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**Transgender Student Rights Under Title IX –
The Still Evolving and Shifting Landscape**

**Intentional Infliction of Emotional Distress:
A Gap-Filler Tort More Limited Than Punitive
Damages**

**Helping Self-Represented Litigants Isn't
Charity Work, It's A Professional Obligation**

Helping Self-Represented Litigants Isn't Charity Work, It's A Professional Obligation



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When someone can't afford a lawyer, we need to ensure some basic level of fairness in how that person moves through a civil court case.

"I have a hearing today, but I don't know what to do. I'm not even sure why I'm being evicted."

This quote represents how a tenant typically approaches the Eviction Help Desk outside of Courtroom 3E in the Garrahy Judicial Complex. Launched in October 2021, the Eviction Help Desk is a partnership between Roger Williams University School of Law's Pro Bono Collaborative, the Rhode Island District Court, Rhode Island Center for Justice (CFJ), and Rhode Island Legal Services, Inc. (RILS), which was developed to help address the anticipated spike in evictions following the end of the eviction moratorium. The Help Desk is staffed Monday through Friday from 9 a.m. until 12 p.m. by RWU Law students, working alongside seasoned housing attorneys from RILS and CFJ. Each day one legal services attorney and two or three law students staff the Eviction Help Desk. On some days, the need can be overwhelming with upwards of twenty-five self-represented tenants on the calendar. Nearly all of the landlords have retained counsel while most people facing eviction cannot afford a lawyer and, due to the limited funding of legal services organizations, it is extremely challenging to secure representation, even for those who are eligible!

As self-represented tenants approach courtroom 3E, the law students greet them, help them understand and navigate the legal process in 3E, offer information, resources, a friendly smile, and conduct screening intakes for the supervising attorney on duty that day. Although the Eviction Help Desk was created to help address the tremendous increase in evictions post-moratorium by providing limited assistance to self-represented tenants facing eviction, RWU Law's role goes far beyond that individual assistance. In addition to providing immediate assistance to self-represented tenants in the courthouse, RWU Law is exposing law students to the realities self-represented litigants face in the courts and developing the students' client-centered legal skills and their understanding of ethical considerations in practice. The law students involved in the project, part of the next generation of lawyers and judges, will better understand and appreciate the need for, and their professional obligation to pro-

vide, pro bono legal service and their professional responsibility to monitor and improve the quality of justice administered through our legal systems.



Law students Nellie Large and Tony Henson with RILS, Inc. attorney David Leveillee.

Most of us went to law school with some notion that we would use our legal education to help others. In addition to the personal motivation to give back, the Rhode Island Rules of Professional Conduct require that we care about who has access to justice and the quality of justice provided. The preamble to the Rhode Island Rules of Professional Conduct provides powerful guidance:

As a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession.... In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority. A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to

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our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.²

The Eviction Help Desk is one way the law school is teaching law students about pro bono legal service and what it means to be responsible for the quality of justice administered. The Help Desk is a triage model and as such it has significant limitations. But the tremendous impact it is having on the twenty volunteer law students involved is unquestionable. When you see firsthand how disadvantaged self-represented litigants are in an eviction proceeding, it's hard to look the other way and pretend like it's not happening.³

Law student volunteers engage in reflective meetings with the Pro Bono Collaborative faculty members to discuss the work of the project, but more importantly to discuss and react to what they are seeing in the courthouse. Students are asked to think critically about their burgeoning professional identities, civility in the courthouse, ethical issues, and other aspects of lawyering that will influence how they practice and how they see themselves as members of a profession.⁴

We are all responsible for the experience self-represented litigants face when they find themselves involved in a court case. Unlike criminal cases, where there is a constitutional guarantee of representation, tens of thousands of Rhode Islanders are without representation in high-stakes civil cases, like an eviction proceeding.⁵ When someone can't afford a lawyer, we need to ensure some basic level of fairness in how that person moves through a civil court case. It's inefficient and inhumane to ask someone to participate in a process where the rules and norms can only be understood with three years of professional education.

