RESOLVED. That the American Bar Association encourages state, local and territorial bar associations to participate in planning efforts in partnership with legal services, lawyer referral services, the judiciary and others to develop within each jurisdiction an integrated, comprehensive system for delivery of a full range of legal services to the poor and persons of modest means.

FURTHER RESOLVED. That the American Bar Association encourages state, local and territorial bar organizations and affiliated state, local and territorial bar young lawyer organizations to consider whether projects to provide persons of modest means with legal assistance at a reduced, reasonable rate are needed as a part of the comprehensive delivery system and, if so, to take steps to establish and implement such projects.
REPORT

I. Introduction

United States Supreme Court Justice Sandra Day O'Connor stated that many people feel justice means "just us" - the privileged. An ABA study published in 1994 demonstrated that most low-to-middle income people with legal problems do not seek legal representation. The report attributed this finding to the irony that these individuals cannot afford to hire a lawyer, yet make too much money to qualify for free assistance from Legal Services Corporation.

In response to this report, the ABA Young Lawyers Division began a mission to address the legal concerns of those individuals who have fallen into the legal "gap." Modeled largely after both the Tampa, Florida program and the Tilton & Wiliams program in Richmond, Virginia, the Young Lawyers Division has orchestrated a program whereby the legal problems of those who have fallen into the legal "gap" can be addressed.

The Division contacted local affiliates throughout the country and found that many recognize the need for this type of program and are interested in establishing programs to fill this need in their communities. The response has been encouraging. Over 67 affiliates have expressed interest in establishing programs. Since the onset of the Greater Access and Assistance Project ("GAAP"), approximately twenty-two GAAPs have been established nationwide. Despite the establishment of these GAAPs, many people continue to go without essential legal services. Much work remains to be done.

II. Rationale

Millions of Americans are denied access to the legal system, despite federal efforts supporting legal assistance to the poor. These federal efforts are fruitless for those Americans who do not qualify for free assistance, but who find private legal assistance unaffordable. Unfortunately, this problem goes unaddressed at both the federal and state levels. Individuals living at or below the poverty guidelines may qualify for legal assistance through federal and state programs. Yet moderate-income earners also need legal assistance and, as stated in the introduction to this

---


4For a family of four, members of the household must earn a total of less than $15,800 per year or for an individual, he or she must earn less than $7,360 per year. 1994 Annual Update of the HHS Poverty Guidelines, 59 FR 6277-2-10-94.
resolution, the 1994 Comprehensive Legal Needs Study indicates that moderate-income earners are not turning to the justice system for help with their legal problems. Esther Lardent, former Chair of the ABA Consortium on Legal Services and the Public Chair, explained in a recent article that moderate-income earners are often reluctant to turn to the legal system because they do not realize they have legal problems or because the cost is prohibitive.\(^\text{9}\) As George H. Hettrick, founder of the Hunton & Williams program in Richmond, Virginia, puts it, "an individual or family with income slightly over the [poverty] threshold typically has no savings; when a legal problem arises, there is nowhere to turn for help because the cost of hiring a lawyer is prohibitive."\(^\text{10}\) Exacerbating the problem is the fact that "affordable legal services are scarce for people who earn too much to qualify for legal aid and too little to hire a private attorney."\(^\text{11}\)

Establishing GAAP ensures that those individuals of modest means have a mechanism for obtaining the basic legal assistance every person needs at one time or another in his or her life. The program corrects the unavoidable injustices which exist in the present system by placing prospective clients who may otherwise ignore legal recourse with volunteer lawyers who can provide them with assistance to simple legal problems at a minimal cost.

The program relieves the overburdened and under-funded courthouse and government-sponsored programs by providing volunteer lawyers with facilities and the technology needed to provide legal assistance. These necessities are either donated by local firms and organizations, or obtained with the use of modest grants from the ABA. The rooms in which such clinics operate are usually spare rooms located in or adjacent to the local courthouse and are donated for the affiliates' use. The result has been to ease the legal process for everyone.

