

# **White Paper Leveraging Law Students and Technology To Meet the Legal Needs of Low-Income People**

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2007

## **Part I: Executive Summary and a Concrete Proposal**

Courts, legal aid organizations and law schools share a commitment to the principle that justice should be accessible to all. Yet, courts are swamped with millions of self-represented litigants struggling to resolve disputes on their own and legal aid organizations face massive unmet legal needs in their target client communities, often exceeding 80%. In the 2005-6 academic year, the American Bar Association reported that 148,273 law students enrolled in 191 ABA accredited law schools.<sup>2</sup> These law students are underutilized within our justice system as resources to increase access to justice for low-income and self-represented people.

Some experts have expressed serious doubt about the ability of law students to make important contributions to the supply of legal services. The ABA Conference on Access to Justice in the 1990s concluded:

The conferees agreed that law schools could not be a major provider of services to low- and moderate-income clients, but did support law school clinical programs and other efforts which provide training about and exposure to poverty law issues.<sup>3</sup>

This White Paper reexamines this pessimistic conclusion in light of technology that has transformed the legal profession in the last 15 years.

The internet, practically nonexistent in 1991, is now a pervasive communications and commercial infrastructure. Lawyers in private practice, government and legal

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<sup>1</sup> This document was prepared with the assistance of law students Mary Neal and Troy Smith who attended the Workshop, took copious notes and helped to write the synthesis of the deliberations of the experts who attended. Jay Carle, Dave Bonebrake and Andrew Baker also helped to organize the Workshop, participated in the Workshop and took notes. Drafts of the White Paper were circulated to Clark Kelso, John Mayer, Marc Lauritsen, Will Hornsby and Richard Granat and each made important contributions. All of the participants are listed in the Appendix. Bonnie Hough was unable to attend because of illness but she contributed important ideas that have been reported in the body of the paper.

<sup>2</sup> ABA Section on Legal Education and Admissions to the Bar, Enrollment and Degrees Awarded 1963-2005, available at <http://www.abanet.org/lealed/statistics/charts/enrollmentdegreesawarded.pdf>, (last viewed Dec. 5, 2006).

<sup>3</sup> *Civil Justice An Agenda for the 1990s: Report of the American Bar Association National Conference on Access to Justice*, page 20, available at <http://www.abanet.org/legalservices/downloads/sclaid/accessconf.pdf>, (last viewed July 24, 2006).

services now use a variety of digital technologies to perform professional tasks. All federal courts now require electronic filing of pleadings and briefs. Most business and professional communication is now handled using electronic mail.

Beginning in 1999, the Legal Services Corporation (“LSC”), through a series of targeted grants, stimulated the creation of a comprehensive national electronic infrastructure of statewide websites for legal aid advocates and the public. Those same technology grants helped to establish a national document assembly server called NPADO<sup>4</sup> and a trained cohort of legal aid authors who are building high quality web-based tools for delivering repetitive legal services to low-income people. LexisNexis contributed HotDocs software for the national server and authoring software for each state’s website team.

In the belief that these technologies might be able to reduce barriers to justice and increase incentives for students, courts and legal aid organizations to work together, we convened a Leadership Workshop (“Workshop”) gathering experts from each field at Chicago-Kent College of Law on June 8 and 9, 2006. The Workshop sought to identify the key objectives of each stakeholder group – courts, legal aid and law schools. Participants at the workshop proposed and evaluated new models to engage law students in legal aid programs and court-centered support for self-represented litigants using new and innovative technology, including models that facilitate student-assisted legal research, improve student-staffed call centers, and allow fast and efficient construction of web-based document assembly for court forms.

This White Paper is based on the work of the participants of the Workshop who sought to chart a future to leverage law students using technology to remove barriers to justice for low-income and self-represented people. Part II of the White Paper, immediately following this Executive Summary, presents the setting for the Workshop discussion, including a description of the unmet legal need of low-income people, the growing number of self-represented litigants and the traditional law school responses to these problems, clinics and pro bono programs. Part III examines the objectives of the three stakeholder groups and reports that legal aid and the courts are centered on obtaining low-cost labor and expertise from law students, while the law schools are focused on education, school reputation, bar passage, accreditation and fund raising. Law students themselves, as distinct from their institutions, are interested in graduating, gaining legal experience, finding a job, repaying loans and contributing to public service.

Part IV presents models for collaboration suggested by the conferees. Four examples of projects in which law students are already working with technology to deliver legal services and court forms open this part. New models suggested at the Workshop are also described. These models cluster around two types of tasks:

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<sup>4</sup> National Legal Services Document Assembly Server is managed by ProBono.net, a New York not-for-profit corporation that also provides web hosting services to 30 statewide legal aid web sites. The NPADO server is available at <https://npado.org/>.

- First, law students as court house guides, legal aid/hot line intake workers or research assistants providing personal support for legal aid lawyers, low income clients and self represented litigants, and
- Second, law students as authors and programmers for new technologies like legal aid statewide websites and self-help document assembly systems.

The first cluster of activities showed promise in several models discussed at the workshop but also raised concerns from both legal aid experts and academics. Some legal aid leaders thought law students were not able to be excellent intake workers and others raised concerns about the inconsistent availability of law students to serve as direct service providers when examinations and other school demands interfered. Solutions to the intake skill issue that restricted law students to simple, repetitive client service tasks were thought by some academics to be inadequate educational experiences. While not rejecting these valuable models of student contribution, the proposal that follows centers on the second cluster of tasks: law students as authors and programmers of technology-driven content and online tools for access to justice.

**A Concrete Proposal:** The Workshop and this White Paper in Part V propose a national partnership to encourage law students to become authors and programmers of web products for legal aid providers and for courts. A new national initiative aimed at enlisting students to write and program useful legal content for LSC funded statewide websites has powerful promise. Law student incentives, time availability and competencies match up with the needs of courts and legal aid for editorial resources. Law students with technical and legal expertise can earn valuable experience, contribute publishable and useful content and achieve visible credentials by drafting web content, document assembly templates or guided interviews. The pacing of the student performances can be mapped to the rhythm of the academic year instead of the unpredictable ebb and flow of client needs. Quality and accuracy can be managed by the lawyers and editors from legal aid, courts and bar associations already controlling the content of statewide legal aid websites.

