

Justice for All



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Why Should Inns Care About Access to Justice?

What is access to justice?

The U.S. Department of Justice defines access to justice as promoting accessibility so that people understand and exercise their legal rights; ensuring fairness of outcomes; and increasing efficiency so that just outcomes are delivered effectively.¹ Access to justice is integral to the rule of law.² Without it, a person facing a legal issue is unable to fully exercise their rights and find satisfaction within the law; with access to justice, people can get the legal help they need, regardless of their wealth and status.

Why should Inns get involved?

Between 2016 and 2018, 66% of people in the United States experienced a legal problem; only half were able to access the help they needed.³ Known as the “justice gap,” the discrepancy between the number of people needing legal assistance and those who receive legal assistance is greater among low-income communities, women, seniors, veterans, and those with disabilities.⁴ While legal services and community organizations can help bridge the gap, more work is needed to provide access to justice for everyone.

¹ *Access to Justice*, U.S. Department of Justice, December 6, 2018, <https://www.justice.gov/archives/atj>.

² *Access to Justice-United Nations and the Rule of Law*, United Nations, <https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/>.

³ Global Insights on Access to Justice 2019, World Justice Project, <https://worldjusticeproject.org/our-work/research-and-data/global-insights-access-justice-2019>.

⁴ *Center on Court Access to Justice for All*, National Center for State Courts, 2021, www.ncsc.org/_data/assets/pdf_file/0031/64975/5-year-report.pdf.

Between 2016 and 2018, 66% of people in the United States experienced a legal problem; only half were able to access the help they needed.

33%

66%

“We see clients at these clinics who barely know how to operate a computer....We’ll pull up [their cases] for them and tell them what they need to do and who to talk to.... Without lawyers being there, there is literally no other resource for these people.”

—ELLA ALIZA SHENHAV, ESQUIRE,

Wm. Reece Smith Jr. Litigation American Inn of Court, Tampa, Florida

The American Inns of Court exists to advance the rule of law and believes advocating for access to justice is central to envisioning a legal profession and judiciary dedicated to professionalism, ethics, civility, and excellence.

For an Inn of Court, promoting access to justice can take many different forms:

- Providing programming to foster a sense of purpose for practicing attorneys and judges.
- Working with community organizations to educate different populations or groups within that community (e.g., teens, single parents, the elderly, etc.) about their legal rights.
- Encouraging pro bono legal service among its members or organizing pro-bono opportunities through the Inn itself.
- Creating educational resources to assist and encourage the legal community to ensure access to legal services.

*Inn members
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*Participating
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*By
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legal profession.*

Who benefits from Inns' involvement?

In addition to benefitting the clients served by increased access to justice initiatives, engaging in this work benefits individual Inn members, the Inn as a whole, and the legal community.

Inn members can make involvement in access to justice part of their professional development. Whether it is through expanding their network, getting hands-on legal experience not offered through their day jobs, or learning about a new area of the law, Inn of Court lawyers and judges can strengthen the fabric of their careers, as well as enhance and expand their personal perspectives.

Participating in access to justice activities as an Inn can increase membership recruitment and retention efforts and build cohesion across the Inn. It also supports the Inn's mission by inspiring the legal community in advancing the rule of law. This kind of visible effort is a boon to the images of participating members and firms. Law students' decisions about which law firm to join sometimes involve the access to justice and pro bono opportunities firms provide. Sponsoring membership for young lawyers in an Inn that does access to justice work could help a firm attract dedicated and diverse law students. In addition, it would afford those lawyers valuable training through the Inn's access to justice work.

By increasing activities in their local communities, Inns are shaping a new image of the legal profession. Potential clients not only receive legal services and advice that can make their lives better, but they also gain a new perspective on

lawyers, judges, and their roles in the community. Satisfaction with the help they receive could renew or strengthen their faith in the U.S. justice system.

