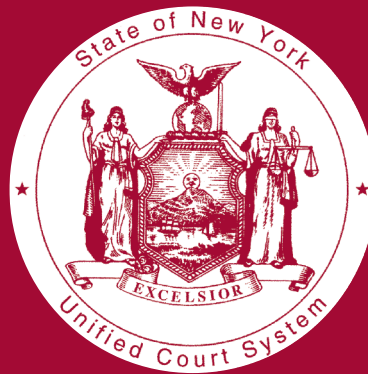


**TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK
REPORT OF THE LAW SCHOOL INVOLVEMENT WORKING GROUP**

**SECOND ANNUAL CONFERENCE
ACCESS TO JUSTICE:
CONTINUING THE CONVERSATION —
THE ROLE OF NEW YORK'S LAW SCHOOLS IN HELPING MEET
THE ESSENTIAL CIVIL LEGAL NEEDS OF LOW INCOME NEW YORKERS**

BASED ON A CONFERENCE CONVENED BY THE
TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK
AT NEW YORK LAW SCHOOL ON MAY 16, 2013



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NOVEMBER 29, 2013

Task Force to Expand Access to Civil Legal Services in New York

Second Annual Law School Conference Access to Justice: The Role of New York’s Law Schools

Continuing the Conversation: The Role of Law Schools in Helping Meet the Essential Civil Legal Needs of Low Income New Yorkers

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KEY RECOMMENDATIONS FROM THE TASK FORCE

As part of its work to offer a multi-faceted approach to help bridge the justice gap in New York, the Task Force is charged with recommending ways in which the law schools can maximize efforts to expand access to justice. On May 16, 2013, the Task Force convened the Second Annual Law School Conference, "Access to Justice: The Role of New York's Law Schools in Helping Meet the Essential Civil Legal Needs of Low Income New Yorkers," at which 147 participants from law schools, law firms, bar associations, legal services providers and the courts, continued the conversation initiated at the May 2012 Conference about our collective efforts to narrow the justice gap.

The changing landscape of the legal marketplace and the rising numbers of people in need of civil legal assistance for matters involving the "essentials of life" have intensified pressures on law schools, law students and lawyers. The catastrophic damage inflicted by recent storms has long lasting consequences often felt most acutely by already vulnerable individuals, without ready access to civil legal assistance. This confluence of factors has generated debate about the very framework of legal education and how best to train students to become effective lawyers and advocates in the 21st century. These topics are currently the subject of study by New York's law schools,¹ the New York State Bar Association,² the American Bar Association,³ and others across the State and nation. The singular focus of the Task Force's examination is access to justice and the role of New York's law schools in helping meet the essential civil legal needs of low income New Yorkers.

The Task Force proposes the following Key Recommendations, distilled from the reports of the five Conference Work Groups, which examined models of collaboration, the 50 hour *pro bono* bar admission rule, post graduate programs, curriculum, and technology for ways to enhance the law schools' efforts to improve access to justice for low income New Yorkers facing legal challenges to life's essentials, including shelter, employment, health care, education and

¹ For example, Brooklyn Law School, New York Law School and New York University School of Law are among the law schools that have recently announced programs or pilots that offer students expedited tracks to graduation and curriculum offerings intended to produce graduates ready to begin practice and fulfill their public service responsibilities.

² *See generally*, NYSBA Journal Special Issue, "The Future of Legal Education & Admission to the Bar," Millett, E. & Kaufman, E., editors, Vol. 85, No. 7 (Sep't 2013).

³ *See*, Draft Report and Recommendations, American Bar Association, Task Force on the Future of Legal Education, Sept, 20, 2013, *available at* http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/taskforcecomments/task_force_on_legaleducation_draft_report_september2013.authcheckdam.pdf; *see also*, Oliver, Jr., Hon. Solomon & Currier, Barry, A., Memorandum to Interested Persons and Entities: Comprehensive Review of the ABA Standards for Approval of Law School Matters for Notice and Comment (Sept. 10, 2013)(including the text of proposed Standard 303[a][3]) *available at* http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/201309_notice_comment_criteria_accepting_credit_student_study_foreign_institution.authcheckdam.pdf.

domestic stability. The specific recommendations developed at the Conference by each of the five Work Groups are described in greater detail in the individual Work Group Reports annexed hereto and are intended to offer a variety of options for law schools to further their efforts to narrow the justice gap.

1. Continuation of the Annual Law School Conference

This year's Second Annual Conference, convened by the Task Force, again joined deans, professors, staff and students from the fifteen law schools in New York State and representatives from legal services providers, bar associations, the practicing bar, the courts and members of the Board of Law Examiners, to share ideas, raise concerns, and offer their varying perspectives regarding access to justice issues. The continuation of the Law School Conference on an annual basis ensures meaningful dialogue and on-going collaborations with all the stakeholders on access to justice initiatives. The Task Force will identify a host for the next annual law school conference to be held in May 2014.

2. Statewide Law School Access to Justice Council (Council)

The Council is composed of representatives appointed by the deans of the fifteen New York law schools, as well as representatives of several legal services providers and bar associations. The Council held its inaugural meeting on May 16, 2013, the day of the Conference and expects to meet quarterly. The Council has identified two immediate agenda items: (i) development of an online "clearinghouse" for student *pro bono* opportunities and (ii) promotion of best practices and implementation strategies for student compliance with the 50 hour *pro bono* bar admission rule. In addition, the Council will consider the feasibility of developing a blueprint for disaster relief that offers models of collaborations proven effective for use in emergency or crisis situations.

- As recommended in the 2012 Report, each New York law school should dedicate an office or designate a person to centralize its school's access to justice programming. This will ensure efficient communications with students regarding access to justice programs and *pro bono* opportunities and facilitate its school's collaborations with civil legal services providers, bar associations, law firms and the courts.

3. 50 Hour *Pro Bono* Bar Admission Rule

With its promise of instilling in future lawyers a commitment to performing *pro bono* service, and its capacity to increase opportunities for students to acquire legal skills, the 50 hour *pro bono* bar admission rule is a critical element in the State's comprehensive effort to close the justice gap. The Annual Law School Conference and the Council offer important forums for the stakeholders to discuss best practices and effective measurements for assessing student experiences.

4. Curriculum

Law schools should continue to innovate ways to integrate access to justice into their curriculum offerings in both academic and practice contexts.

a. Additional Training in Skills and Values

Training law students in the skills of client representation (interviewing, counseling, negotiating, drafting, etc.) is part of the essential preparation for becoming effective lawyers, and is especially important in preparing students for public interest work and representation of low-income individuals. In New York, as around the country, law schools are investing resources and applying creative thinking to the enhancement of experiential learning opportunities. Traditional *pro bono* experiences, even if not credit bearing, are uniquely important for teaching professional responsibilities and values, especially the profession's commitment to assuring access to justice, and also offer significant opportunities for teaching lawyering skills to produce graduates ready for the challenges of legal practice.

b. Access to Justice Curriculum

The Curriculum Work Group identified a host of models for integrating access to justice into the curriculum, ranging from a required first-year course with an emphasis on access to justice issues, to a model that included a service-learning component in an upper level public interest lawyering course, to a program that involves students, faculty, alumni and other volunteers in representing juvenile immigrants in immigration court, to highlight a sampling. The Work Group adopted a rubric for assessing curricular innovations that address the need for improved access to justice teaching methodologies, and assessed the different models using that rubric (*see* Curriculum Work Group Report for the rubric). The law schools are encouraged to continue to develop and implement these types of access to justice programs and use the rubric (or another similar assessment tool) to evaluate these efforts.

c. Assessing the Third Year of Law School

Although the Task Force takes no position on the continued viability of the three year law school model or the efficacy of an accelerated program, the Task Force encourages law schools to explore options for the third year and consider alternatives to the traditional model that will produce lawyers equipped with the professional and practical skills to provide civil legal services to people in need.

5. Post Graduate Programs

The Work Group on Post Graduate Programs examined existing programs that provide training and employment for recent graduates while they perform legal work for underserved low and moderate income communities. The Task Force recommends that law schools expand successful programs and explore the viability of new models. Additionally, the Task Force urges law schools to create mechanisms to evaluate and track the on-going

experiences of program participants and monitor whether participants continue to work with underserved populations.

a. Examples Worthy of Replication by Law Schools

Post Graduate Programs have evolved over the last several years as law schools try innovative approaches to provide jobs and training for recent graduates, and simultaneously answer the call to expand access to civil legal services. The missions of the programs offered by New York law schools share several common elements: to provide recent law graduates with training and employment; to help prepare them for creating solo practices; and, to provide legal assistance to underserved low and moderate income communities (*see* Descriptions of Programs in the Post Graduate Work Group Report, annexed hereto). The models presented at the Conference can be evaluated by New York's law schools to determine which best suit the needs of the particular student body and which will enable them to best serve the needs of the local communities. Programs do not need to be replicated exactly; rather, law schools can select aspects of the various programs and combine them to develop new models or create new approaches entirely.

b. Develop a Reporting Mechanism to Track Experiences of Post Graduate Program Participants

To assess the impact and success of Post Graduate Programs and to ensure the efficacy of programs, it would be helpful to implement a uniform reporting system to track and document the experiences of participants. It would be important to determine if program participants continue to work in underserved communities and/or with low to moderate income individuals.

6. Bar Examination: Content and Scheduling

The realities of the legal marketplace demand that new graduates be prepared for the challenges of law practice. Clinical and experiential programs, together with the rule mandating 50 hours of *pro bono* law student service for bar admission, ensure that students will gain practical skills, ranging from client relations to managing a law practice, and instill the value of performing *pro bono* work. In addition to imbuing students with the ethic of public service, which is a hallmark of the New York bar, an underlying goal of the 50 hour *pro bono* bar admission requirement is to expand access to justice for people in need. Bar examination questions directed at access to justice issues and practice skills would strengthen law school curriculum offerings related to these topics.

a. Questions Addressing Access to Justice and Skills

Incorporating questions directed at access to justice issues⁴ and practice skills⁵ on the bar examination would provide the incentive for law students to select

⁴ The Massachusetts Access to Justice Commission unanimously adopted a proposal that "access to justice" be added as one of the topics on the bar examination, stating that such inclusion would increase the preparation students receive during law school on access to justice issues, *see* "Addition

courses with this focus and for law schools to further enhance access to justice curriculum options. Outreach should be made to the Board of Law Examiners on this matter.

b. Timing of Bar Examination for Law Students

The Task Force encourages an examination of different options for students to take the bar examination prior to completing three years of an accredited law school education, for example, after completion of the first semester of the third year which could be followed by a final semester externship.⁶

c. Expedited Admission to the Bar

To permit participants in post graduate programs to begin to immediately represent people in need of civil legal services, the suggestion was made that the Appellate Divisions provide expedited admission for such applicants. For example, increasing the frequency of induction ceremonies for post graduate program participants, or allowing participants in recognized programs to take the bar examination during the third year of law school and submit character and fitness materials at the time of the bar examination, could facilitate expedited review by the Appellate Divisions following candidates' passage of the bar examination.

7. Develop a Template to Guide Mobilization of Civil Legal Services to Deal with Disaster Related Emergencies

Law school students, faculty and administrators responded to the demands for civil legal assistance arising from the destruction inflicted by Superstorm Sandy and worked in conjunction with legal services providers, the courts, law firms and bar associations to offer immediate and continuing legal services to people in need (*see* Models of Collaboration Work Group Report for descriptions). To preserve the support network and effective delivery protocols mobilized by these efforts, a template should be established

of 'Access to Justice' Topic to the Massachusetts Bar Examination" (adopted June 6, 2013), *available at* <http://www.massacesstojustice.org/>.