Early attempts to model law student projects, like the A2J Student Editorial Board at Chicago-Kent, appear to have tapped student motivations that draw on both public service enthusiasm as well as educational and credentialing needs. A strong and visible national project will enhance the credentialing ability of these initiatives and stimulate more law schools to develop Student Editorial Boards that unleash the creative energy of law students to build new web content that will improve access to justice.

The technical infrastructure to support such a partnership is ready and many of the potential partners are well positioned to contribute. NPADO has recently been reorganized into ProBono.net, one of the two LSC supported providers of statewide websites. CALI, the Center for Computer-Assisted Legal Instruction, gathers nearly all American law schools in a collaboration aimed at using technology to teach. State Justice Institute ("SJI") support continues to enable software tools like A2J

Author to be improved and disseminated.<sup>5</sup> The LSC and SJI made a dozen joint grants in 2006 to support legal aid and court technology projects and many of these groups expect to use A2J Guided Interviews and Hot Docs document assembly on NPADO. This White Paper urges the organization of a new institutional collaboration explicitly devoted to nurturing law student editorial contributions to statewide legal aid websites.

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<sup>5</sup> Seven of ten 2007 joint technology grants from SJI and the Legal Services Corporation incorporate A2J Author technology. See SJI News, August 2006.

## **Part II: The Setting**

### **Legal need**

This White Paper is grounded in the grim reality that our justice system has failed to meet the needs of its most vulnerable and needy customers. Study after study of the legal needs of low-income people in the United States tell a remarkably consistent story. At least 80% of the legal needs of low-income people remain unmet. This is the conclusion of the 1994 Comprehensive Legal Needs Study sponsored by the American Bar Association, echoed by LSC's report released in 2005 titled: "Documenting the Justice Gap in America" that evaluated nine State legal needs studies completed after 2000 and added its own new national data. As stated by the LSC report:

Comparison of the recent state study findings to those in the 1994 ABA study confirms the continuing validity of the ABA study and indicates that, if anything, the ABA study actually *under-represents* the current level of need.<sup>6</sup>

There are several methods used to gather data about the legal needs of low-income people but all methods continue to support the "at least 80% unmet" finding. Even if these studies are discounted heavily for over-counting some legal difficulties, there is a huge unmet legal need within low-income communities to address very serious issues of fundamental human dignity, and sometimes even life threatening problems.

The reality of this unmet need is the central burden faced by the legal aid experts who attended the Workshop. All LSC-funded legal aid organizations must develop plans and strategies for allocating their scarce resources to meet the huge unmet need. It has been the recurring problem facing civil legal services in the United States for its entire history.

### **Statistics on Self-Represented Litigants**

A companion problem to the massive unmet legal need facing legal services organizations is the surge of self-represented litigants flooding the civil court system in the United States. Here is a summary of the growth of this phenomenon over the past ten years<sup>7</sup>:

Courts in the past decade have experienced a dramatic increase in the number of filings by self-represented litigants. While the proportion of self-

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<sup>6</sup> LSC Documenting the Gap p. 9

<sup>7</sup> Ronald W. Staudt and Paula L. Hannaford, *Access to Justice for the Self-Represented Litigant: An Interdisciplinary Investigation by Designers and Lawyers*, 52 Syracuse L. Rev. 1017, 1018 (2002). (Footnotes 6-9, *infra* from the original text.)

represented litigants remains relatively modest in general jurisdiction courts,<sup>8</sup> filings by self-represented litigants often constitute the majority in limited jurisdiction courts, especially in domestic relations cases. In the mid-1990s, at least one party was self-represented in more than two-thirds of domestic relations cases in Phoenix, Arizona and Washington, DC.<sup>9</sup> Half of the cases filed in the Florida family courts are entirely pro se, and over 80% have at least one pro se litigant.<sup>10</sup> Recent reports by various state and local court task forces document similar trends in courts across the country.<sup>11</sup>

The problems of the unmet legal needs of the poor and massive numbers of pro se litigants are not coextensive, but they are related. There is a significant overlap of needy court customers in these two groups. Some of the self-represented litigants are not low-income individuals. Many moderate-income people and some wealthy people choose to go to court without a lawyer as a cost avoidance mechanism or because they believe that they can handle their legal problems alone. Not all low-income people with unmet legal needs are court customers – some need legal assistance with administrative agencies or a wide variety of other legal services either unrelated to court or preliminary to court.

### **Current Contributions by Law Schools to Serving the Civil Legal Needs of Low-Income People:**

- ***Clinics***

Historically, law school responses to the unmet needs of low-income people have been found in the clinical programs available at nearly every law school and the growing number of organized pro bono initiatives. Nearly every law school has one or more in-house clinics and a variety of externships and external clinical opportunities for students. Most of the staffed courses and the externships are focused exclusively on serving low-income clients. Many law school professors and administrators would offer the law school commitment of resources to clinical education as the primary law school contribution to solving the problem of serving the legal needs of the poor.

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<sup>8</sup> Brian J. Ostrom et al. (eds.), *Examining the Work of State Courts, 1999-2000: A National Perspective from the Court Statistics Project* 32 (2001) (In a 1996 study of civil trials in general jurisdiction courts, only 4% of defendants and 2% of plaintiffs appeared pro se.)

<sup>9</sup> Jona Goldschmidt et al., *Meeting the Challenge of Pro Se Litigation: A Report and Guidebook for Judges and Court Managers* (1998).

<sup>10</sup> Remarks of Justice Barbara Pariente, Florida Supreme Court, at the National Conference on Pro Se Litigation, Nov. 18, 1999, Scottsdale, AZ.

<sup>11</sup> "Meeting the Challenge of Self-Represented Litigants in Wisconsin" (December 2000), available at [http://www.courts.state.wi.us/misc/reports/Pro\\_Se\\_Report\\_12-00.htm](http://www.courts.state.wi.us/misc/reports/Pro_Se_Report_12-00.htm) (documenting an increase in cases with at least one self-represented litigant from 43% to 53% from 1996 through 1999 in the 10th Judicial Administration District, and from 69% to 72% during the same period in the 1st Judicial Administration District); Judicial Services Division, Administrative Office of the [Washington] Courts, *An Analysis of Pro Se Litigants in Washington State, 1995-2000*.

Clinical education in law schools does contribute significant resources to help meet the needs of low-income people for legal services. While LSC gathers data from its grantees and attempts to measure its effectiveness in addressing legal needs of low income people, there does not appear to be any systematic study or data set to measure the quantity of legal need met by law school clinical programs. While no concrete numbers exist documenting the services provided each year by law clinics, several measures exist for determining the size of law clinic programs in the United States.

