


# Using Technology to Enhance Access to Justice

University of Hawaii School of Law  
June 20, 2014 @ 2:15-3:30 p.m.



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Emily Su-lan Reber Porter

# Low-Income Households

80%

**“... low-income people have no access to a lawyer when they need one.”**

# Family Court Litigants

80%

**“... family court litigants are  
pro se.”**

- ED of Connecticut Legal Services

Nationwide –  
no change since 1980s

80%

“Despite an enormous increase in pro bono work ... **we are still meeting only 20 percent of the legal needs nationwide, just as we were back in the 1980s ....**”



“If we’re just talking about legal aid and pro bono, we’re just sticking our head in the sand ....”

Gillian Hadfield

USC law and economics professor

2014

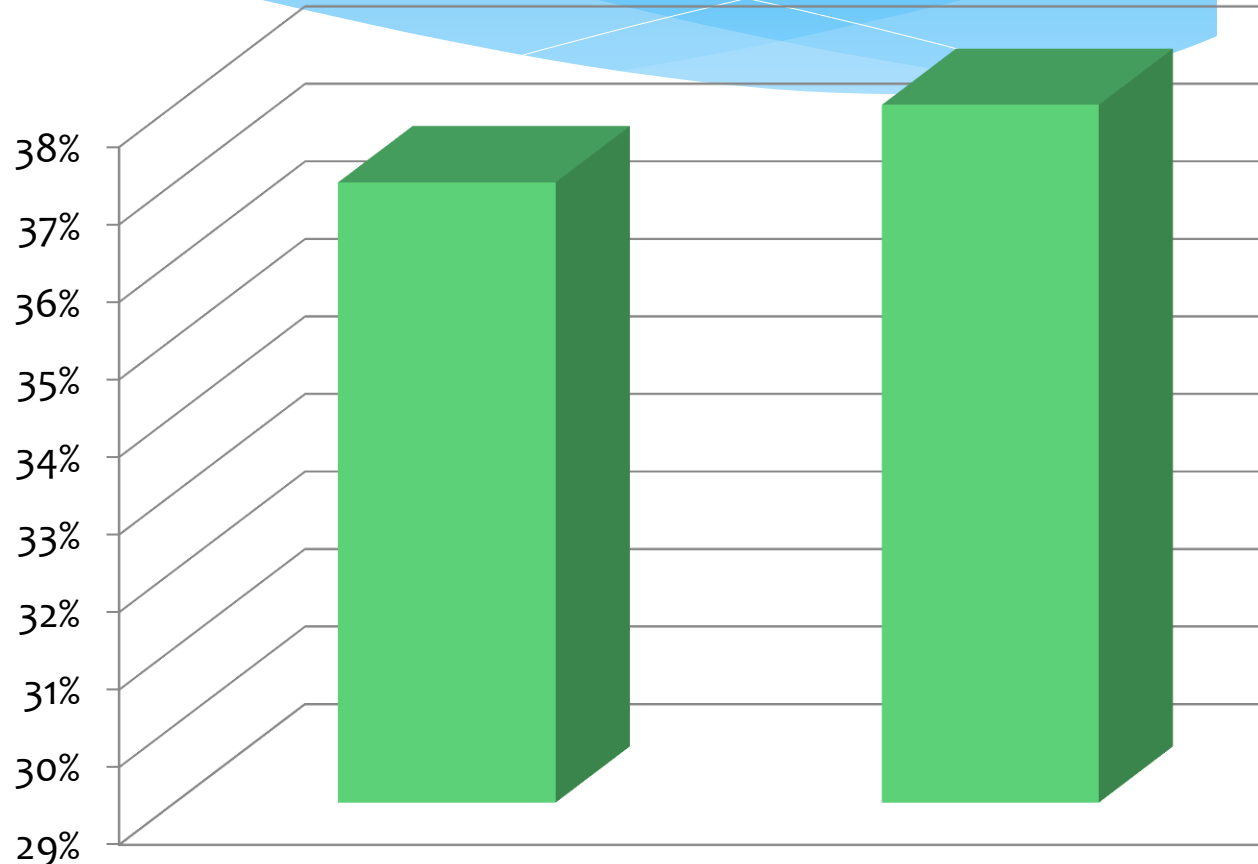
# Next to the Bottom

“[A]mong industrialized western democracies, the **U.S. ranked next to the bottom** ... on access to justice ....” on a recent Rule of Law Index