The legal profession is growing and changing in response to a myriad of external pressures. Engaging in access to justice programs is one way to address many of those pressures. For instance, many new attorneys find themselves lacking experience in the courtroom; this can lead to an imbalance of knowledge in practitioners, a looming crisis as demographic shifts begin in earnest. Whether through mentorship opportunities or direct participation, access to justice becomes another way for firms and legal organizations to instill the core values of ethics, civility, and professionalism while training new attorneys in effective practice.

“Community service and access to justice is a huge aspect of the Inn experience. I’m all for the Inn—I think it’s the best thing since sliced bread—but I wouldn’t have had the same Inn experience without all the community service that our Inn does.”

—TERRENCE O. REED, ESQUIRE

Leo Bearman Sr. American Inn of Court, Memphis, Tennessee

IDEA!

Partner with another organization on access to justice initiatives

Examples include but are not limited to these organizations:

American Bar Association's Legal Services Division

www.americanbar.org/groups/legal_services

American Bar Association's FreeLegalAnswers.org

Legal Aid Society

Search by city, state, or region

Legal Services Corporation

www.lsc.gov

American Civil Liberties Union

www.aclu.org

State and local bar associations' access to justice initiatives

Homeless Experience Legal Protection (H.E.L.P.)

www.homelesslegalprotection.com

"Lawyers in the Library" and similar legal services clinics

Getting Your Inn Involved

The American Inns of Courts' mission and operations are uniquely well-suited to advancing access to justice in local communities. However, Inns involved in access to justice initiatives indicate that the easiest way to make a difference is to partner with an organization already doing this work. Here are some tips and examples suggested by Inns to help you get started:

Getting started

Before developing an access to justice outreach project, it is important to **identify the unique issues facing your community:**

- What type of legal assistance do underserved populations need?
- What access problems has the pandemic created, or what existing access problems has it exacerbated?

If you are not sure, contact your local bar association, legal services organization, or some of your judicial Inn members to get their perspective.

Once you have one or two key issues identified, the next step is to **identify the resources and skills your members have that can help meet your community's needs.** Consider the following:

- If your Inn specializes in a particular area of law, think about how your members can uniquely meet the needs in your community.
- If you are a general Inn, survey your members about their skills, availability, and commitment level to a new volunteer project.

Identify and contact potential outreach partners already involved in advancing access to justice. This could include:

- Local legal services organizations
- Court-sponsored programs
- Bar association projects
- Other nonprofits
- Local law firms with a strong pro bono program
- Local law schools
- Public libraries or law libraries

Once you have identified a partner(s) to work with, **negotiate a partnership model.** Consider these questions:

- How often will the Inn be expected to participate in access to justice initiatives?
- How many volunteers are needed? Will volunteering be conducted in-person or virtually?

“It’s easy to establish a relationship...if you feel like pro bono is part of your core mission.”

—JUDGE CATHERINE PEEK MCEWEN

Wm. Reece Smith Jr. Litigation American Inn of Court, Tampa, Florida

Wm. Reece Smith Jr. Litigation American Inn of Court—Tampa, FL



Smith Inn members, from left, Kimberly G. Jones and Shaina Thorpe, chat with Smith Inn President Hon. James S. Moody, Jr. at the Project H.E.L.P. clinic in February in Tampa, Florida.

Wm. Reece Smith, Jr. Litigation American Inn of Court

The Wm. Reece Smith, Jr. Litigation American Inn of Court in Tampa, Florida, adopted Tampa Bay's Project H.E.L.P. legal aid clinic in February. Project H.E.L.P. (Homeless Experience Legal Protection) is a national program backed by the American Bar Association that offers legal assistance to homeless families in locations across the country. Smith Inn volunteers met with homeless residents every Tuesday in February to assist with legal issues ranging from disability benefits, domestic violence, family law, and myriad other issues.

Member Cissy Sevelin, who devotes her practice to pro bono work, was so moved by a client's story that she took on the case for continued representation.

