Dear Members of the YLD Access to Legal Services Committee:

Thank you for being a member of our Committee. In this edition of our newsletter, we focus on recent updates and initiatives around the nation which spotlight Access to Legal Services issues that may be of interest to you. Please contact us for more information or to get involved with the work of our Committee!

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Thank you to our committee Vice Chairs, Joshua Hamm and Brooke Weitzman, and our Content Editors, Eli Marchbanks and Chelsie Elliott, who contributed to this edition of the newsletter!

Please look out for updates regarding future programming we are planning. Additionally, if you have an interest in further news and analysis concerning access to justice issues, please visit the ABA Access to Justice Blog: http://abaatj.wordpress.com/

Thank you.

Amber Rush
2016-2017 Committee Chair, ABA YLD Access to Legal Services Committee
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NEWS AND ANNOUNCEMENTS >>

Texas Justice Incubator: Bridging the Justice Gap and Training Young Lawyers
By Joshua Hamm

Many young lawyers begin their careers with little to no guidance on how to sustain a successful law practice, and little to no incentive to seek out clients unable pay for legal services. Law Firm Incubators have attempted to address both issues for nearly 10 years.

The first law firm incubator launched in 2007 when the City University of New York Law School created its Incubator for Justice Program. On April 1, 2017, the State Bar of Texas introduced its Texas Opportunity & Justice Incubator (TOJI).

What is TOJI?
TOJI is an effort to expand access to justice for low income Texans and to train newly licensed lawyers. TOJI requires an 18-month commitment to represent low and moderate-income clients while learning how to run a law office. It provides participants with free office space for the first six months, mentorship, training, a community of other solo practitioners with whom to consult, and other resources such as research and practice management software.

Where can I participate?
TOJI participants must being in the Austin, TX office. However, after completing the 18-month program participants are able to relocate.

Who can participate?
Attorneys licensed to practice law in Texas with fewer than five years of experience and an entrepreneurial spirit are encouraged to apply. Also, attorneys with more than five years of experience are encouraged to participate as mentors to the participants.

How to participate?
Prospective applicants should submit a resume and a statement of interest to Anne-Marie.Rabago@texasbar.com.

Prospective mentors or CLE speakers should submit their information via the contact form provided at http://txoji.wpengine.com/about-us/#FAQ.


Joshua Hamm is an Assistant Attorney General based in Texas.

Save the Date!

2017 ABA Annual Meeting
New York, New York
August 10-15, 2017

ARTICLES >>

Working with Interpreters
By Desirae Hutchison

There are numerous languages spoken in the United States. As such, you can expect instances where people seeking legal services may need to use an interpreter to communicate with attorneys whether it be their attorney or opposing counsel.

Using an interpreter is often beneficial for both the client and attorney. Even someone who is fluent in English may be more comfortable and better able to provide detailed and extensive information in their native language. This is particularly helpful in areas where the details can make or break a case, for instance, when someone is seeking asylum, or a domestic violence restraining order.

Working with interpreters can be difficult at first, but these practical tips should help you get started in perfecting a technique that works best for you:

1. Set boundaries and expectations with the interpreter before meeting with the client.

   You want to discuss any boundaries or expectations with the interpreter before meeting with the client to avoid misunderstandings later. For instance, I ask interpreters not to answer the client’s questions, even if they may know the answer. Some interpreters have been working with specific legal issues for years and may be very familiar with the process. However, I’d rather be the one to provide any advice or resources.

2. Explain the boundaries and expectations again to the client.
Although you have already explained it to the interpreter, the client also needs to know the boundaries and expectations.

3. Think about the seating position before the interpreter and client arrives.

I prefer for the interpreter to sit next to the client. For me, it makes the situation more natural, as I do not have to turn completely away from the client to speak with the interpreter. However, if you are working with an ASL interpreter, it may be better for the interpreter to be seated next to you.

4. Maintain eye contact throughout.

It is easy to talk directly to the interpreter since the client cannot understand you, but your eyes really should be on your client. An important part of legal work is building rapport and eye contact will help achieve that. When you make eye contact while asking questions, the client may be more likely to make eye contact back.

5. If something is not translated, ask.

Even though you may have set boundaries and expectation early on, it is easy for someone to strike up a side conversation during a break or for further conversation to occur after a question has been answered. The interpreter is may not think it necessary to translate harmless chatter. Do not get upset with the interpreter, simply ask them to translate. Remind everyone that you need everything to be interpreted, even if it is just a side comment.


