

Pro bono service needs more 'distance lawyers'

By: Maura Mazurowski October 2, 2019



An online service that connects pro bono attorneys to needy clients is more accessible than ever before. But lawyers aren't using the tool quite as its developers had hoped.

The JusticeServer Pro Bono Portal lists available cases from eight legal aid programs across Virginia. Interested attorneys can register online, view case listings and select one or more they would like to handle. After the work is complete, attorneys report the results online.

David Neumeyer, executive director of the Central Virginia Legal Aid Society and one of the portal's founders, hoped JusticeServer would encourage attorneys to start "distance-lawyering," or taking on clients outside of their jurisdiction.

"One of the earliest purposes of JusticeServer was to create a statewide pro bono platform where lawyers can pick up cases from any other part of the state," Neumeyer said. "That is particularly attractive given the concentration of lawyers in eastern Virginia and the concentration of poverty in western Virginia."

There are currently 160 legal aid lawyers throughout the commonwealth, meaning there is one legal aid lawyer per 6,000 low-income individuals in Virginia. As a result, more than 80% of civil legal needs aren't met every year statewide, according to a proclamation issued by Gov. Ralph Northam.

This is an example of Virginia's "justice gap," or the difference between the level of civil legal assistance available and the amount that is necessary to meet the needs of low-income people. To combat this disparity, Northam encourages lawyers to dedicate 2% of their professional services to pro bono work every year, per the aspiration in the Rules of Professional Conduct.

"In the event an attorney is unable to render direct legal assistance, he or she may fulfill their obligations by contributing financially to programs that provide pro bono services," Northam wrote.

Services such as JusticeServer

"We need to get attorneys that are in the more metro areas to take cases in lower-income, rural areas because there are some cases where they can make a big impact without even having to make a court appearance," said Crista Gantz, access to legal services director at the Virginia State Bar.

JusticeServer was launched in 2012 in collaboration between the Greater Richmond Bar Foundation, the Legal Aid Justice Center and CVLAS. Yet shortly after the portal's release date, the developers noticed a problem.

"It worked great for Central Virginia because organizations there were the ones using [JusticeServer] in the pilot stage," said Ali Fannon, executive director of GRBF. "What it wasn't good for was adding anyone else."

In short, other legal aid organizations in Virginia were unable to list cases of their own. So Neumeyer and Fannon went back to the drawing board. In 2018, Neumeyer received a grant from the federal Legal Services Corporation to "build a software bridge" that would allow legal aid services statewide to list available pro bono cases on the portal.

"The Legal Services Corporation granted us \$301,338 for our Pro Bono Innovation Fund grant; we only spent about \$264K because the software writing cost us less than we expected," he wrote in an email.

Thus came "JusticeServer 2.0." The updated portal, which launched in April, now allows legal aid services across Virginia to list cases in need of pro bono lawyers. Since April, the eight participating local Virginia legal aid programs "have consistently offered approximately 100 cases total on the portal for acquisition by volunteer attorneys at any given time," according to a press release.

Such cases include powers of attorney, simple wills and no fault divorces. But distance-lawyering isn't a trend attorneys are catching onto. Instead, lawyers are using JusticeServer to find pro bono cases that are "local to them," said Neumeyer.

"There are luckily more than 1,000 lawyers who are registered on JusticeServer right now. Two-thirds of those are in Richmond," Neumeyer said. "And very few cases outside of Richmond have been picked up."

For example, of the 15 cases currently posted on the portal by CVLAS, only five have been taken by local attorneys.

"Legal aid services are doing what they can," Gantz said. "But they really need private attorneys to step up and take some cases through their organizations."

Lawyers sticking to local cases is a result of a few different factors. According to Fannon, JusticeServer has primarily been promoted in the Richmond area, a region that has its own slew of low-income clients with cases that need to be addressed.

She added that attorneys also may not be aware of the need to divvy up their services elsewhere.

"Everyone is used to doing their cases locally," Fannon said. "There wasn't enough attention brought to [attorneys] that distance lawyers are needed elsewhere."

Neumeyer said the next step in promoting distance-lawyering through JusticeServer is to address the issue at the 2019 Annual Statewide Legal Aid Conference on Oct. 16. The event coincides with the VSB's annual Pro Bono Conference, both of which will be held in Harrisonburg.

Neumeyer hopes to have "pro bono leaders come together" at the conferences and create an action plan for JusticeServer.

"Those discussions will likely be about a combination of plans for more marketing and education and a discussion of best practices," Neumeyer said. "The portal was designed to be self-operating... I think the next four weeks will be a time for discussion to help that."

October also marks the American Bar Association's national Celebration of Pro Bono. Since 2009, legal organizations have participated in a week-long event celebrating pro bono work in the U.S. Some states – such as Virginia — have expanded it to the entire month.

"One of the biggest things lawyers can do to celebrate is committing to take one case off the portal," Gantz said. "If they need help, they need only call their legal aid office to get access to training and support. It's doable for everyone, we just need attorneys to step up and answer the call."

Lawyers can access the portal at JusticeServer.org.

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