

D. The Role of Technology

“We posted all of our substantive law material on ProBono.net and asked all of the volunteers to join that service. We used [ProBono.net] to e-mail all of our volunteers . . . and let them know about training events and things like that. We wouldn’t have been able to operate our program without ProBono.net and iLawyer.”

KAREN SACKS, DIRECTOR OF ESSEX COUNTY
NEW JERSEY’S VOLUNTEER LAWYERS FOR JUSTICE

The legal community’s response effort relied heavily on computer technology, and much of its success can be attributed to the fast and effective use of technology to provide information to volunteer attorneys. The Facilitator Project, in particular, used computer technology in almost every aspect of its implementation: facilitators were recruited through e-mails, training materials and client questionnaires were posted online, and attorneys were assigned to clients through “matching” databases. For the relief effort in general, and the Facilitator Project in particular, the two key technology providers were ProBono.net and iLawyer.

ProBono.net

The effort to maximize the quality of services delivered by the Facilitator Project’s volunteer lawyers depended heavily on ProBono.net (www.probono.net). ProBono.net is a not-for-profit organization dedicated to developing Internet-based solutions and platforms for use by public interest, legal aid, and pro bono organizations around the country. The organization and its technological solutions support networks of lawyers and other advocates and deliver information and resources directly to low-income people and other vulnerable communities via a companion website called “LawHelp” (www.lawhelp.org).

For several years prior to September 11, 2001, ProBono.net, founded by Michael Hertz and Mark O’Brien, had been working with legal nonprofits around the country, but especially in New York, to leverage the benefits of online technology to improve and expand the delivery of pro bono services. Due to years of collaborative work on LawHelp/NY, ProBono.net was well-known in the New York pro bono and legal services community.

Hence, when Hertz told the Facilitator Project's organizers that ProBono.net would establish a 9/11 practice area, they immediately recognized this as a valuable and efficient way to make more resources available to volunteers. To maximize the impact of the 9/11 practice area, the City Bar encouraged everyone who attended one of its disaster relief training sessions to join the 9/11 practice area on ProBono.net. New members to the practice area were asked to identify their area of specialization, if any, and what volunteer opportunities or areas were of interest. They were also asked to provide a key piece of contact information, their e-mail addresses.

ProBono.net, in general, and the 9/11 practice area, in particular, included three especially important features: broadcast messaging, document storage and distribution, and interactive messaging.

“September 11 created an unexpected and unprecedented need for immediate legal services for thousands. Technology developed by ProBono.net and LawHelp make it possible to coordinate the broad and varied responses.” MICHAEL HERTZ,
PRESIDENT OF PROBONO.NET

The first, broadcast messaging, consisted of ProBono.net's ability to distribute e-mail messages to thousands of volunteers quickly and easily. Thanks to a substantial investment in messaging tools, ProBono.net already had this feature in place before September 2001. After 9/11, Laren Spierer – the ProBono.net staff member charged with spearheading its 9/11 efforts – regularly distributed to practice area members items likely to be of interest to those providing legal relief, such as announcements of upcoming training sessions, information concerning new developments, reminders about impending filing deadlines, and information regarding additional resources or benefits available to victims. Not only did Spierer send messages to the entire membership of the 9/11 practice area, but the software also allowed her to send messages to selected subsets of practice area members – such as to all trusts and estates lawyers or to all facilitators. This was a vital means for the City Bar and others to communicate with volunteers, both to keep them up-to-date on developments and to solicit additional assistance when cases needed to be staffed.

The second feature, document storage and distribution, consisted of a well-organized library where ProBono.net staff collected and posted resources to assist volunteer facilitators and others involved in providing legal relief. Spierer posted copies of all available 9/11-related training materials and subject matter summaries, along with guides to resources and benefits, lists of mentors and experts, frequently asked questions, recent legislation, and so on. The library included several hundred documents covering more than twenty subjects. For many facilitators, it was often the first place they turned when researching a subject on behalf of a 9/11 client.

Finally, ProBono.net had a message board that allowed members to post messages in an area where other ProBono.net members could review and respond to them. It was most effective as a forum where members could post questions or describe difficulties they were facing and where others with relevant experience could respond. Spierer monitored the messages posted to the message board, which allowed ProBono.net to identify significant issues being faced by volunteer lawyers. Once an issue was identified, Spierer would develop a response in consultation with others involved in providing legal relief, often individuals at the City Bar Fund, and then post an answer on the message board. When appropriate, answers were distributed via a broadcast e-mail to the entire practice area membership.