Other members were also touched by the stories and needs of the homeless residents. Law school member Sumayya Saleh explained "Perhaps the most amazing part of the clinic is that the clients often come with problems they construe as insurmountable, but that the attorneys are able to resolve with relative ease. I think the experience inspires us to use the keys we hold as attorneys to open up doors sealed shut in the face of individuals who enjoy far less privilege than we do."

Member Jason L. Margolin noted the clinic was accessible to attorneys from all practice areas. He said, "While the problems faced by many of the clients maybe outside the scope of the participating lawyer's practice area, they are generally problems that the lawyer is still well-equipped to solve, or at least, provide guidance on the next steps that need to be taken."

Adopting the Project H.E.L.P. clinic fits with the mission of the Smith Inn, which is named after the William Reece Smith, Jr. who was an inexorable advocate of pro bono work. He once opined, "[the] pledge of allegiance reads 'with liberty and justice for all,' not just for those who can afford it." His legacy lives on with his namesake Inn and with the pro bono work its members perform. ♦

The Bench ♦ July/August 2015 ♦ www.innsofcourt.org

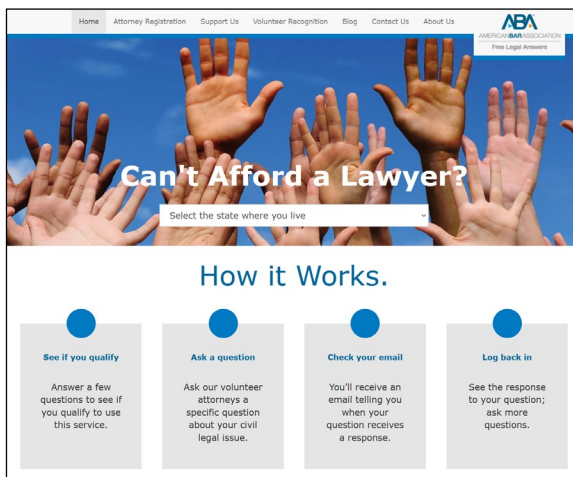


Partnership examples

To maximize its impact, the Inn should seek a long-term relationship with its partner(s) whenever possible. However, there is flexibility in how the partnership looks; here are examples of partnerships between Inns and community groups:

- The **Wm. Reece Smith Jr. Litigation American Inn of Court** sponsors a month of weekly [H.E.L.P.](#) clinics each year. Members can volunteer at one or multiple clinics providing legal advice and services to clients on a walk-in basis.
- The **Judge William R. Overton American Inn of Court** encourages its members to get involved on an individual basis with www.FreeLegalAnswers.org.
- The **Daniel Webster-Batchelder American Inn of Court** has a member working for the New Hampshire Bar Association's [Domestic Violence Project](#) who mentors new Inn members in how to handle cases. Inn members then volunteer to provide legal assistance and pro bono representation for clients.
- The **Leo Bearman Sr. American Inn of Court**—in addition to working with other access to justice initiatives—helps with marketing the [Center for Excellence in Decision-Making](#), which provides monthly educational webinars addressing legal issues facing the local community.

Judge William R. Overton
American Inn of Court—Little Rock, AR



Daniel Webster-Batchelder
American Inn of Court—Manchester, NH

**NEW HAMPSHIRE
 BAR ASSOCIATION**
 Equal Justice Under Law



Implementing the partnership

While each Inn may approach implementation differently, there are universal tips for successful implementation:

- **Designate a point person.** Identify someone who will be accountable for communications and decision-making. An Inn may choose to:
 - Add a position to the executive committee.
 - Create an access to justice committee.
 - Dedicate a meeting or pupillage team to access to justice.
- **Determine a budget.** How much is your Inn willing to spend on this effort?
 - **Using dues:** Give members a chance to vote on the idea or approve the use of their dues for this purpose.
 - **Sponsorship:** Ask local firms to sponsor the effort. Firms could benefit from increased visibility, pro bono opportunities, training for its young attorney Inn members, and increased recruitment of law students who value participation in access to justice initiatives.
- **Set expectations.** For long-term success, it is recommended that the Inn makes the effort part of its ethos.
 - Bring it back to the mission: This is a way for the Inn to make the advancement of the rule of law concrete.
 - Communicate regularly: The point person/group should create a communications plan at the start of the year.
 - Integrate the program with your Inn's operational plan: Incorporate access to justice into the Inn's existing mentoring, programming, and outreach efforts.

