term volunteers, legal service providers must spend a good deal of advance time preparing to host the volunteers. For example, for its various spring break service projects, Western Minnesota Legal Services first spread the word in the local community and scheduled clinic sessions at area community centers.
- Given the short duration of the service and the fact that many of the students have only completed a year or less of law school, some student service projects are only quasi-legal in nature. For example, some legal service providers use spring break students to conduct client follow-up, to perform backlogged intake, or to survey residents regarding their legal needs.
- MJF has used staffing available to it through Americorps/VISTA to coordinate rural outreach programs. Law schools are also likely funders for such a project. Some schools conduct faculty donation drives and student fundraisers as well. Many deans, clinics and centers at various law schools target small discretionary grants to such projects.

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# BUILDING URBAN-TO-RURAL BRIDGES

## BY STARTING A LEGAL SERVICES HOTLINE/ADVICE CLINIC

### Consumer Telephone Advice Clinic – West Tennessee Legal Services Pro Bono Project

West Tennessee Legal Services (WTLS) and Memphis Area Legal Services (MALS) are the two legal services providers serving the indigent in the 20 counties that make up western Tennessee. MALS' service region includes Shelby County, home of Tennessee's largest city, Memphis. WTLS serves 17 rural counties in western Tennessee. Both agencies identified consumer law as an area in which clients were not being adequately served; both knew that western Tennessee had the highest per capita rate of bankruptcy filings in the nation. WTLS had no staff members who were consistently able to provide assistance in the consumer law area, and, while MALS had staff familiar with consumer law issues, those staff were already overwhelmed by the legal needs of their urban clients. WTLS surveyed legal requests for a four-month period and discovered that more than 25 callers per week requested consumer information and assistance. As for the private bar, WTLS and MALS concluded that rural practitioners in western Tennessee – most of whom were generalists – were not current on consumer law and debt issues since it was not economically feasible for them to practice an area of law in which the client base had limited financial means.

To fill this need, WTLS partnered with MALS to make use of the large Memphis Bar and recruit urban pro bono lawyers. The partners created a Rural/Urban Telephone Advice Clinic for people needing assistance with consumer matters. This consumer hotline brings urban resources into the rural areas of west Tennessee; project leaders recruit private Memphis-area volunteer lawyers to answer consumer calls once a week, train those lawyers in consumer law, and provide them with

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| TIME   |     | ✓      |      |
| COST   | ✓   |        |      |
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| UPKEEP | ✓   |        |      |

a consumer law handbook. Potential clients call a hotline number and receive an intake interview from a paralegal or other staffer from WTLS or MALS, who determines eligibility and assesses the legal issue. Eligible clients receive an appointment to speak on the telephone with one of the volunteer lawyers in Memphis, toll-free, for a consultation and legal advice. The volunteer lawyers, after first performing conflict checks, give brief advice to eligible clients from their own desks. They advise the clients about their options, send a follow-up letter to the client outlining the options, provide brief services if necessary (such as sending letters to adverse parties), or send documentation or self-help forms so that the client may proceed pro se. If a client needs more in-depth service, the volunteer lawyer handles it as a traditional pro bono case or assigns it to a legal services staff lawyer.

Interested volunteer lawyers receive substantive law training prior to the commencement of their first referral call. WTLS and MALS arranged for the chairperson of the consumer law task force of the Tennessee Alliance of Legal Services to train volunteer lawyers. Lawyers also receive a substantive law manual, technical support from MALS and WTLS, access to library facilities including a manual from the National Consumer Law Center, forms and community education brochures.

### Project Results/Outcomes

Project coordinators first recruited seven volunteer lawyers from the large Memphis law firm of Baker, Donelson, Bearman & Caldwell to handle the consumer advice calls. In its first year and a half of operation, project coordinators held three volunteer lawyer training sessions and recruited thirteen new pro bono lawyers who donated a total of 35 hours and accepted nineteen new cases. Now, MALS and WTLS estimate that the Urban Rural Hotline refers an average of fifteen calls per week to volunteers. Among the problems that pro bono lawyers address are automobile repossession and purchases, rent-to-own contracts, payday loans, home equity and improvement loans, foreclosure, student loans, collection harassment, used-car defects, warranties, and credit report errors. Most of the time, lawyers advise clients on how to proceed pro se and then the lawyers follow up with client letters.

### ***PROS***

- If the volunteer lawyers are operating from an office with toll-free phone access, clients can call their volunteers directly at the appointed time. If not, the volunteer lawyer can phone the client at the appointed time and save the client long-distance phone charges.
- This clinic format can be expanded to include additional law firms or office sites, including corporate law departments; the work can be rotated to avoid over-working one group of volunteers.
- Pro se assistance of this nature is particularly valuable for rural clients with no access to vehicles.

### ***CONS***

- With this type of project, expect a slow start-up while clients and other callers learn of the service. Project developers should consider posting the hotline number at social service agencies and community-based organizations. WTLS and MALS issued press releases to reach more callers and simultaneously posted announcements internally at Memphis law firms in order to reach more volunteer lawyers.
- To be of true value to callers, a pro se telephone advice clinic must have the capacity to operate regularly and often. Many consumer issues require timely resolution or action within very specific time frames in order to prevent larger consumer problems.
- Staff-based legal service programs may expect a greater number of matters to flow to them when volunteer lawyers cannot provide necessary follow-up representation for those matters requiring litigation or other extended service.

### ***CONSIDERATIONS***

- Internet resources can greatly enhance this type of project. For clients with Internet access, information can be made available on a legal services website such as the West Tennessee Legal Services site ([www.wtls.org](http://www.wtls.org)), with information on the consumer hotline, consumer issues, and links to other sources.
- One important product of such an initiative is the creation of community education materials and forms that address very specific issues such as how to claim exemptions, how to file slow pay motions, rights under the Fair Debt act and how to avoid legal problems.
- Remember to arrange for translation services and hearing-impaired services. WTLS and MALS arranged for translation through Language Line and hearing-impaired services through the Tennessee Relay Center.
- Arranging for Continuing Legal Education (CLE) credit for approved consumer law training will attract more volunteers to the program, particularly in jurisdictions with required CLE reporting.

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## BY PARTNERING WITH AN URBAN VOLUNTEER LAWYER PROGRAM

### Rural Pro Bono Project – Central California Legal Services

When Central California Legal Services (CCLS) wanted to expand and improve its own volunteer legal services program, it looked to tap into the resources of an urban partner: the Volunteer Legal Services Program of the Bar Association of San Francisco (BASF). Located in metropolitan San Francisco, BASF's volunteer legal services program benefited from more than 3,000 active volunteer lawyers, paralegals and social service professionals, and from a comprehensive range of volunteer programs including a nonprofit law/community development project, a low-income taxpayer clinic and a consumer law/bankruptcy project. CCLS's volunteer legal services program, serving the rural and ethnically diverse population of the six-county Central Joaquin Valley region, was struggling to grow but encountering difficulty in recruiting rural volunteer lawyers, particularly tax and business or transactional lawyers.

By partnering, CCLS and BASF helped the volunteer programs of both organizations. CCLS received mentoring and guidance from their San Francisco counterparts and at the same time was able to offer BASF's program cultural training and translation services to assist with BASF's monolingual clients, as well as some tax training and technical assistance. CCLS also tapped into BASF's volunteer base. Once it

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| TIME   | ✓   |        |      |
| COST   |     | ✓      |      |
| STAFF  |     |        | ✓    |
| UPKEEP |     | ✓      |      |

determined a client's legal need and eligibility, CCLS would match the client with an attorney from the available pool in the Bay area. The CCLS coordinator would conduct the initial interview, develop a case summary, deliver the necessary information to the urban program, and then maintain regular phone and e-mail communications about open matters.

In addition to its large volunteer corps, BASF's program offered CCLS successful models of volunteer projects, some of which were not available to CCLS. For example, BASF's volunteer project was connected on a national level to the "Power of Attorney" network, which gave them expanded volunteer opportunities for business lawyers to provide pro bono legal services to nonprofits all over the country. BASF had also developed extensive training materials for lawyers interested in volunteering with bankruptcy and consumer matters, as well as a panel of twenty volunteer tax lawyers, several of whom handled multiple cases.