⁵ The Task Force on Admissions Regulation Reform of the California State Bar has proposed that 15 units of practice-based experiential course work or comparable bar-approved externship, clerkship or apprenticeship, in addition to *pro bono* service, be prerequisites to bar admission (*see* [http://www.calbar.ca.gov/Portals/0/documents/bog/bot_ExecDir/ADA%20Version_STATE_BAR_TASK_FORCE_REPORT_\(FINAL_AS_APPROVED_6_11_13\)_062413.pdf](http://www.calbar.ca.gov/Portals/0/documents/bog/bot_ExecDir/ADA%20Version_STATE_BAR_TASK_FORCE_REPORT_(FINAL_AS_APPROVED_6_11_13)_062413.pdf)).

⁶ In December, 2012, the Arizona Supreme Court adopted an experimental rule, in effect until 2015, to allow students to take the bar examination after the first semester of the third year of law school (*See*, Rider, S. & Miller, M. , "The 3L February Bar Exam: An Experiment Under Way in Arizona," *The Bar Examiner*, Vol. 82, No. 3, Sept. 2013 *available at* http://www.ncbex.org/assets/media_files/Bar-Examiner/articles/2013/820313RiderMiller.pdf).

for use in future emergencies with due consideration to the specific recommendations presented in the Models of Collaboration Work Group Report annexed hereto.

8. Effective Use of Technology to Help Bridge the Justice Gap

Every Work Group explored the ways in which technology can enhance access to legal services. For example, the development of an online clearinghouse for student *pro bono* opportunities, along the lines of existing websites for volunteer attorney opportunities, is currently under study by the Council. In addition, interactive technologies, such as online interview and screening tools, provide new ways to assist *pro se* litigants through unbundled representation and assistance. Law students can provide help, either online or in person, to individuals involved in these processes, and can also participate in the development of the applications and in providing content.

Finally, technology continues to enhance the availability of training materials and resources, and law students and law schools can assist in keeping those materials available, thorough and current. Given the increasing need and the rapid pace of technological improvements, law schools, the courts, legal services providers, law firms and bar associations should continue to work together to maximize these benefits.

9. Use of Non-Lawyer Advocates

In the 2012 Report, the Task Force recommended that the Chief Judge appoint an advisory committee to look into the possibility of non-lawyers providing targeted assistance in limited areas. In May 2013, the Chief Judge appointed the Committee on Non-Lawyers and the Justice Gap to examine the role “appropriately trained and qualified non-lawyer advocates can play in bridging the justice gap.”⁷ The Committee will make recommendations for an appropriate system to expand the role of non-lawyer advocates in the delivery of legal services, and devise pilot programs for such appropriately trained non-lawyer advocates. Law schools may want to look into opportunities or ways to supplement their programs to provide one year of training for non-lawyers for such limited practice.

CONCLUSION

Since the 2012 Conference, the law schools have undertaken significant institutional innovations to respond to the Task Force’s 2012 Key Recommendations and adoption of the 50 Hour *Pro Bono* Bar Admission Rule. The intense debate underway regarding the shape of legal education will surely inform continued efforts to narrow the justice gap. Collaboration is at the heart of each of this year’s recommendations and is essential to the Task Force’s work to expand access to justice. All of the Work Groups recognized the importance of technology as a means to enhance the delivery of civil legal services, to promote collaborations, and as a tool to assess and track the impact of access of justice programs and student experiences. Each Work Group highlighted the need to develop consistent assessment methods and tracking mechanisms to evaluate the effectiveness of law school access to justice programs and

⁷ See New York State Unified Court System Press Release “Chief Judge Names Committee Charged with Examining How Non-Lawyer Advocates Can Help Narrow New York’s Justice Gap,” May 28, 2013, available at http://www.nycourts.gov/press/PDFs/PR13_07.pdf

projects, and to document the shortcomings of less productive models to maximize future efficiencies. Law schools, courts, providers, bar associations and the practicing bar should work together to identify, promote, sustain and replicate successful models. The Task Force recognizes that implementation of some of the Key Recommendations will likely require additional resources and/or staff, which would have to come from the reallocation of existing resources, new funding sources, or both.

OVERVIEW OF THE SECOND ANNUAL LAW SCHOOL CONFERENCE

The Task Force to Expand Access to Civil Legal Services in New York was appointed by Chief Judge Jonathan Lippman in 2010 to develop a comprehensive approach to the provision of civil legal services to low income New Yorkers. Beginning in 2010, the Chief Judge, assisted by the Task Force, has held annual statewide hearings to assess the level of unmet need for civil legal services in New York. Subsequent to the annual hearings, the Task Force prepares a Report to the Chief Judge for his consideration in advance of his recommendations, as requested by the 2010 joint legislative resolution, to address the documented unmet need for civil legal services in New York. Over the past four years, the Task Force's Reports have detailed the crisis in our legal system resulting from the lack of access to civil legal services for millions of low income New Yorkers. Due to the contraction of resources in both the public and private sectors, the Task Force has encouraged all the constituent organizations in New York's legal system to work collaboratively to find solutions to this crisis.

One of the primary initiatives of the Task Force has been to focus on the role of law schools in filling the gaps in access to civil justice in New York. In 2011, the Task Force undertook to survey the fifteen law schools in New York about their programs focused on the provision of legal representation and other assistance to low income New Yorkers concerning the "essentials of life." The survey results showed that law schools have great range and depth in programming that addresses these issues, including curricular offerings, student *pro bono* projects, and law school support for summer and post graduate legal work on behalf of low income clients. In 2012, the Task Force convened a Conference at the Benjamin N. Cardozo School of Law, entitled "A Conversation About the Role of Law Schools in Helping Meet the Essential Civil Legal Needs of Low Income New Yorkers." That Conference was organized into Work Groups, each of which examined different aspects of law school programs and activities that broaden community access to justice, and generated recommendations. From this work, the Task Force made a number of recommendations in its 2012 Report to the Chief Judge, as follows:

- Include law schools in regional planning processes that can help guide law students toward areas of greatest need;
- Establish an annual conference to encourage and promote communication and collaboration among law schools and legal services providers, the courts, and the bar to further efforts to meet the civil legal needs of low income residents in our State;
- Create on-line systems to match law students with providers, track students' work and hours, gather feedback, and measure outcomes;

- Establish a uniform student practice order to allow law students to perform the same tasks anywhere in New York State (as is the case in the other 49 states);
- Support recent law school graduates who are building new law practices that respond to the justice gap; and
- Provide law students with an understanding of the justice gap and with the knowledge and skills necessary to represent low-income clients effectively in *pro bono* activities as students and throughout their careers as attorneys.

The Second Annual Law School Conference, titled “Continuing the Conversation about the Role of Law Schools in Helping to Meet the Essential Civil Legal Needs of Low Income New Yorkers,” was held on May 16, 2013 at New York Law School (*see* Exhibit 1). The convening of the Conference solidified implementation of the Task Force’s recommendation to establish an annual conference to encourage and promote communication and collaboration among law schools, legal service providers, courts and the bar to promote access to justice. In conjunction with that Conference, the Statewide Law School Access to Justice Council held its inaugural meeting, kicking off the regional planning process contemplated by another recommendation in the 2012 Report. The Council plans to meet quarterly and has begun to articulate an agenda that encompasses several other Task Force recommendations.

The objective of the Conference was to continue the dialogue among New York State’s law schools, legal services providers, law firm *pro bono* coordinators and representatives from bar associations and the courts on how to promote the law schools’ efforts to help meet the essential civil legal needs of low income New Yorkers and equip new lawyers to be active participants in working to close the justice gap throughout their professional lives. It brought together 147 participants, including 7 law school deans, 50 faculty and administrative representatives from all 15 New York law schools and three out-of-state law schools, 12 law students, and 8 post graduate fellows. In addition, there were 10 representatives of the judiciary and Office of Court Administration, 2 members of the Board of Law Examiners, 28 representatives of legal services providers, and 30 bar leaders.

Task Force Chair Helaine M. Barnett opened the Conference with welcoming remarks and the introduction of Chief Judge Jonathan Lippman (*see* Exhibit 2). Chief Judge Lippman provided information about developments in New York since the 2012 Conference, including the naming of members of an Advisory Committee to assist in the launch and implementation of the 50 hour *pro bono* requirement for bar applicants, increasing the aspirational goal for *pro bono* work by attorneys in New York to 50 hours, from 20 hours, and the addition of a requirement to report on *pro bono* activities and contributions as part of the biennial attorney registration (*see* Exhibit 3). Judge Lippman also emphasized that while there have been sharp increases in public funding for civil legal services in the recent years the need for improved access to justice has not abated.

Opening Plenary Session

The Opening Plenary Session was entitled “Opportunities and Challenges for Law Schools Working to Help Close the Justice Gap.” Carol Buckler, Professor of Law and Director of *Pro Bono* Initiatives at New York Law School, chaired the session. The panel included Dean

Anthony W. Crowell, Dean, President and Professor of Law at New York Law School; Alexander D. Forger, Special Counsel to Milbank, Tweed, Hadley & McCloy, LLP and a Task Force member; Lillian M. Moy, Executive Director of the Legal Aid Society of Northeastern New York, Inc., and also a Task Force member; and, Hon. Jenny Rivera, Associate Judge of the New York State Court of Appeals.

Professor Buckler focused her introductory remarks on the interactive nature of the Conference's work. The Conference did not have a standard format of speaker presentations followed by question-and-answers; rather the participants would be expected to interact with the speakers and, based on the interaction, to develop recommendations and best practices growing out of the wealth of shared experience in the room. Dean Crowell spoke about the role of the law school in shaping future lawyers, and the importance of instilling the importance of *pro bono* work and public service at the formative stage of their careers. He also spoke about other aspects of the law school mission, including providing experiential learning opportunities as a way to serve the community, and being a source of continuity for alumni in fulfilling their professional responsibilities and continuing their professional growth. Alexander Forger spoke about the higher calling of lawyers, as holders of a professional license and the gatekeepers to the justice system, to promote access to justice. He noted the changing nature of the profession, and emphasized that law schools have the power and responsibility to teach students about the central role of community service among the values of the legal profession. Lillian Moy highlighted the significance of the Conference as an opportunity for cross-pollination between law schools and legal services providers in thinking about new ways to close the justice gap. Justice Jenny Rivera spoke about the ways in which the law school mission to teach students to become competent lawyers connects with the goal of encouraging students who want to become public interest lawyers and with providing opportunities for them to do so.

Conference Work Groups

As in 2012, the 2013 Conference attendees were divided into Work Groups. These Work Groups were as follows:

- **Models of Collaboration: Examples and Lessons from Hurricane Sandy Response.** This group was coordinated by Adam Friedl, *Pro Bono* Coordinator of Pro Bono Net; and Thomas Maligno, Executive Director of the Public Advocacy Center and Director of *Pro Bono* and Public Interest, Jacob D. Fuchsberg Law Center, Touro College.
- **50 Hour *Pro Bono* Requirement: Best Practices for Implementation of the Rule to Assist Student Compliance and Promote Increased Access to Justice.** This Work Group was coordinated by Brenna K. DeVaney, Chair of the New York City Bar Association *Pro Bono* and Legal Services Committee and *Pro Bono* Counsel at Skadden, Arps, Slate, Meagher & Flom LLP; and David Udell, Executive Director of the National Center for Access to Justice and Visiting Professor, Benjamin N. Cardozo School of Law.
- **Curriculum: Incorporation of Access to Justice and Third Year Options.** This Work Group was coordinated by Lenni Benson, Professor of Law New York Law School; Stephen J. Ellmann, Professor of Law, Director, Office of Clinical and Experiential Learning, and Chair, Clinical Theory Workshops, New York Law School; Olatunde Johnson, Associate Professor of Law, Columbia Law School; and Elizabeth M. Schneider, Rose L. Hoffer

Professor of Law, and Director, Edward V. Sparer Public Interest Law Fellowship Program, Brooklyn Law School.

