

1-1-2014

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Angela M. Burton

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### Recommended Citation

Burton, Angela M. (2014) "Underemployed Attorneys and Underserved Communities: Getting to the Corps of the Problem," *Hofstra Law Review*: Vol. 43: Iss. 1, Article 5.

Available at: <http://scholarlycommons.law.hofstra.edu/hlr/vol43/iss1/5>

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## UNDEREMPLOYED ATTORNEYS AND UNDERSERVED COMMUNITIES: GETTING TO THE CORPS OF THE PROBLEM

*Angela M. Burton\**

According to a 2012 survey published by the American Bar Association, there were 46,364 graduates in the class of 2012 from law schools across the country.<sup>1</sup> The survey gathered the employment status of 97.4% of those graduates.<sup>2</sup> Of that group, only 62.3% were reportedly employed in a position for which bar passage was required<sup>3</sup>—and only 56.2% of those were long-term, full-time jobs.<sup>4</sup> Almost 13% were employed in positions where a Juris Doctorate was considered an advantage, but not a requirement.<sup>5</sup> Nearly 5000 graduates—more than 10%—were not employed at all, but had not abandoned the job search just yet.<sup>6</sup>

When experts hear statistics such as those discussed above,<sup>7</sup> the common response is to express alarm at the rate of under or unemployed law school graduates.<sup>8</sup> The legal community asks itself: “What should

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\* J.D., 2009, *magna cum laude*, Hofstra University School of Law; B.A. 2000, Yale University. I owe my sincere thanks to my family for their enduring support. Special acknowledgment goes to Jaime Laginestra and Gur Tsabar for their thoughtful feedback on earlier drafts. Thanks also to the Editors and Staff of the *Hofstra Law Review*. Finally, I am so grateful for the opportunities I have had to pursue meaningful *pro bono* work while in private practice, including an extended externship with an organization dedicated to providing free legal services in civil cases to vulnerable populations. It was one of the most rewarding and enlightening experiences of my career, and contributed to the inspiration behind this Idea. The views set forth herein are my personal views and do not necessarily reflect those of the law firm with which I am associated.

1. 2012 *Law Graduate Employment Data*, ABA, [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/reports/law\\_grad\\_employment\\_data.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/reports/law_grad_employment_data.authcheckdam.pdf) (last visited Nov. 23, 2014).

2. *Id.*

3. *Id.*

4. *Id.*

5. *Id.*

6. *Id.*

7. *See supra* text accompanying notes 1-6.

8. *See, e.g.*, J. Maureen Henderson, *Why Attending Law School Is the Worst Career Decision You'll Ever Make*, FORBES (June 26, 2012, 10:21 AM), <http://www.forbes.com/sites/>

we do to reduce the outsized supply of future lawyers?”<sup>9</sup> Should we talk prospective students out of incurring the expense of law school, when almost four out of every ten of them will not be gainfully employed as a practicing lawyer after graduation?<sup>10</sup>

Certainly, understanding the long-term burden of significant education debt in the context of the current job market is critical before one takes the plunge into law school. Sounding the alarm about the career outlook for prospective lawyers is more honorable than pretending there are enough “BigLaw”<sup>11</sup> jobs out there for all candidates who will seek one. Law schools should take a good, long look at applicant pools and thoughtfully weigh the collective benefits of selectivity against the institution’s need for more revenue streams (e.g., tuition-paying students). But, the hand-wringing and panic-driven number crunching that occurs as schools fight to attract and prepare the most desirable future-job-applicants diverts attention from another epidemic in the legal community: the overabundance of unrepresented populations in the legal system.