### Project Results/Outcomes

Both programs shared volunteer lawyer referral, standardized intake forms, lawyer support, and case acceptance protocols. Lawyers from San Francisco provided mentoring and guidance to CCLS in all areas, including providing assistance in the drafting of a volunteer manual for CCLS lawyers. However, due to unforeseen budget problems at the urban program that caused a large layoff (including this partnership's liaison), the partnership scaled back its efforts. In its first year, it referred only one community development matter to an urban lawyer who helped a rural housing resources organization incorporate as a nonprofit. However, the partnership did offer a tax cross-training for twelve volunteer lawyers, and the two organizations also had an opportunity to make a joint presentation about their tax collaboration at the annual California State Bar Pro Bono Training.

#### PROS

- Partnering can be more cost and time-efficient than attempting to go it alone. Not only can the rural program avoid using already stretched resources to re-create successful programs, but clients benefit from seamless "behind-the-scenes" cross-referrals.
- Partnering is a sure way to expand organizational capacity; it can also expand a volunteer program's service areas, both geographically and in term of legal subject matter.

#### CONS

- This kind of urban-rural partnership works less well if the geographic distance that must be covered is too great. The closer the better for urban-rural partnerships.

- Staff is almost always required on both ends of the partnership, to coordinate volunteer cross-referrals, cross-trainings, and other resource development.

### ***CONSIDERATIONS***

- In successful partnerships, both partners have something to offer. In this case, CCLS wanted to expand its capacity to deliver pro bono services to rural clients, while BASF was seeking to expand its volunteer immigration and community development work into rural areas. CCLS had cultural capacity to offer, as well as some capacity in tax law; BASF offered a huge volunteer corps, experienced staff, and long-running projects in consumer, tax, immigration and community development law.
- When developing new urban-rural partnerships, consider starting a bit smaller and narrowing the effort to include collaboration on only one, or a few, substantive legal areas that are of particularly high need. These two partners discovered that budget crises and staff turnover made it difficult to refer many matters in tax, immigration and consumer law, and focused instead on providing some community development assistance.
- Rural programs should establish a number of tools to assist in overcoming rural barriers to service. For example, CCLS uses a toll-free number, outreach clinics in outlying communities, home visits for elderly clients, and video conferencing equipment to link with community-based organizations. To meet the needs of its culturally diverse population, CCLS staff has the ability to speak with clients in Spanish, Hmong, Cambodian, Laotian, and Portuguese.

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## BY TAPPING INTO PRO BONO RESOURCES AT LARGE URBAN LAW FIRMS

### Law Firm Pro Bono Roundtable – Minnesota State Bar Association

Sometimes, a community’s staff-based legal services agencies and organized pro bono programs – even working together – cannot place some eligible pro bono matters. Staff may be strapped for time; resources or expertise may be unavailable. In order to stir up more volunteer assistance, some legal services programs and urban bar associations are learning how to tap the pro bono resources available at large city law firms and export lawyer time and expertise to rural clients.

More than ten years ago, several law firm members of the Minnesota State Bar Association’s (MSBA) “Legal Assistance to the Disadvantaged Committee” began meeting to discuss strategies for increasing the legal work that they donate. Using momentum garnered by the Law Firm Pro Bono Challenge as a springboard, this group formed the Law Firm Pro Bono Roundtable. Initially, only the largest Twin Cities law firms with paid pro bono coordinators and a small group of other interested law firm representatives formed the roundtable. Today, the Law Firm Pro Bono Roundtable has grown to include 25 of the largest law firms in the Twin Cities, each with a designated employee who serves as a pro bono contact person.

The roundtable’s purpose is to make it easier for legal services providers and pro bono lawyer programs to

|        | low | medium | high |
|--------|-----|--------|------|
| TIME   |     |        | ✓    |
| COST   | ✓   |        |      |
| STAFF  | ✓   |        |      |
| UPKEEP | ✓   |        |      |

place certain legal matters with participating private firm lawyers. The types of matters referred include a variety of legal matters in which the need simply cannot be met through other resources, such as legal aid agencies, organized volunteer lawyer programs, or other nonprofit organizations that serve low-income clients. The MSBA maintains an e-mail case placement system to send notices of new matters out to the roundtable law firms. Though a client may not contact the roundtable directly, many other groups may refer the client’s matter. The process for referring a client is straightforward: the legal services provider or other referring entity sends a one-page e-mail to a contact person at the MSBA and includes a prescribed set of information. The MSBA then forwards the information to the pro bono contacts at the 25 participating firms. The MSBA also posts a one-paragraph summary as a new matter in the civil law practice area of their web portal located at [www.probono.net/mn](http://www.probono.net/mn).

### Project Results/Outcomes

The Law Firm Pro Bono Roundtable assists with placing approximately 50 matters per year, both urban and rural; about 30% of referrals are for rural or non-metro clients. Law firm pro bono lawyers help clients in the following types of cases: adoptions, civil and criminal appeals (including family law), bankruptcy and consumer problems, pension-related matters, tax, real estate, probate/wills, minor and other trusts, small business and other community development matters, mobile home park issues, housing, education and other discrimination cases (where no lawyer is willing to take for a fee), class actions, transactional matters, and many others.

### PROS

- Regardless of whether the matter is rural- or urban-based, a law firm roundtable helps legal services programs find volunteer lawyers for unusual or unusually difficult cases.
- Firms can assume that cases have been screened for merit unless explicitly stated otherwise.
- Such a referral system can also be expanded so that it can be used by private lawyers representing low-income clients who need expert assistance or who need a firm to handle an appeal.
- This is a very low-cost, low-time method for matching urban resources to rural delivery needs. The advent of e-mail and the Internet means referrals happen more quickly and cases are placed faster.
- Individual clients are not the only eligible clients. Nonprofit organizations with legal needs that no other entity can meet may also refer through the roundtable.

## ***CONS***

- This is not a confidential process; the referrals are circulated widely and therefore, those who refer matters must pay close attention to client confidentiality concerns.
- Tracking numbers using a referral system such as this is challenging. In Minnesota, the bar association program does not track how many private lawyers actually take cases or how many hours they donate. Each legal service agency tracks its own placements and case closures, as does each law firm. Also, the number of e-mail referrals made each year by the MSBA roundtable does not begin to capture the true number of law firm placements since there is a certain level of behind-the-scenes placing. For example, when one rural legal services provider placed a Qualified Domestic Relations Order (QDRO) matter with the roundtable, it received several responses from urban lawyers, so thereafter, the provider called on those volunteers directly when it received subsequent QDRO requests.
- Since clients may not self-refer to a law firm roundtable, a client may have to jump through several hoops before landing with a pro bono lawyer who can help.
- The need to run conflict-checks means that law firm lawyers can take some time before responding to a request. This can be problematic for pressing legal matters or if action is required in a specific time frame. The MSBA project leaders find that it is not unusual for firms to take 10 days or more to respond; they therefore request that programs needing fast turnaround state that very clearly. Then, if there is no response, the MSBA will withdraw the request from the active list and provide a list of the pro bono coordinators at the six firms that are willing to accept direct calls.

## ***CONSIDERATIONS***

- The more information a referring party has, the more flexibly the roundtable can respond and the more quickly matches can proceed. For example, if a referring party knows that one particular law firm is already representing the adverse party in the matter, she may specifically request that her e-mail request not be forwarded to that law firm contact.
- For the maximum support of the private bar, ensure that cases in which a private lawyer would be willing to take the case for a fee are not eligible for the roundtable.

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# TARGETING HIGH-NEED POPULATIONS

## BY PROVIDING TRAINING IN A SPECIFIC, HIGH-DEMAND POVERTY LAW AREA

### Consumer Law Training – Three Rivers Legal Services Volunteer Attorney Program

Low-income families in rural north-central Florida face a shortage of decent, safe, and affordable housing. Increasingly, these rural residents turn to new and used mobile home dealerships as their main resource for shelter. The mobile home industry in north-central Florida is large; all dealers offer “great bargains” and “dream homes” to low-income residents in need of housing, but too many residents get very bad deals - some have signed 30-year promissory notes at 20% interest rates. Many residents purchase new or used mobile homes to set up on family land that is held free and clear. Time and again, Three Rivers Legal Services – the free civil legal services provider serving eligible low-income residents in a twelve county region of north-central Florida – sees clients lose their family homestead because they used the land as collateral or security to purchase overpriced mobile homes at high interest rates. Residents encounter a variety of other consumer-related problems too, such as unmet promises, truth-in-lending violations, shoddy set-ups, property damage, repossession, and foreclosure.

|        | low | medium | high |
|--------|-----|--------|------|
| TIME   |     | ✓      |      |
| COST   |     | ✓      |      |
| STAFF  | ✓   |        |      |
| UPKEEP | ✓   |        |      |

To make matters worse, few private lawyers practice in rural north-central Florida (only 160 lawyers are registered to practice in the 5,372 square miles that make up the seven rural counties in the third judicial circuit, and only 75 are registered in the four rural counties of the eighth judicial circuit) and even fewer have the expertise to address the legal issues of mobile home ownership. Therefore, the Volunteer Attorney Program of Three Rivers Legal Services has a difficult time finding volunteer lawyers with the expertise to represent low-income clients with mobile home and other consumer matters. Also, lawyers in these rural counties have limited access to Continuing Legal Education (CLE) courses; local bar associations have neither the budgets nor the contacts required to bring in mobile home and consumer law experts to train rural practitioners on these issues. So, Three Rivers stepped in to do just that.

