

Impact Center for Public Interest Law  
Racial Justice Project

**JUSTICE, JUSTICE SHALL YE PURSUE**

Honorable Jonathan Lippman

**SPECIFIC AREAS FOR REFORM**

**HOUSING**

Andrew Scherer  
Susanna Blankley

**IMMIGRATION**

Claire Thomas & Lenni Benson  
Fidèle Menavanza

**PRISONERS' RIGHTS**

Brett Dignam

**TORT LIABILITY**

Joanne Doroshov

**WOMEN'S RIGHTS**

Catherine Carr

**ALTERNATIVE MODELS**

David Udell  
Randal Jeffrey  
Karen Simmons  
Amy Barasch  
Joan Vermeulen  
Raymond Brescia

**THE ROLE OF GOVERNMENT OFFICIALS**

Paris Baldacci  
Lisa Grumet

**IMPACT**

**COLLECTED  
ESSAYS ON  
EXPANDING  
ACCESS TO  
JUSTICE**



# The Civil Legal Aid Movement: 15 Initiatives that are Increasing Access to Justice in the United States

David Udell<sup>1</sup>

Across the United States and around the world people seek civil access to justice to resolve problems that threaten their homes, jobs, savings, custody of their children, even their physical safety and lives. They seek it also to resolve pressing challenges in their communities that may concern the stability of neighborhoods, the availability of medical care, the reliability of public benefits and, sometimes, even the quality of the justice system, itself. They may encounter barriers that interfere with access to justice, including such inherently challenging features of the justice system as: a lack of understanding that problems are legal in nature; the complexity of law and procedure; the high cost of legal representation by private counsel, the absence of a civil right to counsel and the minimal availability of free civil legal aid counsel; barriers (such as mandatory arbitration) that effectively limit the jurisdiction and authority of the courts; language barriers; barriers that impede access for people with disabilities; and more.

What is access to justice? In the civil justice system, it means that a person can learn about her rights and then give voice to them through a neutral and nondiscriminatory, formal or informal, process that determines the facts, applies the rule of law, and enforces the result. [www.ncforaj.org](http://www.ncforaj.org). Viewed through the lens of human rights, access to justice is the obligation of states to “construct a legal and institutional framework which facilitates access to independent and effective judicial and adjudicatory mechanisms and ensures a fair outcome for those seeking redress, without discrimination of any kind.” *Special Rapporteur on Extreme Poverty and Human Rights, Extreme Poverty and Human Rights*, ¶ 11, Human Rights Council (Aug. 9, 2012), <http://www.ohchr.org/Documents/Issues/Poverty/A-67-278.pdf>. Viewed through the lens of “legal empowerment,” it is about “strengthening the capacity of all people to exercise their rights, either as individuals or as members of a community. It’s about grassroots justice – about ensuring that law is not confined to books or courtrooms, but rather is available and meaningful to ordinary people.” <https://www.opensocietyfoundations.org/projects/legal-empowerment>.

In 2015, a year in which the crisis in access to civil justice in the United States was increasingly recognized by the media alongside headlines about the troubling failings of our criminal justice system, see *Voices for Civil Justice*, <http://voicesforciviljustice.org/press-clips/> (gathering civil access to justice coverage), the civil legal aid reform movement for access to justice was strengthened by two meta-declarations widely expected to restructure the field and to change people’s lives. The United Nations adopted “Global Goal 16” calling on all countries – including the United States – to use data indexing to increase access to justice to help end extreme poverty by 2030. <http://www.globalgoals.org/global-goals/peace-and-justice/>; [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E). And, the Conference of Chief Justices and Conference of State Court Administrators of the American state courts issued a Resolution calling for “100 percent access to effective assistance for essential civil legal needs.” [http://www.ncsc.org/~media/Microsites/Files/access/5%20Meaningful%20Access%20to%20Justice%20for%20All\\_final.ashx](http://www.ncsc.org/~media/Microsites/Files/access/5%20Meaningful%20Access%20to%20Justice%20for%20All_final.ashx).

---

<sup>1</sup> David Udell is Executive Director of the National Center for Access to Justice at Cardozo Law School. The material in this outline, which has been updated through April 5, 2016, has also been published on the website for the National Center for Access to Justice, [www.ncforaj.org](http://www.ncforaj.org). This outline includes website links in the text in lieu of footnotes for easy reference. Readers are encouraged to use the links to explore the resources available.

