

Law Clinic Support Tools & Resources to Combat Systemic Racism in the Legal System

Veronica Alba, Paul Campbell, and Larry Futrell

Introduction

Access to legal services in underrepresented and low-income communities is an ongoing problem in the United States. According to the Legal Services Corporation (LSC), nearly one million poor people with civil legal problems are denied legal services.¹ America is full of legal deserts. Legal deserts are places with few or no attorneys.² Around 40% of all counties in the U.S.A. — 1,272 of 3,141 — have less than one lawyer per 1,000 residents.³ Fortunately, legal clinics have

¹ *The Unmet Need for Legal Aid*, LEGAL SERVICES CORPORATION, <https://www.lsc.gov/about-lsc/what-legal-aid/unmet-need-legal-aid> (last visited Aug. 14, 2023).

² *How Legal Deserts Are Affecting Our Country and What to Do About It, Your Law Firm is a Business*, EMERALDCITY, (Aug. 10, 2022), <https://nextlevel.legal/blog/how-legal-deserts-are-affecting-our-country-and-what-to-do-about-it/#:~:text=Legal%20deserts%20are%20geographical%20locations%20with%20very%20few,they%20are%20something%20that%20needs%20to%20be%20addressed.>

³ Elaine S. Povich, 'Legal Deserts': Lack of Rural Lawyers Leaves Much of America Without Support STLtoday.com (Jan. 26, 2023), https://www.stltoday.com/news/national/crime-and-courts/legal-deserts-lack-of-rural-lawyers-leaves-much-of-america-without-support/article_fa5844a5-ddfa-52dc-9690-1ce2199d24c6.html (last visited Aug. 14, 2023).

This project's mission is to conduct quantitative and qualitative market research regarding the current state of law school legal clinics to identify the challenges and potential solutions to make them more effective in utilizing the legal system to address systemic racism in black communities, and to utilize the research data to make investment recommendations for the LexisNexis® Rule of Law Foundation to consider in further aiding legal clinic efforts.

provided services for over 100 years. Law students in the late 1890s and early 1900s established the first legal clinics as volunteer legal aid organizations to provide learning experiences for law students and legal services for those unable to afford them.⁴ Clinics are still needed because legal services are very expensive. According to Contracts Counsel Inc., the average hourly rate for attorneys across the U.S.A. is \$275.00 per hour.⁵ The average low and high hourly attorney's fee rates are both found in Illinois at \$80.00 and \$550.00.⁶ The high costs often leave low-income and middle-class individuals unable to afford quality legal services.

In an effort to help with the mission of providing legal services to communities in need, the American Bar Association (ABA) approved a proposal in 2014 that requires law students to complete six credits in an experiential course or courses.⁷ Participation in a law clinic is one of the ways to satisfy this requirement.⁸ As a result, multiple law schools now have impactful clinics that provide legal services to those in need and students are more engaged in serving the legal community. For instance, more than 80% of Harvard Law School

students participate in at least one law school clinic and contribute thousands of hours of free legal services.⁹ Participation in a legal clinic is just one way for law students to satisfy their experiential requirements; law schools must find other ways to encourage students to participate in clinical and pro bono programs.

A goal of law schools and legal clinics should be to eliminate the justice gap — “the difference between the level of civil legal assistance available and the level that is necessary to meet the legal needs of low-income individuals and families.”¹⁰ LSC found that 74% of low-income households have experienced at least one civil legal problem in 2021.¹¹ The black and Hispanic communities as a whole are greatly affected by legal problems because 26% of all blacks and 23% of all Hispanics live below 125% of the poverty line.¹² The percentage of black and Hispanic communities living in low-income households is more than double that of the non-Hispanic white community. Therefore, the lack of legal support is a significant issue in black and Hispanic communities.

4 Margaret Martin Barry, Jon C. Dubin & Peter A. Joy, *Clinical Education For This Millennium: The Third Wave*, 7 CLINICAL L. REV. 1 (2000).

5 *How Much Do Lawyers Cost: Fees Broken Down By State*, CONTRACTSCOUNSEL, INC., (Aug. 17, 2021) <https://www.contractscounsel.com/b/how-much-do-lawyers-cost> (last visited Aug. 14, 2023).

6 *Id.*

7 Peter A. Joy, ARTICLE: *The Uneasy History of Experiential Education in U.S. Law Schools*, 122 DICK. L. REV. 551, 576 (2018).

8 *Id.* at 576.

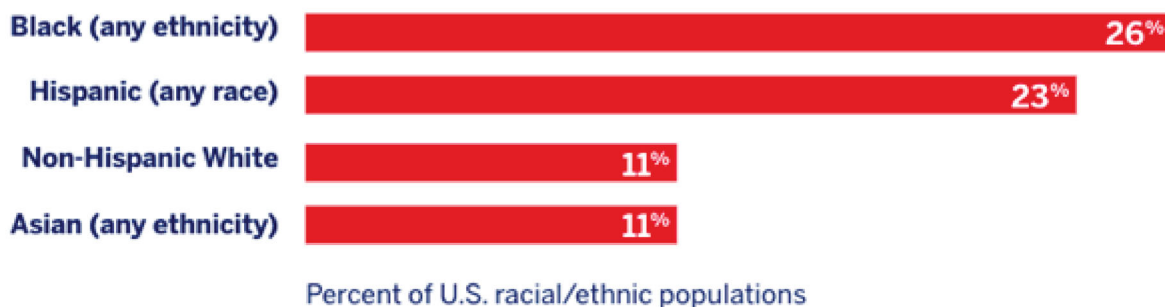
9 *Clinics in Action: A Day in the Life of Harvard Law School's Legal Clinic*, HARVARD LAW TODAY, (Jul. 15, 2022), <https://hls.harvard.edu/today/a-day-in-the-life-of-harvard-law-schools-legal-clinics/> (last visited Aug. 14, 2023).

10 *The Unmet Need for Legal Aid*, LEGAL SERVICES CORPORATION, <https://www.lsc.gov/about-lsc/what-legal-aid/unmet-need-legal-aid> (last visited Aug. 14, 2023).

11 Mary C. Slosar, *The Justice Gap: The Unmet Civil Legal Needs of Low-income Americans*, <https://justicegap.lsc.gov/resource/2022-justice-gap-report/>.