The American Association of Law Schools ("AALS") lists 1240 law teachers under "Clinical Teaching" for 2004-2005, a count which "[i]ncludes Counseling and those who have taught any law subject by the Clinical Method, or directed a Legal Clinic in a law school for a period of at least one full term."<sup>12</sup> This number does not include non-faculty staff attorneys, and there is no indication what proportion of time any given law teacher spends in the law clinic.

Clinical programs exist at virtually every law school in the United States and Puerto Rico. However, not all such programs serve low-income clients, and not all even serve live clients. Additionally, some law schools consider externships with judges or prosecutors to be "clinical" education.

In an essay in *California Law Review*, Professor David Luban estimated the hours of service by law clinics using the following assumptions (based on 2002 numbers):

(1) that 90% of the 1,400 clinicians are teaching in any given semester;

(2) that three-quarters of those clinicians are in fact teaching clinic rather than classroom; (3) that each clinical teacher supervises eight students; (4) that the early weeks of an assumed fifteen-week semester are occupied with training rather than client representation, and that the work tapers off at the end of the semester, so that students represent clients for ten weeks in a semester; (5) that clinical work averages twenty hours per week per student. These assumptions (which are no better than educated guesses), imply 7,500 clinical students per semester, each contributing 200 hours of indigent representation, for a total of 1.5 million hours, or three million hours in an academic year<sup>13</sup>

At best, this is an estimate of the potential hours of service which law clinics could provide if they were all dedicated to serving low-income clients.

No measure of student-hours will accurately capture actual service provided to clients. Students are novices and inefficient at tasks that experienced lawyers accomplish quickly. One student-hour of work is not comparable to one

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<sup>12</sup> *Directory of Law Teachers*, American Association of Law Schools, 1144-1153 (2004-2005).

<sup>13</sup> David Luban, *Taking Out the Adversary: The Assault on Progressive Public-Interest Lawyers*, 91 Calif. L. Rev. 209, 246 n108 (2003).

lawyer-hour of work. The work of the 1400 clinical professors should also be factored into the analysis. If those lawyers were dedicated to direct client service and they worked at an annual rate of 2000 hours each year for each lawyer, they would produce 2.8 million hours of work each year.

• ***Pro Bono Initiatives***

A second source of law school resources to meet the legal needs of low-income people is the growing commitment of student time to pro bono initiatives. These efforts are less structured and more open-ended than clinical courses. The size of the contribution of law student pro bono activities to delivering legal services to low-income people is impossible to quantify. It is difficult to identify all of these initiatives. There has been some encouraging institutional movement by the ABA to raise the level of scrutiny given to pro bono within the accreditation process.

In 2004, the ABA modified the accreditation standards for law schools to toughen up the requirement that schools provide pro bono opportunities for law students. The new standard reads:

Standard 302. CURRICULUM.

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(b) A law school shall offer substantial opportunities for:

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(2) student participation in pro bono activities

Obviously, this language does not require that any particular student do pro bono work. It does set a new, more urgent tone for law schools. Now that the new standard is enacted and in place, all schools must offer significant pro bono opportunities to retain or obtain accreditation.

Law students today have numerous pro bono opportunities available to them. From our review of law school websites, the ABA Directory of Law School Public Interest and Pro Bono Programs in June 2006<sup>14</sup>, we believe that twenty law schools now

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<sup>14</sup> A 1997 AALS survey stated that 90% of the surveyed schools had at least one pro bono opportunity for their students. This survey was sent to 123 law school deans. That survey and two subsequent ABA surveys are now maintained on an ABA website so that law schools can add new information when they add programs. As of June 2006, 155 of 186 law schools (83.3%) listed a current pro bono program. <http://www.abanet.org/legalservices/probono/lawschools/definitions.html>

Nineteen schools that have pro bono programs identified on their law school websites that are not listed in the ABA directory. In the ABA directory these schools were not listed as having a pro bono program and their ABA pages have not been updated since 2003. Including these 19 schools brings the total number of schools with at least one pro bono opportunity to 174 of 186 schools listed in the ABA Directory (93.5%).



require a pro bono or public interest experience, and more than 93% of ABA approved law schools have a pro bono program of some sort. Over 90 percent of law schools responding to an AALS survey in 1999 reported that their school had one or more law related pro bono projects available to students.<sup>15</sup> The current ABA web directory that gathers pro bono information in partnership with the AALS, shows that 155 of the 186 reporting schools have established pro bono programs for law students.<sup>16</sup>

Even though most American law schools have pro bono programs, the 1999 AALS study discovered that the majority of students do not use them. No studies have looked across all law schools to determine the amount of time law students volunteer nor do we know how much of the volunteer efforts of law students are devoted to meeting the legal needs of low-income people. In 1999 as little as 20% of then current law students worked on some pro bono project.<sup>17</sup> In some schools as few as 50 students made up the entire body of students who volunteered their time.<sup>18</sup> This utilization rate may have increased since 1999, as has the number of pro bono programs.

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Today the number of schools that require pro bono before graduation has risen to 20. Of that number 16 are reported in the ABA Directory and four were identified by an independent web search in June 2006. American Bar Association, *Directory of Law School Public Interest and Pro Bono Programs*, available at <http://www.abanet.org/legalservices/probono/lawschools/>, (last updated June 16, 2006). The following schools were not listed in the ABA Directory: Loyola, Chicago (pro bono req, started in 1992), Harvard, (pro bono req, started in 2005), University of Oregon (pro bono req, started in 1995), and the University of South Carolina (pro bono req, started in 1993).

<sup>15</sup> Association of American Law Schools, *A Handbook on Law School Pro Bono Programs*, available at <http://www.aals.org/probono/probono.pdf> (June 2001).

<sup>16</sup> American Bar Association, *Directory of Law School Public Interest and Pro Bono Programs*, available at <http://www.abanet.org/legalservices/probono/lawschools/>, (accessed July 5, 2006).

<sup>17</sup> Association of American Law Schools, *Learning to Serve*, available at <http://www.aals.org/probono/report.html>, (October 1999).

