

Eighteen Plus Months of Remote Legal Services: Best Practices and Silver Linings

Suzanna Brickman, Sara Andrews and Andrew Valentine

2021 Asia Pro Bono Conference Session Slide



Photo featured in the guide.



Two-thirds of the world’s population, or 5.1 billion people, lack meaningful access to justice, and an estimated 1.5 billion have justice problems they cannot resolve themselves. These problems were exacerbated as COVID-19 spread across the globe and further limited access to legal services. As the needs of vulnerable communities multiplied, the pandemic forced us to confront the reality that providing legal services remotely was necessary to meet existing and expanding legal needs.

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Recognising the critical role that pro bono can play in “helping the helpers,” New Perimeter, DLA Piper’s nonprofit affiliate that provides long-term pro bono legal assistance in underserved regions around the world, collaborated with the Open Society Justice Initiative and the Legal Empowerment Network, a global network convened by Namati, to publish *Providing Legal Services Remotely: A Guide to*

Available Technologies and Best Practices. The guide, available in English, Spanish, French, and Ukrainian, is a practical resource for legal services providers (LSPs) around the world, particularly those operating in remote areas. It covers the use of hotlines, online workshops and clinics, privacy concerns, case management technologies, and remote access to courts. It also addresses ethical issues, such as confidentiality, privilege, and handling sensitive information.

Andrew Valentine, a partner at DLA Piper who helped lead the project, noted: *“There is a lot of information out there regarding ways to communicate remotely, but it can be difficult to understand the pros and cons of these technologies and services. We wanted to put something together that would make it easy for LSPs to navigate the breadth of available options.”*



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Photo featured in the guide.

2021 Asia Pro Bono Conference Session Participants

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In addition to describing available technology, the guide provides case studies of LSPs that have implemented innovative programs to reach clients, including:

- In the Philippines, using social media to collect and respond to legal questions, and to post Know Your Rights information;
- In Kenya, introducing free legal assistance through a SMS platform, and using hashtags on social media to forward legal issues to that platform;
- In Ecuador, employing a hotline to anonymously report and seek advice on environmental and land rights issues;
- In Ukraine, developing a live chat tool integrated into a LSP’s website, which has resulted in resolution of 95% of legal enquiries; and
- In the US, creating “virtual offices” (kiosks with secure connections) to enable immigrant children in remote areas to communicate securely with lawyers in cities.

Dr. Annette Mbogoh, Executive Director of Kituo Cha Sheria in Nairobi, Kenya, said: *“The guide is one-of-a-kind and has made it easier for practitioners to know where to start when transitioning from in-person to online interactions.”*

“So often in life, things that you regard as an impediment turn out to be great, good fortune.”

Justice Ruth Bader Ginsburg

During the 10th Asia Pro Bono Conference, held virtually in September 2021, New Perimeter led a session entitled *“Eighteen Months of Remote Legal Services - Best Practices and Silver Linings.”* We asked LSPs and participants to reflect upon the following questions: What aspects of remote legal services have expanded access to justice?

What will you carry with you once the pandemic is behind us? What is your silver lining from the forced transition to remote legal services?

Nesha Balasubramanian, Senior Associate, Pro Bono Manager Australia at DLA Piper, who leads a course on access to justice at University of the

South Pacific Law Faculty in Fiji and Vanuatu, reflected on the transition from in-person to remote teaching: *“We have allocated part of our travel budget to purchase technology for students. That allows them to participate in the course more fully and supports their ongoing online education and digital literacy development. Additionally, with climate change on our minds and Pacific Island nations being some of the worst affected, we want to reduce our carbon footprint and push boundaries of what can be done online before hopping on a flight. We think holistically about our impact.”*



Providing legal services remotely: a guide to available technologies and best practices



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Amanda Jancu, Senior Attorney at the Los Angeles Center for Law and Justice, sees the silver lining as “options.” In serving domestic violence survivors, “trauma informed services are critical. With online court and legal services, clients have more options. We can still meet in-person but can be guided by the client’s preferences.” Carmen McDonald, Legal Director at LACLJ, noted: “Remote services remove barriers. Clients used to ride multiple buses for several hours, often with young children, to get services. Now we can provide services without those challenges.”

With necessity as the mother of invention, we were compelled to seek alternative, and in many instances more effective, ways to serve communities. This is a silver lining. In fact, when surveyed, 69% of the audience at the conference session said that the biggest benefit of remote services has been that more people can access legal help, and 80% said that even when it is safe to return to in-person services, they will maintain a hybrid practice, combining the use of online technology with in-person outreach.

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Looking forward, when in-person services are possible, we will need to ask: Are they necessary? Certainly, there will be times when the answer to that question is yes. But there will be other times when clients can be served just as well – and, even better, access to justice can be expanded – through remote legal services. We hope that the guide, and the innovative examples it highlights, continues to be a tool that empowers practitioners and enables clients to more easily access legal care. ■



Suzanna Pacht Brickman serves as Pro Bono Counsel, helping to expand the firm’s North America and global pro bono impact. Suzanna oversees and develops the pro bono practice in the firm’s Northern California and Los Angeles offices. In her own practice, Suzanna has represented asylum seekers and detained immigrants, worked on impact litigation, managed large-scale criminal justice projects, and assisted under-served communities with a variety of legal needs. Suzanna also works with New Perimeter, DLA Piper’s non-profit affiliate focused on global pro bono in under-served regions. Suzanna has led and participated in worldwide efforts, including training lawyers, law students, and other stakeholders in Africa, Southeast Asia, Latin America, and the Caribbean, to build capacity and promote the rule of law. Suzanna has also led cross-office and cross-jurisdiction research projects and curriculum development for international NGOs.



Sara Andrews is Senior International Pro Bono Counsel and Assistant Director for New Perimeter, DLA Piper’s non-profit affiliate that provides long-term pro bono legal assistance in under-served regions around the world to support access to justice, social and economic development and sound legal institutions. As Assistant Director of New Perimeter, Sara helps lead the strategic direction of the program. She also develops and works on New Perimeter projects and manages global teams of DLA Piper lawyers. Sara has led and contributed to projects focused on legal education, law reform, access to justice, women’s rights and economic development throughout Africa, the Balkans and Latin America. She has developed partnerships with NGOs, government agencies and other joint venture partners.



Andrew P. Valentine is a partner at DLA Piper LLP (US) where he has practised as a trial attorney for close to 30 years. Currently, Andrew splits his time between serving in DLA Piper’s Office of General Counsel, and developing and working on international projects through New Perimeter, DLA Piper’s international pro bono arm. In the last 10 years, Andrew has participated in and led pro bono projects and trainings in Southeast Asia (Nepal, Laos, Myanmar, Indonesia, Malaysia), Africa (Rwanda, Namibia) and the Caribbean (Trinidad & Tobago).

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