= 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

7 Pro Bono in Principle and in Practice 145

The Rationale for Pro Bono Responsibilities 146
The Extent of Pro Bono Responsibilities:
Rules and Realities 152

The Evolution of Law School Pro Bono Programs 156

Workplace Influences on Pro Bono Service:

An Empirical Analysis 160

Law School Pro Bono Programs:

An Empirical Analysis 173

An Agenda for Reform:

Connecting Principles to Practice 178

8 A Roadmap for Reform 185

Government Funding and Bar Pro Bono
Contributions 186
Structural Changes in Dispute Resolution
and the Delivery of Legal Services 189
Accountability 191
The Politics of Progress 193

Notes 195

Index 241