- Post Graduate Programs: This Work Group was coordinated by Shelley J. Dropkin, Managing Director, Deputy Corporate Secretary and General Counsel, Corporate Governance, at Citigroup Inc.; Jennifer C. Friedman, Executive Director, Pace Community Law Practice and Director of the Public Interest Law Center, Pace University Law School; Marcia Levy, Associate Dean of Career Services and Professor of Professional Development, Benjamin N. Cardozo School of Law; and Lillian M. Moy, Executive Director, Legal Aid Society of Northeastern New York, Inc.

Each Work Group was tasked with examining a core set of issues:

- A. Technology and Communication Initiatives and Innovations to Expand the Role of Law Students and Law Schools in Access to Justice Work: Identify online applications, platforms and social media programs to coordinate students with opportunities to provide civil legal services and to inform potential clients of sources of representation and assistance.
- B. Models: Identify models that are successful in terms of impact, cost, supervision and student learning that could be expanded or replicated. Propose new models that can expand the impact of law schools in meeting the civil legal needs of low income New Yorkers.
- C. Supervision: Identify resources within law schools, such as faculty and alumni, and outside stakeholders, such as providers, courts, law firms, bar associations, client and community groups, funders, who can further assist in supervisory capacities to ensure law students effectively deliver legal assistance to low income New Yorkers.
- D. Legal Education: Identify opportunities for law schools to broaden curricular and clinical offerings focused on public service and closing the justice gap that also incorporate practical skills training.

There was a luncheon presentation of Technology Platforms, which was coordinated by Adam Friedl; Daniel Hunter, Professor of Law and Director, Institute for Information Law and Policy, New York Law School; Keith J. McCafferty, Managing Attorney, Legal Assistance of Western New York, Inc.; Theresa K. Mohan, Senior Regional Counsel, IBM; and, Laren E. Spierer, Founder, Inspirer Consulting. The presenters at this session also attended the concurrent sessions of the other four Work Groups, to give and receive input about the role of technology in relation to each topical area.

Closing Plenary Session

At the conclusion of the day, the participants reconvened in a Plenary Session, led by Matthew Diller, Dean of the Benjamin N. Cardozo School of Law. Facilitators from each Work Group shared highlights and preliminary findings of their deliberations throughout the Conference.

Dean Diller then presented his thoughts about the role of legal education in the movement to improve access to justice. He noted that legal education is experiencing an era of re-invention, especially with respect to providing more practical and real-world experiences to law students, so it is an apt time to consider how access to justice fits into the law school mission. It is also an era of tight budgets and shrinking resources, which exacerbates the challenge for law schools in addressing the unmet need for representation. This is all in a context of concern about high law student debt, especially for those students who wish to go into public service or public interest practice; attention should be paid to expanding debt forgiveness plans and other federal loan policies that might affect choices regarding public interest careers. In facing these issues, he noted, law schools must consider the importance of supervision of law students and recent graduates, especially as they think about possibly expanding opportunities to offer every law student. This is a moment when *pro bono* work can go from being a “niche” within schools to being the norm. In such a time of change, it will be especially crucial to study and track the results of various models, to determine what works best (and what does not work) and to disseminate this useful information. The 50 hour rule has already generated enthusiasm and energy within law schools, and will present more opportunities for law schools to reach out to alumni, legal services providers, the courts and the private bar to help think through the issues and develop and expand effective programs.

REPORTS OF THE CONFERENCE WORK GROUPS

1. MODELS OF COLLABORATION

A. OVERVIEW

The Models of Collaboration Work Group examined the topic through the lens of the legal relief efforts following Superstorm Sandy (Sandy). The Work Group’s co-facilitators and panelists have been deeply involved in these efforts, and discussed partnerships between different types of service providers that have been assembled to serve storm victims. The goal was to draw lessons for law schools on how to collaborate with different groups involved in access to justice efforts.

1. Description of Models and the Panel

a. Building Law School / Legal Services Provider Partnerships

Kevin Cremin, Director of Litigation for Disability and Aging Rights, MFY Legal Services, Inc.

Becky Rosenfeld, Director of Externships, Benjamin N. Cardozo School of Law

b. Collaborating with Non-Legal Organizations

Gwen O’Shea, President & CEO, Health & Welfare Council of Long Island

c. Creating Partnerships with the Private Bar (and others)

Lynn Kelly, Executive Director, City Bar Justice Center

d. Law Schools and the Courts

Honorable Fern Fisher, Director, NYS Courts Access to Justice Program;
Deputy Chief Administrative Judge for New York City Courts

Natalie Gomez-Velez, Professor of Law, CUNY School of Law

B. DISCUSSION

In the panel's first segment, Kevin Cremin and Becky Rosenfeld discussed the Disaster Relief Law Field Clinic that Cardozo Law School started in the 2013 spring semester. Kevin taught the classroom component of the clinic, and his organization, MFY Legal Services, supervised the students' fieldwork. Key insights from this successful effort included the need for careful thought in designing supervision models to ensure the best experience for students and the clients they are assisting. In the second segment, Gwen O'Shea presented on collaborations with non-legal services providers. Following Sandy, numerous organizations providing social services and relief to victims on Long Island formed a Long Term Recovery Group, and law students and clinics at Touro and Hofstra Law Schools played key roles on the Group's Legal Committee. Students learned firsthand how the law forms an integral part of larger efforts to serve those in need.

Next, Lynn Kelly discussed partnering with members of the private bar. The City Bar Justice Center was instrumental in getting law firms to participate in early relief efforts. Among Lynn's important insights was the need for collaborations to add value to the efforts of each individual group. Finally, Judge Fisher and Professor Gomez-Velez expanded our scope beyond the disaster context to share lessons from the New York Courts' groundbreaking efforts to involve law students in the Access to Justice movement through programs such as the Launchpad for Justice and the Mobile Help Center. Apart from providing help to those in need, these programs also give students a better understanding of poverty, cultural diversity, and the challenges that those without access to counsel face when entering the legal system.

Our Work Group had a wide-ranging and lively discussion concerning collaboration around disaster relief, but many of the lessons taken from that exchange of ideas apply to the larger topic of law schools collaborating with other groups in general. We briefly present disaster-specific models on which our group developed some consensus, but focus the majority of our recommendations on broader law school collaboration models and issues.

With respect to disaster relief, the Sandy experience clearly shows the important role that law schools and students can (and should) play in legal relief efforts. From assessing legal needs in devastated communities to providing research and writing help on complex insurance cases, even first-year law students can play a key role. The

collaborative challenges in this area during the Sandy aftermath were primarily due to the lack of existing networks and relationships through which partnerships could be formed in a timely fashion. Law students from across the country (as well as others throughout the legal profession) expressed their eagerness to help, but existing programs and models into which we could plug available students often took months to develop, during which enthusiasm and availability decreased significantly. The Student Hurricane Network (SHN), which provided so much relief to the victims of Hurricane Katrina, had formally disbanded in 2009. In short, many wanted to help, but few knew where to find the opportunity. Drawing from this analysis, the Work Group offers the following recommendations.

C. RECOMMENDATIONS

1. DELIVERY OF CIVIL LEGAL SERVICES IN DISASTER RELIEF EFFORTS

a. Create and Maintain Emergency Response Plans that Detail How Law Schools Will Contribute to Disaster Relief

This applies not only to law student participation, but faculty and staff as well. One excellent suggestion in our group was to develop a listing or database of law school faculty with much-needed expertise, e.g., insurance law, who could be called on in the case of a disaster. While not available to the public, such a list could easily be maintained on *Pro Bono* Net or by OCA and made available to disaster relief coordinators when needed.

b. Give Students a Key Role in Developing Emergency Response Plans and Networks

Students, rather than staff, often drive the most effective and enthusiastic student participation, as illustrated by the SHN. Touro Law Center and others are already working to revive the network and expand its disaster relief role.

c. Conduct Periodic “Fire Drills” to Test Readiness of Emergency Networks

Test the collaborative models and networks developed through periodic simulations that give students the opportunity to see how they might react, as well as to inspire new ideas.

d. Modes of Analysis for Assessing Future Models: Conduct Case Studies of the Collaborations Discussed in Our Groups to Develop a Knowledge Base of Successful Strategies

In any new venture, some initiatives turn out more successful than others—the key is to identify successful strategies and abandon failed ones. To move toward closing the Justice Gap over the long term, the Task Force should invest in learning which strategies most efficiently use resources and achieve the greatest benefits.

2. COLLABORATIVE POTENTIALITIES

The collaborative models presented during the panel discussions demonstrated that there are many effective ways to get law students more involved in the delivery of services to vulnerable populations. There was a clear consensus in our group that any serious effort to increase Access to Justice in New York must involve the thousands of law students around the state, both to deliver needed services in the present, and to inculcate in them the professional values of service to others for their future careers. There was also widespread acknowledgement that legal education is experiencing a sea change on numerous fronts, including the financial environment, that require creative thinking and bold ideas to enable it to play this important role. With that background, we offer the following recommendations:

a. Law Schools Should Embrace Collaboration with Groups Across and Outside the Legal Profession: Other Schools, Non Profit Legal Service Providers, Private Bar, Even Non Legal Service Providers

Today more than ever before, the professional and economic environments demand that lawyers have wide-ranging skills—not only professional, but also social and cultural skills. At the same time, the legal needs of vulnerable populations are often intimately entwined with social, economic, and other issues. A diverse exposure to these issues is crucial to understanding and reducing the justice gap.

b. Supervision: Law Schools Should Enlist Both Faculty and Alumni to Play a Larger Role in Supervising the Access to Justice Efforts of Their Students, and Coordinate Closely with Service Providers on the Supervision Models

Proper supervision of law students engaged in legal service delivery is crucial, and expansion of such student engagement will require more supervisors. Our Work Group recommends that law schools develop new resources to oversee student efforts—notably alumni and non-clinical faculty. Supervising future lawyers provides alumni with an opportunity to share their professional experiences while giving back to their schools and the bar.

In cases of law schools partnering with independent providers, schools should also cooperate closely with the organizations to ensure that supervision models contribute to the best possible experience both for the students involved and the clients served.

c. Student Organizations Should Become Involved in *Pro Bono* Efforts Related to Their Purpose

Each of the 15 law schools in New York State has numerous student-run organizations dedicated to particular areas of the law. Encouraging these groups to channel their members' existing interests and expertise in these areas into Access to Justice projects that give them the opportunity to further develop their professional skills benefits both students and clients.

d. A Multi-School “Student Council” Should Be Assembled to Discuss New Ways to Become Involved in *Pro Bono*, and Should Develop a Report for Presentation to the Schools

Law students must have significant input into what they can (and should) contribute to Access to Justice. Collaborating with colleagues, formulating proposals, and presenting new ideas are critical skills for any lawyer-in-training to develop. Additionally, the best way to ensure enthusiastic and successful student participation in these efforts is to give them a voice in formulating the plan.

Several NYC-metro area law schools have already begun to take steps in this direction, convening meetings at which student representatives from across the region can share information and discuss issues their schools face.

3. Technology Plays a Key Role in Everything Lawyers and Law Students Do Now and Its Potential to Help Law Schools in their Access to Justice Efforts Should be Fully Explored

Technology is revolutionizing the practice of law, and its application on behalf of those without access to civil legal services is only beginning to be explored. A fundamental part of planning any new Access to Justice Initiatives for law schools should be consideration of whether the use of technology could increase the quality or scope of desired outcomes.