While it is impossible to pinpoint an exact number of *pro se* litigants in American courts today, the number was recently estimated to be at almost 1.8 million in the state of New York alone.<sup>12</sup> Many of these litigants are fighting for basic rights. A majority of these cases could

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jmaureenhenderson/2012/06/26/why-attending-law-school-is-the-worst-career-decision-youll-ever-make (discussing the declining job prospects for future lawyers, Henderson observes that with the combination of lower starting salaries and “the fact that 85% of law school grads are facing an average debt load of \$98500 . . . you can see why law school as a career path has taken a public lambasting in recent years”); Jordan Weissmann, *The Job Crisis at Our Best Law Schools Is Much, Much Worse than You Think*, ATLANTIC (Apr. 9, 2013, 9:45 AM), <http://www.theatlantic.com/business/archive/2013/04/the-jobs-crisis-at-our-best-law-schools-is-much-much-worse-than-you-think/274795> (noting that underemployment is prevalent even in the top law schools, stating “there are only a small handful of schools that could reasonably be called safe bets” when hoping to secure full-time, long-term employment after graduation).

9. See, e.g., David Segal, *Is Law School a Losing Game?*, N.Y. TIMES, Jan. 9, 2011, at BU1 (“Today, American law schools are like factories that no force has the power to slow down—not even the timeless dictates of supply and demand.”); see also Ethan Bronner, *Law Schools’ Applications Fall as Costs Rise and Jobs Are Cut*, N.Y. TIMES, Jan. 31, 2013, at A1 (discussing the record-setting drop in applications to law schools, citing fears about job prospects and debt burdens among potential applicants).

10. See *2012 Law Graduate Employment Data*, *supra* note 1 (reporting in 2012 that only 56.2% of graduates were employed as attorneys in long-term, full-time employment).

11. Sally Kane, *BigLaw*, ABOUT.COM, <http://legalcareers.about.com/od/A-E/g/Biglaw.htm> (last visited Nov. 23, 2014) (“BigLaw is an industry nickname for the nation’s largest law firms.”).

12. Ass’n of the Bar of the City of N.Y. Comm. on Prof’l & Judicial Ethics, Formal Op. 2009-2 [hereinafter Formal Op. 2009-2], available at [http://www2.nycbar.org/Publications/reports/show\\_html\\_new.php?rid=864](http://www2.nycbar.org/Publications/reports/show_html_new.php?rid=864). *Pro se* means “on one’s own behalf; without a lawyer.” BLACK’S LAW DICTIONARY 1258 (8th ed. 2004).

involve immediate loss of shelter or custody of children;<sup>13</sup> cases that may result in deportations or loss of benefits upon which a family depends for survival.<sup>14</sup> Some of the stakes are so high, so seemingly fundamental to a person's life and well-being, that it is almost unconscionable that these individuals are not legally entitled to counsel.<sup>15</sup>

*Pro se* litigants are often out-resourced and out-matched in a justice system that is both overwhelmed and overwhelming. There is arguably not enough time available for judges to give every case the comprehensive vetting it may deserve, and some will look to lawyers who are present in the court to boil down the key issues before them. The practical effect, of course, is that parties who are represented by counsel may get more of an opportunity to present their case than those parties who have no attorney present.<sup>16</sup>

Spend one afternoon in housing court in New York City, for example, and one can see this scenario play out time and again. The New York City Housing Authority ("NYCHA"), which often plays an

13. See, e.g., Formal Op. 2009-2; MASS. COURT SYS. PROBATE & FAMILY COURT DEP'T, ANNUAL REPORT STATISTICS FISCAL YEAR ENDING 2005, at 3 (2006), available at <http://www.mass.gov/courts/docs/courts-and-judges/courts/probate-and-family-court/stats2005-combined.pdf> (reporting 8647 of 17,978 divorce cases—9908 of which involved minor children—were filed by a *pro se* plaintiff); Drew A. Swank, Comment, *The Pro Se Phenomenon*, 19 B.Y.U. J. PUB. L. 373, 376-77 (2005) (recognizing a recent upsurge in the numbers of *pro se* family law—particularly divorce cases—and federal court appeals); Memorandum from Madelyn Herman to the Nat'l Ctr. on State Courts (Sept. 25, 2006) (on file with the *Hofstra Law Review*) (reporting a large percentage of *pro se* litigants in divorce, custody, and child support across several states, and in one region, "92% of tenants appear without lawyers in summary process cases").