Sometimes the words or phrases you are using do not exist in another language. Be open to rewording your question or providing an example to help your client understand what you are asking for. You may have to be creative. I like to keep a notepad and pen available to the client and interpreter because sometimes different phrases are used depending on the dialect you speak. When there is a disconnect with the interpreter and client, the client may want to draw or write it down to assist.

7. Pause.

For the ease of the interpreter and client, refrain from making long drawn out statements. You would not expect someone to speak at you for a few minutes and then expect you to repeat it word for word, so don't expect that of the interpreter.

8. Be patient.

Having interpreters assist clients in gaining access to legal resources is very important. Sometimes the interpreter may not know certain legal terms of art. It is a hard job, so please bear with them. If you know there are going to be certain recurring legal terms or difficult words, try to make a list for your interpreter to reference throughout. Sometimes seeing a visualization of the word can help.
Having interpreters assist individuals in accessing legal resources is great for all parties involved. Though it can be difficult for attorneys to adjust their technique to account for the use of an interpreter, these practical tips should help assist you in making the process seamless.

Desirae Hutchison is an attorney at State Compensation Insurance Fund and based in the greater Los Angeles Area.

Access to Voting
By Lisa Faye Petak

Voting is supposed to be easy. It's right there, in the Constitution, as our right. Exercising this fundamental part of democracy should be easy.

But under our state-specific, patchwork election system, voting is not always as seamless as we would hope. Even setting aside voter identification laws, registration deadlines, closed versus open primaries, and the myriad state-imposed policies that can affect a person's ability to vote, the simple act of getting tens of millions of people to the polls -- on a Tuesday, no less -- is no simple matter.

And young attorneys can play an invaluable role in helping Americans make their voices heard. Volunteers are needed to help voters find their nearest polling place and explain how voters with disabilities or who do not speak English can find help when voting.

Though their names and missions will vary by state and political party, "voter protection" teams help guide voters through each state's laws and requirements. Usually run by the two major political parties, these teams recruit attorneys from across the country to help, especially in battleground states. Every campaign's voter protection team will take a different form, but hotlines, public trainings, and social media campaigns are common. Some volunteer attorneys devote months to the campaign – and live on the seemingly required campaign diet of bagels, pizza, and Diet coke – and others commit to a few days or only Election Day.

I was one of these attorneys this year in Colorado. Like many of my fellow volunteers, I felt compelled to do something more than just sit and watch the election unfold, and I wanted to be of service. Also like many of my compatriots, I was not a Colorado resident. The men and women I worked with for the month leading up to November 8th hailed from California, Washington, Kansas, D.C., Oklahoma, and Texas. Some took time off from their practice back home, and others skipped a week of law school classes.

We helped hundreds of voters each day. Even in a state like Colorado, where every registered voter is mailed a ballot, same-day registration is allowed. It takes a lawyer to navigate the grey areas where a quick search for a polling place is not enough.

Many of us want to use our education for public good, but the demands of billable hours and time with our families make a robust pro bono practice difficult. Voter protection work allows us to use our training to help others exercise their rights, and do so while living history. You can say you were there in the room when your candidate won, or with kindred spirits when your candidate lost. In addition, you can know that you helped make voting a little bit easier.
Lisa Faye Petak is an attorney at Keller Rohrback and practices in the firm’s Complex Litigation Practice Group.

ABA Free Legal Answers Allows Attorneys to Provide Pro Bono Service Anytime, Anywhere

By Amelia Martin Adams, Esq.

Rule 6.1 of the ABA Model Rules of Professional Conduct provides that “[e]very lawyer has a professional responsibility to provide legal services to those unable to pay” and encourages lawyers to “aspire to render at least (50) hours of pro bono publico legal services per year.” Do you want to provide pro bono service but don’t know where to start? The ABA Standing Committee on Pro Bono and Public Service has developed the perfect opportunity for lawyers to provide pro bono service anytime, anywhere via abafreelegalanswers.org.