Numerous successful programs have been established throughout the country. Local bar associations are assisting with staffing through volunteer time. Local courthouses are providing the facilities where such projects can be based to make the projects as accessible to the community as possible. One such project, which has provided a model for numerous projects around the country, is the Tampa, Florida Courthouse Walk-In Project ("the Project"). According to Hala Sandridge who coordinated the Tampa project for the law firm of Fowler, White, Gillen, Boggs, Villareal & Banker, P.A., when people go to the clerk's office with legal questions, "the clerk's staff tells them

\(^{9}\)Frasier, Eileen, Making "Justice for All" a Reality, Barriere Magazine. (Spring 1995).

\(^{10}\)Hettrick, George H., Doing Good, ABA Journal. (December 1992).

\(^{11}\)Making a Difference, Los Angeles Times. (November 21, 1994).
"Go to Room 114. There are lawyers there who can help you for free." The Tampa project has greatly alleviated court backlog and spawned numerous other programs.

The Project was established to provide free legal assistance to the working poor in an effort to increase access to justice for an unrepresented segment of the community. The Tampa project accomplishes this by recruiting volunteer lawyers willing to undertake representation of clients in high priority cases who would otherwise go without legal redress. Furthermore, volunteer lawyers provide assistance to low-income pro-se litigants. Anyone who needs help filling out form pleadings which have been pre-approved by the Florida Supreme Court or figuring out the next step can get it through the Project. This allows proud, independent individuals to help themselves. As the demands for legal services increase, the Project recruits a new class of volunteer lawyers and broadens the base of volunteer lawyers.

The Project consists of two primary components, a representation component and a counseling component. Representation involves providing direct legal representation to low-income individuals (i.e., actually handling cases for such persons). The cases handled under this component are screened and assigned by intake volunteers. Counseling entails providing general assistance to pro se litigants (i.e., helping them to fill out pleading forms which have been approved by the Florida Supreme Court; answering basic legal questions; discussing procedural aspects, etc.) but not actually agreeing to undertake ongoing representation of the client. In Tampa, the Clerk of the Court and the Chief Judge of the Circuit donated two rooms and a phone line in the courthouse for use during the Project's second, counseling-based component (commonly known as the "Courthouse Walk-In Project").

The two-prong approach was selected because it allows volunteers the opportunity to help based upon their availability and skills. It was recognized early that some volunteers wanted to accept cases (often in hopes of gaining trial experience) while others (particularly non-litigators) wanted to help by offering advice to those in need of a legal counselor. The approach affords certain volunteers the opportunity to immerse themselves in one case while allowing others the ability to spend a small amount of time on a variety of matters. Lawyers get to help those in need on terms they feel comfortable with, while the working poor get the legal help they need.

In addition to providing the individuals of modest means with both counseling and direct legal representation, GAAPs have more intangible benefits. Specifically, GAAPs make people aware of the legal services available to them, and also assist in improving society's overall


"Working poor" as individuals within 150% of the federal-poverty guidelines.
impression of attorneys by demonstrating the "good" things attorneys contribute to society. Indeed, in Los Angeles, twenty-seven (27) leading lawyers and law scholars gathered to create an avenue to "help those who fall through the cracks in our legal system" through creation of a GAAP. The development of GAAPs helps dispel the belief that lawyers are greedy, disinterested in justice and are no longer leaders in their communities.

Like the Project, each GAAP is tailored to the particular needs of the community in which it is based. For instance, the Arizona Self Service Center focuses on assisting self-represented litigants in understanding court proceedings and completing court forms. The Denver Bar Association Match Program matches individuals of modest means who do not qualify for legal services with attorneys who are willing to reduce their fees on a client-by-client basis. The Maryland Women’s Law Center Family Law Hotline and Legal Clinic helps callers decide if they should represent themselves in a family law case, and also explains the legal process and legal forms to callers. The Atlanta Free Legal Clinic provides a regularly scheduled weekend clinic for modest income families in growing Atlanta immigrant communities.

III. Opposition

Opposition to GAAP stems from concerns that GAAPs will drain business and resources from the community. Solo practitioners and small firm lawyers worry that GAAPs will "steal" clients they would otherwise represent. Some legal aid providers have expressed concern that their attorney resources and volunteers will be lost to GAAPs. But once GAAP and its purposes are analyzed, it is apparent that both concerns are unjustified (and find no support in fact).