4. Funding Is An Enormous Issue for Law Schools Now, and Raises Numerous Practical and Ethical Issues that Require Immediate Consideration.

The changing economics of legal education present considerable challenges to schools contemplating new activities. Our Work Group spent considerable time exploring thorny topics such as “can law schools be legal services providers (and thus eligible for legal services funding)?” and “if so, does their seeking such funds take resources away from existing legal services programs, or enhance them through new collaborations?” While we were only able to scratch the surface of these questions, they deserve careful consideration in any discussion of the role law schools can play in increasing access to civil legal services.

2. 50 HOUR *PRO BONO* BAR ADMISSION REQUIREMENT

A. OVERVIEW

At the one year mark since the May 2012 announcement of the 50 hour *pro bono* service bar admission requirement, many of the Conference participants voiced strong support for the requirement, with some participants observing that the rule is effective in underlining the importance of *pro bono* service both by law students and by professionals, and that it is already helping to draw increased resources into the infrastructure that supports *pro bono* service. A number of participants expressed confidence that the rule, over time, will have its intended effects of increasing the number of professional attorneys engaged in *pro bono* service, strengthening the skills of attorneys, and providing direct help to the recipients of the *pro bono* services.

The overarching goal of the Work Group was to identify the best practices for effectuating the 2012 Rule that requires individuals to complete 50 hours of *pro bono* service as a condition for admission to the New York bar. Upon announcing the 50 hour rule in May 2012, Chief Judge Jonathan Lippman identified three goals: i) instill an ethic of public service, ii) respond to the needs of unrepresented litigants, and iii) promote experiential learning. The 50 hour rule was codified in the rules of the Court of Appeals of New York in January 2013 and is available on the New York State Unified Court System website, along with additional information, including a memorandum of Frequently Asked Questions, as amended August 26, 2013, at <http://www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml>.

1. Description of the Panel and Breakout Sessions

The Work Group heard a panel presentation in the morning, and divided into breakout sections in the afternoon. The panel was comprised of representatives from the courts, the legal services bar and the private bar, as follows:

- **Courts**

Hon. Victoria Graffeo, Co-chair of the Advisory Committee on New York State *Pro Bono* Bar Admission Requirements;

Professor Lawrence Raful, Director of the New York State Court's *Pro Bono* Initiative.

- **Law Schools**

Ellen Chapnick, Vice Dean, Dean for Social Justice Initiatives, Columbia University School of Law

Thomas J. Schoenherr, Assistant Dean, Public Interest Resource Center, Fordham University School of Law

- **Legal Services Bar**

Steven Banks, Attorney-in-Chief, The Legal Aid Society of New York and Member, Chief Judge's Task Force to Expand Access to Civil Legal Services in New York

- **Private Bar**

Harlene Katzman, *Pro Bono* Counsel and Director, Simpson Thacher & Bartlett LLP.

In the morning session, people spoke of beneficial emerging impacts of the rule. Law schools and other entities are: i) pursuing new staffing, ii) creating larger, more impactful, and more predictably timed projects, iii) developing new administrative structures, iv) developing original software to administer *pro bono* programs, v) educating law students and other stakeholders about the Rule and its requirements, and vi) shifting the culture in law schools, law firms, and courts toward an increased understanding of the importance of *pro bono* services as a means of responding to inequality in the justice system.

In the afternoon session, members of the Work Group divided into three breakout Work Groups as follows: 1) Matching students and replicating projects; 2) Tracking hours, evaluating quality, and evaluating impact; and, 3) Resolving questions about the Rule. The breakout Work Groups discussed challenges, best practices and recommendations, and then reported their findings to the full Work Group, as recounted below.

B. DISCUSSION

1. CHALLENGES

The Work Group identified the following challenges in implementing the Rule:

- a. **NATIONAL EXPECTATIONS:**
Other jurisdictions are looking to New York to see how the Rule is implemented.
- b. **TIME SENSITIVITY:**
Clarity about the Rule is needed now because students are deciding how to perform qualifying service in anticipation of submitting applications for bar admission soon after the January 1, 2015 effective date of the Rule.
- c. **COMPLIANCE BY L.L.M.s:**
Diverse models are needed to help enable LL.M.s satisfy the requirement during the time available to them. The Rule counts services performed in the year before commencement of the LL.M. course of study.
- d. **SUPERVISION:**
Creative models are needed that can assure the delivery of high quality services with greater student-to-supervisor ratios. Diverse models are can be developed under the terms of the amended Frequently Asked Questions Memo, dated August 26, 2013, indicating that the constant physical presence of a supervisor is not required for services to count toward satisfaction of the requirement, and that students may rely on video and telephone to access supervision.

- e. **NO PRE-APPROVAL PROCESS:**
Stakeholders (including bar applicants, supervising attorneys, law schools, law firms and legal services organizations) do not have an opportunity to determine in advance, with certainty, whether services performed will qualify.
- f. **NEED FOR CREATIVITY IN DESIGNING PROJECTS:**
Vast numbers of people have unmet legal needs in New York, and therefore projects need to be designed to respond effectively to these needs while also satisfying the requirements of the Rule.
- g. **NEED TO PRIORITIZE JUSTICE GAP:**
Some stakeholders will need to reprioritize *pro bono* efforts to focus on the intent of the Rule to increase *pro bono* services that would be responsive to the vast unmet needs that define the justice gap in New York as opposed to *pro bono* services in general.
- h. **NEED FOR RESOURCES:**
Some stakeholders have expressed concern that implementation of the Rule may require new resources to fund program design changes, hire new staff, finance particular projects and pay for supervision of specific programs.
- i. **VARIATION IN LAW SCHOOLS' RESOURCES:**
Some law schools are well situated to implement the Rule (as they have more diverse local *pro bono* organizations on which to rely, greater experience integrating *pro bono* opportunities into student life, or more abundant financial resources), while some law schools may require help and training to ensure that they are able to implement the Rule.
- j. **NEED FOR NEW MODELS TO SUPERVISE STUDENT- RUN PROJECTS:**
Supervisors must now guide projects that have traditionally been run by upper-class students in order for the services performed through these projects to count toward satisfaction of the Rule. More diverse supervisory models are possible now under the amended Frequently Asked Questions Memo, dated August 26, 2013, indicating that the constant physical presence of a supervisor is not required, and that students may rely on telephone and video to access supervision.
- k. **NEED FOR "BURST" PRO BONO OPPORTUNITIES:**
An increased number of *pro bono* opportunities is needed to accommodate the increased numbers of students who must now perform *pro bono* services, but who do not intend to do more than the minimum hours required and who may prefer to complete their 50 hours during short, specific periods of time.
- l. **CULTURE CHANGE:**
With thousands of students poised to acquire their first *pro bono* experiences, a thoughtful approach is needed to ensure that all students embrace the *pro bono* ethic so that it will carry through into their future careers as attorneys.

2. EMERGING BEST PRACTICES

The Work Group discussions revealed a series of emerging best practices adopted as law schools, legal services providers and law firms integrate law students into *pro bono* initiatives.

a. LAW SCHOOLS

- i. **LIAISON:**
Law schools are designating a “liaison” to communicate about *pro bono* with the courts, civil legal aid providers and firms, and to manage all communication about *pro bono* within the school as well, including about which law school initiatives satisfy the Rule.
- ii. **ORIENTATION:**
Law schools are telling incoming students about the Rule at new student orientation, explaining the opportunities for satisfying the Rule.
- iii. **WEB NOTICE:**
Law schools are posting information about *pro bono* service and the 50 hour rule on school web sites, with links to the Rule itself, and to the form Affidavit.
- iv. **MULTIPLE VIRTUES OF *PRO BONO*:**
Law schools are promoting *pro bono* service, by explaining how it matters for people, helps students build professional skills, and creates networking opportunities with colleagues, employers, clients and others.
- v. **INTEGRATION:**
Law schools are working to integrate *pro bono* into the core curriculum, establishing requirements for graduation and sponsoring *pro bono* projects.
- vi. **COLLABORATION:**
Law schools are creating collaborative projects that link civil legal aid programs, courts, law firms, and law schools.
- vii. **FACULTY CERTIFICATIONS:**
Law schools are telling faculty members about the Rule, including instructing them to sign students’ affidavits at the time *pro bono* service is completed.
- viii. **MATCHING ON CAMPUS:**
Law schools are providing on-campus instruction about the Rule, explaining service opportunities and helping students connect with civil legal aid programs, courts, firms, and other institutions.

- ix. COUNSELING STUDENTS:
Law schools are including the 50 hour rule among subjects that advisors cover as graduation approaches.
- x. LAW SCHOOL SUPPORT FOR *PRO BONO*:
Law schools are strengthening infrastructure that supports *pro bono*, focusing on space, supervision, training, insurance, and opportunities for relying on *pro bono* initiatives to teach skills.
- xi. CLINICS, EXTERNSHIPS AND TRADITIONAL *PRO BONO*:
Schools are seeking to expand offerings of clinics and externships, while also working to increase opportunities to perform traditional *pro bono* service (i.e. without receipt of credit or pay).

b. LAW FIRMS

- i. LAW FIRM SUPPORT FOR *PRO BONO*:
Law firms are taking increased responsibility for helping summer associates comply with the Rule. Firms are informing students about the Rule and providing opportunities to perform services that qualify.
- ii. NOTICE TO FUTURE ASSOCIATES:
Law firms are providing information about the Rule at all stages of the hiring process, i.e., when offering the position of summer associate, and when offering the position of associate.
- iii. TRACKING HOURS:
Law firms are providing summaries of *pro bono* hours of service to summer associates at end of summer.
- iv. CERTIFICATION:
Law firms are establishing exit procedures that ensure that supervising attorneys sign service affidavits at the end of summer, and are also maintaining a copy of those affidavits at the firm.

c. CIVIL LEGAL AID PROGRAMS

- i. EVALUATING NEED:
Programs are reviewing unmet needs of client populations and determining which categories of need can be successfully addressed by students in a 50 hour period.
- ii. CREATING NEW OPPORTUNITIES:
Programs are creating new opportunities that afford the students a meaningful experience in a short time while assuring that quality is preserved and that staff resources are not over-taxed.

- iii. **CERTIFICATION:**
Programs are designing record keeping systems even though the Rule requires students to maintain their own records.

- iv. **INITIAL STEPS:**
The Legal Aid Society of New York reported that it is taking the following steps:
 - Identifying tasks that can be performed by law students, and then creating a menu of projects for students to choose from.
 - Designing *pro bono* projects that can be offered to students in 50 hour "bursts."
 - Identifying "gaps" where student service will help without draining staff time for supervision.
 - Appointing a 50 hour program coordinator within The Legal Aid Society's *pro bono* section.
 - Encouraging law schools to appoint a liaison to coordinate with The Legal Aid Society's 50 hour program coordinator on all law student *pro bono* issues, including opportunities, matching students to specific positions, quality of students' performance and quality of the *pro bono* experience.

C. RECOMMENDATIONS

The Work Group identified opportunities for law schools, legal services providers, courts and law firms to lead the way in increasing the impact of law student *pro bono* service. Some of the Work Group's recommendations were initially identified in the report published by the Task Force Report in December 2012, and are now understood to have even greater importance as implementation of the new rule is moving forward:

1. Matching Students to *Pro Bono* Opportunities

- Develop a software system that would help to connect students to worthwhile *pro bono* projects—an online clearinghouse;
- Expand planning of *pro bono* initiatives so that more students can become invested and involved in larger projects that will have greater impacts;
- Designate a *pro bono* "liaison" in each law school to enable civil legal aid programs and to engage in more productive communication with the law schools;
- Coordinate communication among the law schools, courts, providers and the bar, especially to help identify areas of unmet need; and
- Develop projects that enable students to provide 50 hours toward the requirement on one project, resulting in a deeper dive into the issue.