12 *Id.*

Figure 2B. Proportion of racial/ethnic groups with household incomes below 125% of poverty¹¹



Source: *The Justice Gap: The Unmet Civil Legal Needs of Low-income Americans*, LEGAL SERVICES CORPORATION (2022). Prepared by Mary C. Slosar, Slosar Research, LLC.

LSC reported that “low-income Americans did not receive any or enough legal help for 93% of all of their problems.”¹³ Many of these individuals were unaware that a legal professional could help them with their legal issues or were wary of the costs associated with receiving legal assistance.¹⁴ The statistics further emphasize the need for legal clinics in low-income communities. Unfortunately, legal clinics are facing a vast array of issues when trying to serve their communities. Most issues stem from the same source — chronic underfunding.

During June 2023, the authors of this paper, three Historically Black Colleges and Universities (HBCU) law students, conducted a survey of professors and clinicians at law schools to identify clinical needs of law schools across the United States. Throughout this paper, we will examine the results of our research. We learned how underfunded clinics are, and common issues faced by multiple clinics. We will also explore legal solutions such as LexisNexis® and LegalServer that may increase the efficacy of law clinics.

Therefore, this paper will first discuss our survey and statistics gleaned from the clinicians that participated. Part two of the paper goes in-depth into the importance of clinics and the needs of the low-income community and how they have been served, or under-served, in the past. Specifically, it will expand on US history, and the reasons behind a disproportionate percentage of blacks living below 125% of the poverty line. The third part of the paper will focus on the common issues with today’s legal clinics. It will highlight the important findings from our research. The fourth part of the paper will dive into the proposed solutions to address the justice gap that is present in legal clinics. The fifth and final section of the paper will conclude with suggestions for the next cohort.

Part I – The Survey

The goal of the survey conducted by the LexisNexis® African Ancestry Network & LexisNexis® Rule of Law Foundation Fellows was to discover the common needs and issues faced by legal clinics. After collecting this data, we are now better

¹³ *Id.*

¹⁴ *Id.*

equipped to suggest tools and resources for legal clinics. Initially, we reached out to over 140 clinicians in Washington D.C., Florida, and North Carolina law schools. However, due to the lack of responses, we expanded our efforts and contacted clinicians in Alabama, Mississippi, Louisiana, Georgia, and Texas. As a result, we received a total of 31 survey responses, all from persons who indicated that they are affiliated with a law school.

A wide variety of legal specialties were represented in the survey. Respondents indicated that their clinics focus on the following areas of law: immigration, disability rights, family law, mediation, tax, patent, First Amendment, elder law, nonprofit organizations, probate, estate planning, affordable housing, community development, health law, domestic violence, military/veteran law, commercial business, bankruptcy, juvenile law, civil rights, environmental law, and criminal defense.¹⁵ The variety of responses in our survey show legal clinics across the United States are helping individuals in almost every area of the law. This reinstates the importance of providing tools and resources to clinics. We are appreciative of those clinicians who took the time to respond to our survey. Due to their contributions, we can identify the most prevalent and demanding needs of legal clinics.

Of the 31 respondents, 48.4% indicated that their clinic has been in operation for more than 10 years and 22.6% said their clinic has been in operation for five to 10 years. Therefore, 71% of the clinics have been in operation for more than five years. Clinics in operation for more years are able to identify the issues that they see year-after-year which allow us to suggest the best resources and tools to aid them. Only 16.2% of respondents indi-

cated that their clinic has been in operation for less than three years. Although the newer clinics are still invaluable to our data and our mission, they may face different issues than more established clinics do, such as obstacles with conducting outreach in the community.

In addition, only two of the 31 respondents indicated that they have more than 20 staff members, students, or volunteers currently working at their legal clinic. The other 29 respondents have less than 20 people currently working at their clinic, with 32.3% having one to five workers and 45.2% having five to 10 workers. This informed us that our survey responses came from smaller legal clinics rather than large legal aid organizations. Smaller clinics face different issues than larger clinics. As a result, the issues that we identified and the solutions that we propose are in response to the needs of smaller clinics. Although some of the solutions may be useful to all legal clinics, regardless of size, it is statistically significant and worth mentioning.

Legal clinics serve different demographic groups or populations, and our data echoes this. There were over 10 different demographic groups or populations indicated by our respondents. However, some demographic groups or populations were covered by multiple clinics whereas others were covered by just a few clinics. For instance, a great majority of clinics, 25 or about 83%, serve the low-income community whereas only three clinics, or about 10%, serve veterans. It is important to note the largest demographic groups or populations served by respondents. Aside from the low-income community, 50% of respondents serve racial/ethnic minorities, 33.3% of respondents serve individuals with disabilities, 30% serve immigrants/refugees,

¹⁵ Our survey received a total of thirty-one responses from clinicians at the following law schools: David A. Clarke School of Law, Dedman School of Law, Duke Law School, Florida A&M University College of Law, Florida International University College of Law, Florida State University College of Law, Georgetown University Law Center, George Washington University Law School, University of Florida Levin College of Law, Norman Adrian Wiggins School of Law, Shepard Broad College of Law, Texas A&M University School of Law, Texas Tech. University School of Law, Thurgood Marshall School of Law, Tulane University Law School, University of Georgia School of Law, University of Miami School of Law, and University of Texas at Austin, School of Law.

26.7% serve incarcerated individuals, 23.3% serve small business owners, 20% serve elderly individuals, and 20% serve LGBTQ+ individuals.

Although we collected invaluable information, there are key pieces of data gleaned from the survey. First, 60% of respondents described their clinics as being in areas with high demand or very high demand for legal services. But 77% of respondents noted that their clinics had 10 or less staff members, students, or volunteers currently working at the clinics. Second, 55% of respondents noted that potential clients were unable to receive services due to unavailability of resources. Third, 44% of respondents claimed that potential clients were unable to receive legal services due to income. Legal clinics focus their services on the low-income community, so it is likely that clients did not qualify because they did not meet the criteria for low-income. This is unfortunate because while a person may earn a salary that exceeds a predetermined limit, they do not necessarily have the disposable income to pay for legal services.