14. See, e.g., FED. BAR ASS'N, MINN. CHAPTER, *PRO SE PROJECT 2013 YEAR IN REVIEW* 1, 4 (2013) (reporting the type of cases primarily referred to the *Pro Se* Project involved employment discrimination, civil rights, consumer debt, or Social Security benefit claims); U.S. DEP'T OF JUSTICE EXEC. OFFICE FOR IMMIGRATION REVIEW, *FY 2013 STATISTICS YEARBOOK F1* (2014) (showing that although the percentage of unrepresented aliens has decreased since 2009, there were still more than 70,000 *pro se* litigants in 2013); *In-Depth: Leveling the Playing Field: Help for Self-Filers*, THIRD BRANCH (July 2011), [http://www.uscourts.gov/news/TheThirdBranch/11-07-01/IN-DEPTH\\_Leveling\\_the\\_Playing\\_Field\\_Help\\_for\\_Self-Filers.aspx](http://www.uscourts.gov/news/TheThirdBranch/11-07-01/IN-DEPTH_Leveling_the_Playing_Field_Help_for_Self-Filers.aspx) (discussing the growth of court-sponsored self-help resources for *pro se* litigants, particularly in bankruptcy and Social Security, noting that "nearly 73,000 people filed civil cases in federal courts without a lawyer [in 2011] . . .").

15. The challenges faced (and perhaps created) by unrepresented litigants in American jurisprudence, particularly in the context of civil actions, have been thoughtfully examined and discussed for decades. See generally Lois Bloom & Helen Hershkoff, *Federal Courts, Magistrate Judges, and the Pro Se Plaintiff*, 16 NOTRE DAME J.L. ETHICS & PUB. POL'Y 475 (2002); Marc Galanter, *Reading the Landscape of Disputes: What We Know and Don't Know (and Think We Know) About Our Allegedly Contentious and Litigious Society*, 31 UCLA L. REV. 4 (1983).

16. While I make this assertion, in part, based on firsthand observations of *pro se* litigants who faced adversaries with legal representation, my perspective is not unique. See Russell Engler, *And Justice for All—Including the Unrepresented Poor: Revisiting the Roles of the Judges, Mediators, and Clerks*, 67 FORDHAM L. REV. 1987, 1992-94, 2005-06, 2019-21 (1999).

adversarial role in landlord-tenant cases against unrepresented parties at risk of eviction or in need of apartment repairs, has a cadre of attorneys to churn through seemingly interchangeable piles of housing cases.<sup>17</sup> There is, in fact, a reserved space in a courtroom within the Kings County Housing Court, for example, for the primary use of the NYCHA attorneys during designated times, multiple days a week.<sup>18</sup> They sit mere feet from the judge while negotiating or discussing various cases throughout the day with tenant litigants and opposing counsel. Any given NYCHA attorney may move from their table on one side of the courtroom to appear before the judge's bench multiple times a day on an array of matters.<sup>19</sup> It is no surprise that attorneys who spend significant amounts of time in a particular court or before a specific judge will learn how to navigate the idiosyncrasies or predilections of that judge more adeptly than someone going through the process without comparable exposure.<sup>20</sup> For the seasoned attorneys, the arguments become routine. They see these types of cases all the time; the process becomes rote. The attorneys can quickly identify which buzz words to emphasize to catch the judge's attention. Yet, for the citizens without the benefit of legal training—or perhaps even prior exposure to the civil court

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17. NYCHA is the largest public housing authority in the country, serving as landlord for approximately 400,000 New York City residents. See *About NYCHA Fact Sheet*, N.Y.C. HOUSING AUTHORITY, <http://www.nyc.gov/html/nycha/html/about/factsheet.shtml> (last updated Apr. 1, 2014). A recent article in a local newspaper reported that NYCHA pays more than \$8 million per year for its ninety-eight attorneys on staff. Greg B. Smith, *NYCHA Pays \$8 Million So Lawyers Can Bully Poor Residents in Housing Court*, N.Y. DAILY NEWS, Nov. 1, 2013, <http://www.nydailynews.com/new-york/nycha-pays-lawyers-8m-bully-residents-court-article-1.1503386>.