2. Replicate Successful *Pro Bono* Projects

- Rely on key factors to develop new projects and replicate *pro bono* projects, such as:
 - responsiveness to unmet need
 - the number of students involved
 - the number of beneficiaries
 - individual impact
 - systemic impact
 - opportunity to acquire professional skills
 - ease of administration and cost.
- Focus on factors that make a *pro bono* project worth replicating;
- Create an on-line system for sharing information about replicable projects. The stakeholders should join forces to establish an online location, ideally as part of the newly created Access to Justice Council (and coordinated with other existing systems), for posting information about successful *pro bono* projects.

3. Track Hours of *Pro Bono* Service

The Work Group recommends tracking the hours of *pro bono* service with a software application that allows: i) students to enter data online to report their hours of *pro bono* service, ii) supervisors to certify online the accuracy of the hours as reported by the students, and iii) students to submit their sworn affidavits online to produce the final affidavit that satisfies the Rule. While some schools have basic systems in place for tracking hours of *pro bono* service, all participants agreed that students will need accurate records in light of the new rule, better systems for tracking hours would be very helpful and should be available at an affordable price, and it would be useful to have an accurate picture of the overall amount of *pro bono* service being performed.

Finally, the Work Group recommends modifying the official form affidavit to solicit data that will illuminate the ways in which the students' performance of *pro bono* service is (or is not) effectuating the Rule. It is proposed that the official form affidavit collect information regarding: i) the nature of the tasks performed, ii) the category of law in which the service was performed, iii) the category of organization or individual for whom the service was performed. The Work Group recommends that the affidavit incorporate a checklist format (rather than questions seeking narrative responses) to ease data gathering and to facilitate data analysis. The current form affidavit is posted at http://www.nycourts.gov/attorneys/probono/AppForAdmission_Pro-BonoReq_Fillable.pdf

4. Track the Quality of the *Pro Bono* Experience

The Work Group recommends tracking the "quality" of the *pro bono* experience. The Work Group recognizes that some schools have begun to develop tracking systems for evaluating quality, but all participants agree that a software application could potentially

simplify the task of tracking quality, and further agree that more work is needed to establish criteria to guide the tracking process.

Some of the criteria identified by the Work Group as potentially valuable are:

- opportunity to perform specified tasks
- opportunity to work under supervision of an attorney
- opportunity to engage with clients, allies, opponents
- opportunity to acquire substantive knowledge
- opportunity to acquire knowledge of the justice gap.

The Work Group recommends developing systems, ideally in reliance on the official affidavit form (but possibly through other approaches carried out by the law schools) to seek information about these (and other) elements reflecting the quality of the *pro bono* experience from the perspective of the student.

5. Track the Impact of the *Pro Bono* Experience

The Work Group recommends tracking the “impact” of the *pro bono* experience. The Work Group recognizes that some schools have begun to develop tracking systems for evaluating impact, but all participants agree that a software application could potentially simplify the task of tracking impact, and further agree that more work is needed to establish criteria to guide the tracking process with respect to impact.

The factors pertinent when evaluating impact are related to those that are considered when deciding whether a project is worthy of replication. As mentioned in the preceding section on replicating successful *pro bono* projects (*see 2* above), these factors include:

- level of supervision
- responsiveness to unmet need
- the number of students involved
- the number of beneficiaries
- individual impact
- systemic impact
- opportunity to acquire professional skills
- ease of administration and cost.

The Work Group recommends developing systems, ideally in reliance on the official affidavit form (but possibly through other approaches carried out by the law schools) to seek information about these (and other) elements reflecting the impacts of the *pro bono* experience.

6. Facilitate Implementation of the Rule

- a. Clarify roles – Dialogue is needed to clarify the role of each of the institutions and individuals that share responsibility for implementing the Rule.
- b. Consider having an optional preapproval process-

- i. Develop a consistent process for determining what programs and what types of work qualify.
 - ii. Develop a process for providing students with feedback on rejected programs and projects, explaining the change that would allow the work to qualify under the Rule.
 - iii. Create a resubmission process for projects that have been redesigned in satisfaction of changes urged in the initial review process.
- c. List Past Decisions - List approved activities and initiatives on the Rule's FAQ website to enable future bar applicants to increase the likelihood that future projects will be approved.
 - d. Support the Character and Fitness Committee members - Develop reference materials and resources for Character and Fitness Committee members to help the Committee members to understand the nature of *pro bono* activities that will count under the Rule, including a list of legal services organizations frequently involved in supervising student *pro bono* work.

**RECOMMENDATIONS ON LEGAL EDUCATION AND ACCESS TO JUSTICE
FROM THE DECEMBER 2012 REPORT OF THE
TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK**

The first annual conference convened by the Task Force to Expand Access to Civil Legal Services in New York, produced recommendations for strengthening *pro bono* service that bear directly on implementation of the 50 hour rule. The 50 hour Work Group recognizes the importance of the recommendations. The 2012 Task Force Report is available at <http://www.nycourts.gov/ip/access-civil-legal-services/>, and the Report of the 2012 Task Force's Working Group on Law School Involvement is available at <http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS2012-APPENDICES.pdf>.

We include the leading recommendations from the 2012 Task Force Report below, for ease of reference:

- *Regional planning* - Include law schools in regional planning processes that can help guide law students toward areas of greatest need;
- *Annual Conference* - Establish an annual conference to encourage and promote communication and collaboration among the law schools and legal services providers, the courts, and the bar to further efforts to meet the civil legal needs of low-income residents in our State;
- *Matching and Tracking* - Create on-line systems to match law students with providers, track students' work and hours, gather feedback, and measure outcomes;
- *Uniform Student Practice Order* - Establish a uniform student practice order to allow law students to perform the same tasks anywhere in New York State (as is the case in the other 49 States);
- *Incubator Programs* - Support recent law school graduates who are building new law practices that respond to the justice gap; and

- *Prep for Pro bono* - Provide law students with an understanding of the justice gap and with the knowledge and skills necessary to represent low-income clients effectively in *pro bono* activities as students and throughout their careers as attorneys.

3. POST GRADUATE PROGRAMS

A. OVERVIEW

Post graduate programs have evolved over the last few years as law schools try innovative approaches to provide jobs and training for recent graduates, while at the same time answering the call to expand access to legal services. The programs differ in approach, but the impetus is often the same for the law school and recent graduates: providing opportunities for graduates to gain employment and the training necessary to be effective advocates as they launch their careers. At the same time, these programs provide more lawyers trained in legal practice who are willing to offer “essentials of life” representation at an affordable cost. This working group looked at a variety of post graduate models, asking each to answer a series of questions related to model, mission, quality control, supervision, training and cost.

1. Description of Programs and the Panel

The Post Graduate Programs Work Group program included a panel of speakers representing five post graduate programs, each with a unique model. The missions of the programs shared several common elements: to provide recent law graduates with training and employment; to help prepare them for creating solo practices, and to provide legal assistance to underserved low and moderate income communities. Common elements among the program models include incubators, legal residencies, and fellowships. Each program’s model has been created to best meet the needs of its community and accomplish its goals in different ways.

a. Pace Community Law Practice (PCLP) at Pace University School of Law Presented by Jennifer Friedman, Executive Director

The PCLP is a combined “legal residency” and “incubator” program at Pace Law School, where recent Law School graduates are competitively selected as Fellows for one-year terms. As a “legal residency,” the program prioritizes intensive legal supervision by veteran attorneys to prepare its Fellows for practice upon completion of the fellowship. Fellows are paid Pace University staff members, with full benefits, for the duration of the fellowship. The PCLP charges sliding-scale legal fees and its practice areas are primarily immigration and other civil administrative proceedings that maximize the ability of non-admitted attorneys to practice as independently as possible, while under attorney supervision. As an “incubator,” the PCLP incorporates practice management training throughout the one-year training curriculum and provides hands-on experience in client billing and collecting legal fees. In addition, after the conclusion of the fellowship term, the PCLP offers Fellows the option to be more formally incubated by assisting them in creating solo practices and providing them with ongoing office space and other support to grow their practices. The PCLP opened and began representing clients in fall 2012 after a three-year planning period.

**b. Lawyers for America at University of California Hastings College of Law
Presented by Marsha N. Cohen, Hon. Raymond L. Sullivan Professor of Law
and Founding Executive Director (via conference call)**

Lawyers for America (L/A) is a nonprofit organization incubated by UC Hastings College of the Law and open to law schools nationwide that will provide two-year fellowships in the nonprofit and public sectors to students. L/A enables the formation of partnerships between law schools and nonprofit and government law offices to provide two-year fellowships that comprise the students' third year of law school and first post graduate year. L/A Fellows will not have any entitlement to continued employment at partner offices, although some may be offered staff positions. The majority of the funding will be provided by partner law offices, which will pay L/A for Fellows, but at a rate that is inexpensive relative to the cost of first-year attorneys. Sites will also be required to commit to providing adequate supervision. Each L/A Fellow will be a tuition-paying third-year student serving as an extern for the first year of the fellowship (supervised by faculty who will assure that the required classroom component is provided), eligible for student financial aid. During the post graduate fellowship year, the Fellow will be paid; most of the cost assessed to site partners will provide that salary and required benefits (plus health insurance). L/A is a California nonprofit corporation that has received recognition of its tax-exempt status under Internal Revenue Code section 501(c)(3).

**c. The Community Legal Resource Network at CUNY Law School
Presented by Lisa Reiner, Interim Director**

The Community Legal Resource Network (CLRN) at CUNY Law School is the oldest and most successful postgraduate solo practice program in the country. CLRN was founded in 1998, by CUNY alum Fred Rooney, as a resource for practicing solo attorneys with the recognition that they deserved and needed institutional support and that they were serving low and moderate income clients. CLRN continues to provide a listserv, trainings, cross-mentorship, and other resources to its participants. CLRN has been successful in securing New York City Council funding to provide legal workshops and consultations to communities, providing needed services as well as income-generating work for its participants. In the last decade, two additional programs have grown out of CLRN – the Launchpad for Justice and the Incubator for Justice.

i. Launchpad for Justice

Through the Launchpad for Justice (Launchpad), recent law school graduates provide limited representation for *pro se* litigants in some of the most underserved courts in New York City, including housing court, where 99% of litigants are unrepresented. The Launchpad works in partnership with the New York State court system and nonprofit organizations, which provide training, in-court supervision, and a student practice order. Through this model, a larger number of post graduates participate, with a reduced commitment level from each participant.

ii. The Incubator for Justice

CUNY's Incubator for Justice (Incubator) is the first law school-based incubator program in the country and is currently in its eighth year. The Incubator rents office space in downtown Manhattan, and accepts 8-10 applicants to participate in its 18-month training and support program annually. Applicants must be admitted to practice

in New York, and in the process of establishing their own viable solo practices and/or nonprofit organizations. Conscious work towards this end includes use of a business plan by each attorney developing his/her own, insured business entity, and multiple formal and informal supports curated by an Incubator Program Manager. CUNY's Incubator provides furnished office space at a low monthly cost, as well as training, mentorship and a collegial work environment, including extensive collaboration and cross-training among participants and Incubator "graduates." Further support for their growing practices comes through contracting the attorneys, through grants, to deliver limited legal services to New York's numerous under-represented residents. Many former Incubator attorneys now have flourishing practices or have created their own non-profit organizations.