Part II – Why We Need Clinics

Legal clinics greatly aid the low-income community, and there is a disproportionate percentage of blacks classified as low-income. This problem has a strong correlation with the history of slavery and segregation in the United States. The U.S. Census Bureau has measured the economic standing of households, families, and individuals since the 1960s by comparing pre-tax income to a poverty threshold, adjusted by family composition.¹⁶ The

Census Bureau’s most recent report looks at poverty in the United States in 2021. In their report, they found that blacks make up 13.4% of the whole population, yet make up 22.6% of the population classified as poor by the official poverty measure.¹⁷ At the other end of the spectrum, the report found that whites make up 59.2% of the population, yet only represent 41.7% of the population classified as poor.¹⁸ This means blacks are overrepresented in the poverty population. The disproportionate percentage of blacks in poverty is largely due to systemic racism and the history of discrimination in the United States.

Blacks have endured substantial oppression for centuries. When colonists immigrated here, they had the opportunity to position themselves well in society by purchasing and claiming land. Meanwhile, blacks were imported as commodities and were denied similar opportunities to build wealth. Since their arrival, blacks have been subjected to disadvantages when attempting to build generational wealth. Slavery persisted in the US for about 250 years. During this time, slave owners were able “to profit off of the bodies and blood of enslaved people, who by rule of law were unable to live freely, let alone build wealth to pass along to future generations.”¹⁹ Slave labor helped build our country and was a huge income generator for slave owners, with economists predicting that during slavery slaves produced between \$1.4 trillion to \$4.7 trillion, adjusted for inflation.²⁰ Although slaves eventually earned their freedom through the enactment of the Thirteenth Amendment, they were subject to harsh discrimination, and their access to wealth continued to be limited.

¹⁶ John Creamer, Emily A. Shrider, Kalee Burns, and Frances Chen, *Poverty in the United States: 2021*, U.S. CENSUS BUREAU, CURRENT POPULATION REPORTS, 60-277, (Sept. 2022), <https://www.census.gov/library/publications/2022/demo/p60-277.html>.

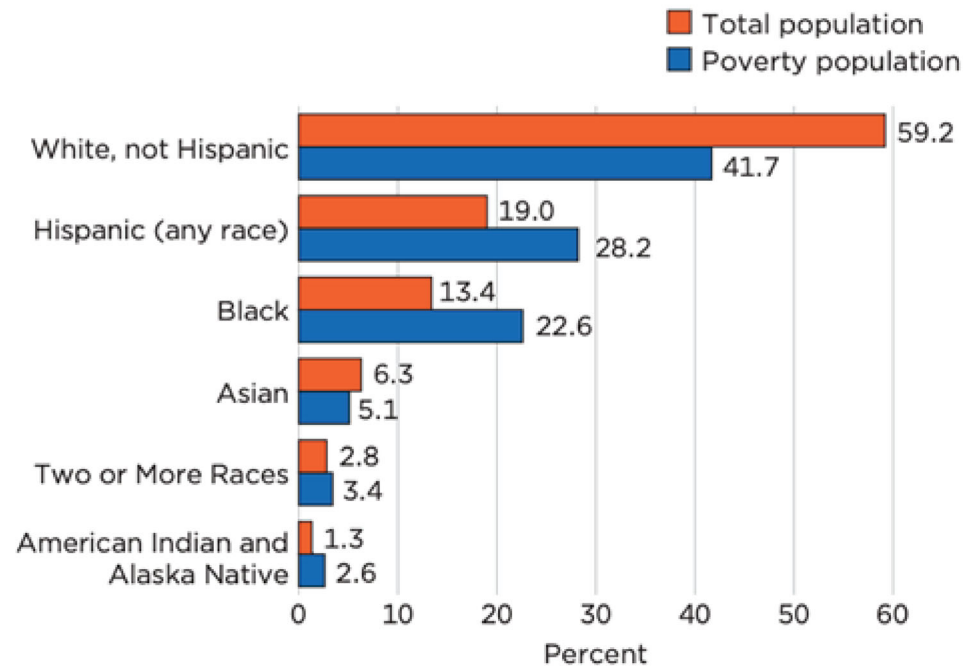
¹⁷ *Id.* at 5.

¹⁸ *Id.*

¹⁹ Angela Hanks, Danyelle Solomon, and Christian E. Weller, *Systematic Inequality: How America’s Structural Racism Helped Create the Black-White Wealth Gap*, CENT. FOR AM. PROGRESS Center (Feb. 21, 2018), <https://www.americanprogress.org/article/systematic-inequality/> (last visited Aug. 14, 2023).

²⁰ Catarina Saraiva, *The Historical Reasons Behind U.S. Racial Wealth Gap*, (May 25, 2021), <https://reparationscomm.org/reparations-news/the-historical-reasons-behind-u-s-racial-wealth-gap/>.

Distribution of Total Population and Poverty by Race Using the Official Poverty Measure: 2021



Source: John Creamer, Emily A. Shrider, Kalee Burns, and Frances Chen, *Poverty in the United States: 2021*, U.S. CENSUS BUREAU, CURRENT POPULATION REPORTS, 60-277, U.S. Government Publishing Office, Washington, DC (Sept. 2022).

In an effort to correct the injustices that former slaves faced, some members of the federal government attempted to implement policies of reparations. However, slaves and their descendants were never provided with appropriate compensation. The most well-known example of the federal government's attempt at reparations was General William T. Sherman's Special Field Orders No. 15, or the "40 Acres and a Mule" order. The orders authorized settlements and required distribution of not more than forty acres of Confederate land, stretching from Charleston, South Carolina, to the St. John's River in Florida, to each family of freed slaves.²¹ "General Sherman's promise of forty acres and a mule to former slaves would have provided

a way to make a living, while integrating into life as a freed citizen."²² In addition, this would have provided freed slaves and their descendants with the land and resources to equip them for future success in the United States. Specifically, one economist found that if all four million slaves at the time were able to take advantage of Special Field Orders No. 15, "[the value of farmland and buildings] would have totaled more than \$486 billion today."²³ Unfortunately, General Sherman's order was revoked, and neither the former slaves, nor descendants of slaves, received appropriate reparations for slavery.

After the Civil War, the United States enacted the Southern Homestead Act of 1866, "to alleviate the

²¹ Hal Clay, *Comment: Forty Acres And A Mule: America's Bill For Reparations Is Long Past Overdue*, 24 SCHOLAR 505, 519-520 (2022).

