

New VSB Service to Provide Legal Answers Anytime, Anywhere

Karl Doss, the Virginia State Bar's director of Access to Legal Services, provided an overview and answered questions about the new online pro bono service — Freelegalanswers.org — that the Bar will begin offering in August.

Q: What is Freelegalanswers.org?

A: Freelegalanswers.org is part of a new initiative undertaken by the ABA Pro Bono Committee to build and maintain a fifty-state interactive website to provide online pro bono assistance to low-income citizens. To date, more than thirty-five states, including Virginia, have signed up for the project. This August, the VSB will host a site where low-income Virginians can log on, file legal questions, and get answers from volunteer lawyers licensed in Virginia.

Q: Where did this idea come from?

A: Tennessee was the first state to launch an interactive pro bono website (OnlineTennesseeJustice.org) six years ago. This project was a collaborative effort of the Tennessee Alliance for Legal Services and the Tennessee Bar Association and was developed by the law firm of Baker Donelson through the leadership of George "Buck" Lewis, who is the chair of the Technology Committee of the ABA Pro Bono and Public Service Committee. Since its inception, the Tennessee website has assisted more than 10,000 clients and signed up more than 450 lawyers. Alabama, Indiana, Minnesota, South Carolina, and West Virginia have also launched similar online pro bono websites using the Tennessee software. In 2015, Buck Lewis spoke at a meeting of the Virginia Access to Justice Commission, which endorsed Virginia's participation in the project. He later

addressed the VSB Special Committee on Access to Legal Services, which recommended that the VSB host the website. The VSB Executive Committee approved this recommendation.

Q: Who is paying for this?

A: The ABA is actively conducting fundraising to provide the service. The fundraising will cover the malpractice insurance, which will be provided by the National Legal Aid & Defender Association (NLADA) Insurance Program, for volunteer lawyers and the cost of a national site administrator. They estimate that these expenses will run approximately \$130,000-\$140,000 per year. They are hoping that participating states could help with their fundraising efforts, perhaps through private donations. However, there would be no cost to the VSB to host the site and no need to increase bar fees or dues to support this program.

Q: What is the Bar's responsibility in hosting the website?

A: The VSB will be responsible for recruiting volunteer lawyers, working with the ABA's site administrator, and promoting awareness of the website to the potential consumers, the public, the bar, the judiciary, legal services providers, social services agencies, and other stakeholders. VSB staff will also confirm that volunteers are in good standing, screen questions to make sure that they involve actual civil legal issues, and review answers as a means of quality control, and monitor questions in the queue to make sure that they do not remain unanswered for a long period of time.

Q: So the website provides assistance in civil legal matters?

A: Yes, this service will provide limited scope pro bono legal advice to low-income people. Eligible clients may ask questions about and receive answers involving all types of civil legal problems.

Q: What income qualifies a client to use this service?

A: It is anticipated that access to the service would be limited to Virginia residents who have income levels of 200 percent of the federal poverty guidelines or less (or a household income of just over \$23,000 per year for a single adult). This threshold is fairly common among non-profit pro bono legal services providers. When a prospective client logs on, he or she will answer a series of questions regarding income, residence, and assets. If the user meets eligibility guidelines, the question is placed in a queue for Virginia lawyers. If the user exceeds eligibility guidelines, he or she will be advised accordingly and referred to other potential resources for legal assistance. This is how the screening process works in the six states already operating online pro bono websites.

Q: What's my obligation to the client after I answer the question?

A: The user will post a request for legal advice information and provide facts that will help the lawyer answer the question. Users will be able to go back to their posted question one time to add information. The lawyer may ask for additional information before responding to the user's request. The user will have a choice to respond to that request or not. Only lawyers licensed and in good

standing in Virginia will be authorized to use the system and to respond to user's requests. Their responses will be based on applicable Virginia and/or federal law. If a lawyer responds to a user's request, the user will receive a written response through the website.

Q: If I volunteer for the service must I answer questions?

A: That is really up to the attorney. Lawyers certainly are free to decline to respond to requests — especially if it involves an issue beyond their experience or expertise. However, questions will be posted according to the area of law. Volunteer lawyers are encouraged to review all of the posted questions, conduct research as warranted, and provide concise and plain English legal advice according to their knowledge, experience, and expertise. As I previously noted, the VSB will periodically review the queue for unanswered questions and advise volunteer lawyers about questions still requiring a response. However, if no lawyer responds to a request after thirty days, the request will be removed and VSB will notify the user.

Q: Can I give the client my name and ask the client to contact me?

A: The identities of both the user and the volunteer lawyer will be anonymous. Users will not know the name of the lawyer who answers their questions. The lawyer should not take any action to help the user except to respond to the request for advice and information that is posted on the website.

Q: What if the user needs to hire an attorney? May I offer to accept their case? What are the ethics issues of that?

A: Lawyers should not sign up for the service with the expectation of soliciting potential clients. This is a pro bono service. Freelegalanswers.org can provide users with information about legal aid

organizations and pro bono resources in their area where they might be able to receive legal representation as well as the Virginia Lawyer Referral Service and VALegalAid.org.

Q: Why is this service needed?

A: Sadly, data shows that 80 percent of the legal needs of the poor both nationally and in Virginia are not being met. In recent years, federal funding of legal aid has decreased and IOLTA funds are pretty much non-existent. This has resulted

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in 20 percent staff cuts at Virginia's legal aid offices while the poverty population in Virginia has increased by 30 percent. One in eight people in Virginia are eligible for free legal services and 48 percent of low and moderate income households experience some sort of legal problem each year, yet there aren't sufficient legal resources to meet their needs. Low-income Virginians need free access to lawyers and legal information.¹ While freelegalanswers.org is not a substitute for full representation by a lawyer, it will provide users with convenient, 24 hours a day, 365 days per year access to lawyers who can answer their legal questions. Users can access the service and pose questions from their smart phones or anywhere they can have access to a computer and an Internet connection, such as a public library.

Q: Is there a benefit to volunteer lawyers?

A: States with interactive pro bono websites have found that they provide a significant benefit to lawyers. Tennessee reports that government and corporate lawyers who have difficulty in accepting a full representation pro bono referral can respond to questions anonymously and with no further commitment for

representation. Senior lawyers who are no longer engaged in a traditional practice can still use their considerable experience to help the disadvantaged. Lawyers on family or medical leave and are taking time away from full-time legal practice can use their knowledge and skills to assist low-income individuals. The beauty of these websites is their convenience. Lawyers can do pro bono anytime – day or night – and anywhere – at home or work, on a bus or train, at a coffee shop or bookstore, while waiting to catch a flight or at the park during

their children's soccer match. I like to think of it as "arm chair pro bono" or "pro bono in your slippers."

Q: Given the apparent convenience of the website, won't this service actually decrease attorney pro bono representation of low-income individuals?

A: We believe that freelegalanswers.org is a great way for lawyers who have been reluctant to accept a pro bono referral to represent a client in a case to "get their feet wet." Because of the anonymity of both the client and attorney and the very limited scope of the legal assistance being provided, states with online pro bono websites have found that their volunteer lawyers actually increased and expanded the nature of their pro bono service.

Q: Where and when can I sign up to volunteer?

A: We'll begin asking for and signing up volunteers later this year.

Endnote:

1 Legal Services Corporation of Virginia, Report to the Commonwealth and General Assembly FY 2013-2014