18. The Kings County Housing Court is located at 141 Livingston Street, Brooklyn, New York 11201. Other housing courts within the five boroughs of New York City may similarly have reserved areas for NYCHA attorneys, and indeed, other courts may have designated spaces for other agency attorneys. I note the NYCHA example in Brooklyn because I have personally observed it.

19. See Smith, *supra* note 17 (quoting Judith Goldiner, of the Legal Aid Society of New York: “[T]enants are no match for the lawyers who are ‘just there all the time. That’s what kind of makes it unfair, because if you’re there all the time, you’re dealing with these judges all the time. If you’re a tenant, you’re [not].”); see also N.Y. CNTY. LAWYERS’ ASS’N, REPORT: THE NEW YORK CITY HOUSING COURT IN THE 21ST CENTURY: CAN IT BETTER ADDRESS THE PROBLEMS BEFORE IT? 20-22, 26-27, 30 (2005), available at [http://cwtfhc.org/wp-content/uploads/2009/06/NYCLA\\_HC\\_in\\_21st\\_Cent.pdf](http://cwtfhc.org/wp-content/uploads/2009/06/NYCLA_HC_in_21st_Cent.pdf) (discussing the recommendation that *pro se* litigants be afforded counsel because the New York Housing Court is fast-paced, complex, and generally too difficult for a *pro se* litigant to navigate against seasoned attorneys who may rush cases through the system).

20. Again, I make this assertion, in part, based on firsthand observations and personal opinion, but other authors have noted similar concerns, albeit in different contexts. See, e.g., Bloom & Hershkoff, *supra* note 15, at 505 (“Perhaps more problematic is the suggestion that specialization will systematically disadvantage *pro se* litigants if repeat players—organizational defendants and government agencies—enjoy strategic advantages not shared by one-shot litigants or are able to capture the magistrate judge.”).

system—the experience is intimidating, and the odds of success are stacked against them.

None of this is to say that NYCHA attorneys—or those from any other city agency—engage in, or benefit from, any improper behavior. Rather, this is one illustration out of many possible scenarios in which an individual without legal counsel may face an unintentional judicial disadvantage. Simply put, many *pro se* litigants lack the education to argue the nuances of legal codes and regulations which might tilt in their favor.<sup>21</sup> Most lack the knowledge and experience to object to procedural deficiencies in a timely manner and unknowingly forfeit their rights along the way.<sup>22</sup> On a more basic level, some litigants lack the flexibility to take time off from work or family obligations in order to actively participate in a judicial process that can crawl along slowly and involve multiple, and even unnecessary, court appearances.

To be sure, there are excellent legal service providers, like Legal Services Corporation,<sup>23</sup> Legal Aid,<sup>24</sup> and others, whose missions are to improve access to justice for traditionally underserved populations.<sup>25</sup> But inadequate resources and funding restrictions severely limit the amount of people they can help.<sup>26</sup> These service providers cannot take every worthwhile case that comes before them. That often means turning away people who would likely experience a better result if only they had capable representation in the proceedings.

It seems perverse, then, that in an environment where thousands of newly-minted lawyers are looking for any legal work they can find, there are countless potential clients who would be grateful to have a trained

21. Hon. Robert Bacharach & Lyn Entzerth, *Judicial Advocacy in Pro Se Litigation: A Return to Neutrality*, 42 IND. L. REV. 19, 26-27 (2009) (explaining that *pro se* litigants often lack the procedural knowledge that would help an “otherwise meritorious claim” survive a motion to dismiss or summary judgment, resulting in a loss of substantive rights).

