

On the Horizon: Bridging the Justice Gap with Web-Based Solutions

by Jennifer Grace Dean

The justice gap in Virginia has reached historically wide margins. As a group, Virginia lawyers are encouraged to provide 940,000 pro bono legal service hours under Rules of Professional Conduct 6.1.¹ But practitioners annually contribute only an estimated 36,600 hours, or about 3.9 percent.²

As one might expect, cases in which individuals appear without counsel can contribute to the backlog on the courts' dockets and undermine the perception that those who come before the courts are equal in the disbursement of justice. Repeated studies have shown that representation has a tangible effect on case outcomes.³ The trend is consistent among a variety of case types from immigration removal proceedings to child custody disputes. The overarching reality is that guidance from a lawyer can translate into more successful outcomes for litigants.

There are many reasons for the justice gap, but one potential cause is the difficulty connecting potential pro bono clients with practitioners. However, it now appears that technology can offer a near-term fix, and many states, including Virginia, are taking action to help connect lawyers with indigent clients through online solutions.

Tennessee is one state that undertook the monumental task of bridging the gap in legal justice. In 2011, the Tennessee Alliance for Legal Services and Tennessee Bar Association launched an interactive pro bono website titled www.onlinetnjustice.org where low-income residents can bring their legal concerns into a virtual-based consultation with attorneys across the state. Through a question and answer format, volunteers select an area of expertise and specific legal questions to answer.

One attraction of the website is the ease with which attorneys can address the variety of legal concerns. At their convenience, attorneys can log into the website twenty-four hours a day, seven days a week to devote as much or as little time as they can afford. Such flexibility helps blend the experience of providing pro bono service into work, leave, and family schedules. For users, the benefit of receiving professional advice equips them with knowledge on how to proceed in their cases. As an added benefit, Tennessee's website also serves as a resource hub to connect users with the state's legal aid organizations and lawyer referral services.

The impact of Tennessee's program in the past four years is breathtaking. Since 2011, volunteer attorneys have helped more than 8,000 client users.⁴ The effectiveness of the legal advice is, in part, assessed by the users, who are prompted at the close of the exchange to review their experience.

The program's success prompted not only several other states to launch similar websites, but has caught the attention of the American Bar Association Pro Bono Committee. The committee published a memorandum in March on its intention to adopt the same technology with the hope of making similar websites available in each state.⁵ Efforts are underway to mobilize the states into action by signing the pledge to become a participant of the program. Virginia is one of the states interested in the program's potential.

Even with the promise of leveraging existing technologies, a website alone will not close the justice gap. Yet this small measure may help address demand for pro bono legal services in a way never before imagined.

Endnotes:

- 1 See Va. Rules of Prof'l Conduct R. 1.5 (2009). "George T. "Buck" Association, Pro Bono Committee, on has a tangible effects on the lives ct.
- 2 See Joanna L. Suyes and John E. Whitfield, *Is there a Pro Bono Gap in Virginia?*, VA. LAW. (February 2014)
- 3 See Webinar: *Ethical Considerations in Pro Bono*, Virginia State Bar (Oct. 1, 2015), available at <https://attendee.gotowebinar.com/recording/7000011461018127105>.
- 4 See George T. Lewis, American Bar Association, Pro Bono Committee, *National Interactive Pro Bono Website: www.ABALEGALANSWERS.ORG* (2015), available at https://c.ymcdn.com/sites/ncbp.site-ym.com/resource/collection/C1A0DD33-EAD0-49B1-AC6A-2DEDD2E0A17D/1A_-_Pro_Bono_Website_Memo.pdf.
- 5 See *Id.*



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