²² *Id.*

²³ Patricia Cohen, *What Reparations for Slavery Might Look Like in 2019*, N.Y. TIMES (May 23, 2019) <https://www.nytimes.com/2019/05/23/business/economy/reparations-slavery.html> (last visited Aug. 14, 2023).

cycle of debt during Reconstruction.”²⁴ The goal of the Act was to move and settle the Western territory by allowing anyone, including freed slaves, to make a claim for up to 160 acres of federal land.²⁵ Homesteaders had to pay a filing fee of \$18.00 to make a claim for land, or land titles could be purchased for \$1.25 per acre after six months of proven residency.²⁶ Although this program did not specifically exclude blacks, newly “freedmen were crippled by extreme poverty and unable to participate in the program.”²⁷ Freedmen were unable to secure loans due to the lack of resources, and therefore, were unable to benefit from this and similar federal efforts.²⁸ As a result, of the 270 million acres, or 10% of U.S. land, little was claimed and settled by blacks.²⁹ The inability of blacks to take advantage of this program was an obstacle to creating generational wealth.

In spite of this, there are numerous examples of predominantly black communities that were thriving with farms, neighborhoods, families, businesses, and churches, even with the impediments. However, from the Post Reconstruction Era to the Roaring Twenties, black communities were subjected to barbaric rampages and massacres.³⁰ For example, during the Tulsa Race Massacre of 1921, mobs murdered hundreds of people, burned down

numerous city blocks, and left thousands of black residents homeless during the attack on “Black Wall Street.”³¹ In a matter of days the violent attacks on the black neighborhood erased years of black success. The massacre resulted in \$1.8 million in claims for property losses — with a present-day value of \$27 million.³² The fortunes from these thriving black communities could have created “generational wealth that might have shaped and secured the fortunes of [b]lack children and grandchildren.”³³ The “Black Wall Street” never was re-established.

In an effort to restore the country during the Great Depression, the modern mortgage was created in the 1930s, giving the working-class access to the housing market. The term “redlining” originated during this time and refers to the practice in which the Home Owners’ Loan Corporation (HOLC), a federal agency, created color-coded maps to determine the “best” (i.e. green) and the “worst” (i.e. red) neighborhoods for mortgage lending.³⁴ Black communities were most likely to be redlined, and it was extremely difficult to get approval for a home loan in a redlined neighborhood.³⁵ Additionally, black applicants who wanted to purchase a home in white neighborhoods were regularly denied.³⁶ In fact, of the \$120 billion loans made by the federal

24 Hal Clay, *Comment: Forty Acres And A Mule: America’s Bill For Reparations Is Long Past Overdue*, 24 SCHOLAR 505, 519-520 (2022).

25 *Homestead Act: 1862 Date & Definition*, HISTORY (Nov. 9, 2009), <https://www.history.com/topics/american-civil-war/homestead-act> (last accessed Aug. 14, 2023).

26 *Id.*

27 Hal Clay, *Comment: Forty Acres And A Mule: America’s Bill For Reparations Is Long Past Overdue*, 24 SCHOLAR 505, 519-520 (2022).

28 *Id.*

29 *Homestead Act: 1862 Date & Definition*, HISTORY (Nov. 9, 2009), <https://www.history.com/topics/american-civil-war/homestead-act> (last visited Aug. 14, 2023).

30 Cherranda Smith, *We Remember: Chronicling 10 Race Massacres In America*, BLACK INFORMATION NETWORK (May 27, 2021), <https://www.binnews.com/content/2021-05-27-we-remember-chronicling-10-race-massacres-in-america/> (last visited Aug. 14, 2023).

31 Yuliya Parshina-Kottas, *What the 1921 Tulsa Race Massacre Destroyed*, NEW YORK TIMES (May 24, 2021), <https://www.nytimes.com/interactive/2021/05/24/us/tulsa-race-massacre.html> (last visited Aug. 14, 2023).

32 *Id.*

33 *Id.*

34 Brenda Richardson, *Redlining’s Legacy Of Inequality: Low Homeownership Rates, Less Equity For Black Households*, (Jun. 11, 2020), <https://www.forbes.com/sites/brendarichardson/2020/06/11/redlinings-legacy-of-inequality-low-homeownership-rates-less-equity-for-black-households/?sh=4fd9ebb72a7c> (last visited Aug. 14, 2023).

35 *Id.*

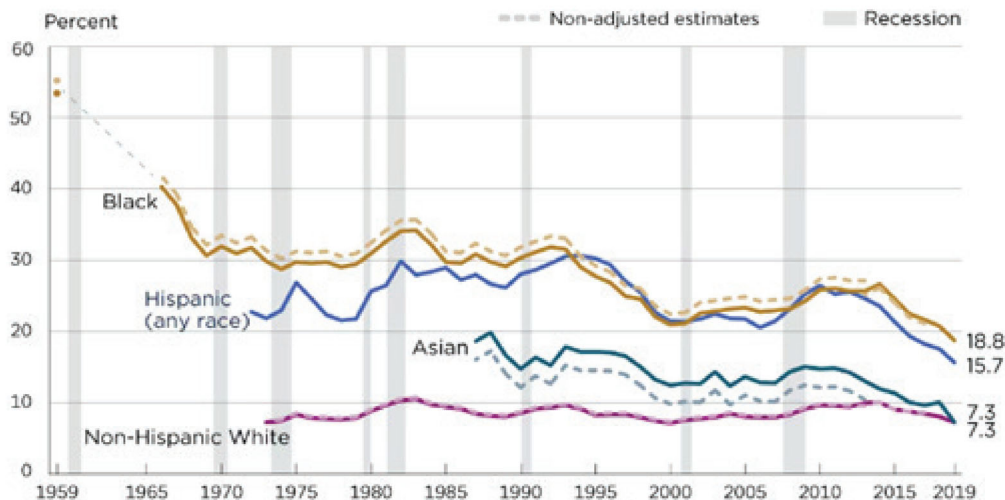
36 Derek Wells, *NOTE: The Price of Diversity: Rent Control and Desegregation of Urban Areas*, 55 SUFFOLK U.L. REV. 155, 159 (2022).

government between 1934 and 1962, only 2% were distributed to non-white borrowers.³⁷ As a result, the HOLC’s redlining was another lost opportunity for black families to accrue generational wealth.

