

PRO BONO AND UNBUNDLING: SERVICE SYNERGIES FOR EXPANDING ACCESS TO JUSTICE

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Along with the growing income gap featured in the news, it appears that the access to justice gap is growing as well. It does not benefit lawyers or the legal system to narrow the provision of legal services in civil matters to the wealthy alone. Fortunately, with the ever-growing population of individuals who need legal services but cannot afford full-service representation, there are lawyers willing to provide limited-scope and unbundled representation to those who desperately need legal advice, drafting assistance and, at times, limited entries of appearance for specific and narrow purposes. This is a skill that serves those of modest economic circumstances as well as the indigent. Metro Volunteer Lawyers is seeing a rise in indigent requests for free services. This is related to an expanding need for legal services in general, the fact that such services are increasingly an economic impossibility for many people, and even to pro bono exhaustion for available and willing lawyers. Unless the pool of generous lawyers expands at the same rate as the needy population, access to justice and society's expectations for an organized and fair legal system cannot be met.

There is a solution: in civil legal disputes where there is no violence, the issues are relatively uncomplicated, and the litigants have the capacity to understand the rules and laws sufficiently, why not provide unbundled and discrete-task representation pro bono? It may be that everyone wants a full representation lawyer. But legal services are necessarily expensive. Considering continuing education requirements, law office management expenses and the cost of self-care for those working in a high-conflict setting, the practice of law cannot be done "cheaply." Additionally, similar to physically hazardous jobs, the practice of law is emotionally hazardous. Lawyers will find something else to do if the stress of managing

and resolving the conflict created within the rest of the population becomes too great.

Pro bono services can be effectively provided on an unbundled basis. This is proven in the post-decree clinics, attorney-of-the-day projects and self-represented litigant coordinator programs throughout the state. It has been said that some representation is better than none. It could also be said that providing many individuals with some no-cost representation is better than providing only a few individuals with full-representation. Now is not the time to try and limit pro bono services to advice and drafting assistance only. To the contrary, there is no time better than now to endeavor to serve a larger swath of the indigent population with unbundled services.

The call to action is this: reach out to your local pro bono project to offer advice and drafting assistance. You might have only taken a couple free cases per year in the past because it can be difficult to do much more and maintain a profitable practice. However, you might be able to double the number of individuals you serve by providing legal advice and drafting assistance to the pro bono programs and their beneficiaries. You can take on an entire case — we'd love for you to do that — or just come to the Powers of Attorney clinic. If you are strapped with time commitments but still want to help with a litigated case, consider unbundled services through the post decree or Family Law Court Program clinics. Email **Toni-Anne Dasent** at tdasent@denbar.org to learn more! **D**



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