Law students can offer all of us a fresh perspective on these complicated access to justice issues and on our professional responsibility to be part of the solution. At a recent law student meeting, several students expressed surprise at how quickly the eviction process moves regardless of a self-represented tenant's understanding of their case and the potential outcomes of their court appearance. They reflected on the extent of heartbreak they'd witnessed in the hallway and the limitations on the lawyers' power to address that heartbreak. They also tried to put themselves in the shoes of a self-represented litigant entering the courthouse, trying to locate the appropriate courtroom, reading the forms as laypeople, sometimes with language barriers, and witnessing the commotion in the hallway outside Courtroom 3E. This is an experience they can't get in the law school classroom. By placing them in the courthouse and introducing them to the awesome responsibility we all have to provide pro bono legal service, RWU Law is bringing that fresh perspective to our community and instilling a critical ethic in our law students.

The Eviction Help Desk will be expanding to Kent County in January 2022. Private volunteer attorneys are always welcome to work alongside legal services attorneys at the Eviction Help Desk in either court. Not only is the need tremendous but it would be wonderful for our law students to see private attorneys engaged in pro bono legal service. Private attorneys are also encouraged to consider taking a pro bono eviction case through the Bar Association's Volunteer Lawyer Program (VLP) *Ed*.

ENDNOTES

1 “86% of the civil legal problems reported by low-income Americans in [2016] received inadequate or no legal help.” Legal Services Corporation. THE JUSTICE GAP: MEASURING THE UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS, 30 (2017), <https://lsc-live.app.box.com/s/6x4wbb5d2gqxwy0v094os1x2k6a39q74>.

2 R.I. Model Rules of Prof'l Conduct R., pmb1. 6 (2017).

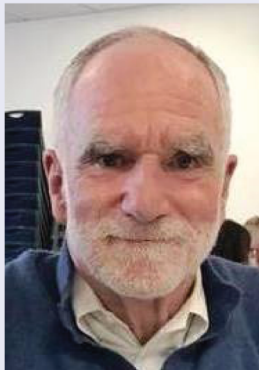
3 To learn more about the experience of self-represented litigants in Rhode Island, see National Center for State Courts, RHODE ISLAND JUDICIARY AND SELF-REPRESENTED LITIGANTS, A STUDY (July 21, 2021).

4 During law student project meetings, students are asked to respond to the following prompts:

- What is one thing that has surprised you?
- What is one thing that you've observed about lawyering that will influence how you lawyer in the future?
- How do you think self-represented tenants experience the hallway? The courtroom?
- What could be changed to improve self-represented tenants' experience?
- Do the self-represented tenants have 'access to justice'— from your viewpoint? Why or why not?
- Who is responsible for the self-represented litigants' circumstances? Why are these tenants in this situation?

5 National Center for State Courts, *supra* note 3, at 10-11. ◊

EDITOR'S NOTE: The Bar's Volunteer Lawyer Program (VLP) facilitates the placement of hundreds of pro bono cases each year. Volunteer attorneys positively impact the quality of their clients' lives by providing critically needed representation and protections for people who could not otherwise afford it. Members of our pro bono programs report satisfying and unique experiences that can sometimes open a door for a new practice area. There are volunteer opportunities in many areas of law, especially civil matters and evictions, and staff prescreen potential clients for eligibility. Whether you have been an attorney for years or it is the beginning of your career, pro bono cases can provide the opportunity for you to explore new areas of law with a seasoned mentor. The VLP also recently sponsored a CLE program, *An Overview of Tenant Protections & Strategies for Successful Results*, which can be viewed free of charge on-demand if you agree to join the VLP and accept an eviction case. Joining the program is simple! For more information, please contact Volunteer Lawyer Program Coordinator John H. Ellis at jellis@ribar.com or by phone at (401) 421-7758.



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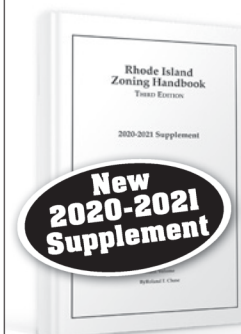
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