<sup>18</sup> *Id.*

### **Part III: Identifying the Objectives**

Each of the stakeholder groups at the Workshop caucused on the first day to determine what that group wanted from a partnership with law schools leveraging technology. Representatives of legal aid and representatives of the courts expressed interest in using law students as a source of free or low cost quasi-professional labor – workers bringing some degree of expertise in the organization’s subject matter. Law students were seen by courts as potential guides, outreach resources, in-court aides and technology experts. Legal aid wanted law students to provide free or low-cost personnel resources for intake, research and handling simple repetitive client matters. Students with skills in technology separate and apart from their legal educations were viewed as particularly valuable resources. Law students with computer science expertise were also seen as technology resources to navigate, train and set up law office technology. Legal aid experts knew what they wanted from law students but they raised a series of barriers they often faced when using student labor, including continuity, turnover, reliability, cost effectiveness, training needs and oversight. There was a strong sense that the roles students could fill were limited because the contributions they could make might not outweigh the costs of training and supervising them.

Law schools described a different set of objectives. Law school experts at the workshop stated that law schools attempted to balance institutional goals - education, scholarship and service - but that service was often given the least support. On a larger stage, law schools were interested in increasing their relative status, sometimes measured by the U.S News and World Report rankings. These rankings can be affected by school reputation, bar passage rates, accreditation and fund raising.

Law students themselves have a different set of objectives. Five law students staffed the workshop. All of the students reported that they had participated in public interest activities but candidly admitted that they were focused on completing the academic requirements for graduation, finding a job and repaying loans.

### **Part IV: Models**

Once each stakeholder group had defined its own objectives, the Workshop discussed models for using technology to leverage law students to deliver legal services and support self-represented litigants in courts. Selected participants described innovative models that they currently employ to engage law students in the delivery of legal aid to low-income clients. The various models for increasing law student participation in the delivery of legal services to low-income people call for students to serve a variety of roles. In some models, students serve as guides for court customers to court procedures, legal information and to the technology that delivers information, forms and documents. Here, students can also contribute to websites and access to justice technology as authors, programmers and editors. In other models, students perform more traditional roles as intake workers,

paralegals and supervised legal service delivery professionals. In these traditional roles, students are users of the technology that serves these functions.

This part presents four featured models for involving law students followed by several shorter descriptions of proposed models offered during the Workshop.

### **Featured Models**

David Hall presented **Texas Access to Justice (TAJ)**, a telephone client intake system combined with web-based case management used by Texas Rio Grande Legal Aid. David Yoder presented the **Student Assisted Legal Research** initiative in eastern Tennessee. A third model was referenced by Clark Kelso from McGeorge College of Law. Stimulated by grants from the LSC, many states have begun posting legal information and forms online in statewide legal information websites. While available wherever a customer can find web access, these websites are also heavily used by staff and self-represented litigants at court based **Self-Help Centers**. Many California courthouses have self-help centers and those near McGeorge are staffed in part by students from the law school clinical program. In Cook County, Illinois volunteer students from Chicago-Kent College of Law staff a Self-Help Web Center in the main civil courthouse. Finally, Ronald Staudt spoke about the **A2J Student Editorial Board** at Chicago-Kent College of Law.

#### **• *Texas Access To Justice (TAJ) – Paid Law Students Working Part Time Performing Client Intake Supported by VOIP and Web-Based Case Management Software***

The TAJ model is a statewide legal aid hotline staffed by paid law students who provide client intake and transfer clients to appropriate lawyers anywhere in the state. The system is geographically independent; a client in the Texas Panhandle can call the hotline and speak with a law student on the Gulf Coast who might then transfer the client to a lawyer in Austin. Essentially, this creates a statewide network of lawyers and law students to help clients, allowing even clients in rural, isolated areas to access specialized legal services.

The system now uses Voice Over Internet Protocol (VOIP) which has increased the capacity and capabilities of rural legal aid by the use of common, low-cost technology. The network may be easily expanded to include new members; this capability was put to use in 2005 in order to bring Louisiana lawyers into the network, thereby allowing them to provide legal services to hurricane victims from home or even from out-of-state.

No technical skills are required of clients, students, or lawyers, but the hotline does need to be staffed in real-time, which can be a challenge during finals or during school breaks. Currently, the system is dependent on law schools to recruit student workers and promote participation. Students are paid a competitive wage, and can take shifts after school or between classes.

**• Tennessee Student Assisted Legal Research Network – Volunteer Law Students Perform Research Projects for Legal Aid Lawyers Managed By A Web Task Management System**

The Student Assisted Legal Research Network is also a multi-school, multi-organizational effort. Attorneys at legal aid offices at various sites in Tennessee may submit research requests online. The requests are screened by coordinators at participating law schools who then assign research tasks to students. Law professors supervise student work to ensure a level of quality. The website through which requests are processed uses an open-source task management tool accessible over the web by all potential users.

The system has several benefits. It allows legal aid attorneys in rural areas far from law schools to utilize the resources at distant law schools through student researchers. This builds a connection between the law school and outlying areas, which may be a motivating factor for students from rural areas who can work for a hometown lawyer while they are away at school. Also, law students create real writing samples on their own time, independent of an official externship.

Because of the time lag inherent in processing research requests, the system is not equipped to handle time-sensitive research on client cases. However, Student Assisted Research can be useful for attorneys who wish to explore policy issues, educate themselves about a particular aspect of law which affects many clients, or discover the potential impact of new legislation. Coordinators anticipate that these sorts of “proactive” research tasks will predominate.

Limitations of the program are that faculty, students, and legal aid attorneys do not always prioritize research tasks in the same manner or work on the same timetable. Additionally, some public relations work and time in the system is needed to convince attorneys that they will receive a quality product from students who are working off-site.

