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## Doing Justice to Law: And What Justice Rothgerber Participants Did to Law

## DOING JUSTICE TO LAW: AND WHAT JUSTICE ROTHGERBER PARTICIPANTS *DID* TO LAW

KAREN A. LASH<sup>†</sup>

*Ms. Lash gave the keynote presentation at the November 4, 2011 Rothgerber Conference. In it she challenged those present to report in 100 days on what they had done to advance a justice goal—“what one thing that has been inspired, catalyzed or planned at this conference.” What follows is the speech, with an epilogue summarizing the fruits of the 100-day challenge.*

Thank you Deborah [Cantrell] for your generous words, which mean so much coming from you. Thanks too to Colorado Law Professor Melissa Hart, director of the Byron White Center for the Study of American Constitutional Law, for organizing what is already an amazing Rothgerber Conference.

It’s a particular privilege to be here in the high altitude at the top of our profession, swapping ideas with folks from the Colorado Access to Justice Commission,<sup>1</sup> the Universities of Colorado and Denver, state and federal government, private attorneys, the legal academy, judiciary, and local and national advocacy organizations. If it takes a village to raise the bar for access to justice, the villagers here are the ones to do it.

I was deeply honored when Melissa called inviting me to join this impressive gathering of leading thinkers. I asked her what kind of a conference it would be—more of a think tank-like gathering, an academic fountain of ideas, or more of a “do tank,” to hammer out concrete plans for what to *do*. She answered, “both.” My remarks, therefore, center on how people in the business of thinking translate their ideas into action. First, I’ll describe how our office—the US Department of Justice’s Access to Justice Initiative—is translating ideas to actions; then, I’ll invite us all to “do” something new to get the ideas generated here out of the room and into the streets.

I say “something new” with humility, recognizing that each of you are *already* doing so much to support local and national efforts that provide critical and often life-changing legal services to those who cannot afford them.

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<sup>†</sup> Senior Counsel for the U.S. Department of Justice Access to Justice Initiative.

1. For more information on the Colorado Access to Justice Commission, see *Access to Justice Commission*, COLO. BAR ASS’N, <http://www.cobar.org/page.cfm/ID/20129/> (last visited Dec. 18, 2012).

Moreover, if what Melissa had in mind was someone to bark out a rallying cry from the ramparts, I fear she'll be disappointed because I don't have that skill. Instead, I speak as a first-rate noodge, a Yiddish term for kind of a pest derived from Polish words for fretting and aching, but not quite as bad as a nudnik. Some of you know this about me first hand. Having never thought much of "don't ask, don't tell" in any form, I'll be making a noodgy ask before lunch is over. I'll challenge each of us to just DO something, just a little something more than what we *do* now.

First, I'll talk about what the ATJ Initiative is doing. Our office, the brainchild of the President and Attorney General Eric Holder, opened in March 2010, led by the legendary Larry Tribe. More recently, Mark Childress stepped in as our new Senior Counselor.

Mark has spent most of his professional life learning how both the executive and legislative branches of government work—working for Senators Daschle and Kennedy and most recently as acting General Counsel for Health & Human Services. This man knows where the federal levers are, how—as he is fond of saying—to use the inertia inherent in bureaucracy to our advantage, and how to find ways to fold access to justice considerations into government processes and procedures wherever possible.

We have focused on studying and improving civil legal assistance to poor people as well as the closely-related crisis in indigent defense—two small, manageable tasks for a staff of six. But even without a grant-making budget or any enforcement authority, we've discovered that other useful tools came with our little office in the main building of the Department of Justice: a bully pulpit; mechanisms to convene and connect players; access to Department of Justice policy makers like the Solicitor General and Office of Legislative Affairs, as well as to other federal agencies that might consider spending *their* grant dollars to increase access to justice; and the ability to inject ATJ perspectives in the more than a dozen inter-agency working groups on which we serve. All these levers combined, it turns out, can nudge—or noodge—us as a country closer to the national ideals of justice for all.