**d. ASU Alumni Law Group at Arizona State University
Presented by Adam Chodorow, Associate Dean for Innovative Ventures,
Sandra Day O'Connor College of Law (via conference call)**

The ASU Alumni Law Group's model aims to combine a "law firm within a law school" with a "legal residency" program. The non-profit fee-for service law firm plans to accept ten associates per year, each working at the firm for two to three years, with the expectation that by the third year the firm will employ up to thirty associates. The firm will practice in a diversified range of legal practice areas, not solely in traditional "public interest" areas, and associates will be supervised by approximately six partners. With the support of the local bar, the Arizona program plans to offer legal services to clients who are unable to afford current market rates. The Arizona program will include a formal, systematic training program through which its associates will be taught the business of law and law practice management. The Arizona program plans to launch in fall 2013.

**e. The Justice Entrepreneur Project of the Chicago Bar Association,
Presented by William Hornsby, Staff Counsel, American Bar Association,
Division for Legal Services**

The Justice Entrepreneur Project (JEP), located in Chicago and founded by the Chicago Bar Foundation, is an "incubator"-style program that launched in June, 2013. Like CUNY's Incubator for Justice, the JEP provides competitively accepted applicants with mentorship, training, and office space, for a low participation fee, and participants operate their own independent law firms. Office space is provided by a number of different community partners, including legal services agencies. JEP launched with ten participants and will add ten new participants at six month intervals, to an envisioned maximum of thirty participants at one time. Ten participants will then rotate in and out of the program every six months, for eighteen-month tenure in the program. The program will require that participants take moderate-income cases. The program will include a twenty-hour per week *pro bono* component during the first six months of the program. The program imposes some restrictions on its participants, specifically concerning personal injury cases and criminal cases. In terms of income restrictions, moderate income clients up to 400% of the federal poverty level will be taken.

B. DISCUSSION

The Programs are all relatively young – ranging from those that have already been in existence for a few years to those in the conceptual phase and planning to launch - and vary in

approach: residency, fellowship, incubator, non-profit teaching law firm and *pro bono*/solo practice development. We explored issues pertaining to funding, supervision, program structure, participants (students or post graduates), compensation, training, program term, infrastructure, types of clients served, and services provided. It was not our intent to engage in a substantive comparison of the programs, or to rank them. Rather we sought to understand the differences in approach, focusing in particular on the degree to which the programs successfully increased or seek to increase the provision of civil legal services to under-represented people in their communities.

While there were commonalities among some of the models, each is unique. The five participants do not represent the whole of the spectrum and other models are emerging. It is our hope that New York State Law Schools will consider the various models to determine which best suits the needs of their students and which will enable them to best serve the needs of their communities. Programs do not need to be replicated exactly; rather, law schools can choose aspects of the various programs and combine them to develop new models of execution or create new approaches entirely.

C. RECOMMENDATIONS

1. Continue the Dialogue

Given the rapid growth of programs nationwide, the degree to which shared learning can improve programs and lead to the implementation of others, and the various constituencies that can participate and assist in the development of programs, we would recommend that the discussion expand and continue beyond the annual law school conference. Participants should include law schools, bar associations, representatives of the judiciary, practicing attorneys and law students. Technology, including, for example, IBM Smart Cloud and Google Share, can facilitate the dialogue and the sharing of learnings.

2. Develop Measurement Practices

In order to determine whether programs are functioning properly, worthwhile, and achieving their goals, they should develop metrics for measuring their performance. These should be updated at least annually and be subject to analysis to determine whether the program is achieving its objectives or if changes need to be made. While the programs – and thus the metrics – differ, optimally all programs will develop certain similar or even identical metrics to allow comparisons between programs. This would enable the development of best practices. Included among the metrics could be:

- Number of cases handled annually
- Number of individuals who received assistance
- Success rates
- Satisfaction levels of clients
- Satisfaction level of participants
- For programs with students, the rate of passage of the Bar exam
- For programs with post-grads:
 - number finding permanent employment
 - types of jobs taken

- length of time to secure employment
- number successfully launching solo practices
- Number of “partner” firms that renew relationship annually
- Financial Sustainability

3. Expand Program Size and Facilitate Participation

Students described the hurdles associated with participating in these types of programs, including the difficulty of paying for the “essentials of life” while receiving limited compensation. Program administrators noted the expense associated with expanding programs. Suggestions for addressing these issues include:

- Ask law schools to assist in the provision of housing – allow participants to live in dorms, provide access to affordable housing or provide a housing allowance
- Ask student loan providers to delay loan repayment by program participants or find a way to qualify for existing loan repayment programs
- Subsidize transportation for participants
- Encourage local bar associations and law firms to fund fellowships at a program

4. Ensure Training on the Business of Law

A number of participants and solo practitioners stressed the importance of training participants on the business of running a law firm. Suggestions include:

- Develop a manual for starting a solo practice
- Train participants regarding fee structures and billing practices and collections
- Teach participants to create a business plan

5. Address Issues Regarding Timing of Bar Admission

A number of issues were raised pertaining to the length of time that passes between a participant passing the Bar exam and being admitted to practice. Prior to admission, the participant cannot engage in the practice of law without supervision. This creates additional expense for programs, lengthens the time before the participants are able to open solo practices, and reduces the provision of civil legal services by the program. Suggestions for addressing this issue include:

- Recommend that the Appellate Divisions provide expedited admission for participants in programs providing civil legal services – increase frequency of induction ceremonies for these participants
- Permit participants in programs to take the Bar exam during the third year of law school
- Allow participants in programs to submit character and fitness materials at the time of the bar examination and expedite review and admission following such candidates’ passage of the bar examination.

4. CURRICULUM

A. OVERVIEW

There are numerous ways law schools might integrate access to justice issues into their curriculum in more pronounced ways than are currently in practice. The task of the Work Group was not primarily to try to identify the best possible approaches that law schools could undertake; law schools are too diverse, and the participants in the break-out group too diverse, for such definitive recommendations to be our touchstone. At the same time, an important aim of the Work Group was to consider a range of proposals, many or most of them now being tried at various schools, and to speak to their strengths and weaknesses. This process of consideration generated a method of evaluation of access-to-justice curricular proposals, which is, in itself, a notable accomplishment emerging from the group's deliberations.

B. DISCUSSION

At the outset, the Work Group adopted a method of analysis. Law school curricula are complicated. They involve many different moving parts. To be candid, they have not always been put together as systematically as would be ideal. At a time when resources are constrained and student needs acute, any curricular proposal needs careful analysis on a range of different criteria. In truth, the curricular status quo needs such analysis as well. To consider enhanced study and integration of access to justice issues in the curriculum, the Work Group developed a grid of criteria.

The grid criteria or rubric broadly address the following issues. First, they ask whether the proposal in question will teach skills (an essential component of promoting access to justice), and whether it will bring access to justice issues directly into the curriculum. (It deserves emphasis that the Work Group's central concern was not with skills training, important as that is, but with the goal of training curricular attention on access to justice issues.) Second, they move from the law school's perspective to the community's, and ask about the quality of the legal services provided, the quality of the supervision given to the students performing the legal services, and the impact on community needs. Third, they ask whether the program moves with the needs and possibilities of our time, by enabling students to meet their 50-hour requirement and by using technology to provide services. Fourth, the criteria address how the proposal will play in law schools – in terms of the proposal's cost in credits, dollars and time; in terms of its impact on the rest of the curriculum; and in terms of its acceptability to others in the law school. Fifth, the criteria examine scalability: can the program be applied widely, and can it be the basis for collaborative work between schools, and between schools and the bar. Sixth, recognizing that even this long list of criteria can't be exclusive, the grid asks about "other considerations" and potential ways to improve the proposal in question. Seventh, and finally, the grid calls for an overall assessment.

The criteria laid out in this grid cover quite well the principal considerations that law schools should take into account in considering programs to increase the role of access to justice in their curricula. It is not, however, proposed as a perfect list of criteria, but as an example of the range and complexity of criteria that do need to be considered. The grid format

is a convenient way to assemble those criteria, and to guide the deliberations in which members of the law school community will need to engage. It is important for such deliberations to be *deliberative* – to take into account the full range of factors, and to weigh them together, rather than becoming focused on some single issue to the exclusion of others, or moving hastily to conclusions before full examination is complete. (It is worth noting, moreover, that the boxes in the grid – a Word table – have the useful feature of expanding at will, so a note-taker can place as much material as needed in any or all of the grid elements.)

GRID/ RUBRIC CRITERIA: Evaluating Curriculum Proposals

	Proposal # 1	Proposal # 2
Name of proposal		
Effectiveness as skills training		
Effectiveness in infusing access to justice issues in curriculum		
Quality of legal services provided		
Quality/nature of supervision by faculty or others		
Impact on current community legal needs		
Satisfying 50-hour requirement		
Use of technology to provide services		
Cost, measured in credits, dollars, time		
Impact on rest of curriculum		
Acceptability to others in law schools		
How widely can the program be applied?		
Potential for inter-school, and bar-school, collaboration		
Other considerations?		
How could this proposal		

be improved?		
Overall assessment; proposal best practices highlighted by this proposal		

C. RECOMMENDATIONS

Applying this framework, the Work Group looked closely at six different proposals. More precisely, three subgroups each undertook an in-depth consideration of two of the proposals, all of which were later reviewed by the large group in a more general fashion. All of these proposals have value, though one of them – a proposal for a two-year law school course of study, currently a topic of wide discussion in the legal community – seems less about access to justice than about students’ speedier access to the profession.

The strongest finding that emerged is that there are many promising ways by which law schools can increase the role of access to justice in their curriculum. The issue before law schools is not “are there any options?” but rather “which are the best options for each school?” This recognition should encourage law schools to undertake the sort of analysis that the Work Group’s subgroups did, with a view to answering that question for themselves.

That said, the specific programs offer a range of possible ways that schools might enhance access-to-justice instruction. The six proposals the Work Group looked at are the following:

1. a first-year course on lawyering skills, from legal writing and reasoning to interviewing, counseling, negotiation and oral advocacy; with exercises focused on access to justice-related legal questions; and with a service-learning/client service component built into the course;
2. an upper-level course studying public interest lawyering, such as one currently taught at Brooklyn Law School, combining a study of different public interest practice models and ethical issues in this field with students’ drafting the sorts of documents, from pleadings to grant proposals, needed in public interest law work;
3. a “concentration” in small-firm practice representing low- and moderate-income people; such a program would include an estimated total of 26 credits of courses providing training in fundamental practice skills, training in practice management skills (beyond the basic legal ethics course required at all schools), guided experience in actually handling cases, and training in relevant areas of substantive law;
4. an immigration law “*pro bono* clearinghouse,” the Safe Passage Project at New York Law School, that combines the work of students enrolled in a course for credit, other students participating as volunteers, and *pro bono* attorney volunteers, in a project to screen the juvenile docket in

immigration court and find representation for those juveniles who have potentially meritorious cases;

5. the "Clinical Year," a pilot New York Law School program in which law students in their third year earn 24 credits – in other words, about 4/5 of their entire year's credits – in a series of 3 9-week placements in city agencies and/or not-for-profits, with in-house preparation for each placement and an in-placement seminar taught by adjunct faculty who are practicing at the placement site; and
6. a program to provide a J.D. in two years, specifically, Brooklyn Law School's new 2-3-4 program, in which students speed up their studies with course work in two summers and two intersessions, so as to graduate at the end of their second full year of study (the subgroup's anxiety about this program as an access to justice program was that although it enables students to enter the profession more quickly – albeit with no reduction in tuition – it seemed to contract the time available for students to do access to justice work and study).

All of these ideas are worthy of consideration at law schools around the State. Some may work well at some schools but not others; some may even depend on the unique energy and expertise of individual faculty members, and so not be replicable more generally. Similarly, some of these programs may be readily scalable to encompass many students and address many client needs; others may work only within smaller dimensions. So, too, some programs may be more focused on educating students and guiding them towards access to justice efforts in the future; others may have more immediate impact in terms of meeting client needs now.