**• Court Based Self-Help Centers – Clinical Law Students or Volunteers Staff Help Desks in Court Buildings Supported By LSC Funded Statewide Legal Information Websites**

LSC Technology Innovation Grants have supported two extraordinary new infrastructures. Every state now has a statewide website that provides legal information and guidance on common problems facing low-income people trying to use the court system. In addition, another LSC-funded initiative, NPADO, provides powerful document assembly to all of these statewide websites using HotDocs Online, the industry leading software donated by LexisNexis. In California these new infrastructures can be used by low-income people who access the information and forms from court based self-help centers. Law students from McGeorge School of Law, under the supervision of clinical law professors, staff some of the centers near the law school and assist legal aid customers as they use these tools. In Southern California, similar self-help centers are staffed by JusticeCorps volunteers—undergraduate students who are funded in part by AmeriCorps—who

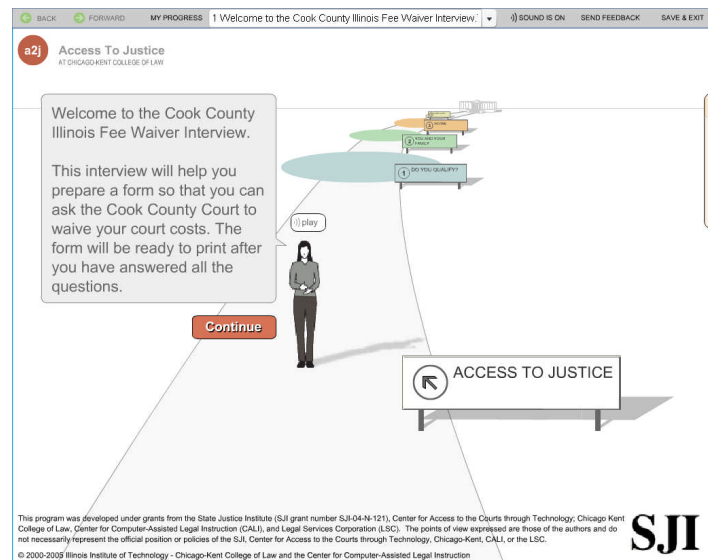
are trained to help litigants fill out certain online forms and to guide them to various courthouse locations. Law students from Mexico provide the same service at courthouse self-help centers which serve large Spanish speaking populations.

The **Self-Help Web Center** at the Daley Center Courthouse in Chicago has three computer terminals where self-represented litigants can access online legal information, forms, and other tools designed for pro se litigants. The center is staffed by Chicago-Kent student volunteers from 8:30-4:00 daily. Students receive training so that they can locate legal information online and referral resources within the courthouse. They assist customers in finding publicly available information, accessing and completing forms, and printing both completed forms and information guides. Students also refer customers to appropriate clerks' stations and to specialized advice desks throughout the courthouse.

The students volunteer their time; however they can receive a certificate of recognition for hours served. The experience also allows students to meet low-income clients face-to-face and gives students experience with the court system. Students provide a valuable service by helping pro se litigants find the information they need, and lessening the workload of pro bono lawyers at the courthouse.

- **A2J Author Student Editorial Board at Chicago-Kent College of Law – Law Students in “Law Review” Hierarchy Build Guided Interviews for Web Based Document Assembly**

At Chicago-Kent College of Law, the A2J Author Student Editorial Board works in collaboration with Illinois Legal Aid Online and other participating legal service providers. Legal aid attorneys submit common forms or screening tasks which are needed by low-income litigants. Students on the Editorial Board then follow a four-step process to determine the scope of the task, research the background law, map out a “storyboard” for the final A2J Guided Interview (see Fig. 1), and then develop the “interview”<sup>19</sup> using A2J Author.<sup>20</sup> The



<sup>19</sup> Interview, in this context, refers to an online program that gathers user information. Most often this information is used to populate electronic court or court-related documents. However, these “interviews” can be designed to feed case management and e-filing systems.

<sup>20</sup> The A2J Author is designed to achieve increased access to justice for self-represented litigants by enabling non-technical interview authors from the courts, clerk’s offices, legal services and state-wide web site editors rapidly to build and implement customer friendly web based interfaces for document assembly. A2J Author enables the rapid, low cost construction of A2J Guided Interviews - customer friendly interfaces for web based guided document assembly. A2J Author is supported by grants from the Chicago-Kent College of Law, State Justice Institute (SJI grant number SJI-04-N-121), Center for Access to the Courts through Technology, Center for Computer-Assisted Legal Instruction (CALI), and Legal Services Corporation (LSC).

student-made interviews are then reviewed by lawyers to ensure that the interviews achieve the desired legal result and properly represent the law. After review and revision, the A2J Guided Interviews are published on the NPADO server and made accessible through the appropriate affiliated website.

The A2J Student Editorial Board is set up in a short hierarchy, with new student "Associate Editors" starting out assigned to teams with more experienced Editorial Board students. Students who show commitment to the project and gain sufficient skills and experience may become "Senior Editors" and be given more complex assignments as well as a role in determining new tasks for the Board as a whole. The work of the A2J Student Editorial Board involves discreet tasks with flexible deadlines, so students can participate on their own time.

One goal of the A2J Student Editorial Board hierarchy is to give students an incentive to dedicate time and effort by awarding leadership roles and credentials. The hope is that once the Editorial Board has been in existence for a number of years, students and faculty will accord the positions a prestige akin to specialized moot court or law journals.

### **Models Suggested by Workshop Experts**

During the Workshop a wide variety of projects were suggested by the assembled experts. Several of the suggestions can be synthesized into a set of activities that engage law students in providing intake services for legal aid organizations and a second set which involve students delivering information and outreach for legal aid and courts to low-income people.

#### **• *Law Students Providing Intake and Outreach Services for Legal Aid Providers***

Law students can serve as additional staff to extend the capacity of legal services in a variety of ways and using a variety of new and existing technologies. Suggestions included the mobile van concept used in Ventura County California, to storefront offices staffed by students supported by computer resources and remote lawyers on the phone like the volunteer offices pioneered by the AARP, to hotline intake and information services like that described by Texas Rural Legal Aid. The services that law students could provide included:

- Intake/paralegal services at neighborhood offices;
- Training for community volunteers in the use of online resources; and,
- Assistance during large-scale periodic workshops like low-income taxpayer assistance in February and March, expungement workshops and workshops assisting low-income clients with changes in benefits when new laws take effect.

The benefits of additional staff resources to expand the presence and awareness of legal aid in underserved areas were apparent. The group also identified limitations

inherent in the use of law students including the need for attorney supervision, the need for adequate training and the inconvenient schedules caused by academic demands like examinations and school breaks. Some specific examples of this type of student contribution to legal services and courts are reported next.

**Hale and Dorr Legal Services Center--Jamaica Plains** was started by Gary Bellow and Jeanne Charn with LSC funding in 1979. The Center has provided continuous legal services for 27 years. The Center is a prime example of a neighborhood legal aid office, located where clients live. Although the Center has moved away from LSC funding and now is supported largely by donations from Hale and Dorr, a prominent Boston law firm, the Center still serves low-income clients and provides a clinical law experience for Harvard students. Many conference participants favored the creation of more such neighborhood offices. While this project has been a pioneer in the use of document assembly, the core of the model does not rely on technology but more traditional clinical techniques.