On the defender side we're working to help states develop high-quality indigent defense systems. That includes working to expand research and data on delivery systems, and to increase funding, training, technical assistance, and other support for defender programs.<sup>2</sup>

One recent example involves a new partnership with our office, the Bureau of Indian Affairs, the Federal Public Defenders, and the Execu-

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2. For specific examples, see *Attorney General Eric Holder Speaks at the American Bar Association's National Summit on Indigent Defense*, U.S. DEP'T OF JUSTICE (Feb. 4, 2012), <http://www.justice.gov/iso/opa/ag/speeches/2012/ag-speech-120204.html>.

tive Office for U.S. Attorneys to organize the first tribal court trial advocacy program for tribal defenders, prosecutors, and judges. This historic Rapid City training was so successful that five more are now planned in Arizona, Mississippi, Montana, Oklahoma, and Washington.

On the civil side, we're supporting development of quality civil legal aid systems.

One recent example of using the bully pulpit to this end occurred just a few weeks ago, when we gathered at the White House to honor sixteen remarkable advocates from across the legal profession whom President Obama had designated as "Champions of Change,"<sup>3</sup> including the Brennan Center's Laura Abel,<sup>4</sup> who is here today.

These champions engaged in a dialogue with the Attorney General based on questions posed by law professors and law students across the country about their work helping families facing foreclosure, addressing civil rights violations, and improving court access for people with limited English proficiency. Watching live on-line were students, staff, and faculty at 118 law schools—including both Colorado and Denver—bringing thousands together for a conversation that reflected how much this Administration values public interest legal work and seeks to encourage and support the next generation of public interest lawyers.

We're also working hard to preserve existing funding and unlock *new* funding streams, also known as noodging other agencies to spend their grant dollars with ATJ in mind.

The latest example involves working with the Department of Labor on their job-training grants to help people with criminal records get jobs and generally rejoin their communities. The Department of Labor has agreed to allow, and even encourage, using these job-training grant funds to include legal services. The idea is that even the best job-training program works better if a man who goes through the training can get his record expunged, or get back his revoked drivers license, so he can get to the interview and have a better chance at getting the job. Along the same lines, modifying his child support order to reflect unearned dollars while in prison could leave him enough money to pay his rent.

A "before" and "after" demonstration at our meeting with the Department of Labor vividly showed the difference a little lawyering can make. Here's the rap sheet of a client of New York's Center for Community Alternatives before getting legal help. Under New York law, employers can't ask about arrests that did not lead to criminal convictions.

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3. For a video recording of this event, see *Champions of Change: Closing the Justice Gap in America*, YOUTUBE (Oct. 13, 2011), <http://www.youtube.com/watch?v=0vnKy9RH1wg>.

4. For a post detailing the work Ms. Abel was being recognized for, see Laura Abel,  *Holding Our Nation to Its Promise*, THE WHITE HOUSE (Oct. 21, 2011), <http://www.whitehouse.gov/blog/2011/10/21/holding-our-nation-its-promise>.

Yet his report had old arrests that went no further, and the all-important box indicating “Yes” or “No” to a police record says “Yes.” Here’s the same guy’s rap sheet after a lawyer removed the information that isn’t allowed under New York law—the box accurately changed to “No,” a change that should help give this job-trained applicant a better chance at a new life. Legal help, here, could make the difference for one man and over scores of clients and grants, a program’s success. Now, when new Department of Labor reentry job-training programs grant solicitations are released, we’ll make sure the word gets out so that legal services programs and their local potential partners know they are eligible and encouraged to include legal services in their grant applications.

We will continue to pursue this strategy aggressively since we believe there are other federal government safety-net programs that could also work better with legal aid lawyers on the team.

These are just a few of the strategies we’ve learned we can do during our brief tenure. They make some small headway in closing the justice gap, but we can’t do it alone. As Uncle Sam has said before, “We need you.” Indeed, our work depends on what you do—your research, your pilot projects, your lessons learned, your new court rules, such as Colorado’s recent rule enabling unbundling services, your new clinics, all of it.

That’s the soft transition from the talking to the noodging. If Melissa and the other conference planners took full advantage of the extraordinary talent and expertise in this room, you’d all commit to doing something extra to close the justice gap. Given who is here, and the conversations underway, identifying the “*what* to do” prospects is pretty easy.

- Steve Scudder<sup>5</sup> is prioritizing the big pro bono ideas just amassed at the ABA’s Pro Bono Summit in Colorado—well represented by Justice Hobbs and Jonathan Asher—and needs help.