### Project Results/Outcomes

The one-day CLE training took place in Live Oak, Florida, in 2001. Thirty-two lawyers (thirteen private lawyers and nineteen legal services lawyers) and one paralegal attended the training, and three new pro bono cases were assigned to the trained volunteers at the training’s conclusion. Three Rivers targeted lawyers in the rural parts of the state’s eighth judicial district. The project coordinators brought in a mobile home litigation expert from North Carolina. Other trainers included a state regulation expert, a mobile home inspector, and a lawyer from the Florida Attorney General’s Office. The training included such topics as state regulations, mobile home set-up and inspection, truth-in-lending issues, arbitration, unfair/deceptive trade practices, and commercial code warranties.

### PROS

- Though a training such as this has the aim of recruiting new pro bono lawyers and training pro bono lawyers in this high-need legal area, it also benefits staff-based legal services attorneys. For example, over 50% of Three Rivers’ eligible rural client base resides in mobile homes. Its staff, therefore, considers this difficult area of law a priority.
- To save travel costs, projects can use local experts/trainers. In future workshops, previously trained attendees can serve as trainers.
- The training materials developed for this CLE course can be shared with other legal services and pro bono programs throughout the state.

## ***CONS***

- Do not expect a single training event to yield significant numbers of new volunteer lawyers. At the Three Rivers' mobile home training, nine of the thirteen private lawyers who attended the training were already volunteers with Three Rivers' Volunteer Attorney Program, and two of these four new recruits chose to pay for the training in lieu of agreeing to accept pro bono matters. Therefore, at least for this first effort, the training yielded only a very small increase in volunteer participation.

## ***CONSIDERATIONS***

- To gain additional funds for this training, project coordinators may charge a tuition fee for those lawyers who were not willing to take the two volunteer matters per year.
- As a complement to the lawyer training, project planners can also develop client self-help guides for low-income consumers buying mobile homes. Self-help materials might help prevent many legal problems before litigation is required.
- To publicize this particular training event, project coordinators mailed out postcards, sent follow-up faxes and placed advertisements in bar association newsletters. As general recruitment methods for the volunteer lawyer program, Three Rivers offers free CLE credit, malpractice insurance, free copy service and support of litigation expenses. Recruitment efforts are constant, with broadcast faxes and group e-mail and listserv announcements, invitation letters from local judges, and in-person requests.

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## BY PROVIDING TECHNICAL TRAINING & ASSISTANCE TO FARMERS ADVOCATES

Family farmers are twice as likely as the general population to live in poverty, as they struggle to deal simultaneously with mounting debt and the demands of the work. Many farmers – often greatly affected by weather, machinery, fluctuating markets, and business finance – face the almost daily possibility of losing their land as well as a complex series of federal programs that affect farm credit and income. Some ex-farmers serve as farmers’ advocates, helping their peers wend their way through these business issues. Having struggled through farm crises themselves, they bring a valued perspective to helping their colleagues. But as depressed world markets and the incursion of corporate agriculture threaten more and more family farms, the system of farmers’ advocates has had to find additional sources of volunteers both to serve as farm advocates and to work with farm advocates on complex financial and legal matters. Especially in light of changing agricultural law and a steady increase in bankruptcies, volunteer lawyers are a likely group to fill this growing need.

Several organizations joined together to offer an intensive three-day training workshop for advocates who work on behalf of those farmers in danger of losing their farms. With design assistance from the ABA Center for Pro Bono’s Rural Pro Bono Delivery Initiative and funding from two ABA Rural mini-grants, The Rural Advancement Foundation International USA (RAFI), the Farmers Legal Action Group (FLAG), The Land Loss Prevention Project, and the National Family Farm Coalition held a training event for farmers’ advocates in North Carolina in the summer of 2001.

### Project Results/Outcomes

The three-day training attracted fourteen advocates (including three lawyers) from seven different states. Trainers used a peer teaching approach, in which the training participants also served as trainers. Other trainers included staff members from RAFI-USA, FLAG, the Land Loss Prevention Project, and the ABA’s Rural Pro Bono Delivery Initiative. The collaborative that formed around this training event continued to work together the following year, both providing ongoing technical assistance to farmers’ advocates and holding a two-day Farm Advocates’ Strategy Session and an Advocates’ Disaster Response Training in the Spring of 2002. Project coordinators trained advocates on farm credit issues, disaster issues, poultry contract problems, and sustainable agriculture matters.

### PROS

- Family farmers are among the most isolated of Americans because of the rural environment in which they live and the demands of farming. Using a system of volunteer advocates remains the best means for penetrating this isolation and helping individual farmers understand and gain access to the government programs (credit, disaster relief, crop insurance, etc.) to which they are entitled.

|        | low | medium | high |
|--------|-----|--------|------|
| TIME   |     |        | ✓    |
| COST   |     | ✓      |      |
| STAFF  |     |        | ✓    |
| UPKEEP |     | ✓      |      |

The goals of this project were to increase the number of skilled advocates and pro bono lawyers who assist farmers with developing workable financial plans, understanding complex lending regulations, and making their way through the federal appeals process. Project coordinators designed the workshop for both new and experienced farmer advocates, and for those considering becoming advocates; it included discussion formats through which experienced advocates could share ideas and brainstorm strategies and cases with one another. During the first two days of training, participants concentrated on the Farm Agency appeals process, how to identify civil rights violations, and Chapter 12 bankruptcy procedures, which allows farmers to file business bankruptcies to avoid selling their equipment before they reorganize their debts. The third day of training was dedicated to exploring how to recruit new pro bono lawyers and the best ways for pro bono lawyers to help in what is often complex litigation. For a full year following the training event, FLAG –through its Advocate Support Program – provided technical assistance to farm advocates by updating its extensive collection of education and training materials.

- This effort, and similar initiatives, will improve rural pro bono delivery because farmer advocates will be trained to bring cases to volunteer lawyers in far better shape than the lawyers would ordinarily receive them, and because advocates will be better trained to steer farmers to the appropriate pro bono lawyers.
- Using training participants as trainers themselves saves on speaker fees or faculty stipends.

### ***CONS***

- Given the few number of advocates trained in a peer-teaching setting, and the fact that the event draws its participants from across the nation, the costs of such an event are very high and include significant personnel and travel expenses. Fortunately the substantial training materials can be made widely available through the Internet and other professional associations.

### ***CONSIDERATIONS***

- Project leaders must remember that the timing of population-specific training can often be critical. This particular training came at an important time, when the number of farmer advocates had been dwindling and the ones who remained tended to be scattered and out of touch with one another.
- This training convened veteran advocates for mutual learning, trained new advocates, and stimulated interaction between advocates and lawyers.
- Project coordinators advertised this training using broadcast e-mails and listserv announcements and mailed announcements to interested organizations and individuals.

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## BY OVERCOMING BARRIERS FACED BY IMMIGRANT POULTRY WORKERS

### Pro Bono Partnership for Worker Education – Equal Justice Center, Texas.

Recent literature and media reports about the abuse of low-wage working people in the poultry industry have affirmed what those close to this industry already knew: that with the consolidation of the largest producers and pressures to increase profits have come a deterioration of the overall working conditions in the production plants – especially for immigrant workers. Government investigations have documented widespread disregard for the basic employment rights of poultry workers, including illegally low wages (the U.S. Department of Labor’s 2000 survey of the industry found wage and hour violations in 100% of the randomly selected poultry plants investigated). Violations included minimum wage and overtime violations, failure to pay workers for all hours worked, illegal wage deductions, and inaccurate pay records.