**Citizen's Advice Bureaus (CABs)** are British institutions that Mr. Wayne Moore and others agreed deserve adoption in the U.S. The CAB is a central location in each city district or neighborhood where people can go to find information about all government services and processes. Thus, instead of Legal Aid referring clients to social services or the Veteran's Administration, all information and paperwork would be at one site, making services much more convenient for consumers. Law students could staff such bureaus with back-up support delivered by phone or over the internet from remote supervising attorneys.

- ***Law Students as Guides in and near Courtrooms***

Bonnie Hough, though unable to attend the Workshop because of illness, sent several suggestions for engaging law students in access to justice initiatives. Bonnie has been instrumental in court facilitator projects in California and in supporting self-help centers for self-represented litigants. Her suggestions, augmented by others from the workshop, included the use of students as technology guides for the public at kiosks that offer web resources (like the Self-Help Web Center described above)<sup>21</sup>, use of law students to prepare orders for self-represented litigants after trials or hearings<sup>22</sup>, use of law students as ombudsmen

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<sup>21</sup> Bonnie Hough offered the following example from California: "...we're very excited about using HotDocs to help litigants with the bulk of their pleadings in divorce workshops in LA. We're using Justicecorps students <http://www.courtinfo.ca.gov/programs/justicecorps/> to complete simple intake forms in HotDocs that will print the basic info onto forms. Then the litigants attend the attorney-led workshop where the volunteers help with questions, assist those who have literacy and other problems and do interpretation. Our divorces take about 3 sessions spaced over a couple of months, so the info is saved for the next workshop where the next set of forms is completed (with some additional info), etc. <http://www.courtinfo.ca.gov/programs/equalaccess/ladiswork.htm>. We're still in pilot stage, but it seems very popular so far - and a much better use of the attorney's time."

<sup>22</sup> Bonnie Hough also suggested that "declarations" could be prepared in California courts for self-represented people by law students empowered with simple technology supervised by legal services

or monitors to help Self-represented litigants resist over bearing conduct or threats from opposing lawyers.

• ***Law Students as Support for the I-CAN! Earned Income Tax Credit Service***

This service allows taxpayers to file federal taxes online and calculate Earned Income Tax Credit. This is a free alternative to the rather costly online filing available from professional tax services. State-tax modules are already available for a handful of states, and Bob Cohen of Legal Aid of Orange County is actively soliciting modules from other states in order to make the service truly national. Law students from each state could take on the annual job of revising and maintaining the state specific parts of this automated tax system for low-income people.

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staff attorneys: "Another idea that would combine law students and technology is the preparation of declarations. Writing effective declarations is an incredibly important skill for lawyers that I never even heard about in law school. This can easily be done by sitting down with a client, hearing their story and writing it up on the computer. My experience (as a lawyer) was that clients found this to be magical to have someone actually listen to them and organize what they have to say. Since most law students are incredibly competent on word processing, they can prepare drafts for an attorneys review."



## **Part V: Finding The Overlap: Increasing Incentives for Law Students to Help Increase Access to Justice**

Students are motivated to participate in different projects that can increase access to justice for different reasons. Money is a motivator and students can be employed, part time, in any of the roles. The Texas Rural Legal Aid experience clearly demonstrates that paid law students can be an integral and cost effective part of the core legal services delivery system.<sup>23</sup> In addition, students will volunteer to obtain experience, credentials and the satisfaction that comes from making a contribution. Students serving on their law reviews or advanced moot court societies are volunteers seeking educational experience and credentials to more effectively compete for employment after law school.<sup>24</sup>

### **Law Students Producing Web Resources for Legal Aid Providers and Courts: A New National Partnership**

The Workshop identified new opportunities made possible by the new technologies for law students to help legal aid and courts to deliver legal services and court services. The most ambitious model, and the model producing the most universal enthusiasm, was a new idea called by Marc Lauritsen, the National Justice Tools Foundry. Essentially, the National Justice Tools Foundry would be a new national project aimed at enlisting students to write and program useful legal content for LSC funded statewide websites. The idea was described by Richard Granat as follows:

“Legal Service Programs nationwide could use the help of law students to develop digital tools that could be deployed on Legal Service websites and used by legal service programs. LSC has set legal service programs down the technological path, but the reality is that there is a great need for resources to maintain the state websites, to do document automation, and to develop other tools such as web advisors.

The idea of full-time staff of legal service programs automating documents using a document assembly tool like HotDocs has limits because most of these lawyers already have full-time jobs. Unless a legal service program dedicates staff to this development function it doesn't get done and the reality is that legal service programs do not have much resource to dedicate to a development function.

So I was thinking about how to mobilize law student expertise that in fact might be widely scattered in a way that could make a contribution to legal service programs. Our own organization uses document assembly developers

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<sup>23</sup> Relief from enormous loans that burden so many students can be another financial motivator. None of the participants in the Workshop offered a clear path to finding the resources needed to tap loan repayment as a student motivator.

<sup>24</sup> In the Appendix we have attached a table prepared by Marc Lauritsen as a first, though incomplete, effort to map the various motivations of the various stakeholder groups.

who are scattered all over the US. In addition, I have trained two lawyer developers in India long distance to do document automation (they are very skillful and the price is about what I pay for law students in the US). We have a framework in place for training and supporting our long distance developers, who in turn work on projects from multiple jurisdictions.

How about replicating the CALI model on a nationwide basis by creating, perhaps at Chicago-Kent, a national website where legal service programs could list requests for specific projects, such as automation of a particular document, or creation of a web advisor, or a child support calculator, and other kinds of digital tools.

The website would be a framework for collaboration with tools for collaboration. Open source and tools, like HotDocs, could be downloaded from the site. Senior experts could be available who could pair with junior student developers to provide guidance, quality control, and mentoring. Completed work products would also be available as models that different jurisdictions could replicate for their own use.

There is some degree, perhaps a high degree, of coordination now going on within legal service programs through their technology sites but there is no relationship between this culture and the law student community. The legal services community, as you aptly pointed out, lives in its own silo.

I think that this should be a national project, because in any one law school there will be very few students, and almost no faculty, who have an interest in this domain. By assembling student resources across law schools it is possible to create a national community of law student technologists who can relate to each other and support each other. This project would draw out those talented law student/programmers who see a way for them to make a public interest contribution as well as further their future careers.