- The *Turner v. Rogers*<sup>6</sup> panel wants help thinking through and implementing their ideas for a post-*Turner* strategy so we can ensure self-represented litigants actually get meaningful access. In fact, I’ll digress from the “what-to-do” prospects to make an offer of the sort we hope you’ll be making. Thanks in large part to the human catalyst Richard Zorza<sup>7</sup>, our office and the Health & Human Services Office of Child Support Enforcement—represented today by Nancy Thoma Groetken—

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5. Steven Scudder is counsel for the ABA Standing Committee on Pro Bono and Public Service. For more information, see *Staff*, ABA CTR. FOR PRO BONO EXCHANGE, <http://centerforprobono.wordpress.com/about/staff/> (last visited June 3, 2012).

6. 131 S. Ct. 2507 (2011).

7. Richard Zorza is an attorney and independent consultant who has worked for the past fifteen years on issues of access to justice. He is the coordinator of the national Self-Represented Litigation Network and his own blog, Richard Zorza’s Access to Justice. See ACCESS TO JUSTICE BLOG, <http://accesstojustice.net/> (last visited June 3, 2012).

have launched an interagency working group to develop a federal strategy to address the marching orders in *Turner*. *Turner* panelists, I took lots of notes and hope and expect we can do something together.

- Jeff Selbin<sup>8</sup> will talk about his work with Becky Sandefur studying the “clinic effect” and hope academics will take that information back to present to their faculties.

- The Cause Lawyering panel needs help with their campaign for Cause Lawyering course offerings at more law schools.

- The Research panel will make the case for plugging the research gap. A sustainable organized research capacity hasn’t existed since 1981 when the LSC Research Institute run by Alan Houseman<sup>9</sup> had to shut its doors.

- David Udell<sup>10</sup> wants partners to figure out what measures should be used to tell us if our legal systems are delivering justice, and what methodology should be used to establish best practices.

- Alan Houseman will ask us to enroll the business community in the access to justice cause.

I hope these ideas and many more will be translated into action and advanced in the Operationalizing panel. There will be no shortage of excellent to-do options from which to choose.

Along the way, as you decide just what task to embrace, keep in mind the words of the Nike commercial, “Just do it.” Nike, after all, is the Greek goddess of victory. Or, more directly on point, is JFK’s famous charge to late twentieth century idealists asking what you can *do* for your country, not what your country can do for you. If you are more inclined toward the non-governmental sector, remember the words of Dr. Martin Luther King, celebrated not just for his dream but for the things he *did* to move towards making that dream reality. He said, “The time is always right to *do* what is right.” In the same spirit, death-penalty activist Sister Helen Prejean said in her contribution to NPR’s *This I Believe* series, “The only way I know what I really believe, is by keeping watch over what I *do*.”

In the spirit of the words of these giants, let me begin to noodle.

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8. Jeffrey Selbin is Faculty Director of East Bay Community Law Center and Clinical Professor of Law at the University of California, Berkeley, School of Law. *Berkeley Law—Faculty Profiles*, UNIV. OF CAL., BERKELEY, SCH. OF L., <http://www.law.berkeley.edu/php-programs/faculty/facultyProfile.php?facID=780> (last visited June 3, 2012).

9. Alan Houseman is the Executive Director of The Center for Law and Social Policy (CLASP). *Experts: Alan W. Houseman*, CLASP, <http://www.clasp.org/experts?id=0006> (last visited June 3, 2012).

10. David Udell is Director of The National Center for Access to Justice and Visiting Professor from Practice at Cardozo Law School. *Staff*, NAT’L CTR. FOR ACCESS TO JUST., <http://www.ncforaj.org/home/staff> (last visited June 3, 2012).

Last September a *New York Times* article, *Making Change Happen, on a Deadline*,<sup>11</sup> described how the World Bank uses a strategy called Rapid Results to achieve big goals in just 100 days. From Nicaragua to villages in Ghana and Sierra Leone, local NGOs tripled the number of people who got tested for HIV, quintupled the use of family planning services, and improved local infrastructure by digging wells and building schools. Apparently the Rapid Result technique works because deadlines, motivation, and confidence are often more important than technology and money.