The steady deterioration of poultry workers’ rights has paralleled poultry firms’ recruitment of increasing numbers of immigrant workers, especially workers migrating from Mexico and Central America. Immigrant workers face a number of barriers in access to the legal system, which make them more vulnerable to violation of their employment rights. Most are unfamiliar with their employment rights under U.S. law, even though they are

|        | low | medium | high |
|--------|-----|--------|------|
| TIME   |     |        | ✓    |
| COST   |     | ✓      |      |
| STAFF  |     |        | ✓    |
| UPKEEP |     | ✓      |      |

typically covered by the same protections as non-immigrant workers; most are unfamiliar with how to connect with agencies or lawyers who can help protect them; and most feel particularly vulnerable to retaliatory discharge if they complain, along with potential immigration consequences depending upon their immigration status.

The poultry industry has come to be concentrated in the leading broiler states of the rural south including Arkansas, Alabama and Texas. The Equal Justice Center, a Texas advocacy organization, is partnering with the National Employment Law Project, Southern Migrant Legal Services, and the National Interfaith Committee for Worker Justice in two different rural areas of the mid-South with large concentrations of rural poultry plants and workers – northwest Arkansas and northern Alabama – to recruit pro bono lawyers and improve access to justice for rural poultry workers.

### Project Results/Outcomes

This project is currently underway. Project partners will develop and disseminate employment rights education materials aimed at increasing workers’ understanding of their legal rights and their sophistication in accessing and utilizing lawyers and government agencies to protect their legal rights. Materials will include pamphlets and videotapes in English and Spanish describing workers’ basic wage rights and short radio spots about poultry workers’ employment rights. Project partners will distribute educational materials directly to workers at house meetings, church and community functions, and other locations identified by outreach workers and will host a group education and trainings session for workers. Project partners expect to reach an estimated 10,000 immigrant poultry workers in Alabama and Arkansas with employment rights and education materials

To increase the pool of pro bono lawyers willing and able to assist these rural poultry workers, project partners will conduct legal training conferences in each target region and will recruit attendees through bar leaders, bar associations, legal services programs and public interest groups. These conferences will cover both basic employment rights under state and federal law and delivery techniques and strategies that pro bono lawyers can utilize in effectively representing these workers, including linking with urban lawyers and resources with the assistance of community-based advocates. Project partners expect to conduct two conferences and recruit and train an estimated 50 pro bono lawyers.

### PROS

- These project efforts will facilitate the development of a group of community leaders and lay persons who support the employment rights of poultry workers in the local community.
- Social service providers, concerned religious leaders, and other community-based advocates can serve as links between pro bono lawyers and the workers.

- Successful project activities should be easy to replicate in other states with substantial numbers of rural immigrant poultry workers, such as Mississippi, Georgia, North Carolina and east Texas. Replication is also possible for other similarly situated client populations such as farm workers and meat packers.

### **CONS**

- Unless in-kind support can be found, the cost of producing the educational materials can run quite high, as can the cost of publicizing workers' rights.
- If tuition stipends/scholarships are offered to attendees of training conferences, attendance may increase but costs will too.

### **CONSIDERATIONS**

- Potential funders of this type of project include local and national private and community foundations that emphasize rights education and rights of disadvantaged minority populations.
- Project partners can adapt the training materials to community-based advocates, such as local social service providers with ties to the poultry worker community, religious leaders serving their parishioners, and physicians or public health workers. Then these advocates will be able to utilize the trainings' reference materials subsequently.
- Widespread publicity is part of the very nature of this project since it is dedicated to educating workers about their rights and making lawyers aware of the need for services in this area. Project partners can target publicity efforts through bar organizations, especially bar sections and committees, and publications related to employment law, employee health and safety, immigrants rights and civil rights. Project partners can also target publicity to immigrant rights organizations, Latino groups, local and state social service providers, churches, local print and broadcast media, and notices in local businesses with immigrant clientele.

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### **REACHING OUT TO RURAL BATTERED WOMEN**

The Pro Bono Program of the Alaska Network on Domestic Violence & Sexual Assault faces unmatched geographical constraints: Alaska's territory equals about one-third of the entire landmass of the United States, and it has hundreds of tiny villages, many of which are inaccessible except by boat or small bush plane. To tackle this vast land expanse, the Alaska Network on Domestic Violence and Sexual Assault created a pro bono program to spread specialized resources through a consortium of domestic violence organizations. The program has a mentorship program for volunteer attorneys who help victims of domestic violence by giving brief legal advice to clients through an information and referral hotline. The mentorship program is modeled on the King County Bar Association's Mentoring Program in Seattle, and the information and referral hotline is modeled on hotlines at the Northwest Women's Law Center and the Northwest Justice Project, also in Washington State. Network personnel visited these programs, interviewed their staff, reviewed their resource materials, and adapted the programs to fit Alaska's unique circumstances. The pro bono program's mentoring attorney keeps her own caseload in order to stay current on legal issues and to confront first-hand the challenges that rural volunteer attorneys confront; she also screens cases, recruits and trains attorneys to take those cases, and, of course, manages the program. For more information, contact the Alaska Network on Domestic Violence and Sexual Assault at 907.586.5643.

# DEVELOPING NON-TRADITIONAL PARTNERSHIPS

## BY COLLABORATING WITH PUBLIC LIBRARIES IN RURAL COMMUNITIES

### Library Liaison Project – Legal Services of Eastern Michigan.

In order to increase access to legal services for the poor in rural Michigan, Legal Services of Eastern Michigan (LSEM) sought out an unusual partner: the statewide network of approximately 85 local public libraries. Because libraries represent an existing and well-established service delivery system in place in every community across the state, they are uniquely positioned to help underserved community members. Libraries are always known entities in any given community. They are accessible, free and helping entities, frequently used by low-income residents of a community. LSEM's challenge was to find a way to utilize public libraries as an expanded source of free legal information and as an access point for intake and legal service. It set out to develop a collaboration through which local community librarians – trained by pro bono lawyers – could help clients find needed information and offer advice on using electronic or hard-copy information resources.

The project required LSEM to forge relationships with library cooperatives and stand-alone public libraries in order to secure their agreement to serve their communities in this new way. Next, LSEM recruited pro bono lawyers from participating areas to train local library staff in what client services LSEM offers and how those services can be accessed via the web site. At the same time, LSEM also began recruiting pro bono lawyers to conduct community legal

|        | low | medium | high |
|--------|-----|--------|------|
| TIME   | ✓   |        |      |
| COST   |     | ✓      |      |
| STAFF  | ✓   |        |      |
| UPKEEP | ✓   |        |      |

education presentations at the local libraries and staff help desks. Finally, LSEM (again, with assistance from a panel of pro bono advocates) developed information kiosks at each library site, with informational brochures, pro se materials and forms, and informational materials on recurring legal problems.

At the libraries, clients may also access materials on the legal services web site, and clients have free use of library fax machines and can ask lawyers staffing help desks at libraries to review documents. The free faxing is key to LSEM's service approach. Eighty percent of all LSEM client intake requires document review because LSEM utilizes a system of "holistic telephone interviewing" designed to uncover all of a client's legal issues. Free faxing allows a client to provide advocates with necessary documents; then, following document review, advocates conduct the holistic telephone interview lasting an hour or more. LSEM provides individual libraries with a \$50 stipend each year to ensure that all clients may fax free of charge.

### Project Results/Outcomes

Though it began as cooperative effort with public libraries only in LSEM's ten-county service area, the project was designed to be replicated elsewhere in the state: 128 libraries from seventeen counties are currently participating. By tracking telephone and client intake records, LSEM can identify 35 clients who were directly assisted by the project during its first year. LSEM recruited ten pro bono lawyers to perform outreach to local libraries during the project's first year.

### PROS

- Many libraries also have meeting rooms that can serve as interview sites or can host community legal education presentations.
- Most of the time and resources necessary for such a project involve start-up costs during the planning and implementation stage: these include costs associated with launching the web page and developing and printing the brochures and other materials for the legal repositories. But pro bono lawyers are likely candidates to provide the additional hours to maintain the initiative.
- This model also fosters other indirect benefits associated with having clients frequent their local libraries, such as exposure to computer and literacy programs.

### ***CONS***

- It is difficult to measure and evaluate the progress of this type of outreach model. LSEM organizers plan to measure their level of outreach by looking at the number of hits to their web site, the number of Internet intakes conducted, the number of LSEM brochures distributed from local libraries, and the number of individuals who are assisted by librarians (the librarians would track the number of requests for assistance).