The availability of these features from ProBono.net allowed the relief effort to move forward more quickly, more efficiently, and more effectively. Rather than spending resources to fax documents to hundreds of volunteers, documents were distributed by adding them to the practice area library, then announcing their presence via broadcast e-mail to all members of the practice area. While distribution of such material could be accomplished by circulating the documents electronically, either via a list-serve or other large e-mail list, subsequent volunteers would not have ready access to previously distributed material. Thus, the ability to keep documents continually available online for future volunteers represented a significant leap in administrative efficiency of large-scale pro bono efforts. This and similar advancements allowed volunteers to better assist the victims and their families and to help more people by reducing the effort needed to assist anyone.

ProBono.net was especially important for lawyers who were not active in the pro bono community before 9/11. For them, ProBono.net ensured that they had the best available resources at their fingertips, despite their lack of experienced personal connections. Likewise, a sole practitioner facing a difficult issue for the first time could turn to the acquired learning of other members of the practice area via the message board.

It is hard to overstate the importance of ProBono.net. As one lawyer noted: “Given the scale here, it is preposterous to think that this relief effort could have happened without ProBono.net.”

In addition to supporting the efforts of lawyers, especially pro bono lawyers, through ProBono.net, assistance was provided directly to victims through the LawHelp website (www.LawHelp.org/NY). LawHelp was developed in 2000 by a collaboration of legal and justice organizations in New York (including the City Bar Fund, ProBono.net, and a number of other legal services organizations) to help low-income New Yorkers more easily obtain information and resources in various legal areas. In response to 9/11, the LawHelp consortium determined that the LawHelp website could make crucial information – concerning both legal issues and available resources – available to victims of the attacks and their families, as well as to those “indirect victims” of the attacks, including many in the low-income and immigrant communities, who were likely to be experiencing a variety of legal and economic problems stemming from the events of that day.

For this reason, LawHelp/NY created a special 9/11 area on the website. The page included both temporary and emergency contact information for community legal services providers, a broad range of resources for victims of the tragedy, and special legal information on topics of importance to both direct and indirect victims of the tragedy, particularly those with lower income levels. Among the law-related topics covered were housing and eviction prevention, emergency food stamps and Medicaid, special unemployment and disaster relief eligibility, protection from discrimination and hate crimes, custody and guardianship of children who lost family members, home and workplace health and safety, and access to public benefits. LawHelp’s special 9/11 webpage is still maintained and updated for those who continue to need legal help and information connected to the long-term effects of the attacks.

iLawyer

While formulating a model to deliver needed services of adequate quality, the City Bar also had to deal with the challenge of keeping track of incoming clients (who numbered in the thousands) and lawyers willing to help (also numbering in the thousands), and then matching the two together in a prompt fashion.

To accomplish this, the City Bar created a special intake system designed to quickly and efficiently assign cases to volunteer attorneys. Clients would telephone the preexisting Legal Referral Service (“LRS”) hotline, and an LRS counselor would conduct a brief intake including the client’s main legal needs and basic conflict information. This information included the name of the client’s landlord, employer, and mortgage and/or insurance holder.

Initial attempts were made by City Bar Fund staff to match lawyers to clients based on the client’s needs and the lawyers’ main area of practice. This proved too cumbersome as the number of clients and volunteer lawyers calling the hotline mushroomed. The difficulty of coping with the high volume of clients and volunteers was overcome with the help of a web-based case referral application developed by iLawyer.com (“iLawyer”). iLawyer, a San Francisco-based online legal referral service, agreed to customize its case referral software for the 9/11 legal relief efforts on a significantly reduced cost basis.

When individuals called the LRS hotline, the LRS counselor entered their information into the iLawyer system; the iLawyer software then automatically informed a trained facilitator via e-mail that a referral was available for that facilitator’s consideration. The facilitator would access the iLawyer.com website to obtain basic information about the client and the matter, and was given roughly twenty-four hours to accept the referral electronically. Upon acceptance, the lawyer would notify the client that he or she would act as a facilitator and, once the conflict checking procedure was complete, the lawyer-turned-facilitator met with his or her new client to conduct a more extensive intake and sign an engagement letter. If the facilitator refused the referral or failed to respond in the given time, it was automatically sent to another attorney on the volunteer roster.