Today, all I'll ask you to do for your country is answer an email about your Rapid Result. In 100 days, I'm going to send each of you an email asking about your version of Rapid Results. What did you advance—what one thing that has been inspired, catalyzed, or planned at this conference. We'll collect your response, and depending on what we get, we'll find ways to use it. It could be in speeches, ideas introduced to a relevant interagency working group or shared at conferences, or an entry for the Department of Justice blog about what you've done, what you've learned about what you've done, and what next steps you've planned.

Looking at the people in this room makes me optimistic that we really can close the justice gap, as long as we don't give in to cynicism or to the temptation to not try and give up. Recall the last time you sat through a meeting, and someone said "we can't do that because we've never done it before," and a few minutes later, someone else said, about the same thing, "we tried that and it didn't work." Our job, all of us in the profession of protecting and preserving justice, is to fight off cynicism with the same strength and ingenuity that we fight injustice. I think we'll be amazed by what can happen, in just 100 days.

To put a new spin on a popular bumper sticker, "shift happens," even when all the instruments we have predict that shift is impossible.

- Six states and the District of Columbia, where I live, shifted toward marriage equality, allowing me to marry the woman I now call my "wife."
- Technology shifted transportation into the very skies, as my wife and I learned last summer on a beach vacation in the Outer Banks. People said the Wright Brothers would never achieve powered air flight. But they did. And only sixty-five years after the Wright Flyer took flight—really, it was the equivalent of a bike with a little motor and wings—the Apollo 11 landed on the moon.

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11. Tina Rosenberg, *Making Change Happen, on a Deadline*, N.Y. TIMES—OPINIONATOR (Sept. 29, 2011, 7:55 PM), <http://opinionator.blogs.nytimes.com/2011/09/29/making-change-happen-on-a-deadline/>.



- Justice shifts too. Before 1963 few lawyers dared to imagine that federal constitutional law would compel counsel for every indigent criminal defendant facing possible jail time. But *Gideon v. Wainwright*<sup>12</sup> happened.

Every day when my colleagues and I begin our work shifts by walking into the Department of Justice, we see photos of President Obama and Attorney General Holder. Every day, those pictures remind us that while U.S. race relations remain troubled in many ways, seismic shifts have also happened. Despite persistent gaps between law on the books and law in action—not to mention ideals and everyday life—shifts continue to happen. I'll press my "shift" key in 100 days as I type my emails nudging you about what kind of justice you've done on your to-do list lately. I look forward to weaving those deeds together and sharing what we are all doing to achieve the fundamental promises of our country.

Thank you.

#### EPILOGUE: THE FRUIT RIPENED 100-DAYS LATER

I was really enjoying Karen's keynote remarks until I realized that there would be a homework assignment. And not just any homework assignment. But one that is going to blow up on me in 100 days. That said, you have to like the urgency that comes with that kind of call to action.<sup>13</sup>

#### *100 Days Later: Advancing Access to Justice Through the Courts*

A cornucopia of fruitful judicial efforts emerged from the 100-day challenge issued at the Rothgerber conference:

- Judge Daniel Taubman, as part of his service on the Commission on the Legal Profession's working group dealing with access to justice and pro bono issues, proposed recommendations, including the need for a secure funding source for Colorado Legal Services, increased pro bono efforts through voluntary or mandatory pro bono reporting, increased support for the Judicial Branch's efforts to obtain funding for pro se centers, and improved access to justice for moderate income people by linking them with recent unemployed law school graduates.<sup>14</sup> Thanks in part to judicial nudging over the last 100 days, the Colorado Bar Association's Board of Governors approved a resolution recommending that the

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12. 372 U.S. 335 (1963).

13. University of Colorado Law School Professor J. Brad Bernthal, speaking at the Rothgerber Conference

14. Email from Judge Daniel Taubman, Colo. Court of Appeals, to author (Feb. 24, 2012) (on file with author).

Colorado Supreme Court allocate some attorney registration fees to support Colorado Legal Services for the next two years.<sup>15</sup>

- Additional noodging from the bench and bar over the last 100 days enabled Justice Greg Hobbs to report record high pro bono activity.<sup>16</sup> A whopping 160 Colorado firms achieved the Rule of Professional Conduct 6.1 goal of fifty hours of pro bono legal services per attorney in 2011, with 209 firms now appearing on the Colorado Supreme Court's pro bono commitment list.<sup>17</sup> The end of year surge is a significant increase since 2008 when 109 firms appeared on the commitment list, eighty-three of which achieved the goal.

