

AN AMERICAN BAR ASSOCIATION  
SECTION OF LITIGATION SYMPOSIUM:

**REAL PEOPLE, REAL NEEDS,  
REAL SOLUTIONS – ACCESS  
TO LEGAL REPRESENTATION  
IN CIVIL LITIGATION**

Thursday, December 4 and Friday, December 5, 2008

Grand Hyatt Hotel  
Azelea Room  
Atlanta, Georgia

## **SYMPOSIUM SPEAKERS**

Hon. Robert J. Benham  
Georgia Supreme Court

Samuel Bagenstos  
Washington University School of Law

Theodore Eisenberg  
Cornell Law School

Russell Engler  
New England School of Law

Katherine Hunt Federle  
Ohio State University Moritz College of Law

Lawrence Friedman  
Stanford Law School

Marc Galanter  
University of Wisconsin Law School

Debra Gardner  
Public Justice Center, Baltimore

Myriam Gilles  
Yeshiva University Cardozo School of Law

Michael Greco  
Boston  
Former President of the American Bar Association

Bruce Green  
Fordham University School of Law

Gillian Hadfield  
University of Southern California  
Gould School of Law

David Hyman  
University of Illinois College of Law

Hon. Earl Johnson Jr.  
California Court of Appeals (Ret.)

Herbert Kritzer  
William Mitchell College of Law

Carolyn Lamm  
Washington, D.C.  
President-elect, American Bar Association

Stephan Landsman  
DePaul University College of Law

Richard Lempert  
University of Michigan Law School

J.J. Prescott  
University of Michigan Law School

Kasim Reed  
Georgia State Senator

Robert Rothman  
Chair, American Bar Association Section of Litigation

Thomas D. Rowe, Jr.  
Duke University School of Law (ret)

Charles Silver  
University of Texas School of Law

Jean Sternlight  
University of Nevada Boyd School of Law

Frank B. Strickland  
Atlanta  
Chairman of the Board, Legal Services Corporation

Tom Tyler  
New York University

Roselle Wissler  
Arizona State University O'Connor College of Law

Douglas Yarn  
Georgia State University

**THURSDAY, DECEMBER 4, 2008**

11:00 a.m.     **Opening Remarks**

Robert Rothman  
Chair, ABA Section of Litigation  
Atlanta, Georgia

Carolyn Lamm  
President-elect, American Bar Association  
Washington, D.C.

11:30 a.m. -1 p.m.

**Session I            Overview of Access Issues**

*Presenters:*

Lawrence Friedman     Access to Justice: Some Historical Comments

Marc Galanter            Our Changing Concept of Access

Michael Greco            A Defined Right to Civil Counsel: An Idea Whose Time  
Has Come

Gillian Hadfield         The Cost of Law and the Question of Access:  
What We Know and Don't Know

*Commentators:*

Bruce Green, Frank Strickland

1:-2 p.m.     **Luncheon**

2:15-4:30 p.m.

**Session II            An Empirical Assessment of the Access Challenge  
(What We Know, What We Need to Find Out)**

*Presenters:*

Theodore Eisenberg     What Data Do We Need in Order to Examine  
Access and Do We Have It?

Russell Engler            Connecting Self-Representation and Civil Gideon: When Is  
Counsel Most Needed?

Herbert Kritzer         Examining the Real Demand for Legal Services

Charles Silver  
and David Hyman

Access Issues in Light of Texas Data

Tom Tyler

The Psychological Challenges of Pro Se Litigation

*Commentator:*

Richard Lempert

4:30-5 p.m.      **Day One Concluding Discussion**

**FRIDAY, DECEMBER 5, 2008**

8- 8:30 a.m.    **Opening Remarks**

Justice Robert Benham, Supreme Court of Georgia

8:30-10:45 a.m.

**Session III      Real World Challenges**

*Presenters:*

Samuel Bagenstos

The Skewing Effects of Various Statutory Incentives to Litigate

Katherine Hunt Federle

Rights and Beyond – Children's Special Need for Counsel

Judge Earl Johnson, Jr.

How Other Nations Have Addressed the Problem of Access to Counsel

J.J. Prescott

The Challenge of Calculating the Benefit of Providing Access

Thomas D. Rowe, Jr.

Trying to Make the Best of the Civil-Justice Market

*Commentators:*

Debra Gardner and Georgia State Senator Kasim Reed

11:00 a.m. -12:15 p.m.

**Session IV      Access in ADR**

*Presenters:*

Jean Sternlight

The Impact of Legal Representation in ADR Proceedings

Roselle Wissler

What Do We Know Empirically About Counsel  
in ADR Proceedings

Stephan Landsman

Recognizing a Limited Right to Counsel  
in Mandatory ADR

*Commentators:* Myriam Gilles, Douglas Yarn

12:15-1 p.m. **Concluding Discussion**