A partner in this concept could be the Law School Consortium as it already has a base in a number of law schools. Another partner could be the Shriver Center/Clearinghouse as it already aggregates content across multiple jurisdictions. Other supporters could be LSC, the ABA Standing Committee on the Delivery of Legal Services, and the ABA Law Student Division.

That would provide visibility for the concept that law students can facilitate the use of technology to aid in the delivery of legal services for low and moderate income individuals."

In addition to students as authoring and editing resources for the text content on the LSC statewide websites and the graphics of the A2J Guided Interviews and the automated documents assembled by HotDocs, the workshop experts probed the idea of students building video content. The popularity of "YouTube" as a new cultural phenomenon underlines the ease with which law students might be able to

prepare and distribute useful video. Video is also a medium that low-income people can easily access without technical expertise.<sup>25</sup>

A new national initiative aimed at enlisting students to write and program useful legal content for LSC funded statewide websites has powerful promise. The technical infrastructure is in place. NPADO has recently been reorganized into ProBono.net, one of the two LSC supported providers of statewide websites. A partnership between ProBono.net and CALI, along with other interested stakeholders, could bring the necessary resources together. Early attempts to model law student projects like the A2J Student Editorial Board appear to have tapped student motivations that draw on both public service enthusiasm, as well as educational and credentialing needs. A strong and visible national project is needed to improve the credentialing ability of these initiatives and stimulate many law schools to develop “chapters” that unleash the creative energy of law students to build new web content that will improve access to justice.

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<sup>25</sup> Professor Jim Taylor at the University of Montana Law School teaches a course on Public Interest Lawyering. His students prepare blogs that discuss public interest law issues. In addition, Jim reports that “as part of the class requirements the students will also be filming and editing videos for the Missoula Justice Court to assist self-represented litigants. When the videos are available they will be posted to the website, and to YouTube.” See, the Public Interest Lawyering course web site, <http://montanapublicinterestlaw.spaces.live.com/> (last visited February 11, 2007).

## **Appendices**

### **Workshop Participants:**

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Fourth Judicial District Court of the State of Idaho

#### **Hon. Fern A. Fisher**

New York City Civil Courts, New York County, NY

#### **Andy Levy**

Director of Market Development  
LexisNexis File & Serve

#### **Hon. Lora Livingston**

Travis County District Courts, TX

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System Technology Administrator  
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**Joseph Dailing**

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- **Kevin Linskey** - *Executive Director, State Justice Institute*

**SPONSORS**

- **The State Justice Institute**
- **The Center for Access to the Courts Through Technology**
- **The Center for Computer-Assisted Legal Instruction (CALI)**
- **The ABA Standing Committee for the Delivery of Legal Services**

**HOSTED BY**

- **The Center for Computer-Assisted Legal Instruction and Chicago-Kent College of Law**

## **Stakeholder Objectives**

### **Objectives: Courts**

- I. Students as Guides
  - a. Technology guides
    - i. Assisting pro se litigants to access resources
    - ii. Teaching community volunteers to do the same
    - iii. Training court staff to make use of new technologies?
  - b. Information guides
    - i. Assist in public law library
    - ii. Point customers to appropriate court forms, publications
  - c. Procedural Guides
  - d. Physical Guides
    - i. Actually helping them navigate the courthouse
    - ii. Could be non-law-students (e.g. CA Justice Corps)
- II. Outreach Beyond Courthouse
  - a. Legal resource stations in libraries, community centers
  - b. Training staff, volunteers at such centers
  - c. "Street law" model
- III. Customer Service
- IV. Motivating Students to Serve Citizens' Legal Needs
  - a. Persuading law students to focus on "bread-and-butter" legal work both during school and as a career
  - b. Introducing law students to the daily work of courts
  - c. Instill sense of service, idea of pro-bono work early in career
- V. Helping Pro Se Litigants Produce Acceptable End Product
  - a. Writing court orders in pro se/pro se cases (approved by judge)
  - b. Shepherding from courtroom to post-judgment or other procedures
    - i. Pro se litigants are unfamiliar with terminology, processes and often do not understand/forget what process or form the judge has asked them to complete
- VI. Mediators/Monitors/Ombudsmen which pro se litigants can turn to if they suspect that opposing counsel is overreaching, pressuring them with false threats
- VII. Remote Access

### **Objectives: Legal Service Providers**

- I. Cheap Labor
- II. Continuity
  - a. Students not as reliable as long-term staff
    - i. Hard to cover hotlines etc. during school breaks
    - ii. "Law Student" is inherently temporary position
  - b. Need to reduce student turnover
    - i. Reduces training burden
    - ii. Experienced volunteers more efficient, may require less supervision

- III. Ensure Cost-effective Use of Students
  - a. Match student abilities to tasks
    - i. Students more cost-effective at low-level tasks (less supervision)
    - ii. TX successfully relies on PAID students for client intake
  - b. Provide for oversight, review of student work
    - i. Essentially the same as needed for paralegals
    - ii. Supervision, training of students burdens LSCs
    - iii. Could rely on motivated law school faculty
    - iv. Difficult to oversee research without "face time"
- IV. Student Involvement in Tech Initiatives
  - a. Many law students may have some tech background
  - b. Younger, more likely to be "tech natives" than older attys and profs
  - c. Telecom can allow law students to serve for short shifts without traveling into the office (e.g. TX VOIP program)
    - i. Easier to fill a rotation for hotline, etc. b/c students could do from home or school (quiet room?)
    - ii. Can allow law students to serve rural residents
- V. Access Areas with No Law Schools
  - a. See above IV(c)(ii)
  - b. Rural LSCs can pool resources allowing for specialized services
- VI. Students' Expectations/Motivations
  - a. LSCs assume student expectations when working at LSC are
    - i. Learn law
    - ii. Help community
  - b. Need to influence/educate students so that their expectations match up with client needs
    - i. Better explain the impact of help given to pro se litigants
    - ii. Need to properly match students skills with projects