### ***CONSIDERATIONS***

- Pro bono lawyers can always supplement the legal repository at their assigned local libraries with whatever local materials are appropriate or relevant to that community. For example, pro bono lawyers in the White Pine area made available to all of the libraries in that region a small claims video series that was produced by the Saginaw County Bar Association.
- Project coordinators conducted volunteer recruitment entirely through local bar association meetings and mailings and through in-person solicitations.
- Because the monetary costs of maintaining this initiative are limited to the small stipends made available to libraries to offset fax costs, LSEM is able to absorb ongoing maintenance costs into its annual operating budget, using funding from its Legal Service Corporation basic field service grant.

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## BY FORMING ALLIANCES WITH FAITH COMMUNITIES AND SERVICE AGENCIES

### Interfaith Legal Services Pro Bono Clinic – Southeastern Ohio Legal Services

Southeastern Ohio Legal Services' (SEOLS) nine offices cover a 29-county service area that lies primarily in Appalachian Ohio. After recognizing that pro bono coordinators in rural Ohio counties were having difficulty surmounting the challenges of distance and scarce resources, SEOLS concluded that a non-traditional collaboration might be just the thing for some of its counties. SEOLS looked to a promising new clinic model developing in Licking County – an hour's drive from Columbus in neighboring Franklin County. Developed by Interfaith Legal Services (ILS), the model – as its name suggests – taps members of a community's religious organizations to help in the delivery of legal services. But ILS looks to more than just churches; it promotes the art of community partnering by creating a local alliance of the private bar, faith communities, clergy, legal service providers, social service agencies, the judiciary, and college and law students. This uncommon collection of interests is organized around a basic tenet of all religious faith: the commitment to seek justice on behalf of all persons, regardless of wealth or status. The various ILS clinic partnerships aim to overcome the historical biases and tensions that "big city" legal services programs may experience in rural areas; they allow legal services

|        | low | medium | high |
|--------|-----|--------|------|
| TIME   |     |        | ✓    |
| COST   | ✓   |        |      |
| STAFF  | ✓   |        |      |
| UPKEEP | ✓   |        |      |

lawyers from urban areas to abandon the stranger-in-town role and plug into an existing community with an established history of giving.

ILS opened its first clinic in Licking County in December 2000 and has since expanded to serve four more counties – Franklin (serving the metropolitan area that includes Columbus), Fairfield, Tuscarawas, and Summit. Various county partners come together to form a steering committee to plan each county's clinic. Partners have included common pleas magistrates, assistant prosecutors, criminal defense lawyers, church pastors, legal service staff attorneys, lawyers from county child support enforcement agencies, officials from local welfare departments, and even a hybrid reverend-lawyer. These county steering committees team with SEOLS, local bar associations, and volunteer lawyers to host free, drop-in law clinics.

### Project Results/Outcomes

One evening a month, four to six volunteer lawyers answer clients' legal questions in confidential sessions scheduled over a two- to three-hour period. SEOLS provides at least one staff member on-site to answer poverty law questions that fall outside the volunteers' areas of practice. Volunteers' obligations to clients do not extend beyond the clinic session; however, volunteers are encouraged to accept a case or two from the clinic each year for pro bono representation. College students do much of the setup and intake for the clinics: distributing and collecting intake forms, assigning clients to volunteer lawyers, managing traffic, and so on, but experienced volunteers can eventually share administrative duties on a rotating basis. To reach as many clients as possible, churches take turns hosting the clinic, though for continuity's sake, the clinic sometimes remains at the same church for two consecutive months. Pastors are on hand to help direct setup and to provide counseling to clients who may request it. Lawyers and clients typically meet in Sunday school rooms and church offices.

The Tuscarawas and Summit County clinics have only recently begun operating, but in the first three counties hosting ILS pro bono clinics, project leaders estimate that each year over 40 volunteer lawyers provided free legal services to more than 600 poor and low-income clients. Clients received brief counsel and advice and approximately 13% of clients receive pro bono representation beyond the clinic session.

### PROS

- Since this project operates chiefly on donated time and services, it costs little to run. Volunteer lawyers are required to donate only the hours they spend at one clinic session (though most volunteers either take a case from the clinic or sign up for more than one session). SEOLS provides malpractice insurance coverage to clinic volunteers. Actual costs, such as for copying and mailings, are shared among the local county bar association, SEOLS, and the Ohio Legal Assistance Foundation.

- These successful partnerships encourage other counties in the state to develop their own pro bono projects using the same or a similar delivery model. In Ohio, neither ILS nor SEOLS conditions its offer of technical and administrative support on the adoption of the Interfaith name or model.

### ***CONS***

- Since lawyers see clients on a walk-in basis, there is no prescreening for income eligibility. Therefore, projects should require that walk-in clients disclose their gross monthly income on an intake form and allow clinic volunteers the right to refuse clients who appear to earn sufficient income to hire a lawyer.
- Many volunteer lawyers will need training before staffing a clinic, which will add to the planning time. SEOLS first coordinated a free Continuing Legal Education training in basic poverty law for clinic volunteers and supplied a manual for use at the clinic. But the steering committee's subsequent experience in the clinic setting taught them that the initial training and manual were too broad to be of practical application. Steering committees will therefore need to coordinate more focused Continuing Legal Education sessions for their volunteers (most likely with an emphasis on family law and landlord-tenant issues).

### ***CONSIDERATIONS***

- Volunteer lawyers and bar leaders, particularly those who serve on a county's steering committee, are responsible for recruiting their peers to volunteer at the clinic. They do this primarily over the phone or by cornering a colleague in the courthouse hallway. The steering committee also conducted formal mailings to supplement these efforts. Local clergy could be urged to recruit lawyers from their congregations, and the bar also could conduct a pledge campaign.
- Monthly publicity for the clinic is coordinated among clinic staff, Southeastern Ohio Legal Services support staff, and students. One week before each clinic, a standard announcement runs in the Newark Advocate as well as in any weekly paper serving the community hosting the clinic that month. Fliers advertising upcoming clinic dates and locations are mailed to area social service agencies and churches for posting. Once a system is in place, one designated volunteer could easily handle monthly publicity.
- Counties can adapt this program to the needs of the region it is serving. For example, at a monthly clinic in southeastern Athens County, SEOLS and volunteer lawyers from the Athens County Bar Association help indigent clients fill out pro se divorce forms (developed in cooperation with the local domestic relations court). Lawyers conduct two large classes – one for simple divorces when children are involved and the other for simple divorces with no children involved. Two additional lawyers are on hand to help clients with other pro se matters.

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# MINIMIZING GEOGRAPHIC DIVIDES WITH TECHNOLOGY

## BY USING THE INTERNET TO REACH RURAL CLIENTS AND THEIR ADVOCATES

### Rural Outreach – Nebraska Appleseed

The majority of Nebraska’s population live in small towns and rural communities of fewer than 25,000 people. Sixty-six of its ninety-three counties have populations of less than 10,000 people. These counties are home to struggling low-income families. While Nebraska’s overall poverty rate is below the national average (thanks to expanding job opportunities in the metropolitan centers of Omaha and Lincoln), Nebraska’s rural poverty rate is far above average. Nebraska is now home to three of the poorest rural counties in the entire nation. While rural pro bono lawyering has occurred, it has been happening in small, well-meaning, but under-informed, ways. Rural lawyers have little direct access to procedural and tactical information on legal problems of low-income families, family farmers, and immigrants. And trainings on these issues are few and far between in rural Nebraska.

Nebraska Appleseed sought to correct this by developing its Equal Justice Clearinghouse, an online resource located at [www.NeEqualJustice.org](http://www.NeEqualJustice.org), designed to put basic legal information into the hands of pro bono lawyers, community organizations, and low-income individuals. The site includes three portals: one designed for lawyers who represent the low-income (with pleadings, forms, manuals, case law and important links); one designed for low-income Nebraskans themselves (with community legal education materials, self-help materials, forms and links); and a third for community organizations and advocates that

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| UPKEEP |     | ✓      |      |

work with low-income Nebraskans (with legal and public policy information, legislative updates and bulleting boards).

