

MEMORANDUM

To: All interested donors, participants, and stake holders

Re: National Interactive Pro Bono Website: "www.ABALEGALANSWERS.ORG"

The purpose of this memorandum is to describe a new initiative to be undertaken by the American Bar Association Pro Bono Committee. The new project is to build and maintain a fifty (50) state interactive pro bono website on which low-income citizens can log onto the internet, then file legal questions and get answers to their legal questions from pro bono volunteer lawyers who are licensed in the state in which the client resides or in which the legal matter arises.

I. History of interactive pro bono websites in the U.S.

We know from recent experience that interactive websites can successfully help thousands of low income citizens. For the last four years, the Tennessee Alliance for Legal Services and Tennessee Bar Association has operated an interactive pro bono website entitled www.ONLINETNJUSTICE.org. On this website, volunteer lawyers sign up to provide pro bono legal answers to low-income families across Tennessee. The site has helped over 8,000 clients since it was launched in 2011. Since 2011, the states of Alabama, Indiana, Minnesota, South Carolina and West Virginia have launched similar interactive pro bono websites, using the same software. Those sites have operated under the respective names of www.Alabamalegalanswers.org, www.Indianalegalanswers.org, www.MNlegaladvice.org, www.SClawanswers.org and www.WVonlinelegal.org.

II. Site programming

The lead programmer for the national website would be Paul Davis, a programming manager employed by the law firm of Baker, Donelson, Bearman, Caldwell & Berkowitz P.C., who wrote the original software code for www.ONLINETNJUSTICE.org and assisted each of the other states in launching their sites. The national site would be developed, deployed, and maintained in a hosted environment utilizing virtual technology. This approach would provide flexibility to grow the technology as the popularity of the site grows, and avoid the necessity of any significant capital outlay for servers. This hosted environment would provide 24/7 management of the site infrastructure, enhanced security, and use of the latest technology.

III. Benefits of a national pro bono site

Development of a fifty (50) state model would have several benefits.

1. It would provide this pro bono tool to fifty states with little or no capital outlay for those states.
2. It would provide this pro bono tool to fifty states with little or no necessity for staff to manage the site.
3. It would provide this pro bono resource to states large and small so long as that state has one bar association, access to justice commission, or other pro bono

organization willing to recruit volunteers and promote public awareness of the new resource.

4. It would avoid the necessity of spending significant programming staff time whenever a new state becomes involved.

5. It would collaborate with existing pro bono/legal service provider to increase available resources.

IV. Trends favoring online pro bono

A 2013 study done by the Pugh Research Center indicates that 85% of American adults are internet users and that 70% of American adults have some sort of high-speed internet connection in their home. As of 2013, sixty-four percent of households with incomes between \$20-\$30,000 have internet accessibility and fifty-four percent of households with incomes between \$10-\$20,000 had internet access (as of the 2013 study). The Pugh study showed a dramatic increase in smart phone ownership just in the two year period between May, 2011 and May, 2013, so these numbers probably under-estimate present internet access via smart phone usage as of the spring, 2015.

The trends are clearly in favor of increased internet usage. There is no reason to believe that use of the internet for requesting and receiving legal advice will not continue to grow with every passing year. It is also clear that although limited scope advice, whether provided in a walk-in clinic, a telephone bank, or over the internet, is no substitute for full representation, limited scope advice can provide an invaluable tool to low income residents who cannot possibly afford a lawyer.

V. Estimated cost and funding

It is anticipated that the American Bar Association would provide working space for the site administrator. The most significant cost that we anticipate is a full time, 40/hr a week employee to serve as the site administrator for a fifty (50) state site. If that employee was an employee of the American Bar Association located in Chicago, Illinois, it is anticipated that the approximate cost of salary and benefits would be between \$115,000 and \$140,000 per year. Malpractice insurance for our volunteers may be obtained through the National Legal Aid and Defenders Association for \$5,000 - \$10,000 per year. Thus, the total estimated cost of the site would be approximately \$140,000 per year.

These costs could be funded in numerous ways. We anticipate grant funds would be available from a variety of sources, and that corporations, corporate law departments, and law firms will want to support the site. For example, if we could secure 14 donors at \$10,000.00 per year, the costs would be covered. (We could also decide to ask every state who becomes involved to pay a nominal annual fee of between \$1,000 - \$2,500 per year to go towards the cost of maintaining the site.)

VI. Screening criteria, volunteer attorney licensure, and client satisfaction.

It is anticipated that the site would be available to residents of the United States with income levels less than two times the federal poverty rate. It would be available to eligible

clients with all types of civil legal problems. It is anticipated that after the clients log on, they will answer a series of questions as they do in the six states which have already launched interactive websites. These questions and answers will include income screens and would adduce information regarding the residence of the prospective client. Once the residence of the client is determined, their question would be placed in a queue for that client's state of residence. Then, volunteer lawyers would log on, indicate the state in which they are licensed to practice law, and review and answer questions as they currently do in the six states which now maintain individual state websites. The site will also have built into it a reporting mechanism so that lawyers who are eligible for CLE credit in their state of licensure will be able to get that credit.

The site will have built into it a feed-back loop which will ask clients about the quality of their experience and whether the advice given had a meaningful, positive impact on the resolution of their legal problem. Representative feedback from clients in states with sites include:

- "First off, thank you for your volunteered time in answering questions to help people. You are a blessing from God, and I appreciate you!"
- "Thank you so very much!! I am so grateful for your time and the information. This is truly a good thing you do to help those who cannot afford an attorney."
- "Thank you SO much!! This has been an ongoing problem since 2011." (said in 2014)
- "That's very kind of you. No one else...has offered to help me with this nightmare."

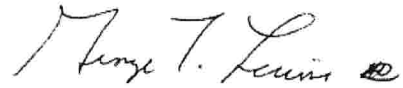
VII. State responsibilities

In each state seeking to provide this pro bono tool for their residents and for their bar, a sponsoring organization would need to take responsibility for recruiting volunteers, working with the site administrator, and promoting awareness of the site with the public, the bar, the judiciary, other legal services providers, social services agencies and related entities. Each state could have one sponsoring organization, or a collaboration of several sponsoring organizations. Large states could have one or more sponsoring organizations in different areas of that state.

VIII. Benefits to lawyer volunteers

The experience in Tennessee and in the other states which have launched interactive websites has been that they provide a significant benefit to lawyers. Government and corporate lawyers, who have difficulty providing pro bono in the public arena, are able to provide pro bono services online. Senior lawyers who no longer have a traditional practice are grateful to have the opportunity to use their considerable experience for the benefit of low-income clients. Lawyers who are disabled or are on family or medical leave or who have taken a break from traditional practice to assume child-rearing responsibilities, are also happy to have the opportunity to continue to use their skills for the benefit of low income clients. Lawyers also like the fact that they can do pro bono any time of the day or night, in any location with internet access. On the internet, lawyers can do pro bono while they sit with their children, or while in a doctor's waiting room, or an airport gate, or while riding in a car, bus or train. The site would also provide opportunities for law student/lawyer collaboration.

The experience in all the states which have launched so far has shown that this online pro bono tool is an important part of the mosaic of pro bono services lawyers can render in carrying out the highest ideals of our profession. Whether you are a potential donor, or potential sponsoring organization, bar leader, member of the judicial branch, access to justice commission member or staff, or play any role whatsoever in helping provide equal access to justice, we eagerly request your support and earnestly seek your comments.

A handwritten signature in cursive script that reads "George T. Lewis" followed by a small circular mark.

George T. "Buck" Lewis
Chair Technology Sub-Committee
ABA Pro Bono Committee