## Objectives: Legal Education

- I. Balancing Institutional Goals
  - a. Service
    - i. Not necessarily geared towards universal representation
    - ii. Not necessarily low-income only; broadening focus could broaden pool of interested students
    - iii. Becoming more integrated in some schools (not all)
      1. Clinical educators now closer to traditional faculty
      2. Some schools require clinic and/or pro bono work
      3. Law school represented at conference estimate 1/3-1/2 of students participate in clinic
    - iv. Technology becoming more integrated into clinical services
    - v. Shouldn't overwhelm education
  - b. Education
    - i. Incorporating service into the educational plan for law students
    - ii. Recognizing education value of service projects, including non-traditional
  - c. Scholarship
    - i. How to encourage scholarship which assesses legal service delivery, evaluates efficacy of current models?
    - ii. Without any study of efficacy, LSCs will blindly continue with "business as usual" whether or not it brings results
    - iii. Law Schools have resources, talent needed to study current system, and steer the future
- II. Creating New Business Models
  - a. Clinics need not be "loss-leaders" of law-school offerings
    - i. Can generate alumni contributions
    - ii. Can provide valuable services at low cost to state
    - iii. Fee-for-service model for some programs can generate income
  - b. Public and private schools differ
    - i. Public Law Schools can leverage law student service into more public dollars, may have duty to provide services statewide
    - ii. Private schools must raise funds through alumni, tuition, or fee-for-service.
  - c. Many LSC's business models are geared towards universal representation
    - i. Unattainable
    - ii. Not best use of law students, funds?
    - iii. Particular challenges for rural areas; technology may help to reach greater population
- III. Fulfilling Drivers (motivating forces)
  - a. US News
  - b. Bar Passage
  - c. Student Interest/Alumni Support
  - d. Accreditation

- e. Money
- IV. Differentiation of Customer Needs (triage)
  - a. Recognize that customers may decline full representation for reasons other than cost, try to change legal services model to accommodate
  - b. Citizen Advisory Bureau
    - i. British Model
    - ii. Recognized nation-wide
    - iii. First stop for inquiries, like brick-and-mortar First.gov
    - iv. May be costly
  - c. Multi-door Service Center
    - i. Citizens do not always know whether they have a "legal" problem
    - ii. Combining social services, legal services, economic help in one place better serves citizens' needs.
- V. Medical Model
  - a. CDC issues Morbidity & Mortality Report, tracks health risks, no comparable, centralized agency studying legal "health" and risks nationwide.
  - b. Medical residency program with rotations in various specialties could be model for law school clinical programs
- VI. Challenged by "Silage"
  - a. Resources for law schools, courts, legal services in separate "silos"
  - b. Along with resource separation comes barriers to communication, collaboration across sectors

The following charts and comments were prepared by Marc Lauritsen as a tool to help understand the interaction of motivations between and among the various constituencies.

### A map of motivations in leveraging law students and technology to meet legal needs

(quite incomplete and unrefined)

	<i>Students</i>	<i>Teachers</i>	<i>Law schools as institutions</i>	<i>Legal services programs</i>	<i>Courts</i>	<i>Clients/customers</i>
<b>Why should they</b> (benefits, motivations)	<ul style="list-style-type: none"> <li>• skills lawyering technologies</li> <li>• credit</li> <li>• pay</li> <li>• career resume exposure</li> <li>• moral satisfaction</li> <li>• sense of community</li> <li>• ‘something real’</li> <li>• client contact</li> </ul>	<ul style="list-style-type: none"> <li>• satisfaction</li> <li>• empirical research</li> </ul>	<ul style="list-style-type: none"> <li>• bar passage</li> <li>• alum support</li> <li>• differentiation</li> <li>• scholarship</li> </ul>	<ul style="list-style-type: none"> <li>• more service</li> <li>• free dedicated labor</li> <li>• recruitment staff volunteers</li> <li>• better data</li> </ul>	<ul style="list-style-type: none"> <li>• less confused SRLs</li> <li>• better documents</li> <li>• more effective processes</li> <li>• happier public</li> <li>• better informed participants</li> </ul>	<ul style="list-style-type: none"> <li>• getting help!</li> </ul>
<b>Why don't they</b> (costs, inhibitions)	<ul style="list-style-type: none"> <li>• too busy</li> <li>• lack of faculty support</li> <li>• not adequately ‘lawyer’ work</li> </ul>	<ul style="list-style-type: none"> <li>• too busy</li> <li>• lack of right skills</li> </ul>	<ul style="list-style-type: none"> <li>• distraction from scholarship?</li> <li>• lack of business model</li> </ul>	<ul style="list-style-type: none"> <li>• management overhead</li> <li>• discontinuity</li> <li>• downtown</li> <li>• quality control</li> <li>• training burden</li> <li>• liability</li> <li>• maldistribution of law schools</li> </ul>		<ul style="list-style-type: none"> <li>• I want a ‘real’ lawyer</li> </ul>
<b>How could they</b> (what might improve attractiveness)	<ul style="list-style-type: none"> <li>• make cool</li> <li>• make convenient</li> <li>• less hassle</li> <li>• easy in, easy out</li> <li>• better pay off</li> <li>• bite-sized projects</li> </ul>		<ul style="list-style-type: none"> <li>• get US News to build into rankings</li> <li>• make an accreditation requirement</li> <li>• funding</li> </ul>	<ul style="list-style-type: none"> <li>• more intelligent software to support less knowledgeable users (scripts)</li> <li>• greater scale</li> <li>• more boundarylessness</li> <li>• get student projects supervised by willing clinical faculty</li> </ul>		

## A taxonomy of student roles and modes

Two major organizing principles

- Helping the legally needy (directly) vs. helping the helpers (like practice support lawyers)
- Real time interaction vs. artifact creation

	<b>Helping the needy</b>	<b>Helping the helpers</b>
<b>Real time service</b>	<ul style="list-style-type: none"> <li>• Guiding (e.g. web jockeying, ghostwriting)</li> <li>• Outreach, education</li> <li>• Advice and referral</li> <li>• Actual representation (under supervision)</li> </ul>	<ul style="list-style-type: none"> <li>• Intake</li> <li>• Legal research</li> <li>• Pleading, memo, brief drafting</li> <li>• Tech support</li> <li>• Second seat</li> </ul>
<b>Artifacts</b>	<ul style="list-style-type: none"> <li>• HTML content for self-helpers</li> <li>• Pathfinders for self-helpers</li> <li>• Videos for self-helpers</li> <li>• Interactive tools for self-helpers</li> </ul>	<ul style="list-style-type: none"> <li>• HTML content for advocates</li> <li>• Pathfinders for advocates</li> <li>• Videos for advocates</li> <li>• Interactive tools for advocates</li> </ul>

Modes:

- In person
- Remote
  - Phone
  - Video
  - Text chat

When you combine the varieties of roles and modes, you get a huge quilt of opportunities.