# Households Over \$100K

36% Living  
Paycheck-to-  
Paycheck

37% Couldn't  
handle an  
unexpected  
\$10,000  
expense



April 2014 Money survey "Americans and Their Money" based on national online survey of 1,018 Americans ages 18+ conducted Jan. 10-20, 2014 by Marketing & Research Resources. Margin of error is +/- 3.1 percentage points.



# Legal Services Should Not Be a Luxury Item

LVMH  
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Dior



CHANEL

YVES SAINT LAURENT



GUCCI



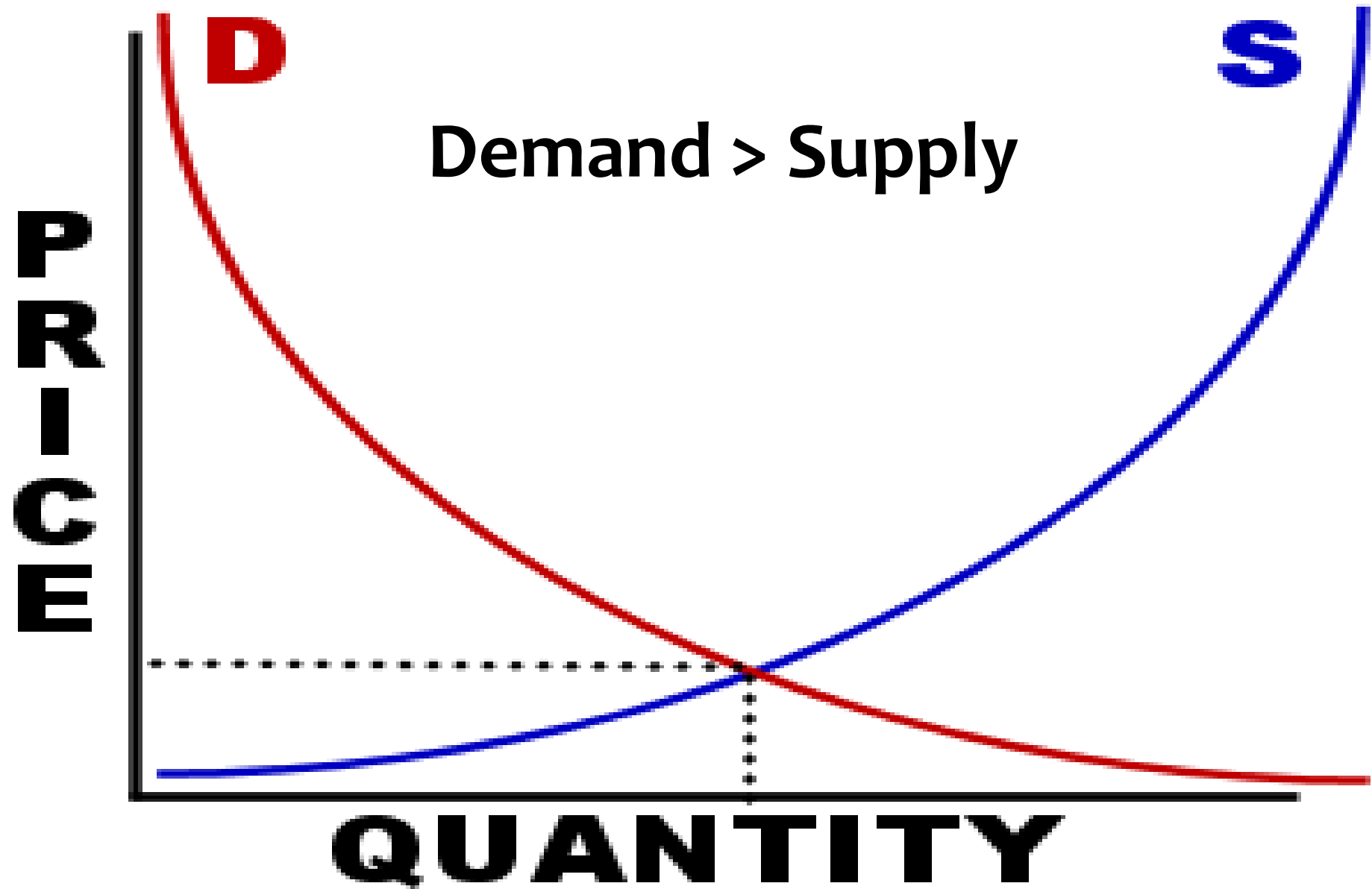
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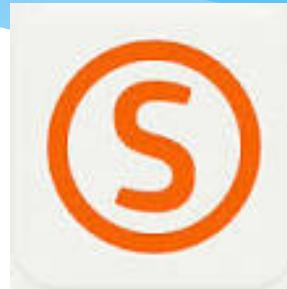