The denial of available resources to blacks throughout the history of this country has a strong correlation with the disproportionate percent of blacks living in poverty. The racial wealth gap is a consequence of centuries of discrimination that started with slavery. “Wealth — an individual’s or family’s financial net worth — can function as a generational stepping stone that older generations pass on and future generations benefit from and build over

time.”³⁸ Although there has been progress made over the last few years, there is much work to be done to reduce the number of blacks living in poverty. Still, “[b]lacks receive lower valuations on their homes and earn less money compared to white people performing the same work.”³⁹ A 2015 study found that the average hourly rate for black men was \$15 compared with \$21 for white men.⁴⁰ This is not taking into consideration that there are fewer blacks who are college educated. However, the wage gap persists even when looking at those with a bachelor’s degree or more where the average hourly rate is \$25 for black men in comparison with \$32 for white men.⁴¹

Poverty Rate by Race and Hispanic Origin: 1959 to 2019



Source: John Creamer, *Inequalities Persist Despite Decline in Poverty For All Major Race and Hispanic Origin Groups*, (Dec. 9, 2021), <https://www.census.gov/library/stories/2020/09/poverty-rates-for-blacks-and-hispanics-reached-historic-lows-in-2019.html> (last visited Aug. 14, 2023).

37 Hal Clay, *Comment: Forty Acres And A Mule: America’s Bill For Reparations Is Long Past Overdue*, 24 SCHOLAR 505, 519-520 (2022).

38 Angela Hanks, Danyelle Solomon & Christian E. Weller, *Systematic Inequality: How America’s Structural Racism Helped Create the Black-White Wealth Gap*, CENT. FOR AM. PROGRESS (Feb. 21, 2018), <https://www.americanprogress.org/article/systematic-inequality/> (last visited Aug. 14, 2023).

39 Dorothy Robyn, *Closing the racial wealth gap requires heavy, progressive taxation of wealth*, THE BROOKINGS INSTITUTION (Dec. 9, 2020), <https://www.brookings.edu/articles/closing-the-racial-wealth-gap-requires-heavy-progressive-taxation-of-wealth/> (last visited Aug. 14, 2023).

40 Eileen Patten, *Racial, gender wage gaps persist in U.S. despite some progress*, PEW RSCH. CTR. (Jul. 1, 2016), <https://www.pewresearch.org/short-reads/2016/07/01/racial-gender-wage-gaps-persist-in-u-s-despite-some-progress/> (last visited Aug. 13, 2023).

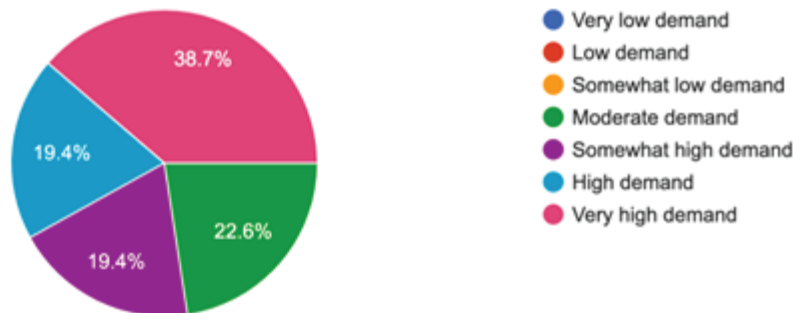
41 *Id.*

Due to systemic racism, blacks have the highest rate of poverty in America. The U.S. Census Bureau analyzed the poverty rate from 1959 to 2019. It found that the poverty rate for blacks went from an

estimated 55% in 1959 to 18.8% in 2019.⁴² Although this is seen as great progress, more work is needed to further reduce poverty in the black community.

How would you describe the demand for legal services in your community?

31 responses



Legal clinics across the United States provide inexpensive or free services to low-income communities in their surrounding areas. Legal clinics help combat systemic racism that still permeates society. For instance, Professor Mark Dorosin, the clinic director of the Economic Justice Clinic at Florida A&M University College of Law, said, “We’re looking for folks who are working in communities that are in need of economic development and resources — communities that have been historically underdeveloped economically because of the legacy of discrimination and segregation.”⁴³ With the assistance of legal clinics across the United States, there is an opportunity to provide much-needed legal services to low-income communities and to assist them in their journey to building wealth.

Part III – The Issues with Clinics

Legal clinics face different challenges depending on their location and area of practice. However, there are some issues that are evident in a majority of the clinics. 64.5% of respondents stated the main challenge faced is the high demand for legal services with limited capacity. This is an issue impacting clinics nationwide. Harvard Law School reported receiving triple the amount of inquiries for legal services post-COVID-19 pandemic compared to prior years.⁴⁴ Due to the limited number of students and staff working in clinics each semester, it is not possible for clinics to appropriately meet the demand for services. When respondents were asked how they would describe the demand for legal services in their respective communities, 38.7% indicated that there is a very high demand, with no respondents

⁴² John Creamer, *Inequalities Persist Despite Decline in Poverty For All Major Race and Hispanic Origin Groups*, (Dec. 9, 2021), <https://www.census.gov/library/stories/2020/09/poverty-rates-for-blacks-and-hispanics-reached-historic-lows-in-2019.html> (last visited Aug. 14, 2023).

⁴³ Interview with Mark Dorosin, Associate Professor of Law, Florida A&M University, College of Law, Orlando, Florida (Jun. 21, 2023).

⁴⁴ Elaine McArdle, *Practicing Law in the Wake of a Pandemic*, HARVARD LAW BULLETIN (2022), <https://hls.harvard.edu/today/practicing-law-in-the-wake-of-a-pandemic/> (last visited Aug. 14, 2023).

indicating that there is a low demand. The demand for legal services in the low-income community far outweighs the funding available to legal clinics.

As a result, the second notable challenge faced by clinics we surveyed is limited funding, with 48.4% of respondents indicating that it is the main challenge. Multiple clinicians informed us in the survey comments that the lack of funding is an obstacle. Marquette University Law School recognized over a decade ago that “lack of funding for representation of poor people with civil legal issues is an enormous problem that is getting worse.”⁴⁵ Due to the lack of resources, clinicians are forced to do more with less. Certain clinics are forced to reject potential clients or place them on waitlists. Clinicians are also forced to prioritize clients based on the most urgent matter. For instance, some of the immigration clinic respondents indicated that they prioritize asylum-seekers, children near 18 years-old, and those in removal proceedings facing deportation.