- **Organize a call for volunteers.** As part of setting expectations, determine who in the Inn will participate:
 - Active members: They can participate as individuals, pupillage groups, or a special committee.
 - Alumni/emeritus engagement: Invite these members to participate as a way to keep them connected to the Inn even as they move into a different phase of membership.
 - New members: Promote the Inn's access to justice outreach during recruitment as a chance for new or potential members to experience mentoring, skill-building, and pride in their profession.
- **Networking.** Our [research](#) has shown that networking is one of the main reasons people value their American Inn of Court membership. Access to justice engagement can increase access to a variety of legal organizations, which could provide both jobs and new business. Judicial involvement enhances networking opportunities for attorneys, as does building trust with the communities that constitute your client base.

Leo Bearman Sr. American Inn of Court—Memphis, TN

Leo Bearman Sr. American Inn of Court

On May 13, 2017, members of the Leo Bearman Sr. American Inn of Court in Memphis, Tennessee, volunteered at the Saturday Legal Clinic. The clinic operates on a first-come, first-served basis and provides opportunities for members of the community to be matched up with an attorney to have their legal questions answered. Volunteer attorneys give advice if they are able, referrals if they are not, and sometimes agree to represent the individual if extended services are warranted. The clinic is the result of collaboration between Memphis Area Legal Services, the Memphis Bar Association, and the Memphis Paralegal Association. In addition, law students from the University of Memphis often help coordinate volunteers and services. The Saturday Legal Clinic celebrates its tenth year of service this year, and the Inn was proud to contribute its support. ♦



Members of the Leo Bearman, Sr. American Inn of Court volunteer at a Saturday Legal Clinic in Memphis.



“We hear a lot of attorneys who say after these clinics, ‘I went to law school because I wanted to do something like this.’”

—JUDGE AMY DUNN JOHNSON

Judge William R. Overton American Inn of Court,
Little Rock, Arkansas

Maintaining the partnership

Creating an ongoing partnership between your Inn and an organization furthering access to justice can help maximize the positive impact on the local community, but it does require planning and intention. Just like an Inn leader succession plan, an access to justice initiative needs a continuity plan after the original organizers step down. Beyond a plan to recruit and train new volunteers from Inn membership, the Inn should also have an orientation plan for the new point-of-contact/project liaison within the Inn so that this person knows how to manage the partnership effectively.

Maintaining enthusiasm and motivation among members is integral to keeping the partnership going. Inn leaders can make the case for continued participation by linking the access to justice outreach partnership with the Inn’s primary functions:

- **Member recruitment and retention:** The Inn experience is so much more than monthly dinners and programs; being involved in something greater than oneself and using one’s skills to help others is intrinsically rewarding. Additionally, involvement in access to justice can bring Inn members into contact with a variety of legal practitioners from diverse backgrounds, which may lead to increased Inn membership and greater membership diversity.
- **Member engagement:** If members see how what they are learning through Inn programs and their daily practice applies to access to justice outreach, they may be more inclined to volunteer. Likewise, the more involved members are with access to justice outreach, the more likely they will be involved with other Inn activities beyond monthly meetings.



- **Mentoring:** Providing volunteer legal services is an excellent opportunity for more experienced attorneys to mentor newer attorneys. Pupil members can shadow attorneys as they provide legal advice. Volunteering also helps build camaraderie between members as they work to research and solve clients' problems together.
- **Programming:** Inn members can take what they learn about the law and access to justice back to their pupillage teams to create timely, relevant, educational programs.