# How to close the access to justice gap?




“Only a complete overhaul of the way law is practiced will make legal services available to all who need them ...”

-USC law professor Gillian Hadfield

# Other Industries Have Been Reinvented Using Technology



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 Ask a doctor - Search for "First Opinion" on the App Store.

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2



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3



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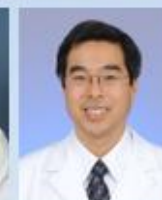
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### A Doctor By Your Side

2 min 21 sec

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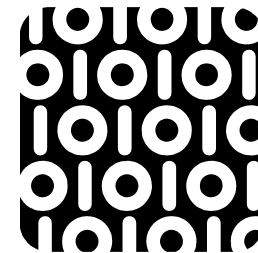
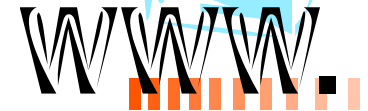
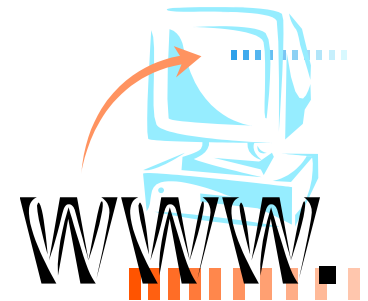
ANDROID APP ON  
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# How Much Technology Are Lawyers Using to Deliver Legal Services?

## Most Lawyers Use



## Not As Used



# The Secret Phrase Top Innovators Use



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# How Might We



# How Might We?

Asking “might” instead of “can” or “should” defers judgment and opens up more possibilities.

# Example of How To Use “How Might We”

- \* **#1 Set the Mission:** E.g. To make affordable legal care available to all those in need
- \* **#2 Vision:** E.g. A legal services industry that has various kinds of services available at various price points including zero cost for low-income families
- \* **#3 Values:** E.g. Access, fairness, empathy
- \* **#4 Measuring Metric/Goal:** E.g. By 2020, only 20% (from 80%) of low-income and gap group individuals and families with unmet legal needs
- \* **#5 How Might We?** And get brainstorming ... free from the usual emphasis on current constraints and barriers

# Growing Numbers of Legal Tech Start-Ups

- \* Founded by lawyers and non-lawyers
- \* Millions in funding
- \* Showing huge customer demand, affordable price points, and growing customer adoption and satisfaction

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# Get free legal advice from top-rated lawyers

e.g. "Do I need a living will?"

in San Jose, CA



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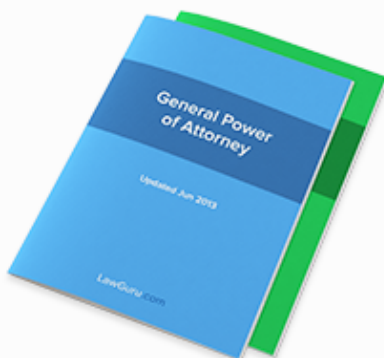
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David G.  
McAllister and Quinn

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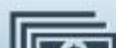
DUI/DWI

📍 San Francisco, CA

# Find the best attorney for your budget



STEP 1



STEP 2



STEP 3

# Pro Bono Innovators

The header is a solid blue rectangle with rounded corners. Below the text, there are several overlapping, wavy, light blue shapes that create a sense of movement and depth, extending across the width of the slide.