The third major challenge faced by respondents is the administrative burden, with 29% of respondents listing this as a major challenge. Lack of funding also leads to various administrative challenges such as lack of adequate supervision (which is very important as student attorneys working in clinics must be supervised), and difficulties with case management, intake, and screening. When respondents were asked what are the key administrative or operative challenges that their legal clinic faces on a day-to-day basis, 35.7% mentioned case management, 35.7% mentioned staffing and supervision, and 25% mentioned client intake and screening. All these day-to-day challenges could be addressed with additional funding. Not only do clinicians have to deal with substantial administrative tasks related to the clients, but also supervise and manage the clinical employees and student attorneys. Further, law students typically must submit a multitude of doc-

uments to clinicians for review to become part of the clinics. Additionally, clinicians must check for conflicts of interest and ensure students are suitable for practicing law. Finally, clinicians typically must grade assignments and monitor the work product of student attorneys which takes a great deal of time and effort.

In sum, all the issues that the respondents described can be addressed with additional funding. Although additional funding will not eliminate the extreme high demand for legal services, it will be able to assist with legal clinics’ limited capacity. Funding will also allow legal clinics to have better administrative processes such as a proper case management system, an automated client intake process, and sufficient staff and attorneys. Legal clinics may have a wide range of issues, but most seem to attribute their issues to a lack of appropriate funds.

Part IV – How to Fix the Issues with Clinics

Legal clinic directors were asked in the June 2023 survey, “If you had a magic wand, what resources would you create?” The majority indicated a need for additional funding. The desired allocation of the funding ranged from hiring more staff, expanding the clinics, professional development and training, or collaborating with community partners. As a result, we propose various solutions to alleviate the stresses associated with managing a clinic.

First, we propose the creation of a website to design and to curate content for legal clinics. This will help with many of the same issues that could be resolved by adding more staff.

Second, we propose building a database of pro bono attorneys and legal clinics. These attorneys

⁴⁵ Michael Gonring, *Funding Civil Legal Aid*, MARQUETTE UNIVERSITY LAW SCHOOL (2012), <https://law.marquette.edu/facultyblog/2012/05/funding-civil-legal-aid/> (last visited Aug 14, 2023).

and clinics should be listed by location and specialty. The database will help legal clinics and pro bono attorneys collaborate with members in their communities.

Third, we propose creating an Artificial Intelligence (AI) tool that will allow firms to offer services at lower costs, with higher efficiency, and a greater likelihood of favorable outcomes.⁴⁶ AI will help draft documents, anticipate legal arguments, conduct analysis, and extract important information rapidly.⁴⁷

Although LexisNexis® currently has a website titled, “Clinic Resources for Faculty and Students,” it can create an improved website for legal clinics to use. The current website has resources dedicated to the following clinics: Appellate Advocacy and Supreme Court, Children and Families, Civil Rights, Criminal Justice, Disability Rights, Medical-Legal Partnerships, & Veterans, Immigration & International Human Rights, Intellectual Property, Juvenile Justice, Landlord Tenant, Legislation and Regulation, Tax and Bankruptcy. LexisNexis® must continue to expand and add clinics to the page and work to increase awareness about these helpful resources. Additional sources that should be explored include Domestic Violence, Environmental Law, and Estate Planning. However, the website can be updated to address the needs articulated by clinicians and to improve the navigability.

This will address some of the issues that were highlighted in our survey such as administrative obstacles. The website could have a readily available

legal library. Such a revolutionary product could be a resource utilized by law clinics to bridge the gap in access to information for low-income citizens. For instance, one of the many products that LexisNexis® offers is the Inmate Law Library Solutions.⁴⁸ It is an external hard drive that innovatively provides inmates nationwide with access to legal information.⁴⁹ As 68% of all male prisoners have not obtained a high school diploma, LexisNexis® created a product that provides prisoners with access to statutes, case law, and secondary resources simplified into layman’s terms.⁵⁰ Ultimately, LexisNexis® has transformed the prison law libraries into a modern media center that is secure and easy for prisoners to use.⁵¹ Analogous to prisons, LexisNexis® could create a similar product for legal clinics to utilize to benefit its clients.

In addition, the website could create an automated client intake form that triages to the appropriate resources. The goal would be that clients will have their first contact with the clinic virtually. After filling out the online intake form, clients will be directed to the appropriate resources and will know if the clinic is able to move forward with their case.

Currently, there are legal organizations that have accomplished this goal. For instance, Legal Aid of North Carolina (LANC) recently established an Innovation Lab that utilizes the Central Intake Unit (“CIU”) to provide legal advice and services to eligible clients.⁵² After a client has been deemed eligible to receive LANC’s legal services, CIU staff refers the client to a local LANC office for an additional case review through LegalServer.⁵³

46 John Villasenor, *How AI Will Revolutionize the Practice of Law*, THE BROOKINGS INSTITUTION (Mar. 20, 2023), <https://www.brookings.edu/articles/how-ai-will-revolutionize-the-practice-of-law/> (last visited Aug. 14, 2023).

47 *Id.*

48 *Inmate Law Library Solutions*, LEXISNEXIS® (2021), <https://www.lexisnexis.com/pdf/corrections/Incorrectionslit.pdf> at 1.

49 *Id.*

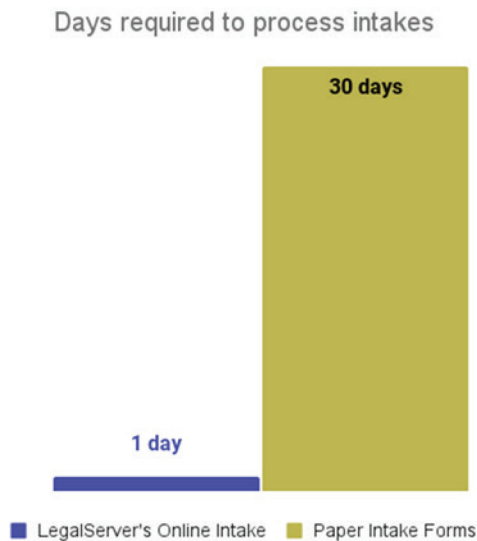
50 Caroline Wolf Harlow, *Education and Correctional Populations*, U.S. DEPT. OF JUSTICE (Jan. 2003).