One important common theme of several of the proposals is that they have the virtue of directly linking law schools with members of the practicing bar. Structures of that sort bring the resources of the bar into the educational process, connect students to practitioners and mentors, and may also build links between law schools and their alumni/ae. At the same time, however, these structures raise issues of organization and quality control, as students' education moves to some degree out of the direct oversight of full-time teachers.

One implication of these uncertainties is that schools and professors undertaking programs like these should seek to measure their effects as systematically as possible. At the same time, it may be much easier to measure short-term effects, such as the number of matters handled, than to assess long-term impacts such as encouraging young lawyers to make lifetime commitments to access-to-justice work.

The bottom line, in any event, is simple: all of these proposals are worth consideration, using the sorts of criteria embodied in the Work Group's grid. The time for such consideration is now.

The discussion reflected one other point: what law schools do is not something that law schools alone control. So long as the bar examination focuses on the ability to master large quantities of doctrine and manipulate them on multiple choice and essay questions, just as long students are likely to choose many or most of their courses with a view to preparing for this

crucial examination, law schools will be obliged by their students' wishes and needs to devote much of their program and resources to offering these courses. To create a system of legal education more keyed to access-to-justice issues, and a profession made up of people who have focused on such issues from the start of their legal training, we need a bar exam (if one is to exist at all) that focuses on these issues as well. After the Conference meeting, on June 6, 2013, the Massachusetts Access to Justice Commission in fact recommended a change in that state's bar exam along these lines, both to add "access to justice" as a bar exam topic and to reduce the total number of subjects tested on the exam.⁸

New York bar admission rules permit law schools flexibility to offer the kinds of skills and clinic courses where access to justice is almost always a central theme, and now require all candidates for admission to do 50 hours of *pro bono* work (a path-breaking step that has inspired a similar call by the Conference of Chief Justices⁹). Against this context, two very recent developments are particularly striking: the proposal by the Council of the Section on Legal Education and Admission to the Bar of the ABA to require 6 credits of experiential education,¹⁰ and the proposal by a Task Force of the California Bar to require, as a condition of admission to the bar, not only *pro bono* work but also 15 units of "practice-based, experiential course work" or comparable "Bar-approved externship, clerkship or apprenticeship" experience.¹¹ These proposals were issued only after the May Task Force Law School Conference, so the members of the Work Group did not discuss them, but the facilitators see these proposals as potentially advancing efforts in law schools to develop the courses needed for a stronger response to the access to justice crisis.

5. TECHNOLOGY

A. OVERVIEW

Recent technological innovations offer opportunities to vastly increase the quantity and quality of legal services provided by *pro bono* attorneys, legal services representatives, law students, and others. Information and tools have never been so readily available, and the ease of access will only increase in the coming years. Those looking for legal assistance can use the

⁸ Massachusetts Access to Justice Commission, *Addition of "Access to Justice" Topic to the Massachusetts Bar Examination* (adopted June 6, 2013), available at <http://www.massaccesstojustice.org/> (accessed Sept. 8, 2013).

⁹ Conference of Chief Justices, *Resolution 1: In Support of Encouraging Pro Bono Service in Law Schools* (adopted at the 2013 Annual Meeting on July 31, 2013), available at <http://ccj.ncsc.org/Policy-Resolutions.aspx> (accessed Sept. 8, 2013).

¹⁰ See Memorandum from The Honorable Solomon Oliver, Jr., and Barry A. Currier, to Interested Persons and Entities, Re: Comprehensive Review of the ABA Standards for Approval of Law School Matters for Notice and Comment (Sept. 10, 2013)(including the text of proposed Standard 303(a)(3)) available at http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/201309_notice_comment_criteria_accepting_credit_student_study_for_reign_institution.authcheckdam.pdf.

¹¹ State Bar of California, Task Force on Admissions Regulation Reform: Phase 1 Final Report at 1 (June 24, 2013), available at [http://www.calbar.ca.gov/Portals/0/documents/bog/bot_ExecDir/ADA%20Version_STATE_BAR_TASK_FORCE_REPORT_\(FINAL_AS_APPROVED_6_11_13\)_062413.pdf](http://www.calbar.ca.gov/Portals/0/documents/bog/bot_ExecDir/ADA%20Version_STATE_BAR_TASK_FORCE_REPORT_(FINAL_AS_APPROVED_6_11_13)_062413.pdf). Certain forms of the 15 experiential units will also satisfy the *pro bono* requirement, see *id.* at 25.

Internet to find not only potential representation, but also the tools to represent themselves. In short, technology is fundamentally changing the way law is practiced, and it has profound implications for helping to close the justice gap.

Our Work Group divided its efforts into two parts. Part 1 focused on a formal presentation to conference attendees that highlighted new technologies and applications aimed at inspiring curiosity, ideas, and enthusiasm for change. In Part 2, the members of the Work Group dispersed among the other four Work Groups to participate in those sessions and suggest ways that technology can be applied to address the challenges under discussion.

B. DISCUSSION

The practice of law is, in many ways, about the interplay of ideas: arguments, rules, and theories come together in a quest for the right, or at least best, answer. Sharing these ideas is a central element of the legal work, yet it has traditionally been limited by physical restraints on information-sharing, communication, and geography. In short, collaboration has often been hampered by logistics. The Internet provides solutions to all of these problems. Through free, open source platforms, such as Google, or enterprise solutions, such as the IBM SmartCloud, lawyers can create communities in which they seamlessly share documents and communicate with each other through chat, email, videoconference and more. Simultaneous editing allows people in New York to collaborate with their colleagues in Albany, Los Angeles, or even Hong Kong in real time, making the challenges of geography (although not time zones!) a thing of the past. At the Law School Conference, we illustrated this by sharing notes between Work Groups in real time.

Beyond collaboration, technology and the web allow legal services and *pro bono* attorneys to serve more clients more effectively, and even provide people with the tools they need to tackle certain legal problems on their own. For example, the many websites in the *Pro Bono* Net network (www.probono.net) centralize training, resources, and information for legal professionals. LawHelp (www.lawhelp.org), meanwhile, makes legal information and resources on a wealth of civil law topics available to unrepresented individuals, as well as identifying local legal services providers who might be able to offer assistance.

Technology also offers countless new ways to involve law students in *pro bono* activities, now especially relevant in light of the new 50-hour *pro bono* requirement for those seeking admission to the New York Bar. For example, LawNY is developing www.nyprobono.org to match law students intending to apply for admission in New York with projects and cases posted by different legal services providers throughout the state. The site will also allow users to access sample time keeping forms, download affidavits affirming their service, and more.

Online, interactive technologies represent the trend toward how legal documents will increasingly (and more efficiently) be produced by advocates and *pro se* individuals alike. Document Assembly tools use the LawHelp Interactive platform (www.lawhelpinteractive.org) to walk *pro se* individuals through an easy-to-understand interview and then turns their answers into a legally sufficient document the litigant can use. FEMAappeals.org, for example, allows individuals denied FEMA assistance to put together a strong appeal even if they are unable to obtain legal representation. There is also a version specifically for advocates that allows them to produce documents quickly and efficiently, and provides context and guidance to *pro bono*

attorneys who may not have as much experience with the topic. The New York Courts have developed similar Do It Yourself, or DIY resources in various areas of law where large numbers of litigants are unrepresented, such as consumer and housing.

On the forefront of the law and technology revolution, expert systems harness complex computer science to examine thousands of pieces of information (including statutes, rules, and statistics) to answer particular questions on a given set of facts. Examples that benefit *pro se* individuals include systems that determine eligibility for public benefits programs such as food stamps or entitlement to overtime pay. These systems also have the potential to revolutionize legal triage. They can analyze thousands of data points to identify clients who will benefit the most from direct legal representation, those best served by limited representation, and those most able to represent themselves *pro se*. Such systems can provide an optimal allocation of scarce legal resources, in addition to increasing attorney time available for full representation in more complex cases.

While some of these applications of technology may appear intimidating to experienced lawyers, many practitioners are already using similar programs in their daily lives. Facebook and Twitter, for example, are simply online tools for collaborating and communicating, and most of us use them daily without ever considering the complex technologies that make them possible. By showing attorneys that they already use and are comfortable with many of these technologies, we should be able to apply more of these tools to help close the justice gap.

C. RECOMMENDATIONS

1. Models of Collaboration

The Models of Collaboration Work Group recommended creating a private database listing law school faculty willing to mentor *pro bono* volunteers or offer assistance in their area(s) of expertise during an emergency. The database would be accessible by legal aid organizations and other providers during emergencies and would be hosted by a neutral stakeholder (e.g., *Pro Bono* Net or the Office of Court Administration).

The group also discussed successful programs such as NYLAG's mobile help center, which brings legal services to poor communities and provides *pro bono* opportunities to law students that help them reach the 50 hour mark and gain valuable practical experience. These programs rely on technology including online forms, mobile printing, and other relatively simple concepts that, when used effectively, can dramatically enhance the scope, quality, and availability of legal services.

2. 50 HOUR *PRO BONO* ADMISSION REQUIREMENT

The 50 Hour *Pro Bono* Admission Requirement Work Group identified numerous emerging best practices around the 50 hour rule for law schools, firms, and civil legal aid programs that would benefit from technology. To continue the discussion, stakeholders can use online systems through which to share news about strong *pro bono* projects, supplementing informal communication that occurs naturally via bar committees, law school associations and one-to-one professional relationships.

The 50 Hour Work Group also reiterated a key recommendation from the 2012 Task Force report: the development of an online program to match students with *pro bono* opportunities. Effective and efficient matching is perhaps the single most important factor to make sure that both students and low-income clients realize the benefits intended by the Rule's creation.

3. POST GRADUATE PROGRAMS

Recognizing the plethora of new programs nationwide, the Post Graduate Programs Work Group emphasized the importance of expanding the dialogue beyond the annual Law School Conference. Cloud-based platforms can facilitate these discussions and the sharing of resources and lessons amongst law schools, bar associations, representatives of the judiciary, practicing attorneys and law students. To identify the most successful program ideas and designs, detailed measurement practices are critical. Developing a robust set of data, including not only numbers of cases but also outcomes and satisfaction rates of clients and participants, will allow sophisticated analysis of different models.

The Post Graduate Programs Work Group also devoted significant discussion to the use of technology in law practice management, especially for new attorneys. Key areas to explore include recommendations for billing software and technologies most useful in a small practice. While some proprietary document assembly programs can be expensive, perhaps the Statewide Law School Access to Justice Council could help obtain access to such programs at a discounted price for post graduate program participants. Finally, there is a pronounced need for mentoring of new attorneys. Once leaving a post graduate program, perhaps virtual mentoring could be made available to help keep practices growing strong.

4. CURRICULUM

The Curriculum Work Group developed six proposals for law schools to consider, ranging from additional course offerings to changes to the structure and length of legal education. The Work Group noted that nearly all of their proposals shared a key element, namely that they directly link law schools and students with practicing lawyers. There are a number of ways that technology could play a role in this connection; for example, by allowing law students to collaborate seamlessly with mentors from the practicing bar while simultaneously allowing law school staff to review the quality of their work and maintain quality control.

ACKNOWLEDGMENTS

The Task Force and Law School Conference Planning Committee extend sincere appreciation to Adam Friedl, Jake Hertz, Thomas Maligno and David Udell for their assistance in the preparation of this Report, and to Jose Echegaray; Ashley Lherisson; Nicholas Mireles; Nora Mohamed; Andrew Patrick and Emily Safko of Skadden Arps Meagher & Flom for the transcription of the Work Group discussions.