22. *Id.*

23. *Fact Sheet on the Legal Services Corporation*, LEGAL SERVS. CORP., <http://www.lsc.gov/about/what-is-lsc> (last visited Nov. 23, 2014) (“[Legal Services Corporation] is the single largest funder of civil legal aid for low-income Americans in the nation. . . . [And] an independent . . . nonprofit corporation that promotes equal access to justice and provides grants for high-quality civil legal assistance to low-income Americans.”).

24. *Mission of the Legal Aid Society*, LEGAL AID SOC’Y, <http://www.legal-aid.org/en/las/aboutus/ourmission.aspx> (last visited Nov. 23, 2014) (“The Legal Aid Society is a private, not-for-profit legal services organization . . . dedicated to one simple but powerful belief: that no New Yorker should be denied access to justice because of poverty.”).

25. For an interactive map listing legal services available to underserved populations, see *Equal Justice Works Across America*, EQUAL JUST. WORKS, <http://equaljusticeworks.org/usmap> (last visited Nov. 23, 2014).

26. It is estimated that “80 percent of serious legal needs” of the populations served by legal services organizations cannot be fulfilled under current funding levels. See PUB. WELFARE FOUND., NATURAL ALLIES: PHILANTHROPY AND CIVIL LEGAL AID 3 (2012), available at <http://www.publicwelfare.org/naturalallies.pdf>.

advocate on their side. A missing piece, obviously, is the funding; many of the underserved populations are of financial need.<sup>27</sup> They simply cannot afford to hire private counsel, and an unemployed lawyer can hardly afford to work for free. There are also geographical and logistical concerns. There may not be a perfect match in any given region between underemployed attorneys and populations in need of counsel. But, what if we could bridge the financial and geographical divide between the underserved and underemployed populations? Instead of focusing on a glut of unemployed law school graduates as an over-supply problem, we should be evaluating the issue as a resource allocation problem. The dilemma is not (just) that we are generating too many lawyers for the jobs available in the market. Rather, we are not sending enough lawyers into the places they are needed most. So, how do we fix that?

One answer is to look at how our nation has dealt with similar issues of need, such as the chronic teacher shortage in certain school districts across the country.<sup>28</sup> A program like Teach For America (“TFA”) is a wonderful model of such social innovation.<sup>29</sup> TFA has built a national network in which recent college graduates and professionals teach for two years in various school districts across the country, united by the mission to end educational inequity.<sup>30</sup> The program started with a charter corps in 1990 in which TFA placed 500 teachers.<sup>31</sup> The organization replicated its model in community after community in the ensuing years, and is now in 46 regions across the country, with more

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27. *See id.* at 1-2.

28. For a listing of teacher shortage areas in the United States during the last quarter century, see generally U.S. DEPT. OF EDUC., *TEACHER SHORTAGE AREAS NATIONWIDE LISTING 1990-1991 THROUGH 2014-2015* (2014).

29. A wealth of information about TFA can be found on the organization’s website, available at <http://www.teachforamerica.org>. There are also numerous articles and commentaries written about TFA. *See, e.g.*, Dylan Matthews, *Teach For America Is a Deeply Divisive Program. It also Works*, WASH. POST WONKBLOG, Sept. 10, 2013, <http://www.washingtonpost.com/blogs/wonkblog/wp/2013/09/10/teach-for-america-is-a-deeply-divisive-program-it-also-works> (discussing support for TFA’s effectiveness as indicated by various studies conducted over the last decade); Andrew J. Rotherham, *Teach For America: 5 Myths That Persist 20 Years on*, TIME (Feb. 10, 2011), <http://content.time.com/time/nation/article/0,8599,2047211,00.html> (noting lingering resistance to some of TFA’s methods by the education field, while highlighting some trademark components of the TFA model). *But see* Stephanie Simon, *Has Teach For America Betrayed Its Mission?*, REUTERS (Aug. 16, 2012, 2:16 AM), <http://www.reuters.com/article/2012/08/16/us-usa-education-teachforamerica-idUSBRE87F05O20120816> (offering a glimpse into some of the criticisms aimed at TFA over the years, including the charge that TFA has strayed too far from its original mission of achieving high academic success in impoverished schools).