A stated goal of the Clearinghouse was to promote rural pro bono and help needy rural Nebraskans gain greater access to justice. But once they developed their website, Nebraska Appleseed was confronted with another problem: how to get the website into the hands of the rural Nebraskans who could most benefit. Nebraska Appleseed launched a rural outreach campaign to encourage rural lawyers, community organizations, and rural clients to use the resource. It partnered with the Volunteer Lawyers Project of the Nebraska State Bar Association (NSBA), which as an entity had committed itself to improving the use of, and access to, technology by Nebraska lawyers. The partners concluded that the time was right to get this resource out to rural Nebraska, after the NSBA completed a member survey of over 1,600 evenly distributed urban and rural Nebraska lawyers and found that 91% were connected to the Internet and most used these connections to conduct online legal research.

### Project Results/Outcomes

This outreach campaign is currently underway and is focused on Sidney, Wayne and McCook Counties – all hundreds of miles apart. Nebraska Appleseed expanded a half-time staff attorney’s time by another 25% so that the attorney could lead the publicity and outreach effort. This attorney is responsible for marketing, building web content, and training others in the use of the site.

#### PROS

- Online projects show how rural communities especially can use technology to bring justice closer to home. The use of online pro bono and other legal resources is a creative response to the large gap between the numbers of rural impoverished clients and lawyers engaged in pro bono activity in their communities.
- The potential of an online clearinghouse is immense. The site can create a supportive online community focused on equal justice issues, with lawyers, low-income clients and community advocates all communicating with one another. It can also help create a virtual community of rural pro bono lawyers in the state.

#### CONS

- An online resource is only as valuable as its content, which must be updated regularly and with relevant materials. Updating content and re-designing an online clearinghouse in response to user feedback can be time-consuming.

But in encouraging more people to take advantage of web technology, projects must ensure that the online resource has the content that users want, as well as the content they need but did not realize they could get.

- An outreach and publicity campaign is never really over at the conclusion of the first marketing wave. Rather, marketing and outreach is an ongoing task, and while it may get easier and less costly as the resource becomes better known, project assets must be continually devoted to outreach.

### **CONSIDERATIONS**

- Besides the Nebraska State Bar Association, Nebraska Appleseed partnered with the Nebraska Association of Trial Attorneys, Nebraska Legal Services, law school clinics, and statewide community-based organizations like rural churches and community centers.
- Project coordinators can greatly and inexpensively expand the website's legal content by working with law school clinics and faculty.
- Project coordinators may market their online resource site by using direct mailings and targeted e-mail announcements to various bar association section and members lists (including prospective lawyers) and by placing articles on websites and in bar and legal publications and sending marketing materials to food pantries, job training sites, state libraries, social service organizations and units of state and local government.
- When refining the website and its content, project coordinators must be careful to incorporate the appraisals and feedback of rural practitioners and clients: what kinds of services and legal resources are still needed, what technology gaps remain, and what problems are people encountering with online pleadings and forms?

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www.NeEqualJustice.org

### **TECHNOLOGY: MORE IS BETTER**

In a recent report on technology and legal services, Julia Gordon – formerly of the Project for the Future of Equal Justice – outlines three main methods for increasing online content available to advocates and clients. The first and easiest is simply facilitating the location of already existing content by providing annotated links to useful sites, creating portal sites (websites that aggregate other web resources) for certain categories of information, and creating specialized search engines to search specified sites. With the second method, organizations create their own websites, using their staff or volunteers to find important material, convert it to digital form if necessary, and post it to the organization's site. The third method uses all members of the community who take individual responsibility for contributing their own work product to the digital collection. Technologically, it requires that websites be able to accept contributions from individuals without requiring them to have specialized technical knowledge. An increasing number of these sites already exist or are being constructed, including the numerous statewide websites created by Probono.net and Kaivo. This method requires that every advocate consider him or herself to be a crucial part of the community knowledge base, and to take that responsibility seriously by contributing quality work product into the database. For more information on the remarkable strides made by legal services programs in harnessing technology to improve client services, see Gordon's report on behalf of the Project for the Future of Equal Justice, a joint effort of the National Legal Aid and Defender Association and the Center for Law and Social Policy, "Equal Justice and the Digital Revolution: Using Technology to Meet the Needs of Low-Income People" (November 2002).

The report is online at:  
[www.clasp.org/DMS/Documents/1035576585.3/digital\\_revolution.pdf](http://www.clasp.org/DMS/Documents/1035576585.3/digital_revolution.pdf).

## BY USING VIDEO CONFERENCING FOR RURAL CLIENT OUTREACH

### Video Conferencing – Montana Legal Services Association and Pine Tree Legal Assistance

In the legal services arena, video conferencing is a tool most often used by staff-based legal services organizations, but this technological advance has limitless value for pro bono lawyer programs as well. Video conferencing allows people in different places to communicate together by hearing and seeing one another with specially equipped microphones, speakers, cameras, and computer or projection equipment. Two-way interactive video uses telephone lines to transmit live video sound and still pictures at the same time. Recent technology allows this to occur with such speed and quality that it is almost like being in the same room. The equipment compresses the analog signal into a digital signal and sends it over the telephone line. The signal is received almost instantly at the other end and decompressed back into an analog signal. This allows for full motion video to be sent over telephone lines.

The use of video conferencing is nothing new to many legal services programs, but Montana Legal Services Association (MLSA) recently proposed using video conferencing in a relatively unique manner. MLSA's pilot project places a lawyer – via video conferencing – in a remote location to represent a client in a courtroom. Naturally, the system can be used to interview and counsel a client at long distances but, its main purpose is to provide direct representation before a judge in a courtroom setting. MLSA has partnered with the Montana Supreme Court's Court Assessment Program, the Montana Juvenile Probation Officer's Association, and the 16th Judicial District to develop the project. The system links a lawyer

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| UPKEEP |     | ✓      |      |

in the MLSA Missoula office in Western Montana with the court in Eastern Montana's Custer County. An MLSA lawyer and paralegal interview and conduct intake via videoconference and then provide legal advice and representation to clients who are hundreds of miles away.

Pine Tree Legal Assistance (PTLA) is also piloting a video conferencing project. PTLA uses a different kind of collaborative approach, partnering with Maine Telemedicine Services (Telemedicine involves using telecommunications to provide medical information and services), which helped to establish the PTLA teleconferencing network. PTLA has seven offices, all of which host video conference facilities. The partnership with MTS provides PTLA with access to MTS video conferencing sites from a network with locations in hospitals, community health centers, and state agencies – many located in rural areas where PTLA has no office or regular presence. Clients will be able to access these video conferencing facilities through PTLA's intake system. If it is necessary to have face-to-face contact, clients and PTLA staff can consult anywhere in the state through the video conferencing system.

### Project Results/Outcomes

These and many other video conferencing pilot projects are still relatively young. PTLA's partnership with MTS significantly expands PTLA's ability to serve clients in rural areas through video conferencing by providing PTLA with access to over 100 video conferencing locations.

Currently, MLSA videoconferencing services are limited to one county – Custer – and to the courthouse located in Miles City, which has four video connections allowing for private interviews and discussions with clients behind closed doors as well as connections to the courtrooms that enable video conference representation on behalf of clients during hearings and trials. As a result of their video conferencing project, MLSA expanded service delivery to a sparsely populated portion of the state where, previously, no MLSA staff was located and services were limited. MLSA routinely uses video conferencing for client interviews, witness preparation, even depositions. Though MLSA is only using the technology in one county, six additional counties are now coming "on-line." MLSA reports that direct client services have expanded in small, but steady, increments.

### PROS

- With diminishing resources and great distances in rural states, video conferencing can be a cost effective and efficient way to provide services to clients in remote areas. Lawyers can be "present" in remote locations without the time and expense of travel.
- Video conferencing provides rural clients with greater access to the courts and results in more and better lawyer client communication.

- Judges should appreciate the reduced driving requirements to rural locations. Ideally courts could expand video conferencing capabilities to all county courts and jails; additional deployments could include the crime lab, juvenile detention facilities, and the Attorney General's office.
- While video conferencing equipment is ideal for client use, management and staff may also use video conferencing capabilities to communicate between offices and provide program support to staff. In those one-attorney remote offices, which often present supervision and logistical challenges, video conferencing capabilities allow for a greater degree of supervision and communication. PTLA currently maintains two one-attorney offices and video conferencing equipment is regularly used to hold meetings between offices and conduct trainings.
- This technology is ideal for public education and Continuing Legal Education events as well.

