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Special Introduction: October 2010

Lauren K. Robel

Indiana University Maurer School of Law, lrobel@indiana.edu

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SPECIAL INTRODUCTION

OCTOBER 2010

Lauren Robel

The privilege of belonging to the legal profession carries with it the moral obligation to assure legal services for those in our communities who are otherwise underserved by the profession. But despite the exhortations of the rules of professional responsibility and national and state bar associations, many people face the power of the legal system unrepresented. Pro se litigants often face the possibility of life-altering legal events without the advocate every individual deserves in a nation founded on principles of equal justice under law—and the results can be wrenching and place huge burdens on the judiciary.

What role do law schools play in addressing the enormous gap in the provision of legal services? I think there are four places where law schools can make a significant difference. First and foremost, we have a central role in assuring that those entering the profession understand the nature, causes, and extent of the gap in the provision of legal services that leads to the issues raised by those who are forced to proceed without counsel. Second, we need to ensure that students understand their role in solving chronic lack of representation, both systemically and through working with the courts and the bar associations to address the special challenges of the unrepresented. Third, we have an obligation to ensure that our students understand not only their professional obligation to provide pro bono services, but also the professional satisfaction and joy that such work can bring. And finally, we have a responsibility to provide direct legal services to those who would otherwise be unrepresented.

I am proud of the Indiana University Maurer School of Law's long-standing commitment to public service and the provision of direct legal services. Our first-year course on the Legal Profession includes a substantial segment on the gap in the provision of both civil and criminal legal services for people without significant means. Students are stunned to learn the extent of this gap and are challenged to think of the ways they can work in their professional lives to reduce it. And we have been consistent leaders in the provision of direct legal services. The Community Legal Clinic has been providing legal services to indigent and low-income community members since 1987. This clinic focuses on family law cases, including divorce, establishment of paternity, guardianship, adoption, parenting, and custody. The Viola J. Taliaferro Family and Children Mediation Clinic assists low-income families and provides help in reducing court dockets by offering positive, respectful, collaborative, and inter-disciplinary mediation services designed to reduce family conflict and help return decision making about children to their parents. Our Disability Law Clinic provides legal services to individual clients and disability rights groups to address discrimination and to access benefits and services designed to assist low-income people with disabilities. And our Protective Order Project has coupled lawyers and students to represent abuse victims since 1989. In addition, students have opportunities to work with self-represented litigants in areas in which this does not violate the unauthorized practice rules, through the Tenants Assistance Project, the Inmate Assistance Project, and many other community programs including the Community Justice and Mediation Center and Monroe County Court Appointed Special Advocates Program.

In 2009, the law school's faculty adopted the Access to Justice Program, part of which established an aspirational level of pro bono work to be done by our students. Each student is encouraged to fulfill

Correspondence: lrobel@indiana.edu

sixty hours of pro bono work during their three years of school. In the first semester of the program, 100 students reported more than 1000 hours of pro bono work. The Access to Justice Program is a mosaic of pro bono and community service opportunities and matches law student volunteers with opportunities to serve through Indiana's pro bono and legal services community.

I am pleased by the efforts of the law school's faculty and students to help provide legal assistance to those whose legal needs would otherwise go unmet. I am also pleased that Professor Amy Applegate is the guest editor of this special issue of *Family Court Review* concerning access to justice for self-represented litigants. Professor Applegate has consistently devoted substantial time and effort to access-to-justice issues in her teaching, service, and scholarship.

The IU Maurer School of Law, along with law schools across the nation, views itself as a partner in the legal profession's efforts to raise awareness and provide solutions to the problems presented by self-represented litigants and barriers to access to justice. But ultimately, those problems are symptomatic of a larger societal problem: making the resources available to assure representation for all our country's citizens.

Lauren Robel's research focuses on the federal courts. Her articles have appeared in numerous leading law journals. She is a frequent speaker on topics ranging from procedural reform to sovereign immunity and coauthor of Federal Courts: Cases and Materials on Judicial Federalism and the Lawyering Process (LEXISNEXIS 2005), a casebook on federal jurisdiction written with Arthur Hellman. She has also been a visiting faculty member at Université Panthéon-Assas (Paris II), where she published a book, Les États des Noirs: Fédéralisme et question raciale aux États-unis (Presses Universitaires de France, 2000), with Professor Elisabeth Zoller. She serves as a member of the Association of American Law Schools Executive Committee and of the Rules Advisory Committee for the U.S. Court of Appeals for the Seventh Circuit.