**Increasing Access to Justice: The Attorney’s Role**

Suzanne Harrington-Steppen, J.D.

Sharrington-steppen@rwu.edu

254-4559

Eliza Vorenberg, J.D.

evorenberg@rwu.edu

254-4597

**Course Overview**

This course will explore the legal profession’s responsibility in ensuring access to justice for all. Law students will be challenged to examine their personal role in reducing the “justice gap,” keeping in mind the area of law they plan to pursue. The course will introduce students to the nexus between poverty and unmet legal need; the availability of free legal assistance to low-income Americans; and the history and ethical underpinnings of pro bono as a strategy for increasing access to justice. The seminar will culminate in each student developing a hypothetical pro bono project using RWU Law’s Pro Bono Collaborative model.

**Course Requirement and Grading**

Assigned readings for this class come from a variety of sources and are available via TWEN. Please register for TWEN as soon as possible. Grading for the course will be based on the following three components:

25% Class Participation

75% Final Project

**Final Project**

Students will be required to submit a final concept paper on either of the following topics:

(1) a pro bono project that the student would want to participate in (geared towards students who are planning to work in the private sector); **or**

(2) a pro bono project that the student would want to pitch to a law firm (for students who are planning to work in the public interest sector).

Students will be provided with detailed instructions on issues that should be addressed in the paper.

**Week 1: Poverty and Unmet Legal Need**

Monday January 24

Legal Services Corporation, *Documenting the Justice Gap* (2009) <http://www.lsc.gov/pdfs/documenting_the_justice_gap_in_america_2009.pdf>

\*Read Executive Summary pp. 1-3; 27-28

Clearinghouse Review Journal of Poverty Law and Policy, “The Right to Counsel and Civil Rights: An Opportunity to Broaden the Debate” (2006) <http://civilrighttocounsel.org/pdfs/henderson.pdf>

*Note:* When reading focus on the nexus between poverty and unmet legal need, as opposed to the civil Gideon argument.

The RI Poverty Institute, *2010 Rhode Island Standard of Need Report* (2010)

http://www.povertyinstitute.org/matriarch/documents/risn2010sing.pdf

 \*Read Executive Summary and pp. 1-5

Sweet, Robert W., *Civil Gideon and Confidence in a Just Society,* 17 Yale Law and Policy Review 503 (1998).

**Week 2:  Pro Bono: AStrategy for Closing the Justice Gap**

Monday January 31

American Bar Association, *Model Rule 6.1*, MODEL RULES OF PROFESSIONAL CONDUCT (2002) <http://www.abanet.org/cpr/mrpc/rule_6_1.html>

And commentary

Pro Bono Institute, *What Counts? Pp. 6-15* <http://www.probonoinst.org/images/pdfs/what%20counts%202008.pdf>

Rhode, Deborah, *Pro Bono in Principle and In Practice,* 53 J. Legal Educ. 413 (2003).

\*Read Sections I-IV

*Optional:* Cummings, Scott L., *Politics of Pro Bono*, 52 UCLA L. Rev. 1 (2004). An overview of the development of pro bono practices and institutions in the U.S.

**Week 3: Is Pro Bono the Best Strategy for Closing the Justice Gap?**

Monday February 7

Lininger, Tom, F*rom Park Place to Community Chest: Rethinking Lawyer’s Monopoly*, 101 Northwestern University Law Review 1343 (2007)

\*Read Sections I-II.

Cramton, Roger C., *Mandatory Pro Bono,* 19 Hofstra Law Review 1113 (1991).

*Note:* A bit out of date since “mandatory pro bono” is no longer that hot of a topic but concepts are relevant.

Cummings, Scott, *Access to Justice in the New Millennium Achieving the Promise of Pro Bono,* 32 Human Rights 6 (2005).

Avi Salzman, *Going It Alone in Divorce Court,* NY Times Sept. 11, 2005. <http://www.nytimes.com/2005/09/11/nyregion/nyregionspecial2/11ctdivorce.html>

*Optional:* John T. Broderick and Ronald M. George, *A Nation of Do It Yourself Lawyers*, NY Times, Jan. 2, 2010. <http://www.nytimes.com/2010/01/02/opinion/02broderick.html>

**Week 4: Pro Bono: Getting Started**

Monday February 14

Barron, Laurie et al., *Don’t Do It Alone, A Community Based Collaborative Approach to Pro Bono, 23 Georgetown Journal of Legal Ethics 323 (2010).*

ABA Standards for Programs Providing Pro Bono Legal Service

Rules and Commentary for 2.1-3; 2.5 <http://www.abanet.org/legalservices/probono/standards.html>

Browse/review: ABA’s webpage on Pro Bono Opportunities: <http://www.abanet.org/legalservices/probono/volunteer.html>

**Week 5: Identifying Legal Need through Community Based Organizations**
Monday February 28

Pro Bono Collaborative ,“Identifying Legal Needs with Community Organizations Toolkit” (2011 ABA Equal Justice Conference Workshop Materials)

Miller, Nelson P., *Beyond Bias, Cultural Competence as a Lawyer Skills* (2008*)* [http://www.michbar.org/journal/pdf/pdf4article1367.pdf](%20%20http%3A//www.michbar.org/journal/pdf/pdf4article1367.pdf)

**Week 6: Challenges to Pro Bono: Working in/with Larger Law Firms**

Monday March 7

Lash*,* Karen A, *Pitching Pro Bono: Getting To First Base With The “Big Firm*”, 2 DePaul J. for Soc. Just. 141 (2008)

Rhode, Deborah*, Profits and Professionalism*, 33 Fordham Urban Law Journal 49 (2005) \*Read pp. 63- 71 (end of section III)