- Justice Hobbs sent the above pro bono report as he left for Fort Collins to participate in the local Larimer Bar Association's pro bono recognition ceremony, the first of a series with judicial support that will be held around the state through June.

David Udell and Laura Abel<sup>18</sup> of the National Center for Access to Justice also focused on court-based advancements:

- In partnership with New York Unified Court System, the Center submitted a funding concept paper titled *Representation Counts to the State Justice Institute*. If funded, the partners would work together to systematically review the status of unrepresented litigants in the courts, research the approaches used by other states, and use that information to improve the delivery of services in New York.<sup>19</sup>

- The Center published a *National Law Journal* op-ed calling for a national Justice Index, advancing the idea promoted by Rothgerber presenters James Greiner, Becky Sandefur, Laura Abel, David Udell, and others that we need more data about who has access to what types of justice (as well as where, when, and under what circumstances).<sup>20</sup> The Justice Index will use data to "illuminate the performance of state[-]based justice systems in delivering justice," while highlighting the need for increased funding and other reforms.<sup>21</sup>

15. See Sara Crocker, *CBA Board of Governors Support Request to Courts to Provide Emergency Funding to Legal Aid*, CBA LEGAL CONNECTION (Feb. 23, 2012), <http://cbaclegalconnection.com/2012/02/cba-board-of-governors-support-request-to-courts-to-provide-emergency-funding-to-legal-aid/>.

16. Email from Justice Gregory Hobbs, Colo. Supreme Court, to author (Feb. 27, 2012) (on file with author).

17. *Colorado Supreme Court Pro Bono Legal Service Commitment and Recognition Program RPC 6.1*, COLO. ST. JUD. BRANCH (February 27, 2012), [www.courts.state.co.us/Courts/Supreme\\_Court/Pro\\_Bono.cfm](http://www.courts.state.co.us/Courts/Supreme_Court/Pro_Bono.cfm).

18. Since the Rothgerber Conference, Laura Abel joined the National Center for Access to Justice as Deputy Director. *Staff*, *supra* note 10.

19. Laura Abel, *100 Days Promoting Access to Justice*, NAT'L CTR. FOR ACCESS TO JUST. (Feb. 20, 2012, 9:54 AM), <http://www.ncforaj.org/home/news/100dayspromotingaccesstojustice>.

20. See Cara Anna and David Udell, *We Need a National Justice Index*, NAT'L L.J. (Dec. 5, 2011), <http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202534218778&slreturn=1>.

21. Abel, *supra* note 19.

- The Center is bringing together experts on performance measurement and advocacy for a panel conversation at the May 2012 Equal Justice Conference to further promote the use of data to illuminate access to justice in the courts. The panel will include representatives from the Florida courts, the World Justice Project, Jacksonville Legal Aid, and the Center, itself, to discuss the latest approaches to using the tools of performance measurement to increase access to justice.

Michael Millemann, University of Maryland Jacob A. France Professor of Public Interest Law, addressed both civil and criminal justice problems in the courts in three ways:<sup>22</sup>

- As a member of the Maryland Access to Justice Commission and as chair of its self-represented litigant subcommittee, Professor Millemann applied the Rothgerber discussion about removing access barriers to repairing rules authorizing unbundled representation with the goal of approval by the Maryland Court of Appeals this fall.

- His subcommittee is working to launch an unbundled representation pilot project that will utilize empirical evaluation to build in an assessment tool.

- As chair of the Office of Public Defender's Board of Trustees, Professor Millemann is working with the office to implement a new policy that will require legal representation at 180,000 bail hearings a year.<sup>23</sup>

Richard Zorza, consultant and coordinator of the national Self-Represented Litigation Network, led an effort to establish decision protocols for what's known as the "triage"<sup>24</sup> process:<sup>25</sup>

- Focusing on how court-based self-help centers decide who gets what help, Mr. Zorza assembled a group that included several Rothgerber participants to draft a set of triage "principles" to determine how a court

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22. Email from Professor Michael Millemann, Univ. of Md. Jacob A. France Professor of Pub. Interest Law, to author (Feb. 24, 2012) (on file with author).

