CONTENTS

1 Equal Justice Under Law:
The Gap between Principle and Practice  3

Defining the Goal: Access for Whom? For What?
How Much? And Who Should Decide?  5

The Increasing Role of Law and the Rationale
for Legal Assistance  7

The Inadequacy of Legal Assistance  11

Self-Representation and Nonlawyer Assistance  16

The Limitations of Lawyers’ Pro Bono Service
An Agenda for Reform  19

2 Litigation and Its Discontents:
Too Much Law for Those Who Can Afford It,
Too Little for Everyone Else  24

Legal Hypochondria: Argument by Anecdote  26

Redefining the Problem: Inefficiency,
Inconsistency, and Inequity  31

Reassessing Causes; Rethinking Solutions  38

3 Historical Perspectives:
Legal Rights and Social Wrongs  47

Early Understandings of Access to Justice  47
The Evolution of a Right to Counsel in Criminal Proceedings 49
Civil Legal Services for the (Deserving) Poor 58
From Clients to Causes: Pro Bono and Public Interest Representation 64
Restraints on Competition: Advertising, Solicitation, Minimum Fees, and Group Legal Services 69
Nonlawyer Services 74
The Historical Legacy 77

4 Access to What?
Law without Lawyers and New Models of Legal Assistance 79
Law without Lawyers 81
Policing the Professional Monopoly 87
One Stop Shopping: Multidisciplinary Practice 91
Making Lawyers' Services More Accessible 96

5 Locked In and Locked Out:
The Legal Needs of Low-Income Communities 103
The Challenges of Triage: Which Needs to Meet and Who Should Decide 105
Critics from the Right; Critics from the Left 108
Expanding the Scope of Legal Assistance: More Funds, Fewer Restrictions 112
Ensuring an Effective System 117

6 Presumed Guilty:
Class Injustice in Criminal Justice 122
Institutionalized Injustice:
Defense Counsel for the Poor 123
Inadequate Responses to Inadequate Representation 131
When the Difference Is Death 137
Making Rights a Reality 142
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Pro Bono in Principle and in Practice</td>
<td>145</td>
</tr>
<tr>
<td></td>
<td>The Rationale for Pro Bono Responsibilities</td>
<td>146</td>
</tr>
<tr>
<td></td>
<td>The Extent of Pro Bono Responsibilities: Rules and Realities</td>
<td>152</td>
</tr>
<tr>
<td></td>
<td>The Evolution of Law School Pro Bono Programs</td>
<td>156</td>
</tr>
<tr>
<td></td>
<td>Workplace Influences on Pro Bono Service: An Empirical Analysis</td>
<td>160</td>
</tr>
<tr>
<td></td>
<td>Law School Pro Bono Programs: An Empirical Analysis</td>
<td>173</td>
</tr>
<tr>
<td></td>
<td>An Agenda for Reform: Connecting Principles to Practice</td>
<td>178</td>
</tr>
<tr>
<td>8</td>
<td>A Roadmap for Reform</td>
<td>185</td>
</tr>
<tr>
<td></td>
<td>Government Funding and Bar Pro Bono Contributions</td>
<td>186</td>
</tr>
<tr>
<td></td>
<td>Structural Changes in Dispute Resolution and the Delivery of Legal Services</td>
<td>189</td>
</tr>
<tr>
<td></td>
<td>Accountability</td>
<td>191</td>
</tr>
<tr>
<td></td>
<td>The Politics of Progress</td>
<td>193</td>
</tr>
</tbody>
</table>

Notes 195

Index 241