51 *Inmate Law Library Solutions*, LEXISNEXIS® (2021), <https://www.lexisnexis.com/pdf/corrections/Incorrectionslit.pdf> at 1.

52 *Legal Aid of North Carolina - Central Intake*, LEGAL AID OF NORTH CAROLINA, (Feb. 14, 2022) <https://www.lawhelpnc.org/organization/legal-aid-of-north-carolina-central-intake> (last visited July 24, 2023).

53 *Id.*

LegalServer can significantly decrease the amount of time that legal clinics take to respond to client intake forms.



If legal clinics had a similar system in place, it would help with administrative challenges that they deal with on a day-to-day basis. When asked about what parts of their legal clinics can be automated, about a quarter of respondents indicated that client intake can be automated.

About 33% of respondents indicated that it takes them more than a week to determine whether to move forward with a prospective client, while about 23% can make that determination within a few hours. Thus, LexisNexis® can curate an automated client intake form that can be accessed through the proposed website to enhance the efficiency and functionality to better serve the low-income community.

The website can also include a database of pro bono private attorneys and legal clinics by location. This will provide clients with alternative legal resources in the community which would save legal clinics' time when having to outsource cases. About

36% of respondents indicated that they could not effectively connect potential clients with attorneys or resources unaffiliated with their clinics. It is important that legal clinics can connect clients to other attorneys or legal resources, since they frequently have to turn clients away. For instance, 69% of respondents indicated that a person is ineligible for services because of the case type or practice area, and 48.3% of respondents indicated that a person is ineligible for services due to their geographic location. A legal clinic should easily be able to guide these individuals to a database on the website that lists attorneys by practice area and location.

Finally, LexisNexis® can integrate its new AI features to help the clinics with potential clients' issues. Updated clinic websites on LexisNexis® can be the initial point of contact for potential clients, saving time, resources, and increasing efficiency. AI can help clinicians with drafting documents which will save time and allow more individuals to receive vital services. In addition, AI could also be used to help individuals with questions beyond the clinic's scope so that they may be able to receive some guidance to solve their problems.

With AI, clients would have easy access to a list of attorneys and resources in their respective communities. Additionally, clinics would benefit from help with automated forms and questionnaires facilitated through AI. This could reduce processing time for time-sensitive legal matters. AI may also help translate documents and forms for individuals who have limited English proficiency. With clinics that conduct phone intake, an AI feature called Interactive Voice Response will save processing time and help clinicians to focus their time on other areas of the clinics.

Analogous to LexisNexis®, Zensar Technologies ("Zensar Tech") works with various entities to determine how technology can improve the efficiency

of its clients. Recently, Zensar Tech improved a client's online banking system.⁵⁴ While analyzing the bank's previous system, Zensar Tech determined that the bank possessed more information than it actually disseminated to its customers.⁵⁵ Under the guise of the business's vision, Zensar Tech reimagined the banking system to meet both the needs of the company and the customers.⁵⁶ Since the bank offers vast financial information to aid its customers in financial decisions, part of Zensar Tech's approach included organizing the content for easier client access.⁵⁷ Zensar Tech's modifications increased customer callback by 38%, significantly reduced wait times for marketing, and lowered development costs.⁵⁸ Although Zensar Tech's work with this client dealt with banking, access to financial information in black communities is just as important as access to information regarding legal issues. Therefore, the curation of mediums that succinctly guide clients through legal procedures will be a helpful resource for clinics. Websites that contain information along with fillable court packets may be helpful for clients who are not able to afford an attorney.

Our survey also determined that the lack of funding posed the main challenge for many law clinics. Sadly, about 50% of survey respondents indicated that their main challenge is lack of funding for their clinics. According to LANC's most recent report, 60% of LANC's funds come from community organizations and government grants.⁵⁹ Comparatively, only 29% of respondents indicated that their primary source of funding comes from government grants and contracts. Legal clinics must take advantage of the government grants that are offered throughout the country. For instance, the Florida Bar Founda-

tion has a grant specifically for Florida law school clinics: Law School Civil Legal Clinic Grants.

Additionally, clinics that need more resources must engage in aggressive fundraising outreach. About 75% of respondents also indicated that they primarily receive funding from educational institutions. While our survey only focused on legal clinics that are affiliated with law schools, it is still imperative for law school legal clinics to build a rapport with students, alumni, and the surrounding community. For example, it would be extremely beneficial if alumni give back, whether that is by providing legal services or monetary donations. Further, current law students should be encouraged to participate in the legal clinics to develop their practical skills while aiding low-income communities. With the chronic underfunding of numerous law clinics, it may help to appeal to community donors to increase funding.

Another group clinicians should appeal to is their law school's alumni. At Georgetown Law Center, alumni can apply for Clinical Graduate Teaching Fellowships. Fellows enroll in a two-year clinic program at Georgetown Law Center where they supervise student attorneys, assist in teaching clinic seminars, and perform work on their own cases or other legal matters.⁶⁰ This program allows students to earn money, gain experience, and give back to their law school and the community at large. This program should be duplicated at other law schools.

LexisNexis® may be able to assist in fundraising efforts for legal clinics across the nation. Companies such as LexisNexis® can help by encouraging dona-

⁵⁴ *Building a Banking System Experience Fit for the Future*, ZENSAR TECHNOLOGIES, 2, (2021), https://www.zensar.com/sites/default/files/case-study/Building%20a%20banking%20experience%20fit%20for%20the%20future_0.pdf.

⁵⁵ *Id.* at 4.

⁵⁶ *Id.* at 3.

⁵⁷ *Id.* at 4.

⁵⁸ *Id.*

⁵⁹ *Legal Aid of North Carolina Annual Report 2022*, LEGAL AID OF NORTH CAROLINA, 26-27 (2023), <https://legalaidnc.org/2022-annual-report/>.

