

May 5, 2023

Margaret Satterthwaite
United Nations Special Rapporteur on the Independence of Judges and Lawyers
Via Email - hrc-sr-independencejl@un.org

Re: *Call for Input on the Promise of Legal Empowerment*

Dear Professor Satterthwaite:

Thank you for the opportunity to provide input on the promise of legal empowerment to expand and transform access to justice. This letter offers our reflections on the subject after ten years of work as the first innovation laboratory at a U.S. law school.

A brief introduction is in order. The NuLawLab emerged in 2011/12 from the clinical movement in legal and experiential education, drawing specifically from the ethos of Northeastern University School of Law's (NUSL) status as the leading experiential and public interest law school in the U.S. and from our founding faculty director Martha F. Davis' position as the Associate Dean for Experiential Education. Our current law school pedagogy includes coursework, legal design internships (called "co-ops" at NUSL), independent studies, and practical legal design capstone projects, all of which are intended to prepare law students to expertly apply legal design methods as innovation in the legal profession accelerates. Much of this work is informed and engaged with our external projects, which are typically in partnership with external community and/or legal services organizations that are pursuing legal empowerment. Indeed, our vision statement reflects the centrality of legal empowerment to our identity and focus: "[w]e imagine a world where everyone is empowered to use the law."

This letter offers input on three distinct subjects: (1) the limitations of existing digital technology to legal empowerment initiatives; (2) the value of artistic and cultural organizing practices to legal empowerment; and (3) the importance of integrating instruction on legal empowerment models, methods, and outcomes into the curriculum of U.S. law schools.

The Limitations of Existing Digital Technology to Legal Empowerment Initiatives

One important focus of our external project work for the last ten years has been the collaborative design and development of digital technology tools to help people access their legal rights without regard to their ability to hire a lawyer. This work includes the creation of [RePresent](#) - the first digital game to teach people how to represent themselves in court (first as an online resource in 2016 and then as a smartphone app in 2018); a simple web chatbot to help women with military service access legal, social, and emotional support resources (2016); and a virtual reality [courthouse tour](#) to assist self-represented litigants in Colorado county courts (2022). While each of these projects were a success across a number of metrics (such as co-design, user, and technology outcomes) we have found that they are falling short

in terms of one of the most important ones - the number of individuals who access and fully use the tools to advance their rights.

We are not alone in making the observation that digital tools often fall short in this space. Informative is Dr. Rebecca Sandefur and the American Bar Foundation's 2019 report "[Legal Tech for Non-Lawyers: Report of the Survey of U.S. Legal Technologies](#)," which surveyed 320 mostly free-to-use digital tools for nonlawyer users navigating justice problems. Among other things, the report found that just over 50% actually assist the user in taking action on such a problem, many required resources or capabilities that some groups and communities are unlikely to have, and many of the problems served by the tools only partly match the legal problems most commonly reported by Americans. Not only does lack of access to digital technology diminish the utility of such tools for legal empowerment efforts, but their very focus and structure often miss the mark.

This is not surprising given the focus and structure of the legal rights and institutions that these digital tools are intended to help people navigate. When big parts of the problem are the complexity of laws and the opacity of legal processes, a smartphone app isn't going to help much. We remain optimistic, however, that future technology solutions can make headway on these problems, especially in the rapidly developing field of generative artificial intelligence.

The Value of Artistic and Cultural Organizing Practices to Legal Empowerment

Since our inception, we have centered a good deal of our efforts around deploying artistic and cultural methods in our work. Led by our creative director Jules Rochielle Sievert, this strategic focus emphasizes the value of placing culture at the center of an organizing strategy, and engaging with community-invested artists who are contributing their creative practices to making change and strengthening communities. Much of our learning in this regard is informed by our Stable Ground program, which brought together legal students and experts, artists, community-based housing justice organizations, various specialists, and the City of Boston's housing security agency to understand and call attention to the human impact of the housing crisis as opposed to the traditional focus on statistics, real estate, and units. Our independent evaluator found that,

Stable Ground moved the needle with respect to its goals of informing and impacting the city's housing policy to be more trauma-informed, supporting under-resourced community-based cultural organizing around affordable housing that is already happening in Dorchester and surrounding neighborhoods, and learning how to support a lawyer's approach to working with and alongside impacted communities. . . . [The program] made important strides and confirmed participants' instincts regarding the value of trauma-informed and culturally resonant practice.¹