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## Free or Low-Cost Legal Services

Free or Low-Cost Legal Services



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## *About Legal Services of Northern Michigan's* **Internet Representation Project!**

The Internet Representation Project was conceived and developed by [Legal Services of Northern Michigan](#) with grant support from the **Michigan State Bar Foundation** and the **Legal Services Corporation** with the goal of increasing access to legal advice to those who cannot afford it.



Internet Representation Project by Tristan Penokie for Legal Services of Northern Michigan is licensed under a [Creative Commons Attribution-Noncommercial-Share Alike 3.0 United States License](#).

Based on a work at [www.lsnmirp.org](http://www.lsnmirp.org).

The IRP system screens clients for eligibility and, if qualified, allows them to post a question to a private messaging system. The questions are answered by private attorneys volunteering their time. An IRP client has the ability to check the system for answers at any time or schedule a real time chat session with an attorney. Both the client and the attorney remain anonymous to insure complete privacy.

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## About Legal Services of Northwest Minnesota's Legal Information Online Network - LION!

Legal Information Online Network (LION) is a special service of Legal Services of Northwest Minnesota (LSNM) for eligible clients who have a legal question which can be addressed through internet legal advice. Clients must be low-income residents of 22 Minnesota counties. After providing information to determine eligibility, clients can post a question on LION.

Private Attorneys on LSNM's Judicare Panel or LSNM legal staff will review questions and answer them when they can. Clients can then check the system for those responses. It may be necessary for a client to provide additional information, or to make an in-person or telephone appointment, if legal questions can't be adequately addressed online.

The **internet advice project** was originally conceived and developed by **Legal Services of Northern Michigan** with grant support from the **Michigan State Bar Foundation** and the **Legal Services Corporation** with the goal of increasing access to legal advice for those who cannot afford it.



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# Ellen Politano's Pro Bono Practice

Using technology to enhance and expand her pro bono work



# Challenges of Using Technology to Enhance Access to Justice

- a. Technological difficulties
- b. Reaching those in need
- c. Financial deep pockets & incentives
- d. Legal ethics rules & regulations


# Challenges of Using Technology to Enhance Access to Justice

- a. Technological difficulties – Need software engineers, product managers, data scientists including machine learning experts ...
- b. Reaching those in need – Need marketing, SEM, SEO, Social Media specialists ...
- c. Financial deep pockets & incentives – VCs, other investors
- d. Legal ethics rules & regulations – We, the judges & lawyers can improve these

**Protecting** the public




**Serving** the public



“The legal equivalent of TurboTax is probably just around the corner, if not already on British computer screens.

Meanwhile, in the United States, the bar is filing class-action lawsuits against fledgling online legal providers such as LegalZoom ....”

Gillian Hadfield, as quoted in <http://www.theatlantic.com/business/archive/2014/05/is-there-such-a-thing-as-an-affordable-lawyer/371746/>



“Many American judges and lawyers continue to insist that the only model for legal services is one-on-one advice with an attorney. No corporations, no venture-capital-backed entrepreneurs, no intelligent software to complete legal documents, no community groups or nonprofits.”

Gillian Hadfield, as quoted in <http://www.theatlantic.com/business/archive/2014/05/is-there-such-a-thing-as-an-affordable-lawyer/371746/>

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BUSINESS OF LAW

## Are There Too Many Lawyers—Or Too Many Lawyer Restrictions? Op-Ed Calls for Deregulation

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Posted Aug 23, 2011 6:00 AM CDT

By **Debra Cassens Weiss**

# FTC Criticism



“... the Federal Trade Commission and the Department of Justice have pursued an active policy ... of opposing unjustified anticompetitive restraints on the provision of professional services.”

# Legal Ethics Rules to Revisit

- \* Fee-splitting
- \* Corporate practice of law
- \* Lawyer referral restrictions
- \* Lawyer advertising restrictions
- \* Unauthorized practice of law





How Might We