

Law 285.7

Advanced Seminar:
Delivery of Legal Services to Low-Income Clients & Communities
Course Description & Syllabus

Tuesdays, 10-11:50
Room 116

Instructors:
Mary Louise Frampton
Jeff Selbin

Boalt Hall School of Law
Spring 2004

A. COURSE DESCRIPTION

This course will leverage the close relationship between the law school and the East Bay Community Law Center (EBCLC) to engage students in exploring one of the recurring challenges facing the anti-poverty and access to justice movements: the delivery of legal services to low-income clients and communities.

The historical and contemporary crisis in the availability and delivery of legal services to the poor has been well chronicled. The high water mark of federal funding of legal services was in 1980, the closest most programs have ever come to achieving the “minimum access” goal of 1 lawyer for every 5,000 low-income clients. After cuts of 25% in 1982, and 33% in 1996 – with stagnant funding in between and thereafter – the national commitment to legal services in inflation-adjusted dollars now represents approximately one-half of the plateau of more than two decades ago, falling even further behind even the most basic “access” rationale.

Other funding – most notably from lawyer trust account programs, private foundations, and state allocations – has made up some of the gap. In California, however, there is one legal services attorney for every 10,000+ poor people, contrasted with one attorney for roughly every 200 non-poor Californians. Coupled with the dramatic increase and complexity in laws and regulations affecting the poor and near poor, never in the last half century has the gulf been so great between the aspiration and reality of equal justice.

Perhaps as striking as the scarcity of resources is the realization that almost 40 years of federal funding of legal services to the poor has yielded relatively few answers in terms of how best to serve clients. Although we have some data on the great extent to which the legal needs of low-income people go unmet, we have only the most rudimentary information about the benefits to those clients who receive legal services. In fact, in spite of some early empirical work on the delivery of legal services, and some rather lone voices of critique regarding routinized practices within legal services offices, very little attention has been paid to assessment of program effectiveness and outcomes.

The seminar will provide students with the background and support to define and measure the effectiveness of current delivery models in meeting the needs of low-income clients. Work within two of the East Bay Community Law Center’s practice units will serve as sites of inquiry, including the relative merits of full representation and limited scope (“unbundled”) assistance, and the efficacy of multidisciplinary models. A central goal of the course is to develop pilot research protocols to assist legal services programs and practitioners make intelligent decisions about delivery models, thus enhancing the quality and impact of representation that clients are receiving. We also hope the course will help shape and refine an on-going research agenda for scholars, practitioners and students.

Students will be admitted by the instructors, with preference to students with legal services, social justice and/or clinical experience.

B. COURSE MATERIALS

Course reading will be distributed or made available online prior to the class for which it has been assigned. The class schedule below sets forth the general topics and sequence of the course, and will be subject to change as the semester progresses.

C. COURSE REQUIREMENTS & GRADING

The two units awarded for this course are graded according to the Boalt Academic Rules. The breakdown is as follows:

1. Class Attendance & Participation (40%)

You are encouraged to be active in your engagement with both the structure and the substance of this class. Regular attendance and participation in class discussion are required and supplemental readings and feedback are highly encouraged. This class is expected to be vigorous and invigorating. To spark discussion before class, students will be asked to write one to two paragraphs of reaction to the assigned readings for the day and to share her or his reactions at the beginning of each class. We will be exploring areas of inquiry which empirical researchers have not adequately assessed and developing approaches to inform practitioners and deepen the academic conversation about effective legal services delivery models. Passive learning will be insufficient to this task.

2. Group Presentation & Paper (60%)

A thirty-page final paper to be prepared in groups of four will be due by Friday, May 7th, 2004 at 5:00 p.m., to Mary Louise Frampton. These projects will include the development of research protocols that could be implemented to evaluate unbundled and multidisciplinary services. Along with the final project, students will be asked to submit brief evaluations of the other members of their group. This peer feedback will be considered in determining the final grade of each individual but will not affect the collective grade for the final project.

D. CLASS SCHEDULE

Week 1:	January 20 Introduction: History, Goals & Expectations
Week 2:	January 27 Legal Services and Access to Justice: Background & Challenges
Week 3:	February 3 General Responses to the Challenges
Week 4:	February 10 Limited Scope Legal Assistance: Unbundling or Unraveling?
Week 5:	February 17 Multidisciplinary Services: Holistic Care or Utopian Luxury?
Week 6:	February 24 Methods I: Introduction to Social Science Methodology

- Week 7: March 2
Methods II: Assessing Effectiveness and Relative Merits of Legal Services
- Week 8 March 9
Group Reading & Research
- Week 9 March 16
Group Project Prospectus Due
- Week 10: March 23
SPRING BREAK
- Week 11: April 6
Project Work
- Week 12: April 13
Group Project Drafts Due
- Week 13: April 20
Group Presentation I
- Week 14: April 27
Group Presentation II
- Week 15: May 7, 2004
Final Group Papers to Mary Louise Due