The value of this approach was further confirmed by one of our pandemic rapid relief projects - the Boston Housing Support Station (BHSS), comprised of a collection of anti-eviction and displacement

¹ Danya Sherman, Building Stable Ground, An Evaluation Report (October 2019), available at <https://bit.ly/BuildingStableGround>.

support services for East Boston residents, and itself the second iteration of Stable Ground 's programming around housing justice and equity. That effort consisted of a physical computer station kiosk located at Maverick Landing Community Services (MLCS) in East Boston where residents could come to access legal, digital, and language resources to fight eviction and displacement. The kiosk itself was supplemented by virtual assistance from NUSL law students and local community members primarily focused on helping residents apply for pandemic rental relief. BHSS also deployed arts and culture, with artists and architects as central project planners and administrators, and with continued efforts to engage the public with housing and social justice issues through the arts (e.g., pop-up events and art workshops as public health restrictions eased).

The outcomes from late 2020 to February 2022 are informative, with 96 rental relief applications submitted and nearly \$500,000 of pandemic rental relief distributed to East Boston families, 23 individuals receiving legal support, and 11 partner organizations contributing to the work. Our evaluator once again found that "[t]he cultural and artistic approach to [the work] was critical to the success of The Station."² Our cultural and artistic approach to legal empowerment recently received the imprimatur of the National Endowment for the Arts, which awarded the NuLawLab a 2023 Research Lab award to further our housing stability by examining the impact of such strategies on residents' sense of belonging and social cohesion. Among other things, we have found that a cultural and artistic approach to our legal empowerment efforts increase the credibility of the initiative within the community we are serving, and enhances adhesion among the individuals and organizations coming together to solve a particular problem. Both outcomes are desirable in the context of legal empowerment, especially when law-centered organizations like the NuLawLab are in the mix with activists and organizers.

Integrating Instruction on Legal Empowerment Into U.S. Legal Education

Our final observation does not rest on qualitative or quantitative project evaluations, but on our experience educating law students on legal design and empowerment for the last ten years. Nearly 200 students have engaged deeply with the NuLawLab since our founding, either through our coursework (e.g., Laboratory Seminar in Applied Design & Legal Empowerment, Master Class in Legal Design), full-time cooperative legal education placements, or independent studies. Each of those engagements has included instruction on, and often hands-on experience with, legal empowerment approaches. We strive in each of those engagements to elevate for students the imperative of legal empowerment to their future role as lawyers. Many of those former students are now rising leaders in the space of legal design, innovation, and empowerment.

We think all law schools should incorporate legal empowerment instruction into their curriculum. We make that recommendation not only because we have seen solid learning and career outcomes among our students, but because we think the future of law rests in large measure on eliminating the paywall that currently excludes most Americans from being able to effectively navigate, let alone resolve, their legal problems. The current leaders and front line workers of the legal profession are largely not the ones to make that change. The next generations of lawyers can and should help make that change, together

² Chelsea Bruck Bennouna and Danya Sherman, *The Boston Housing Support Station: Exploring the Impact of an Arts-Engaged Coalition's Legal Response to Housing Crisis* (June 2022), available at <https://bit.ly/BHSSEvaluation>.

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with the activists, organizers, artists, academics, funders, and others (including lawyers!) who have been advancing the work for decades. It is therefore incumbent upon legal educators to advance this cause. Legal empowerment should be introduced to every first year law student as an example of how lawyers can help the world achieve the full promise of the rule of law. Legal empowerment ideas should not be restricted to law school clinics, but should be incorporated into doctrinal courses so that faculty and students can explore the benefits and risks of the approach no matter the subject matter. Legal empowerment organizations and opportunities should be highlighted by every law school career services department.

The embrace of legal empowerment by law schools can be seen as a radical act because doing so acknowledges the need to liberate people's legal rights from lawyers' fees. We do not think it is particularly radical, but it is necessary. We often describe ourselves as working to create a world where everyone can access, understand, and activate their legal rights without regard to their ability to hire a lawyer. We think the future of law must head in that direction in order to build greater public confidence in, and reliance on, the rule of law. Lawyers can help invent that future, but to do so, they need education and tools. Law school is among the best places to train the legal empowerment inventors of the future.

Thank you for your service to the United Nations as Special Rapporteur, and for undertaking this particular report as you examine and make recommendations regarding the independence of judges and lawyers. Should you have any questions, do not hesitate to contact any of us.

Sincerely,



Dan Jackson
Executive Director