The projects focus on providing legal assistance to address basic human needs. The areas of emphasis include: landlord/tenant matters; divorce; child custody; child support; guardianships; and certain consumer matters. Despite the fact that these legal issues are of critical importance to the individuals affected by them, these individuals are seldom able to find the legal assistance they need to resolve them. They cannot afford to hire solo practitioners or small firm practitioners and, as illustrated by the Legal Needs and Civil Justice Survey, frequently do not do so. Small-firm lawyers recognized this and responded to the call for GAAP volunteers. In fact, when the Tampa program started, at least 85% of the lawyer-volunteers were from small firms. In areas of the country such as Tulsa, Oklahoma, for example, a majority of the volunteers are small-firm lawyers.


As to the concerns of attorneys and others who work for legal aid, those individuals should not fear the loss of volunteers or resources. Legal Services Corporation President Alexander Forger has repeatedly voiced his support for GAAPs, and appeared on behalf of GAAP initiatives at a 1995 Midyear Meeting program on GAAP. Moreover, in those communities where GAAPs have been instituted, there is no evidence that legal aid volunteers have been lost to GAAP. In fact, GAAPs have broadened the base of volunteer lawyers by recruiting a new class of volunteers—lawyers who are willing to represent the “working poor” in an effort to fill the existing gap in essential legal services. According to Michael Bedke, former Chair of the ABA YLD, “We’re exposing [people] to pro bono by having them do work for people who, they are convinced, are trying to pull themselves up by their own bootstraps and who have a job. Once the hook is set, many of them see that pro bono work for the truly indigent really is important.”

IV. Conclusion

Because access to legal services is such a vital component of our justice system, implementation of programs which will ensure access is critical. Although the ABA Young Lawyers Division has helped to facilitate the establishment of several GAAPs throughout the nation, much more remains to be done. The Division believes that approval of this recommendation will encourage additional state and local bar and affiliated young lawyer organizations to implement GAAPs. New GAAPs would broaden the sphere of this successful project’s influence and satisfy the unmet needs of far more of those individuals who have fallen into the gap within America’s legal system.

Respectfully submitted,

Jeffrey M. Paskert, Chair
ABA Young Lawyers Division
February 1997

[5Wharton, Joseph, Legal Help for the Working Poor, ABA Journal (December 1994).]
GENERAL INFORMATION FORM

Submitting entity: ABA Young Lawyers Division
Submitted by: Jeffrey M. Paskert, Chair

1. Summary of Recommendation.
   To encourage state and local bar organizations and affiliated state and local bar young lawyer organizations to establish and implement Greater Access and Assistance Projects to provide persons of modest means with legal assistance at a reduced, reasonable rate.

2. Date of Approval by Submitting Entity.
   August 3, 1996.

3. Has this or a similar recommendation been submitted to the ABA previously?
   No.

4. Are there any ABA policies that are relevant to this recommendation and, if so, how would they be affected by its adoption?
   The ABA catalogs numerous policies in support of access to legal services. None address this specific program, however, and no existing policy would be affected by adoption of the instant recommendation.

5. Does this recommendation require immediate action by the House of Delegates?
   Yes. GAAPs are being established throughout the country to improve access to legal services for persons of modest means; however, much work remains to be done. Support of GAAP programs by the ABA House of Delegates would encourage state and local bars and young lawyer groups to implement additional such programs.

6. Status of Legislation. (If applicable.)
   Not Applicable.

7. Cost to the Association. (Both direct and indirect costs.)
   Costs associated with this resolution are in the form of modest ($500 - $1,000) start-up grants to affiliated young lawyer organizations to implement GAAPs.

8. Disclosure of Conflict of Interest. (If applicable.)
   None.

9. Referrals.
   The recommendation and report have been referred to all ABA Sections, Divisions, and relevant/interested committees and commissions.

10. Contact Person. (Prior to the meeting.)
    Bo Landrum, YLD Staff Director, (312) 988-5608.

11. Contact Person. (Who will present recommendation to the House)
    To be determined.

    None.