23. Cf. Tricia Bishop, *Appeals Court Ruling Requires Lawyers at Bail Hearings*, BALT. SUN (Jan. 4, 2012), [http://articles.baltimoresun.com/2012-01-04/news/bs-md-public-defenders-20120104\\_1\\_public-defender-appeals-court-hearings](http://articles.baltimoresun.com/2012-01-04/news/bs-md-public-defenders-20120104_1_public-defender-appeals-court-hearings) (discussing the response on behalf of the Maryland Office of the Public Defender's to a court opinion requiring legal representation during bail hearings).

24. Triage is a word used to describe processes designed to make sure that those in need of access to justice most efficiently obtain the services they need to achieve such access, and that they are directed to the processes in the court itself that help ensure speedy, appropriate and fair resolution. For more information about triage, see generally Richard Zorza, *The Access to Justice "Sorting Hat": Towards a System of Triage and Intake that Maximizes Access and Outcomes*, 89 DENV. U. L. REV. 859 (2012); Thomas M. Clarke and Victor E. Flango, *Case Triage for the 21st Century*, NAT'L CTR. FOR ST. COURTS (2011), available at <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1847>.

25. Email from Richard Zorza, consultant and coordinator of the Nat'l Self-Represented Litigation Network, to author (Feb. 25, 2012) (on file with author).

should treat a case with a self-represented litigant, as well as to decide what services should be provided to litigants to navigate the court track.<sup>26</sup>

*100 Days Later: Advancing Access to Justice at Law Schools*

University of Colorado Law School continued its leadership role from the Rothgerber conference:

- J. Brad Bernthal, Associate Clinical Professor of Law in the Entrepreneurial Law Clinic (ELC), is developing a model for Colorado “deal attorneys”—especially in-house attorneys—to expand *pro bono* transactional assistance for startups and micro-entrepreneurs in Colorado’s Front Range. The ELC is currently in the feasibility analysis stage, tapping the talent of spring 2012 students who are interviewing Colorado deal attorneys to measure interest in participation and to identify barriers that currently frustrate *pro bono* participation. ELC students are also reaching out to other organizations currently involved or potentially interested in transactional *pro bono* services.<sup>27</sup>

- Deborah J. Cantrell, Associate Professor and Director of Clinical Education University of Colorado Law School, is spearheading efforts to get a new low bono network set up as a collaboration between the law school, the Boulder County Bar Association, and individual lawyers in Boulder County who are already experimenting with low-bono or unbundled services. Modeled on the version of the Law School Consortium Project developed at the University of Maryland, and with coaching from Rothgerber presenter Professor Millemann, the network’s nascent planning team predicts it will be open to any Boulder County attorney, offering research assistance and other support from Colorado law to network attorneys doing low bono or unbundled work.

- Melissa Hart, Associate Professor and Byron White Center for the Study of American Constitutional Law Director, reports that the White Center started an access to justice initiative to accomplish the following: (1) launch a new mentoring program that partners a law student, a recent graduate, and a more senior lawyer in a one-year mentoring group to, among other things, take at least one *pro bono* case; (2) develop the Colorado Law Faculty Pro Bono Push, asking Colorado Law faculty to take on one *pro bono* case and to work with students on that case; and (3) start a *pro bono* pairing project that will partner current students with senior attorneys to work on *pro bono* cases. The Byron White Center will offer

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26. See Richard Zorza, *A New Cut at Triage Principles*, RICHARD ZORZA’S ACCESS TO JUSTICE BLOG (Feb. 28, 2012), <http://accesstojustice.net/2012/02/28/a-new-cut-at-triage-principles/>.

27. Email from Professor J. Brad Bernthal, Assoc. Clinical Professor of Law in the Entrepreneurial Law Clinic at the Univ. of Colo. Law Sch., to author (Feb. 24, 2012) (on file with author).

support including assistance in finding pro bono cases, free continuing legal education, and help with pro bono case-related questions.<sup>28</sup>

Making an East Coast push to increase access to justice in law schools, David Udell and Laura Abel of the National Center for Access to Justice<sup>29</sup> found new ways to engage law students:

- Joining with the U.S. Department of Justice Access to Justice Initiative, the Center worked with the recently re-opened 9/11 Victim Compensation Fund to help create a law student pro bono program that will rely on students to help 9/11 victims file their applications for awards from the fund.