30. Rotherman, *supra* note 29 (“Fifty-two percent of [TFA’s] alumni remain in teaching after their two-year commitment . . . [T]here are about 8,200 TFA teachers teaching a half-million students in places like Los Angeles, Houston and the Mississippi Delta.”).

31. *Our History*, TEACH FOR AM., <http://www.teachforamerica.org/our-organization/our-history> (last visited Nov. 23, 2014).

than 33,000 alumni of the program today.<sup>32</sup> What started as an idea by Wendy Kopp in her Princeton undergraduate thesis is now considered “an enduring American institution that has forever changed the landscape of public education.”<sup>33</sup>

While not without its critics, and not wholly applicable to the issue at hand, TFA has nevertheless demonstrated incredible success at matching underutilized resources (i.e., eager and able young professionals) with underserved communities.<sup>34</sup> We need a TFA for lawyers. We need a sustainable, national organization that is able to mobilize a corps of underutilized lawyers to serve unrepresented populations across the country. Indeed, there are already some efforts underway that appear to be taking this mission to heart. One organization in particular, Civic Legal Corps (“CLC”), seems to be developing a good parallel between TFA and a similar program for lawyers.<sup>35</sup> It is launching a new fellowship program with an inaugural class of lawyers in 2014 to be placed primarily in New York, Nevada, and possibly Los Angeles.<sup>36</sup> CLC is still in the start-up phase and its methods have not yet been road-tested. Nevertheless, there are quite a few promising attributes of CLC based on what its founders have revealed so far,<sup>37</sup> and we should watch with interest to see how the program blossoms over time.

Because it is too early to know if the program has been designed effectively or if the implementation will be successful, I will not focus on CLC specifically as the magic bullet to the crisis at hand, but rather, note again that it is one of many possible solutions to a serious and sizable combination of problems. Other initiatives across the country include a separate fellowship program at the University of California

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32. *Id.* For a listing of locations where TFA teachers work, see *Where We Work*, TEACH FOR AM., <http://www.teachforamerica.org/where-we-work> (last visited Nov. 23, 2014).

33. Howard Blume, *Eli Broad, Others Pledge \$100 Million to Teach For America Endowment*, L.A. TIMES, Jan. 27, 2011, <http://latimesblogs.latimes.com/lanow/2011/01/teach-for-america-endowment-eli-broad.html> (attributing quote to Eli Broad in a statement announcing a \$25 million pledge to the TFA endowment by the Broad Foundation).

34. See Matthews, *supra* note 29; *Addressing Teacher Shortages in Disadvantaged Schools: Lessons Learned from Two Institute of Education Science Studies*, MATHEMATICA POL'Y RESEARCH, <http://www.mathematica-mpr.com/events/addressing-teacher-shortages-in-disadvantaged-schools> (last visited Nov. 23, 2014) [hereinafter *Addressing Teacher Shortages*] (“[O]ver the long term, continuing to fill a position with TFA teachers who depart after a few years would lead to higher student math achievement than filling the same position with a non-TFA teacher who would remain in the position . . .”).

35. See *About Civil Legal Corps*, CIVIC LEGAL CORPS, <http://www.civiclegalcorps.org/about> (last visited Nov. 23, 2014).

36. *FAQs*, CIVIC LEGAL CORPS, <http://www.civiclegalcorps.org/faqs> (last visited Nov. 23, 2014).