While some difficulties arose when associates in large law firms accepted electronic referrals before they had been fully vetted through their firm's normal pro bono channels, iLawyer's automated system was crucial to the City Bar Fund's ability to match clients with volunteer attorneys in a timely manner. As it was, some victims complained of the time delay required to put them in contact with a pro bono attorney willing to help them, but if the City Bar Fund had tried to cope without iLawyer, those delays would likely have been much worse.

iLawyer enabled the City Bar in New York and the legal relief task force in New Jersey to match families of victims with one of the more than 1,000 attorneys trained as facilitators. The automated approach of iLawyer improved the usually labor-intensive process of circulating written summaries of cases and allowed the two relief efforts to accomplish more with their limited staff.

The iLawyer software also had the ability to track cases as they progressed and thus served as the City Bar Fund's initial case management system for the Facilitator Project until February 2002, by which time the volume had declined far enough to allow the City Bar Fund to handle the assignment and management functions entirely with in-house software and personnel. Although the City Bar Fund's software did not support referral functions, its more detailed tracking of client matters allowed for greater supervision and trend analysis on an ongoing basis.

Other Technology Issues: Registration of Volunteers

While ProBono.net and iLawyer played key roles in organizing the relief effort, they were not the only computer applications utilized, as they could not solve every problem that arose. For instance, the mass of volunteer lawyers that materialized for the death certificate training program overwhelmed the City Bar Fund's usual volunteer registration system. This resulted in numerous complaints from attorneys who sought to volunteer and others who had preregistered to attend the session but were turned away at the door. The City Bar Fund staff responded by asking Hollis Bart of the law firm Ross & Hardies to find a way to improve the volunteer registration system. Within a matter of hours, with the technical support of her firm's information technology department, Ms. Bart had set up an electronic registration system that enabled prospective volunteers to register via e-mail for the City Bar's 9/11 training sessions.

The first training session for individual and family facilitators took place on Tuesday, October 2 – exactly three weeks after the September 11 attacks. Hundreds of facilitator and mentor trainees attended that session at the offices of the City Bar. As of that afternoon, many families in need of legal assistance had been entered into the iLawyer system, but because no facilitators had yet been trained, no lawyers were yet available for referral – and thus not a single facilitator referral had yet been made through iLawyer. Everyone understood how vital it was to get clients matched with lawyers as quickly as possible. So, the law firms Robinson Silverman Pearce Aronsohn & Berman LLP and Ross & Hardies agreed to provide legal secretaries and paralegals during the City Bar's training to enter the facilitators' information, and thereby allow iLawyer to begin making the actual referrals more quickly. As explained by Al Charne, the director of the Legal Referral Service: "About every 20 minutes someone would come upstairs with forms containing the basic information for those who would be general facilitators, and the volunteer paralegals and legal secretaries would key the information in at the same time as the trainings were continuing to take place. There were several hundred facilitators keyed into the system within the first two or three days after the first training session."

In less than forty-eight hours, Ms. Bart and her team of Ross & Hardies support staff volunteers, working well into the night, had handled more than 4,000 e-mails, thereby enabling the City Bar Fund to train approximately 1,000 lawyers within one week of the initial planning meeting. Ross & Hardies collected e-mail addresses for all the attorneys who responded to the call for volunteers; these addresses were shared with the City Bar Fund, which used them for ongoing communication about the 9/11 relief initiative.

In the final analysis, the main strengths of the organizational effort that underpinned the legal community's response to 9/11 included the following:

the immediate, collaborative response supporting the organization and launch of the various relief initiatives, including the Facilitator Project;

the availability of an organization (here, the City Bar Fund) to coordinate centrally the various initiatives;

the use of broad-based training programs and materials to prepare lawyers to represent clients in unfamiliar legal areas;

the effective use of the Internet and computer technology for project implementation and ongoing communication with volunteers;

the use of case managers to sustain communication and quality in the delivery of pro bono services;

the use of mentors and experts to support the volunteer attorneys;

the tremendous response from the legal community, which enabled vast numbers of clients to receive legal services; and finally,

the careful analysis and creative problem-solving brought to bear on each new challenge, as illustrated by the efforts surrounding implementation of the expedited death certificate application process (*discussed below in Part II*) and resolution of the engagement letter/potential conflicts issue (*discussed above*).