

February 2021

Volume 26, Number 4

GEORGIA BAR  
**JOURNAL**

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THE LEGAL

**At Bat in the *Batson* Box, Again: An Updated Guide to Non-Discriminatory Jury Selection in Georgia**

# Accessing Justice Online: Georgia.FreeLegalAnswers.org

It takes less than five minutes to sign up to provide pro bono legal services via the ABA's Free Legal Answers website, and the demand is higher than ever.

BY ELIZABETH M. GRANT AND PHIL SANDICK



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**Did you know that you can provide** pro bono legal services whenever you want, wherever there is an internet connection? The ABA's Free Legal Answers website is a "virtual clinic" in Georgia and other states where lawyers can provide limited scope representation answering civil legal questions for low-income users.

As the COVID-19 pandemic continues, the demand for pro bono legal help is higher than ever. Before the pandemic, Georgia users posted around 100 questions per month. Now they post around 300, but only about 25 of those questions get answered, and only 167 Georgia attorneys are registered on the site.<sup>1</sup> 275 unanswered questions per month might seem like a lot, but there are nearly 40,000 active Bar members in Georgia.<sup>2</sup> Are you registered on the site? The people of Georgia need you.

Registering is easy. Just go to Georgia.FreeLegalAnswers.org and sign up. It takes less than five minutes.

## **Web-Based Platform Helps Bridge the Access to Justice Gap**

The Free Legal Answers website is uniquely suited to address access to justice gaps in Georgia. While an online legal answer is not the same as engaging a lawyer for full

representation, most site users can't hire an attorney due to geography, income or both. And most Georgia lawyers are in Atlanta.<sup>3</sup> As of 2015, 29 Georgia counties had five or fewer lawyers and another six counties had no lawyers at all.<sup>4</sup> Sure, there's the Georgia Legal Services Program serving counties outside metro-Atlanta, but many of the questions fall outside of the topics handled by overburdened civil legal services agencies. (And did we mention that they are overburdened?)

Free Legal Answers also gives people the opportunity to get answers without missing work or traveling to a lawyer. On the other side, Georgia lawyers can meet their aspirational commitment of 50 hours of pro bono work per year under Georgia Rule of Professional Conduct 6.1<sup>5</sup> at a time and place that is convenient for them. It's so easy, and when you realize you can help two to three or more people in only one to two hours, then you'll answer a bunch of questions.

Any adult can post a limited number of non-criminal questions per year if they are financially eligible<sup>6</sup> and are not incarcerated. The user provides their name, county, name of the opposing party and indicates the category of their legal issue. The user can indicate if they are a veteran, if they're over 65 years old and if there is a deadline associated with their inquiry. The user's account is password protected, and the user may attach documents or return to edit their post.

Any State Bar of Georgia member in good standing or who is otherwise qualified to give pro bono advice may register to use the site. Answering questions on the website creates a limited scope attorney-client relationship as contemplated by Georgia Rule of Professional Conduct 6.5.<sup>7</sup> General conflict of interest rules do not apply due to the limited scope, pro bono nature of the representation; attorneys need only avoid conflicts that are known at the time they are answering the question.<sup>8</sup> Malpractice insurance is covered by the ABA for legal advice provided on the website.

The best part? Attorneys may choose from a queue of available questions that can be sorted by topic or date. You can read the entire question before deciding whether you want to answer it. Once an attorney agrees to answer a question, they can answer it immediately or anytime within the next three days. Attorneys can also send follow-up questions to the user or request documents before answering the question. The user doesn't see the attorney's name unless the attorney chooses to include it in the answer, but the attorney's name and answer can be seen by the site administrator. If an attorney does not post a response within three days, the question automatically returns to the queue. The website allows attorneys to log pro bono hours, and answered questions remain visible in the attorney's account even after they are closed.

Once any attorney posts a response or request for further information, the user receives an email notice to sign into their account and read the reply. The website allows the user and attorney to message each other back and forth until either person closes the question. If there is no activity for 10 days, the question is automatically closed.

## Tips for Answering Questions

### 1 Do what you can.

You cannot do it all, but if only 300 lawyers spent one hour per month answering questions—a quarter of their annual pro bono hours—more than 3,500 questions could be answered per year. That would likely answer all questions posted to the site. That would also be around 150 times the number of questions that were answered in 2020.

### 2 Use training and support materials.

It's a lot easier to answer basic questions if you don't try to reinvent the wheel. The

site has a tab of resources for attorneys: everything from short videos about the nuts-and-bolts of answering questions to a manual of basic points of law on the most commonly asked questions. It even contains some form answers. Also, GeorgiaAdvocates.org, a project of the Georgia Legal Services Program and the State Bar of Georgia Pro Bono Resource Center, contains a variety of resources including a Georgia Disaster Law Manual, and GeorgiaLegalAid.org has a lot of relevant and accurate legal information sorted by topic. (Big hat tip to the Georgia Legal Services Program and the Atlanta Legal Aid Society for keeping those resources fresh).

### 3 Prioritize the most recent questions.

Look recently posted questions and those with upcoming deadlines first, as those are more likely to have emergent issues that can most use your help.

### 4 Choose questions considering what time you have available.

If you only have a limited amount of time, answer a simple question that contains enough facts to provide an answer. If you are able to sign on and off the website over a period of time, select a more complex question and ask the client follow-up questions or request documents. Those questions are less likely to be answered by other attorneys who may not have time for a back-and-forth conversation.

### 5 Read and re-read what is being asked.

Similar to a face-to-face interview, a client may share facts that are not legally relevant to their problem while leaving out other legally relevant facts. Consider whether you have enough facts to answer the question or if you need to ask follow-up questions. Recap the relevant facts in your answer to be clear your advice is limited to the facts given and to alert the client if a fact has been miscommunicated or misunderstood.

