

## **ABA Legal Access Job Corps Catalyst Grant Proposal Concept For the District of Columbia**

A unique opportunity has presented itself to the D.C. legal community to advance an initiative to address a dual problem in the District of Columbia: significant unmet legal needs of those with low and moderate incomes and the severe dearth of jobs for newly admitted lawyers. At the initiative of ABA president Jim Silkenat, the ABA has created a Task Force on Legal Access Job Corps focusing on this “access to justice” paradox. The Task Force has recently announced a unique opportunity to advance the implementation of innovative programs to enlist recent-admitted lawyers in providing legal services to persons of modest means.

Coincidentally, this year, spearheaded by D.C. Bar president Andrea Ferster, the D.C. Bar has held a community wide discussion on access to legal services for persons of modest means. As part of this community-wide discussion, the *Washington Lawyer* (the D.C. Bar’s magazine for its 100,000 members), included a feature entitled: “Above the Guidelines: Low Bono Widens Path to Access to Justice” (Sept. 2013).

On November 7, 2013, the D.C. Bar hosted a roundtable discussion of 24 leaders in the District of Columbia legal community to undertake a day-long dialog on what might be done to address this issue. The invited roundtable included experts from around the country who have developed and piloted innovative models for bridging this service gap, ranging from law school “incubator” programs to reduced fee lawyer referral programs.

Recognizing that the D.C. Bar is restricted in its ability to sponsor or fund such a proposal, the roundtable was an effort to educate a key group of stakeholders about the needs and opportunities for addressing this wholly unmet need for legal services in the District of Columbia. As a result of this dialogue, a number of organizations and individuals across the spectrum of our legal community have expressed an interest in advancing an initiative to address this gap.

On March 18, 2014, the ABA issued a Request for Proposals for the Legal Access Job Corps Catalyst Grant Program. The **Grants**, ranging from \$5,000 to \$15,000, are to provide start-up financial support to initiatives that marshal the resources of underutilized lawyers in innovative ways to address the legal needs of poor or moderate income persons. Preferences will be given to proposals that address the following criteria:

- matching funds or in-kind support provided by the applicant;
- partnerships with other stakeholder organizations;
- innovative use of technology;
- demonstrated ability for the program to be sustainable after the grant period;
- a demonstrated empirical basis for the specific needs to be addressed and the effectiveness of the delivery mechanisms to be employed.

The application deadline is **May 15, 2014**. Grants will be awarded on **June 30, 2014**.  
[http://www.americanbar.org/groups/leadership/office\\_of\\_the\\_president/legal\\_access\\_jobs\\_corps.html](http://www.americanbar.org/groups/leadership/office_of_the_president/legal_access_jobs_corps.html).

Applying for and receiving a catalyst grant would provide critical support and momentum to this initiative in the District of Columbia. In light of the fact that the D.C. Bar is not in a position to fund, sponsor or conduct such a project, a catalyst grant would provide needed momentum to mobilize key stakeholder and community involvement in the effort, and secure the financial commitments needed to make this project become self-sustaining.

The project would consist of two components: (1) a reduced fee lawyer referral service, to be staffed and managed to vet, train, and manage lawyers, and (2) a client intake function, to be staffed by law students and managed by a law school or consortium of law schools.

The reduced fee lawyer referral service would be limited initially to family law cases. Family law represents an ideal area for a pilot project for rendering legal services to persons of modest means, for the following reasons:

- There is a great need for family law attorneys: In 2012, 84% of those filing a Domestic Relations case in D.C. Family Court were self-represented;
- Approximately one-third of the self-represented litigants seeking assistance from the Family Court self-help center report incomes in excess of poverty levels;
- The existence of resources for pro se litigants through the D.C. Family Court self-help center and other pro bono service providers, which allow litigants to reduce legal costs by initiating or taking on decreased aspects of their cases pro se.
- The existence of training opportunities and resource material for family law cases developed by existing legal service providers.

The model to be used for the District of Columbia proposed pilot project would borrow from the highly collaborative “modest means program” started by the Washington State Bar Association (WSBA), although the D.C. Bar would not be the project sponsor, as was the case in Washington. WSBA’s program consisted of the following components: (1) a reduced fee lawyer referral service, which included support, training, and mentoring for the lawyers who take on reduced fee cases; (2) a partnership with a legal service provider for client referrals; and (3) a partnership with local law schools to manage client intake.

Under the proposed pilot project, a reduced fee panel would be developed based on existing models for managing such a service. The pilot project would include strong management of the process of enrolling and managing attorneys on the reduced fee panel to ensure that they understand their responsibilities under applicable guidelines and agreements for being on the reduced fee panel. Staff would match lawyers with clients

taking into account the training, experience and capacity of the lawyer and the needs of the client, would ensure that lawyers receive any necessary referrals for training. Staff would also be available for problem solving in the event that problems develop with either the lawyer or the client.

The reduced fee Family Law attorney panel would be open to experienced lawyers and inexperienced lawyers. The model is not an incubator: Lawyers would not be provided with office space or equipment, or malpractice insurance. However, the panel would provide substantial support to inexperienced lawyers who are starting out in law practice by making use of existing programs that support and train lawyers starting out in the practice of law.

Supervision of inexperienced lawyers would largely be provided through mentor and co-counseling relationships facilitated by the project. For example, the project would make use of structures, such as listservs, brown bag “lunch and learn” programs, that provide opportunities for lawyers of all levels of experience to interact with each other and form relationships for collaboration, mentorship and support. The project would also provide a formalized mechanism for making case assignments that match inexperienced lawyers with more experienced lawyers as co-counsel or practice mentors.

Attorneys who lack experience in family law cases would be required to participate in a pro bono training and provide a specified number of hours of pro bono service on a family law case with a legal service provider. There is also existing, high quality, programming available to provide practice management training to lawyers.

The pilot project would be cost-effective due to the fact that a number of programs already exist to provide training to unaffiliated attorneys on family law cases. At the same time, the pilot project could assist legal service providers by providing the initial screening of pro bono attorney that these organizations typically undertake prior to placing a case with pro bono attorneys.

Since these existing programs cannot reserve or guarantee places for reduced fee attorneys in practice management or pro bono trainings, these programs are referenced simply as possible ways for lawyers to secure the necessary training in order to be placed on the reduced fee attorney panel. The lawyers would be responsible for securing placement in the training programs required for participation in the reduced fee attorney panel; the pilot program will have no official link or relationship to these training programs.

The types of cases that will be referred to lawyers will be geared to their individual level of training and experience. For example, the more complex contested matters would be referred to experienced lawyers while less experienced lawyers who have received the minimum level of required training would be referred uncontested child support or divorce cases until they gain the necessary experience or form the relationships with experienced counsel needed to take on more complex matters.

During the next two months, a group of attorneys committed to advancing this concept will be working together on the following tasks:

- Identifying a steering committee for the project of key stakeholders.
- Identifying a grant applicant for the ABA and other funding
- Refining the details of a model to be piloted, including issues such as:
  - level of supervision/monitoring/training provided to reduced fee panel lawyers,
  - malpractice insurance requirements,
  - financial eligibility requirements for reduced fees for specific client matters,
  - guidelines for charging reduced fees/non-reduced fees
  - procedures for making referrals/matching lawyers and clients
  - software needs for managing client intake and the reduced fee attorney panel
- Identifying financial support, including matching support, for the initial project year and sustaining support after the project is launched.

Please contact Andrea Ferster, at (202) 974-5142, or at [aferster@railstotrails.org](mailto:aferster@railstotrails.org), if you or your organization is interested in endorsing, contributing services, funding, or leadership to, or learning more about, this initiative.