37. *Id.*



Hastings College of the Law called “Lawyers for America,” which allows students to essentially establish a two-year residence with a community-based legal service provider.<sup>38</sup> It is open to third-year law students, and continues for the first year post-graduation.<sup>39</sup> The mission is to provide legal service to vulnerable populations, while simultaneously addressing the need for stronger practical experience in law school curricula, and offering quality legal assistance to government and non-profit organizations in need of additional resources. This is another potentially great idea that appears to address some of the struggles outlined earlier.<sup>40</sup>

Notwithstanding the existence of these and other innovative ideas, for purposes of this Idea, I will discuss in broad terms a program not yet in existence. This program will perhaps be an amalgamation of solutions culled from the best practices of an array of organizations. It is here that I will introduce my hypothetical body of “Lawyers Across America,” based loosely on the success of the TFA model. We can call it the Lawyer Corps of America (“LCA”). Some of the characteristics of TFA that have made it such a vigorous program could be modeled in the establishment of LCA. Roughly, they can be broken down into the following categories: (1) financial support; (2) training; and (3) professional development.

First, the non-profit TFA has identified and cultivated strategic partnerships across multiple sectors.<sup>41</sup> The financial support for TFA comes from a combination of public and private sources.<sup>42</sup> Notably, TFA has accumulated tens of millions of dollars in donations from various foundations and corporations.<sup>43</sup> It also receives some government funding at the local, state, and federal levels.<sup>44</sup> Further, the organization essentially plays matchmaker between corps members and local schools; while TFA recruits its members, and provides both training and logistical support to its members, the school districts directly pay the new teachers’ salaries.<sup>45</sup> In addition, as an organizational member of

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38. For a description of the Lawyers for America fellowship program, see, *About Lawyers for America*, UNIV. CAL. HASTINGS SCH. L., <http://www.uchastings.edu/academics/clinical-programs/lawyers-for-america/index.php> (last visited Nov. 23, 2014).

39. *Id.*

40. See text accompanying notes 1-19.

41. *Donors*, TEACH FOR AM., <http://www.teachforamerica.org/support-us/donors> (last visited Nov. 23, 2014) (listing a combination of donors, from privately-funded foundations such as The Walton Family Foundation, to corporate donors, such as Barclays, and government sources, such as the U.S. Department of Education).

42. *Id.*

43. *Id.*

44. *Id.*

45. See Simon, *supra* note 29 (“The recruits are paid a standard starting salary by their school

AmeriCorps, TFA is able to offer its corps members some relief on student debts.<sup>46</sup> Members are eligible to receive loan forbearance and interest payments on qualified student loans,<sup>47</sup> and they may be eligible for “an education award of \$5,350 at the end of each year of service, which may be used . . . to repay qualified student [debt].”<sup>48</sup>

Finding a reliable funding stream—or multiple streams—for LCA is obviously a challenge and indisputably critical to its implementation. Certainly, the first question many readers will (rightfully) ask is: “Who is going to pay for this program?” The answer is simple: whoever believes that access to justice should be equitable; whoever believes that a person who enters a courtroom at the risk of losing her home, her child, or her right to remain in the United States, deserves to have someone counsel her and advocate on her behalf.<sup>49</sup> Perhaps foundations and corporations will make as many donations to LCA as they have to TFA.<sup>50</sup> Maybe LCA will qualify for government grants or funding from local governments. It is plausible that major law firms will offer support through their community outreach efforts. While these suggestions are theoretical today, with determination and innovative thinking, we can forge the partnerships necessary to make LCA a viable concept.<sup>51</sup>

Secondly, TFA provides a five-week training program called the “Institute” to help corps members acclimate to their new roles in the classroom.<sup>52</sup> While critics have charged that such a short window of

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district during their two-year teaching stint.”).

46. *Teach For America FAQs*, TEACH FOR AM., <http://www.teachforamerica.org/teach-america-faqs> (last visited Nov. 23, 2014).