- The Center's staff are teaching a new course at Cardozo Law School this spring, *The Justice Gap, Strategies for Delivering on the Promise of Equal Justice in American Courts*, that incorporates ideas gleaned from several Rothgerber presenters who spoke about integrating access to justice themes into the law school curriculum.<sup>30</sup>

Out on the West Coast, Luz E. Herrera, Thomas Jefferson School of Law Assistant Professor, reports on new incubator projects:<sup>31</sup>

- A favorable December faculty vote on her proposed Attorney Incubator project signals her school's commitment to support new graduates who provide unbundled legal services at affordable fees. Plans for after the Attorney Incubator launch include a new law school based self-help center that operates in the evenings and on Saturdays when the courts and legal aid offices are closed.

- Talk of the need for innovative pro bono models prompted Professor Herrera to work over the last 100 days to apply the incubator model to Community Lawyers, Inc., a nonprofit she co-founded in Compton, California.<sup>32</sup> She has laid the groundwork to build an attorney support program for recently unemployed graduates and underemployed lawyers who provide client education and pro bono consultations, in exchange for a network that reduces their isolation and helps them build their practice.

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28. Email from Professor Melissa Hart, Assoc. Professor at the Univ. of Colo. Law Sch. and Dir. Of the Byron White Ctr. for the Study of Am. Constitutional Law, to author (Feb. 24, 2012) (on file with author).

29. Email from David Udell, Dir. of The Nat'l Ctr. for Access to Justice, to author (Feb. 22, 2012) (on file with author).

30. See David Udell, *Spring 2012, Justice Gap Seminar, Cardozo Law School*, NAT'L CTR. FOR ACCESS TO JUST. ( Nov. 11, 2011, 4:15 PM), <http://www.ncforaj.org/home/events/spring2012justicegapseminarcardozolawschool> (containing a description of the course).

31. Email from Professor Luz E. Herrera, Assistant Professor at the Thomas Jefferson Sch. of Law, to author (Feb. 25, 2012) (on file with author).

32. For more information, see COMMUNITY LAWYERS, INC., [www.community-lawyers.org](http://www.community-lawyers.org) (last visited Dec. 18 2012).

*100 Days later: Closing the Research Gap*

D. James Greiner, Harvard Law School Assistant Professor, used the Rothgerber Conference as a forum for getting feedback on research projects he was considering.<sup>33</sup>

- Thanks to positive feedback from Rothgerber participants, Professor Greiner spent many of his last 100 days pursuing projects to assess the effectiveness of free financial counseling and advice versus an offer of a free attorney-client relationship when a consumer is sued in debt collection litigation. Given the congressional mandate in recent bankruptcy legislation that individuals filing for certain kinds of bankruptcy certify that they have undergone counseling, he hopes to learn whether such counseling actually improves the lot of a consumer with troubled finances, or whether the counseling requirement serves as a barrier to the discharge of burdensome debt.

Jeffrey Selbin, Berkeley Law Clinical Professor, got the evidence-based message:<sup>34</sup>

- Challenged by the repeated admonitions from Rothgerber panelists to learn more about what we do and what works, Professor Selbin completed an essay (with co-authors) arguing for more and better research in clinics and legal services.<sup>35</sup>

These many reports, research projects, policies, and classes show what a difference 100 days can make. The innovations pursued with such determination show how right Margaret Mead was when she observed that a few talented, dedicated people can change the world.<sup>36</sup>

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33. Email from Professor D. James Greiner, Assistant Professor at Harvard Law Sch., to author (Feb. 22, 2012) (on file with author).

34. Email from Professor Jeffrey Selbin, Clinical Professor at the Univ. of Cal., Berkeley, Sch. of Law, to author (Feb. 24, 2012) (on file with author).

35. See Jeffrey Selbin et al., *Service Delivery, Resource Allocation, and Access to Justice: Greiner and Pattanayak and the Research Imperative*, 122 YALE L.J. ONLINE 45 (2012), <http://yalelawjournal.org/images/pdfs/1099.pdf>.

36. See, e.g., Jone Johnson Lewis, *Margaret Mead Quotes*, ABOUT.COM, [http://womenshistory.about.com/cs/quotes/a/qu\\_margaretmead.htm](http://womenshistory.about.com/cs/quotes/a/qu_margaretmead.htm).