The members of the **Law School Conference Planning Committee, as recognized in the Program, attached as Exhibit 1, are:**

Helaine M. Barnett, Chair, Task Force to Expand Access to Civil Legal Services in New York

Carol Buckler, Professor of Law, Director of *Pro Bono* Initiatives, New York Law School

Brenna K. DeVaney, Chair, New York City Bar Association *Pro Bono* and Legal Services Committee; *Pro Bono* Counsel, Skadden, Arps, Slate, Meagher & Flom LLP

Matthew Diller, Dean, Benjamin N. Cardozo School of Law

Shelley J. Dropkin, Managing Director, Deputy Corporate Secretary and General Counsel, Corporate Governance, Citigroup Inc.

Alexander D. Forger, Special Counsel, Milbank, Tweed, Hadley & McCloy, LLP

Taa Grays, President, Network of Bar Leaders, Assistant General Counsel & Chief of Staff MetLife

Lauren Kanfer, Assistant Deputy Counsel to the Chief Judge, NYS Unified Court System

Marcia Levy, Associate Dean of Career Services; Professor of Professional Development, Benjamin N. Cardozo School of Law

Lillian M. Moy, Executive Director, Legal Aid Society of Northeastern New York, Inc.

EXHIBIT 1

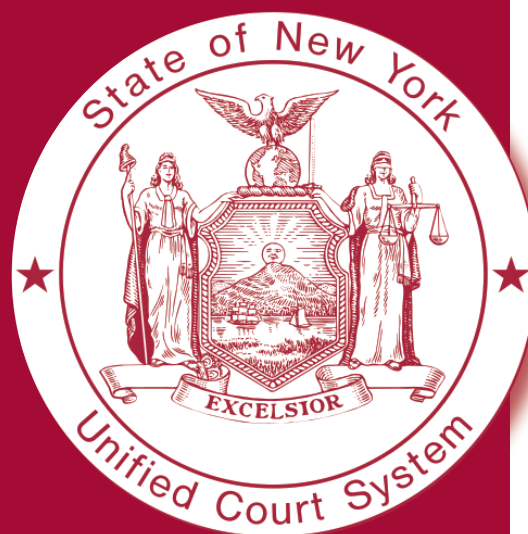
Task Force to Expand Access to Civil Legal Services in New York

**Second Annual Law School Conference
Access to Justice: The Role of New York's Law Schools**

MAY 16, 2013 CONFERENCE PROGRAM

ACCESS TO JUSTICE THE ROLE OF NEW YORK'S LAW SCHOOLS

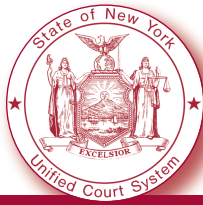
CONTINUING THE CONVERSATION —
THE ROLE OF LAW SCHOOLS
IN HELPING MEET THE ESSENTIAL
CIVIL LEGAL NEEDS OF
LOW INCOME NEW YORKERS



CONVENED BY THE
TASK FORCE TO EXPAND
ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK

NEW YORK LAW SCHOOL, NEW YORK CITY

MAY 16, 2013



SECOND ANNUAL CONFERENCE

ACCESS TO JUSTICE THE ROLE OF NEW YORK'S LAW SCHOOLS

CONVENED BY THE TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK

MAY 16, 2013

- 9:00 – 9:30 AM** **REGISTRATION AND CHECK IN** **LOBBY**
Light refreshments **GRAND GALLERY**
- 9:30 – 9:45 AM** **WELCOME AND OPENING REMARKS** **AUDITORIUM**
- HON. JONATHAN LIPPMAN**
CHIEF JUDGE OF THE STATE OF NEW YORK
- HELAINÉ M. BARNETT**
CHAIR, TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK
- 9:45 – 10:45 AM** **OPENING PLENARY SESSION** **AUDITORIUM**
**OPPORTUNITIES AND CHALLENGES FOR LAW SCHOOLS
WORKING TO HELP CLOSE THE JUSTICE GAP**
- MODERATOR**
- CAROL BUCKLER** *PROFESSOR OF LAW, DIRECTOR OF PRO BONO INITIATIVES,
NEW YORK LAW SCHOOL*
- PANEL**
- ANTHONY W. CROWELL** *DEAN AND PRESIDENT, PROFESSOR OF LAW, NEW YORK LAW SCHOOL*
- ALEXANDER D. FORGER** *SPECIAL COUNSEL, MILBANK, TWEED, HADLEY & MCCLOY, LLP*
- LILLIAN M. MOY** *EXECUTIVE DIRECTOR, LEGAL AID SOCIETY OF NORTHEASTERN NEW YORK, INC.*
- HON. JENNY RIVERA** *ASSOCIATE JUDGE, COURT OF APPEALS*
- 10:45 – 12:30 PM** **CONCURRENT SESSIONS: PART I**
- A. MODELS OF COLLABORATION** **ROOM W-120**
- CO-FACILITATORS**
- ADAM FRIEDL** *PRO BONO COORDINATOR, PRO BONO NET*
- THOMAS MALIGNO** *EXECUTIVE DIRECTOR, PUBLIC ADVOCACY CENTER; DIRECTOR OF PRO BONO AND
PUBLIC INTEREST, JACOB D. FUCHSBERG LAW CENTER, TOURO COLLEGE*
- B. 50 HOUR PRO BONO ADMISSION REQUIREMENT** **ROOM W-220**
- CO-FACILITATORS**
- BRENNAN K. DEVANEY** *CHAIR, NEW YORK CITY BAR ASSOCIATION PRO BONO AND LEGAL SERVICES
COMMITTEE; PRO BONO COUNSEL, SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP*
- DAVID UDELL** *EXECUTIVE DIRECTOR OF THE NATIONAL CENTER FOR ACCESS TO JUSTICE AND
VISITING PROFESSOR, BENJAMIN N. CARDOZO SCHOOL OF LAW*

CONTINUING THE CONVERSATION ABOUT THE ROLE OF LAW SCHOOLS IN HELPING MEET THE ESSENTIAL CIVIL LEGAL NEEDS OF LOW INCOME NEW YORKERS

C. POST GRADUATE PROGRAMS

ROOM C-425

CO-FACILITATORS

- SHELLEY J. DROPKIN** *MANAGING DIRECTOR, DEPUTY CORPORATE SECRETARY AND GENERAL COUNSEL, CORPORATE GOVERNANCE, CITIGROUP INC.*
- JENNIFER C. FRIEDMAN** *EXECUTIVE DIRECTOR, PACE COMMUNITY LAW PRACTICE; DIRECTOR, PUBLIC INTEREST LAW CENTER, PACE UNIVERSITY SCHOOL OF LAW*
- MARCIA LEVY** *ASSOCIATE DEAN OF CAREER SERVICES AND PROFESSOR OF PROFESSIONAL DEVELOPMENT, BENJAMIN N. CARDOZO SCHOOL OF LAW*
- LILLIAN M. MOY** *EXECUTIVE DIRECTOR, LEGAL AID SOCIETY OF NORTHEASTERN NEW YORK, INC.*

D. CURRICULUM

ROOM W-301

CO-FACILITATORS

- LENNI BENSON** *PROFESSOR OF LAW, NEW YORK LAW SCHOOL*
- STEPHEN J. ELLMANN** *PROFESSOR OF LAW; DIRECTOR, OFFICE OF CLINICAL AND EXPERIENTIAL LEARNING; CHAIR, CLINICAL THEORY WORKSHOPS, NEW YORK LAW SCHOOL*
- OLATUNDE JOHNSON** *ASSOCIATE PROFESSOR OF LAW, COLUMBIA LAW SCHOOL*
- ELIZABETH M. SCHNEIDER** *ROSE L. HOFFER PROFESSOR OF LAW; DIRECTOR, EDWARD V. SPARER PUBLIC INTEREST LAW FELLOWSHIP PROGRAM, BROOKLYN LAW SCHOOL*

12:30 – 2:00 PM

LUNCH

EVENTS CENTER, SECOND FLOOR

PRESENTATION OF TECHNOLOGY PLATFORMS — 1:00 PM

- ADAM FRIEDL** *PRO BONO COORDINATOR, PRO BONO NET*
- KEITH J. MCCAFFERTY** *MANAGING ATTORNEY, LEGAL ASSISTANCE OF WESTERN NEW YORK, INC.*
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- LAREN E. SPIRER** *FOUNDER, INSPIRER CONSULTING*

2:00 – 3:30 PM

CONCURRENT SESSIONS: PART II

RETURN TO ROOMS

3:30 – 4:30 PM

CLOSING PLENARY SESSION

AUDITORIUM

REPORTS FROM CONCURRENT SESSIONS AND FUTURE PROJECTIONS

MODERATOR

- MATTHEW DILLER** *DEAN, BENJAMIN N. CARDOZO SCHOOL OF LAW*

PANEL OF WORK GROUP FACILITATORS

CONCLUDING REMARKS

- HELAINÉ M. BARNETT** *CHAIR, TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK*

4:30 – 5:00 PM

RECEPTION

GRAND GALLERY

SECOND ANNUAL CONFERENCE

CONTINUING THE CONVERSATION ABOUT THE ROLE OF LAW SCHOOLS IN HELPING MEET THE ESSENTIAL CIVIL LEGAL NEEDS OF LOW INCOME NEW YORKERS

OBJECTIVE

This year's Conference will continue the dialogue among New York State's law schools, legal services providers, law firm pro bono coordinators and representatives from bar associations and the courts on how we can further our collaborative work to help meet the essential civil legal needs of low income New Yorkers and equip new lawyers to be active participants in working to close the justice gap throughout their professional lives. The Conference Work Groups will consider ways to implement the Recommendations from the 2012 Law School Conference adopted by the Task Force in its 2012 Report to the Chief Judge. Based on the Conference discussions, the Work Groups will propose ideas and initiatives that will be used by the Task Force to formulate recommendations to present to the Chief Judge that endeavor to expand the role of law schools in helping to provide legal assistance to low income New Yorkers on matters that relate to essential civil needs.

THE WORK GROUP SESSIONS

The Conference will host four Work Groups:

- 1 Models of Collaboration: Examples and Lessons from Hurricane Sandy Response
- 2 50 Hour Pro Bono Requirement: Best Practices for Implementation of the Rule to Assist Student Compliance and Promote Increased Access to Justice
- 3 Curriculum: Instilling the Ethic of Public Service, Offering Opportunities for Practical Skills Training; and An Exploration of Possible Ways to Structure a New Legal Education Model
- 4 Post Graduate Programs: An Examination of Current Models

Each Work Group will be asked to consider a core set of issues and to formulate recommendations that will form the basis of an action plan to be developed by the Task Force. The core issues are:

- A. Technology and Communication Initiatives and Innovations to Expand the Role of Law Students and Law Schools in Access to Justice Work:** Identify online applications, platforms and social media programs to coordinate students with opportunities to provide civil legal services and to inform potential clients of sources of representation and assistance.
- B. Models:** Identify models that are successful in terms of impact, cost, supervision and student learning that could be expanded or replicated. Propose new models that can expand the impact of law schools in meeting the civil legal needs of low income New Yorkers.
- C. Supervision:** Identify resources within law schools, such as faculty and alumni, and outside stakeholders, such as providers, courts, law firms, bar associations, funders, and client and community groups, who can further assist in supervisory capacities to ensure law students effectively deliver legal assistance to low income New Yorkers.
- D. Legal Education:** Identify opportunities for law schools to broaden curricular and clinical offerings focused on public service and closing the justice gap that also incorporate practical skills training.

FUTURE STEPS

At the conclusion of the Work Group Sessions, participants will reconvene in a plenary session for reports from each of the Work Groups and discussion of common themes among the groups. The product of the Work Groups will become the basis for the recommendations that the Task Force will present to the Chief Judge suggesting how New York's law schools can best work to help close the justice gap.

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THE TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK

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