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## Free Legal Answers is a convenient and useful tool for delivering pro bono legal service no matter where you are or how much experience you have with pro bono work.

### **6** Use plain language.

You won't know the user's education level, so avoid legalese and use short, clear sentences. Remember that you cannot assess the user's understanding of your answer in a face-to-face meeting. If there are terms the user will see in legal documents or hear in court, define those terms in a way a layperson can understand. A short video on using plain language is linked on the resources page.

### **7** Keep the question open after you answer.

If you close the question immediately upon answering, the user will not be able to reply with follow-up questions or thank you for your advice. If you leave the question open, it will close automatically after 10 days if there is no further communication between you and the user. Don't be scared: in our experience, nine times out of 10, the only response is, "Thank you."

### **8** Consider taking a case pro bono when appropriate.

Some questions are too complex to answer online; the user needs full representation. If you are interested in taking a case pro bono, contact the site administrator to either transfer the case to a legal services pro bono program or to your firm. Remember that the ABA malpractice coverage will end once you go beyond the limited scope of the website—but another pro bono program may be able to cover your work.

### **9** Familiarize yourself with available civil legal services in Georgia.

While many of the questions cover topics that are not eligible for civil legal services,

consider including a referral to Atlanta Legal Aid<sup>9</sup> in metro-Atlanta or the Georgia Legal Services Program<sup>10</sup> outside of metro-Atlanta. This includes questions related to domestic violence, housing, unemployment benefits, disability or public benefits. Do not assume the user is familiar with those programs unless they state that they already contacted one of those services.

### **10** Stay in your lane but get help with the driving.

Lawyers are ethically obligated under Rule 1.1 to provide competent legal advice,<sup>11</sup> but what if you cannot find a question in the queue within your area of expertise? Take a second look, as you may find some purely procedural questions that you realize you can answer. Consider educating yourself on one frequently asked topic and focus on that topic, such as eviction, divorces without children or consumer complaints. Then when you log in to the site, you can scroll down and answer multiple questions on that particular issue. You can also organize a group of lawyers with various areas of expertise to register on the website and consult on questions. Which leads to ...

### Host a Help-a-Thon!

Organizing a Free Legal Answers event is a great way to answer lots of questions in a short period of time while pooling lawyers with varying areas of expertise. The University of Georgia School of Law's Public Interest Practicum and Jane W. Wilson Family Justice Clinic have hosted two help-a-thons during which members of the State Bar's Access to Justice Committee worked with law students to draft answers for the website.<sup>12</sup> Alston & Bird,

the Young Lawyers Division and others have hosted help-a-thons, too.

These events can be held virtually on any videoconferencing platform or in-person (when it is safe to do so). Events can be scheduled for two or three hours with lawyers who have registered on the site. Subject-matter experts from legal service providers or elsewhere can be available to consult with volunteers who are less familiar with family law, housing, consumer issues, probate or other common topics on the site. Help-a-thons can be organized by a law firm, a local bar association, state or local bar subcommittee, or any group of lawyers who want to come together to enjoy some social interaction while also helping others. Firms have successfully hosted them with clients as business development/relationship building events, too. For assistance setting up a help-a-thon, email [GeorgiaFreeLegalAnswers@gmail.com](mailto:GeorgiaFreeLegalAnswers@gmail.com).

### Conclusion

Free Legal Answers is a convenient and useful tool for delivering pro bono legal service no matter where you are or how much experience you have with pro bono work. Whether you have two hours a week or two hours a year—hopefully the former—there are questions waiting for you to answer. Make a resolution to give some of your time to Free Legal Answers during 2021. ●



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### Endnotes

1. American Bar Association Free Legal Answers March 2020 Report.
2. See <<https://www.gabar.org/aboutthebar/index.cfm>>.
3. Tucker, Rural Lawyer Shortage Concerns Leaders of the Legal Profession, Daily Report (January 8, 2015), <<https://www.law.com/dailyreportonline/almID/1202714375765/>>.
4. Tucker, Here are the Six Georgia Counties That Have No Lawyers, Daily Report (January 8, 2015), <<https://www.law.com/dailyreportonline/almID/1202714378330/Here-Are-the-Six-Georgia-Counties-That-Have-No-Lawyers/>>.
5. See <<https://www.gabar.org/Handbook/index.cfm#handbook/rule140>>.
6. Currently 250% of the federal poverty level and no more than \$10,000 in assets.
7. See <<https://www.gabar.org/Handbook/index.cfm#handbook/rule559>>.
8. See "Conflicts," <<https://georgia.freelegalanswers.org/Attorneys/Account/Agreement>>; Georgia Rule of Professional Conduct 6.5 (a).
9. See <<https://atlantalegalaid.org>>.
10. See <<https://glsp.org>>.
11. Georgia Rule of Professional Conduct 1.1, <<https://www.gabar.org/Handbook/index.cfm#handbook/rule79>>.
12. Prof. Elizabeth Grant was assisted by Christine Scartz, clinical assistant professor and director of the Jane W. Wilson Family Justice Clinic.



# RESOURCE CENTER



The State Bar of Georgia can help you do pro bono!

- Law practice management support on pro bono issues
- Professional liability insurance coverage
- Free or reduced-cost CLE programs and webinars
- Web-based training and support for pro bono cases
- Honor roll and pro bono incentives

Visit [www.gabar.org](http://www.gabar.org) / [www.GeorgiaAdvocates.org](http://www.GeorgiaAdvocates.org).