47. *Id.*

48. *Id.* (noting that the service period is two years). Ideally, LCA would be structured in a way that similar student loan benefits would be available to its participants.

49. For a thoughtful, yet brief discussion on the value of—and significant need for—philanthropic support for innovative civil legal service providers, see PUBLIC WELFARE FOUND., *supra* note 26, at 4 (“Fundors committed to improving conditions for low-income people and communities through service provision see civil legal aid as one of the most effective tools. Those concerned about creating broader impact or ensuring that policies are implemented and sustained view legal aid lawyers as terrific partners.”).

50. See *Donors*, *supra* note 41.

51. I would like to note an interesting component of the CLC programmatic design. According to the information available on the organization’s website, CLC plans to become a self-sustaining model by charging clients fees based on a sliding scale. *About Civic Legal Corps*, *supra* note 35; *FAQs*, *supra* note 36. This is an approach that may help the organization build lasting financial stability. However, it is not clear at this time how affordable the fees will be for clients of extraordinarily limited financial means, or in the alternative, how much income will truly be generated from a population of financially-disadvantaged clients. Further, it may inadvertently create a disincentive for CLC to take on cases in which the client is unable to pay or even pressure the organization to take on—and thus allocate precious resources to—cases with clients of more substantial financial means.

52. *Summer Training*, TEACH FOR AM., <https://www.teachforamerica.org/why-teach-for->

preparation time is inadequate to fully prepare corps members for the challenges of teaching, recent studies indicate that TFA teachers are at least as effective in the classroom as teachers who are trained through more traditional routes.<sup>53</sup>

In some ways, the “boot camp” experience is not unlike bar exam preparation courses, which future lawyers may take to learn the many practical components of the law that were not covered sufficiently—if at all—during the three years of traditional law school in the United States. Indeed, to create the possibility of matching lawyers with clients all over the country, there will need to be a method for training lawyers for bar admission in different jurisdictions, and otherwise preparing newly-minted lawyers for law practice. Thus, the intensive, initial training period is likely to be as crucial to the success of LCA as it has been for TFA.

Finally, TFA prides itself on its emphasis of professional development for its corps members, and has built an impressive network of alumni.<sup>54</sup> Providing ongoing training and professional support to LCA members will be essential to their success, just as it is for every other practicing attorney. LCA may rely on law schools, online training materials, or local attorneys to assist with Continuing Legal Education programs to help new lawyers hone their practice skills. Partnering with regional bar associations may provide opportunities for LCA attorneys to begin building their professional network, and expose them to longer-term career prospects. LCA participants will not need to remain in the program indefinitely. With a few years of experience, LCA members will be attractive candidates for employers who seek seasoned attorneys. Alternatively, they will have begun acquiring the skills and building the networks needed to become self-sufficient, and will be better able to become effective solo practitioners. As the program matures, just as the case has been with TFA, there will be alumni of the program to serve as resources for newer members, which will help LCA maintain momentum and develop lasting value.

There have been enough predictions of gloom and doom in the legal industry during the last few years; it is time for creative problem-solving and entrepreneurial spirit. Many students go to law school with

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america/training-and-support/summer-training (last visited Nov. 23, 2014).

53. See Matthews, *supra* note 29 (citing *Addressing Teacher Shortages*, *supra* note 34) (describing a 2013 study conducted to measure the effectiveness of secondary math teachers from TFA compared to non-TFA teachers).

54. *Professional Development*, TEACH FOR AM., <https://www.teachforamerica.org/join-our-staff/chart-your-career/professional-development> (last visited Nov. 23, 2014) (“We take professional development very seriously. In fact, we’re kind of obsessed with it.”).

visions of changing the world—let us give them the opportunity to do just that. Right now, the best step we can take to create balance to the supply and demand in the legal industry is not to cut the supply, but rather, to satisfy the demand. It is time to put our unemployed lawyers to work where they are needed. With innovation and collaboration, we just may balance the scales of justice for underserved communities in the process, too.

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