Launched in 2016, ABA Free Legal Answers is an online platform through which income-eligible users can pose civil legal questions to volunteer attorneys in their state. After establishing eligibility, users create a secure account and post a request for legal advice, complete with related facts. Attorneys in their state will then have the opportunity to select questions that fall within their practice area and provide limited-scope advice to the user. Questions that are not answered within a specified time will be removed, and the site administrator will notify the user so that no question goes without a response. The process is confidential, and neither the client nor the attorney is typically identified to the other party. Participating attorneys are covered by free malpractice insurance applicable to the advice provided through the site.

In the age of ever-increasing internet use by people of all income levels, this process provides an approachable, efficient way for low-income individuals to receive real-time advice from an attorney that they could not otherwise afford to hire. The concept began in 2011 with the Tennessee Alliance for Legal Services and Tennessee Bar Association’s joint website for residents of their state, which has helped over 12,500 clients since its launch. Through the work of the ABA Standing Committee on Pro Bono and Public Service, the Tennessee concept has spread nationwide, and all participating states’ websites are now connected by a central portal at abafreelegalanswers.org.

As of the date of this article, nearly all U.S. states are either participating or have committed to participate in the ABA Free Legal Answers platform. Each participating state has its own individual website that can be accessed via a dropdown box on the ABA site. Of the participating states, 20 are now live on the ABA site and are actively providing responses to eligible clients. An additional 12 states are in various stages of preparing to launch soon, and the remaining states are beginning the process. As of December 2016, 1,534 attorneys had registered to respond to questions, and clients had submitted 2,018 questions since the launch of abafreelegalanswers.org in August 2016.

The ABA Standing Committee is chaired by George T. “Buck” Lewis, a shareholder at Baker, Donelson, Bearman, Caldwell & Berkowitz P.C. in Memphis. His firm’s IT team was instrumental in launching the program both in Tennessee and nationwide. “The experience in Tennessee and in the other states which have launched interactive websites has been that they provide a significant benefit to lawyers,” Lewis commented in a recent report about ABA Free Legal
Answers.1 “Lawyers . . . like the fact that they can do pro bono any time of the day or night, in any location with internet access. On the internet, lawyers can do pro bono while they sit with their children, or while in a doctor’s waiting room, or at an airport gate, or while riding in a car, bus or train.”2

As young lawyers, we often find ourselves pressed for time trying to meet deadlines, develop our practices, and spend time with family and friends. While it may seem like there is no time for pro bono, ABA Free Legal Answers makes it possible to help others at your own pace and at a time that works for you. Visit abafreelegalanswers.org to explore the program. Consider signing up to volunteer your time to help someone else and continue the legal profession’s efforts to ensure that all Americans have equal access to justice, regardless of their means. To register as a volunteer, go to abafreelegalanswers.org and click on “Volunteer Attorney Registration.” For questions about the program, contact Tali Albukerk at tali.albukerk@americanbar.org.

Amelia Martin Adams is a member of the ABA Standing Committee on Pro Bono and Public Service.

One Texas Judge Gives Back. You Can, Too.

By Candyce Phoenix

Last June, people from all walks of life gathered in a community center in Dallas. Some came from the surrounding neighborhood, others from across town. Still more drove several hours from San Antonio and Austin. They all came to learn the nuts and bolts of grand juries.

So began the Word of Mouth Series, an access to justice initiative started in 2016 by Judge Amber-Givens Davis of Texas’ 282nd Judicial District Court. Years before she was a judge or even a lawyer, Judge Givens-Davis was a family member in the gallery of the court, trying to help her mother navigate the confusing criminal justice system that had absorbed her brother. She saw the same experience playing out in her courtroom every day - families lost, confused, and totally in the dark about the process. Now, she sought to empower her audience with the knowledge that years of legal training had given her by doing something simple: explaining state criminal procedure to the public in a step by step manner.

Getting to that crowded community center room took vision, dedication, and weeks of planning. Judge Givens-Davis decided the first topic would be grand juries because of recent public interest in the secret process. The curiosity surrounding this process dovetailed perfectly with local developments. In 2015, Texas’ grand jury process had just been overhauled to ensure that a good cross section of every community was invited to participate in this integral process.