Challenges and Solutions

Despite the widespread need for access to justice and the potential benefits from involvement in this work, Inn leaders may encounter resistance or challenges to participation. Here are a few examples of challenges to engaging the Inn in access to justice initiatives and some strategies for meeting them:

- **Resistance from the executive committee or membership.** Determine the specific reasons why Inn leaders and/or members are reluctant to get involved. Is the issue grounded in logistics or is it with the principles of participation? Encourage members to share their opinions with you; actively listen and thoughtfully address their concerns.
- **Administrative difficulties, no point-person.** Assigning these responsibilities to a new executive committee position, committee, or pupillage team will communicate the centrality of this work to the Inn's mission and purpose, as well as distribute the administrative workload.
- **No one has suggested this as an outreach project.** It's possible that no one has suggested involvement in access to justice because no one has been asked or because no one is aware of the breadth of opportunities to get involved. Present access to justice initiatives as options for outreach to members—either during meeting announcements or in a member survey—and explicitly ask for their input.

- **Member engagement is low or waning.** If you perceive that your members may be too busy to participate in an extracurricular outreach activity, or that engagement with Inn meetings is low, ask members if they currently volunteer with access to justice initiatives and then see how the Inn might get involved. Schedule multiple one-off volunteer opportunities throughout the Inn year and ask members to sign up. Emphasize the importance of this work, its centrality to the Inn's purpose and mission, and that it is a once-a-year commitment.
- **The local or state bar association already has an access to justice initiative.** This could actually be an ideal partnership. Survey your members to see who may already be involved with the bar association's access to justice initiative and explore ways the Inn might partner with the bar association to support those efforts.
- **Access to justice equates to social justice.** This can be an assumption among some practitioners. While access to justice and social justice are sometimes interlinked, access to justice is, at its core, a function of the rule of law; it is not about making a political statement. Rather, it is about helping the justice system fulfill its role for all people, effectively and consistently.

“There’s so much need out there...an enormous number of people who need pro bono services who get turned down because there are not enough services to be provided.”

—ELLA ALIZA SHENHAV, ESQUIRE

Wm. Reece Smith Jr. Litigation American Inn of Court, Tampa, Florida

“So many circuits don’t have anything like [resources for pro se litigants]. It would be a huge public service.”

—SUSAN MILES WHITAKER, ESQUIRE

Stann Givens Family Law American Inn of Court of Tampa,
Tampa, Florida



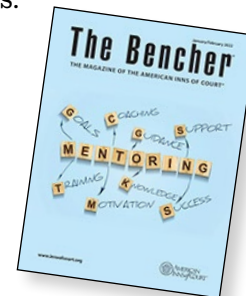
Judge Consuelo M. Callahan, left,
presents the 2019 Sandra Day
O'Connor Award to
Carmen-Nicole Cox, Esquire
of Sacramento, California.



Go Further

Partnering with other organizations to promote access to justice has many benefits. Share your experience and inspire others to get involved in this work:

- Invite another local Inn to volunteer alongside your Inn. Contact your [director of chapter relations](#) for help making those connections.
- Submit an article for publication in [The Bench](#) or your local bar association’s publication about the Inn’s experience.
- Write a short synopsis or give a quick lunchtime presentation to colleagues about how volunteering with your Inn to promote access to justice has affected you personally.
- Submit the Inn’s access to justice outreach program to the [Program Library](#) as a special project or for a [Best Special Project award](#).
- As your Inn engages in this work, nominate a fellow Inn member who has demonstrated excellence in public service or pro bono activities for the [Sandra Day O’Connor Award for Professional Service](#).
- Leverage your new-found partnership to provide resources to underrepresented clients and pro se litigants based on what local courts confirm is needed.



Tell us about your Inn’s experience and [give feedback about this guide here](#).
Thank you for your dedication to your Inn, your community, and the American Inns of Court mission!