### **CONS**

- Courtroom video conferencing projects should be prepared to encounter some impediments to implementation due to civil procedure and evidence rules. In Montana, MLSA is generating evidence rule changes to make video conferencing more available for the use of non-party witnesses. Judicial support and involvement is essential to make the project function well.
- The per unit cost for video conferencing equipment is cost prohibitive for many agencies, which are already suffering budget cutbacks. While it may be possible to sustain the costs of such a projects on a smaller scale – limited to one or a few counties, the online cost of providing statewide video conferencing remains prohibitive.
- Both MLSA and PTLA received Technology Initiative Grants (TIG) from the Legal Service Corporation, which made their initiatives possible. Like MLSA and PTLA, interested parties should explore collaborative partnerships to bring online costs within reasonable sustainable limits, at least in the short run.

### **CONSIDERATIONS**

- This strategy has important ramifications for assisting with pro se projects. Montana partners are exploring the efficacy of using video conferencing to provide assistance to pro se litigants in courts in remote areas of the state. They are assessing the impact on clients and the courts of providing brief advice and counsel via video conferencing to clients who have had the opportunity to review pro se materials at the court and/or via the state website. Pro bono lawyers or legal services staff could assess the merits of the client's case and advise clients on the issues they should stress and the line of argument they should follow.
- PTLA uses video conferencing equipment that supports the minimum requirements for communicating via video conferencing with American Sign Language.
- Consider involving law schools in your video conferencing project. Law student volunteers can be a valuable resource in a remote assistance delivery model that reaches rural clients or rural legal services agencies.

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### **STAFF-BASED LEGAL SERVICES GET A TECHNOLOGY BOOST**

The Legal Services Corporation has identified technology as a primary strategy for enhancing client access to services. LSC's Technology Initiative Grant Program (TIG) is its most powerful tool to help programs ramp up existing technology systems. LSC received 98 grant applications for 2002 TIG funding and made 55 awards totaling \$4.4 million. Some TIG grants will allow:

- Alaska to install computers in six courthouses with access to legal information and self-help materials on the statewide legal services website;
- Maryland to create a web-based pro se litigant support system for some of the 24 court-funded assisted pro se programs; and
- Orange County, California to expand the I-CAN! (Interactive Community Assistance Network) services to include an Earned Income Credit module that allows low-income workers to complete tax forms and file them electronically.

For more information, see Legal Services Corporation, "Strategic Directions 2000-2005: Progress Report for 2002" (January 2003). The report is located online at [www.lsc.gov/Websitedocs/SDpr02.pdf](http://www.lsc.gov/Websitedocs/SDpr02.pdf).

# PLANNING AS A COMMUNITY

## BY CONVENING LOCAL COMMUNITY PRO BONO PLANNING MEETINGS

### Rural Community Summit Project – Oregon Law Center

In 2001, the Oregon State Bar Association, the Oregon Judicial Department and the Office of the Governor had completed a statewide assessment of legal needs, which concluded that the state’s poverty population had the assistance of a lawyer to help them with their legal matter less than 18% of the time. When assistance was available, private lawyers handled 20% of the matters on a pro bono or reduced fee basis – a clear illustration of the importance of pro bono delivery in the service equation.

But the legal services equation is not the same across rural communities. Every rural community is unique, presenting different barriers to legal services delivery and offering unique sets of resources too. Sometimes, various community members have already devised strategies for surmounting some of these obstacles or accessing these resources, in which case, it is the job of a rural pro bono program to analyze those strategies and adapt them to the growing rural need for legal services. The Oregon Law Center (OLC) recognized that the rural communities of Oregon could benefit from the development of region-specific pro bono legal services delivery models. OLC, which provides civil legal services to low-income clients from three rural offices and one urban office, proposed to design and implement a series of pro bono summits by gathering key stakeholders to discuss the role of pro bono legal services in their communities.

### Project Results/Outcomes

This project, slowed by a change in leadership both at the state bar association and at one of OLC’s rural offices, is still in its early design stage. Project leaders have made some preliminary progress however, by designing a preliminary half-day curriculum for the first summit and by identifying the key stakeholders from the local and state arenas. Project leaders intend to hold one summit in each of the three rural areas served by OLC offices. OLC would host the summit using input from participants to structure the curriculum so as to target areas of interest in specific rural locales. Local judges, lawyers, and other participants would help plan the summits and share responsibility for outcomes. Upon the conclusion of each summit, a specific rural pro bono strategy will be adopted with a plan of action for implementation of the strategy. All participants will share responsibility for implementation and OLC will provide oversight and organize future meetings.

### PROS

- The summit model allows for local community ownership of short- and long-term pro bono legal services delivery plans that are tailored to individual community needs. Communities can adapt service strategies, recruitment methods and other pro bono activities in a manner consistent with their own unique needs and cultures.
- The creation of a community summit model should be replicable by other service areas and by the state’s other legal service providers. Several products could be easily duplicated, including suggested participants, draft letters of invitation, logistical issue lists, budgets, time lines, and summit curricula.

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| UPKEEP |     | ✓      |      |

OLC’s three rural offices serve a large geographical region spreading over nine counties and covering about one-third of the state. In the service areas of each of these three rural offices, OLC sought to build cooperative networks of community and legal service providers. The networks would cross the business, nonprofit, and government sectors to convene legal and other service providers from a particular community, including sole practitioners, law firm representatives, judges and other court representatives, bar representatives, and staff from homeless shelters and domestic violence programs. The state bar and legal services providers would also participate. At the summits, participants would follow a curriculum that would emphasize: examining current pro bono activities in the region; reviewing local legal services needs in conjunction with the state assessment; discussing the use of urban lawyers to supplement the few lawyers in rural areas; and creating an action plan that identifies specific projects to enact and who is responsible for the actions.

- These summits could provide ideal opportunities to examine the use of technology in the delivery of rural pro bono legal services.

### ***CONS***

- Since this strategy involves first-stage community planning, it will not likely result in an immediate increase of the numbers of pro bono lawyers and low-income clients.
- A substantial amount of time will be required in this strategy's early development stages to identify stakeholders, forge connections, develop the curricula, and plan the summits.

### ***CONSIDERATIONS***

- Project coordinators could seek modest financial support from rural law firms and lawyers to help pay for summit meals and the cost of materials. They could also explore the possibility of securing in-kind donations from local restaurants and copy shops.
- Likely project leaders for this strategy are either a state bar association's pro bono committee or a staff-based legal service provider. Local judges, local or county bar association representatives, and local lawyers are likely summit participants.

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## BY APPOINTING COUNTY LEADERS TO DEVELOP AND EXPAND PRO BONO

### County-by-County Facilitators – Neighborhood Legal Services, Pennsylvania.

The Neighborhood Legal Services Association (NLSA), together with Laurel Legal Services and Southwestern Pennsylvania Legal Aid Society, formed the Southwestern Pennsylvania Legal Services Consortium to better meet the needs of indigent clients in the 14-county region. All but two of the fourteen counties are primarily rural. While these two most populous counties within the Consortium had strong pro bono programs, at least ten of the remaining counties had either no pro bono program at all or very small ones.

In order to formulate and implement plans to create or expand pro bono programs in these rural counties, and to simultaneously combat long-entrenched negative attitudes toward pro bono in these rural counties, the Consortium proposed approaching pro bono planning on a county-by-county basis. The Consortium would appoint one legal service provider in each rural county to act as a “Pro Bono Facilitator” who would be responsible for working with local judges and local bar leaders to either expand an existing pro bono program or to create one. Each facilitator would address the following pro bono delivery issues within his or her community: recruitment, training, mentoring, recognition, court accommodation (i.e. court costs waivers), screening, referral procedures, and follow-up/evaluation procedures. NLSA’s project coordinator would mentor the Pro Bono Facilitators and help them adapt pro bono strategies and forms that were being successfully

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| UPKEEP |     | ✓      |      |

used in other jurisdictions. Finally, because family law issues constituted the largest need, project leaders anticipated that every county would choose to focus on family law, particularly for support, divorce and custody matters, where there is very little free help available.

NLSA and the Consortium initiated county-by-county planning in five counties that were struggling to develop solid and stable pro bono programs: Indiana, Cambria, Washington, Butler and Lawrence. Each of these counties used reduced fee or judicare programs, through which a staff-based legal services program pays private lawyers to represent indigent clients. In Indiana and Cambria Counties, private lawyers take one pro bono case for every case paid under judicare; in Washington County, private lawyers handle one pro bono case per year and then are paid to handle other cases during the year; and in Butler and Lawrence Counties, private lawyers handle between 80 and 95% of referrals as reduced fee matters. Because judicare programs are expensive to operate, the legal services programs had been making very few referrals through them.