With her topic chosen, Judge Givens-Davis had to get the word out. She went door to door in Dallas County neighborhoods, took to the airwaves by giving an interview to a local radio station, texted everyone in her phone book, and leveraged social media. It worked. She knew she was onto something by her audience alone. Judge Givens-Davis explained, “[w]e had people coming

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2 Id.
from San Antonio and Austin. They were people who had family members whose cases were going to go before a grand jury in Texas.” They came armed with packets full of legal paperwork, hoping someone could explain it all to them. They did not leave disappointed. For the next hour, they heard from a panel of experts who explained to them in simple, understandable terms, the basics of the grand jury process and what to expect. “At the end of the session, those groups from out of town were in tears and they hugged me. They told me it was the best trip they had ever taken. That meant the world to me. That gave me the motivation to push forward for future sessions,” Judge Givens-Davis added.

And pushed forward she has. Since that first session, Judge Givens-Davis has hosted several other sessions on other criminal justice matters. The impact of Word of Mouth has indisputably grown. The series has become the star of her audience’s social media feeds. “We had some attendees streaming our sessions on Facebook Live and Periscope, and folks are sending in questions to ask us,” Judge Givens-Davis explains, adding “I know our reach is beyond the room and I am so humbled and honored by that impact.”

Judge Givens-Davis’ work in the community does not end with the Word of Mouth Series. Not only does she work to help the public understand the front end of the criminal justice system, she helps offenders understand the back end. Through her Empowerment Program, Judge Givens-Davis works with probationers in her Court to give them the life skills necessary to stay on the right track. In November 2015, Judge Given-Davis convened a meeting with the probation officers in her county and asked them what the barriers to reentry were for their probationers. Their responses were things that seem simple to most, but that serve as real obstacles for probationers: getting copies of birth certificates and social security cards, learning interview skills, writing resumes, budgeting, and getting a GED. Each item was a task or skill that is essential to a probationer’s effort to get their life on the right track. Each was a task or skill Judge Givens-Davis knew she could help them tackle.

Therefore, she set out to create a six-month supplemental program to help 15 probationers on the path to better lives. She recruited community members to serve as mentors to each of the program participants. The mentors would play a key role in the Empowerment Program, helping the participants absorb and implement the lessons and giving them a picture of what success could mean.

On the first day of the Program, one probationer sat crying. “She told me she had been praying to God to help change her life,” Judge Givens-Davis explained, “[a]nd when I invited her to join the Empowerment Program, [she] thought ‘Wow. God answers prayers.’” Those are the feel-good moments that keep Judge Givens-Davis going, but she made it clear to her participants on day 1 that the Program would require more of them than just showing up. “This is a supplemental program and they are challenged,” she explained, “[a]nd we have one session a month for six months and I expect them to be there and participate.”

Over that half-year span, the Empowerment Program exposed participants to their options for community college and financial aid. It taught them, with the help of Toastmasters, how to network and ace a job interview. It showed them how to dress for success for less, and how to open a bank account. The hard work paid off. Remember the woman who had been crying in the first session? Judge Givens-Davis watched her go through the resume review session and the mock interview and “[s]aw the confidence that gave her, and then to watch her go out, schedule her
own interview, and get a job?” she explained, “[a]ll that made me know that this was so worth it. And there are several other stories like that!”

The second chance that the Empowerment Program gives participants is precious, as Judge Givens-Davis was reminded all too tragically. The next class of the Empowerment Program has just begun, but it is one member short. A young man, only 17 and meant to be the youngest in the Program, was killed just two weeks before the Program’s first session. His grandparents, who were so excited for the possibilities the Program offered, never got to see him start it. As heartbreaking as that story is, it reminds Judge Given-Davis, her probationers, and all of us that life does not always give second chances and projects like the Empowerment Program may be the difference in making critical changes in someone’s life.

To follow in Judge Givens-Davis’ footsteps and start a Word of Mouth Series or Empowerment Program in your area, look for the step-by-step 101 Practice series guides called “How to Start Your Own ‘Word of Mouth’ Series,” and “How to Start Your Own Empowerment Program.”

**Candyce Phoenix** is an employment attorney in Washington, DC. She is Co-Chair of the Women in the Profession Committee and a YLD Scholar. She can be reached at phoenix.candyce@gmail.com.

**CALL FOR ARTICLE SUBMISSIONS >>**

We want to hear from you! Please feel free to email Amber Rush (Chair of ABA YLD Access to Legal Services Committee) with any articles or interesting information related to access to legal services for potential publication in our next newsletter. Her email is arush@navigatelawgroup.com. Thank you!