⁶⁰ *Graduate Teaching Fellowships*, GEORGETOWN LAW CENTER, (Feb. 14, 2022), <https://www.law.georgetown.edu/experiential-learning/clinics/clinical-teaching-fellowships/>.

tions. For instance, it could expand Lexis for Law Students which allows student users to donate their points to charity, to law clinics. Also, LexisNexis® can create a charitable foundation to support legal clinics in their endeavors to give low-income communities access to legal services. In addition, the technology and resources that LexisNexis® can provide to legal clinics will ultimately help them save time and money. A website with a relevant legal database, automated client intake forms, and AI will be extremely beneficial to legal clinics and will result in lower costs.

The recent technological advancements discussed above indicate that upgrading to case management software specifically created for legal service organizations will likely improve the efficiency of law clinics, since many of their current intake systems are causing processing delays. As technology advances, legal professionals across the spectrum are examining current systems and working toward building a more equitable future. Being a global leader in the provision of legal resources, LexisNexis® has produced a myriad of products that have contributed to bridging the gap between citizens and their access to justice. LexisNexis® can implement and transform some of their already-existing programs, such as Lexis AI and Legal Inmate Library, into a website for legal clinics.

Part V – Suggestions for the Next Cohort

During the completion of our project, we faced a few issues that should be noted for the next Fellowship cohort. The biggest issue we dealt with is timing. After brainstorming and putting together the survey, we began reaching out to clinicians via email in June 2023, which presented some challenges. First, many legal clinics are not operating because many professors do not work during the summer. Since the directors of the legal clinics that we contacted were all professors, we didn't receive as many responses as we would have liked. There-

fore, we suggest that the next cohort should send out the survey to legal clinicians before the end of the Spring semester. This can be easily done because the survey is already created.

Second, a lot of legal clinic directors were wary of clicking a link from an unknown person. Most IT personnel warn against this as a precaution. We received emails back from legal clinic directors that wanted to participate in the survey, but they, understandably, needed to verify our credentials and the legitimacy of the survey. The next cohort of Fellows should contact their respective law school clinic directors in person or by phone and use them to facilitate communication with other clinicians. Most clinic directors have a network of other clinic directors, so this is a great resource. In addition, legal clinic directors gather and plan yearly, around the end of April, at the Association of American Law Schools (AALS) Conference on Clinical Legal Education. Fellows and clinic directors should connect with AALS. The next cohort of Fellows should share our mission and the survey with the participants at the conference via a Quick-Response (QR) code.

If the next cohort is able to collect more data from the survey, then the results will be statistically more significant. They will have more flexibility with the research they conduct. For instance, the next cohort should explore the differences, if any, between HBCU law school clinics and Predominantly White Institution (PWI) law school clinics. Unfortunately, with limited data and time, we focused on all participating clinics, but future research should determine if any disparities exist because HBCU clinics typically do not possess the same resources as their counterparts at PWIs.

Law students can play a vital role in creating positive outcomes for legal clinics. Hopefully, future Fellows will contact additional clinicians using the survey we created. They can easily modify the survey if desired because the foundation has already been created. The next cohort can also follow up

with the clinicians who responded to our survey to see what new information is available. Undoubtedly, AI will be playing a larger role in clinics one year from now, so it will be interesting to see how AI has been implemented in legal clinics, and the challenges that are faced with it.

Conclusion

Centuries of oppression and discrimination have limited opportunities for many blacks and prevented many black families from creating generational wealth. Systemic racism is largely responsible for the disproportionate number of blacks living in poverty. Legal clinics provide valuable services to those who are unable to obtain quality attorneys and can make a critical impact in the lives of those they serve.

These clinics provide various legal services to those in need. However, many legal clinics are limited in their capacity because of lack of funding and support. With additional resources, legal clinics can serve more people and expand their offerings. For example, many clinicians indicated that they would create additional staff positions if given the opportunity. With additional attorneys and paralegals, clinical directors will have more freedom to devote their time to tasks which they feel are vital to clinic growth and success.

Companies such as LexisNexis®, with advanced technology, can provide resources for legal clinics that will improve efficiency allowing them to complete their work with less staff. An automated client intake form eliminates the need for a receptionist

conducting initial client screenings and directing clients appropriately. An automated client intake form and Interactive Voice Response would allow clients to provide information and to receive prompt answers in multiple languages.

Additionally, websites with accurate legal information will save clinicians and student volunteers time and allow them to focus on other pressing legal matters. Clients should be able to access useful, easy to understand information so they can make informed decisions regarding their legal situations. Often clients research their legal issues via the internet, but it is not guaranteed that the information they are obtaining is accurate. This is why clients seek legal advice from clinics. However, if clinics can direct clients to a website that has updated and accurate information, it will give clients' peace of mind while allowing clinics to save time.

AI will help clinics immensely. AI will be used by clinicians and student attorneys to obtain accurate useful information quickly. Most importantly, clients will benefit from AI because they can receive the information they need, on demand.

In sum, legal clinics are invaluable in the fight against systemic racism by providing legal assistance to black communities. However, many legal clinics desperately need help. Socially responsible companies like LexisNexis® should continue to prioritize providing tools and resources to legal clinics in their efforts to eliminate systemic racism and help achieve equity under the law. A partnership between LexisNexis® and legal clinics will be a positive step in creating a better tomorrow.

Fellows



Veronica Alba

Veronica Alba is a third-year law student at Florida A&M University College of Law. Her experience working at Morgan & Morgan, America's largest personal injury law firm, inspired her to pursue a career in personal injury upon graduation. After five years working as a teacher, Veronica hopes to engage, inspire, and lead others in the courtroom as she has in the classroom.



Paul Campbell

Paul Campbell is a fourth-year part-time law student at the University of the District of Columbia David A. Clarke School of Law. He is an Associate Editor of UDC Law Review, Secretary of the Evening Law Students' Association, and Clerk of the Cahn Chapter of Phi Alpha Delta Law Fraternity, International. Additionally, he is a Compliance Officer of the Equal Employment Opportunity Commission and First Lieutenant in the U.S. Army Reserves. After graduation, he plans to practice real estate and military law.



Larry Futrell

Larry Futrell is a third-year law student at North Carolina Central University School of Law. Larry's passion for public service inspired him to serve his community in various capacities. Not only was Larry employed by his local District Attorney's Office before coming to law school, but he also interned with Legal Aid of North Carolina during his law school experience. As someone who understands the needs of his community, Larry is committed to using his legal education for the betterment of his community.