### Project Results/Outcomes

Historically, the five project counties had used judicare or reduced fee programs primarily because of the strong resistance to pro bono by private lawyers and local judges. That pro bono resistance has turned out to be an even larger obstacle for county facilitators than project planners originally anticipated. As predicted, all counties did prioritize family law as the area of law in which the demand for assistance far outweighs the volunteer help available. But only Indiana County saw an increase in pro bono participation, with 18 new pro bono cases accepted and 60 private lawyer hours donated. And only Washington County’s planners developed a training event (forty lawyers attended). Project leaders predict that planning efforts in Cambria County will soon halt because resistance within the local bar association and among the local judges is too strong. In all other counties, the local bar associations played important roles, either by providing funding, by engaging an active pro bono committee, by collaborating with judges to send pro bono invitations to all active lawyers, and – in one county (Butler) – by working to convince judges that allowing lawyers to file limited appearances could attract new family law volunteer lawyers.

### PROS

- This county planning model allows for local community ownership of pro bono legal services delivery models that are tailored to individual county needs.

- County participants can look to other counties to adapt or duplicate service strategies, recruitment methods and other pro bono activities in a manner consistent with their own unique needs and cultures.

### ***CONS***

- Implementing a planning strategy such as this one will not result in immediate increases in the numbers of actual clients served, since the main premise of the project is to enlist the judiciary and local bar in the pro bono education and recruitment of private lawyers.

### ***CONSIDERATIONS***

- Other likely means of funding this planning effort program include requests to local bar associations or earmarking IOLTA funding.
- Planning project leaders can also explore ways to increase other resources available to pro bono lawyers. Pennsylvania's statewide support center developed a user-friendly brief bank service for legal services providers across Pennsylvania. The brief bank makes training materials, forms, and other materials available to pro bono volunteers.

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# SECTION IV: OTHER RESOURCES



The American Bar Association

## IV. OTHER RESOURCES

### NATIONAL PRO BONO ORGANIZATIONS:

**The American Bar Association's Standing Committee on Pro Bono and Public Service**, and its project the Center for Pro Bono, serve as a national source of information on pro bono legal services.

Visit [www.abaprobono.org](http://www.abaprobono.org) or call 312.988.5769.

**The Pro Bono Institute**, housed at Georgetown University Law Center, administers the Law Firm Pro Bono Challenge and explores new approaches to the provision of legal services to the poor, disadvantaged, and other individuals or groups unable to secure legal assistance to address critical problems.

Visit [www.probonoinst.org](http://www.probonoinst.org) or call 202.662.9699.

**CorporateProBono.Org (CPBO)** is a nationwide initiative designed to increase the amount of pro bono work performed by in-house counsel and to assist legal services, pro bono, and public interest programs in publicizing and placing pro bono matters with in-house lawyers.

Visit [www.corporateprobono.org](http://www.corporateprobono.org) or call 202.662.9699.

**Power of Attorney** has developed a network of trained specialists to screen and match volunteer business attorneys with nonprofits.

Visit [www.powerofattorney.org](http://www.powerofattorney.org) or call 212.643.6242.

**Pro Bono Net** uses information technology to increase the amount and quality of legal services provided to low-income individuals and communities by the public interest/pro bono lawyers.

Visit [www.probono.net](http://www.probono.net) or call 212.760.2554.

**The Public Service Law Network Worldwide**, or PSLawNet, is a network of law schools and law-related public interest organizations that use an online database as a comprehensive clearinghouse of public interest opportunities.

Visit [www.pslawnet.org](http://www.pslawnet.org) or call 212.998.6222.

**The Veterans Consortium Pro Bono Program** provides free attorneys to veterans and their qualifying family members who have an appeal pending at the U.S. Court of Appeals for Veterans Claims.

Visit [www.vetsprobono.org](http://www.vetsprobono.org) or call 888.838.7727.

**The Association of American Law Schools' Commission on Pro Bono and Public Service Opportunities** maintains an online listing of its reports and findings.

Visit [www.aals.org/probono/](http://www.aals.org/probono/) or call 202.296.8851.

**The National Federation of Paralegal Associations** maintains an extensive Pro Bono website.

Visit [www.paralegals.org/ProBono/home.html](http://www.paralegals.org/ProBono/home.html) or call 816.941.4000.

## RURAL RESOURCES:

**The Rural Policy Research Institute** encourages ongoing dialogue on issues affecting rural America.

Visit [www.rupri.org](http://www.rupri.org) or call 573.882.0316. For a series of maps that use data from the 2000 Census to highlight county poverty rates, high- and persistent-poverty counties, and rural per capita income gaps, go to: [www.rupri.org/articles/poverty/](http://www.rupri.org/articles/poverty/).

**The Rural Poverty Research Center** is a community of policymakers, practitioners and researchers seeking to understand how policy and practice can reduce poverty across the rural-urban continuum.

Visit [www.rprconline.org](http://www.rprconline.org) or call 541.737.1442.

**The Rural Assistance Center** is designed to meet the information needs of those seeking to maintain and improve the access, quality, and financial viability of health and human service delivery systems in rural America.

Visit [www.raconline.org](http://www.raconline.org) or call 800.270.1898.

**The Center for Rural Entrepreneurship** helps entities in rural America realize their entrepreneurial potential.

Visit [www.ruraleship.org](http://www.ruraleship.org) or call 402.323.7339.

**The National Rural Network** creates awareness and understanding of those public policies that enhance the viability of rural America.

Visit [www.nationalruralnetwork.org](http://www.nationalruralnetwork.org) or call 573.882.0316.

For a list of rural and urban programs that receive funding from the Legal Services Corporation, go to: [www.lsc.gov/links.htm](http://www.lsc.gov/links.htm).

## NATIONAL SUPPORT CENTERS AND PUBLIC INTEREST LEGAL ORGANIZATIONS:

### **Alliance For Justice**

www.afj.org  
202.822.6070

### **AARP Legal Advocacy Group**

www.aarp.org  
202.434.6424

### **Bazon Center for Mental Health Law**

www.bazon.org  
202.467.5730

### **Brennan Center**

www.brennancenter.org  
212.998.6730

### **Center for Law and Social Policy (CLASP)**

www.clasp.org  
202.328.5140

### **Center for Social Gerontology**

www.tcsg.org  
734.665.1126

### **Children's Defense Fund**

www.childrensdefense.org  
202.628.8787

### **Equal Justice Works (formerly National Association of Public Interest Law)**

www.equaljusticeworks.org  
202.466.3686

### **Farmers Legal Action Group**

www.flaginc.org  
800.233.4534

### **Legal Services Corporation**

www.lsc.gov  
202.295.1500

### **Management Information Exchange**

www.m-i-e.org  
617.556.0288

### **National Association of Protection and Advocacy Systems**

www.protectionandadvocacy.com  
202.408.9514

### **National Center for Poverty Law**

www.povertylaw.org  
312.263.3830

### **National Center for Youth Law**

www.youthlaw.org  
510.835.8098

### **National Consumer Law Center**

www.consumerlaw.org  
617.523.8010

### **National Economic Development & Law Center**

www.nedlc.org  
510.251.2600

### **National Employment Law Project**

www.nelp.org  
212.285.3025

### **National Equal Justice Library**

http://nejl.wcl.american.edu  
202.274.4311

### **National Federation of Paralegal Associations**

www.paralegals.org  
816.941.4000

### **National Health Law Program**

www.healthlaw.org  
202.289.7661

### **National Housing Law Project**

www.nhlp.org  
510.251.9400

### **National Immigration Law Center**

www.nilc.org  
213.639.3900

### **National Legal Aid and Defender Association**

www.nlada.org  
202.452.0620

### **National Senior Citizens Law Center**

www.nslc.org  
202.289.6976

### **National Veterans Legal Services Program**

www.nvlsp.org  
1.800.6885.VET

### **Project for the Future of Equal Justice**

www.equaljustice.org  
202.452.0620

### **Southern Poverty Law Center**

www.splcenter.org  
334.264.0286

### **Trial Lawyers for Public Justice**

www.tlpj.org  
202.797.8600

### **Welfare Law Center**

www.welfarelaw.org  
212.633.6967