These dual declarations from 2015 will be implemented in 2016, while dozens more initiatives (including the National Center for Access to Justice’s (NCAJ’s) own Justice Index, [www.justiceindex.org](http://www.justiceindex.org)) will also help to guide the civil legal aid movement forward at the national level and advance it in the states. Three strong currents of activity are pushing reform forward: the judiciary is working to expand support for self-represented litigants; civil legal aid programs and the organized bar are expanding the services they provide, including by securing new sources of legal aid funding from federal, state and local government; and “the global legal empowerment movement”, aligned with efforts to expand the roles of nonlawyers in providing civil legal assistance, is deploying community based paralegals (and other categories of assistants) in peer advocacy roles. To take stock of progress in 2015, to anticipate and guide progress in 2016, and to offer links to key resources that we believe reformers will find useful, we offer this outline of leading civil legal aid reform initiatives in the United States.

## I. Expanding Civil Legal Aid

### 1. Court-Based Civil Legal Aid Movement and the Self-Represented Litigation Network

– Recognizing “the promise of equal justice is not realized,” Chief Justices and Chief Court Administrators in the state courts are providing leadership to achieve the “aspirational goal of 100 percent access to effective assistance for essential civil legal needs,” [http://www.ncsc.org/~media/Microsites/Files/access/5%20Meaningful%20Access%20to%20Justice%20for%20All\\_final.ashx](http://www.ncsc.org/~media/Microsites/Files/access/5%20Meaningful%20Access%20to%20Justice%20for%20All_final.ashx). The Self-Represented Litigation Network (SRLN), [www.srln.org](http://www.srln.org), and the National Center for State Courts (NSCS) through its Center on Court Access to Justice for All, [www.ncsc.org/atj](http://www.ncsc.org/atj) (and its many other projects, *see, e.g.*, Court Statistics Project, <http://www.courtstatistics.org>), are carrying out research and reform initiatives. SRLN estimates that “three out of five people in civil cases go to court without a lawyer.” <http://www.srln.org>. NCAJ’s Justice Index, [www.justiceindex.org](http://www.justiceindex.org), promotes adoption of best practices for self-represented litigants, people with limited English proficiency, and people with disabilities. Models for expanding access to justice in the states (some of which are tracked in the Justice Index) include:

- designating an official responsible for innovation to assist self-represented litigants.
- providing “self-help centers” in courthouses.
- authorizing proactive roles for judges and court clerks.
- authorizing “unbundled legal services.”
- developing automated court forms, so people can produce pleadings with do-it-yourself software.
- requiring creditors to attest that claims for recovery of debt are factually based, timely, and properly served before cases go forward. <https://www.nycourts.gov/rules/ccr/>.
- requiring state agencies to adopt best practices for administrative justice. <http://www.mass.gov/anf/best-practices-to-enhance-state-administrative-justice.html>.

**2. Legal Aid-Based Civil Legal Aid Movement, Including the Legal Services Corporation (LSC), National Legal Aid & Defender Association (NLADA), American Bar Association (ABA) and Support for Free Legal Assistance and Representation** – Civil legal aid providers take both traditional and novel forms, and continue to evolve:

- *Growth in LSC and Non-LSC Legal Aid Programs* – LSC remains the primary source of funding for civil legal aid programs located across the country, [www.lsc.gov](http://www.lsc.gov), and pursues new initiatives to strengthen service, measure outcomes, <http://clo.lsc.gov/home/>, encourage

communications, increase pro bono partnerships, encourage non-LSC fundraising, fund and support new technologies, <http://tig.lsc.gov/>, and more. Non-LSC programs appear to be expanding in number, size, funding, scope of coverage and the nature of services they provide. See Justice Index, <http://www.justiceindex.org/findings/attorney-access/> (attorney access page, showing overall count of civil legal aid attorneys, in both LSC and non-LSC programs). See also, III. Funding and Coordination, below.

- *Innovation in Legal Aid Programs* – Civil legal aid providers operate on numerous levels: providing people with information, advice, brief service, and traditional legal representation; using new technologies to expand their reach to new communities (geographical, specific case focus, specific intake models e.g., in hospitals via medical-legal partnerships); partnering with courts and the bar to carry out services and coordinate pro bono services; carrying out research to determine what approaches work best; providing policy knowledge to communities, courts, officials, social service agencies and law schools; and advocating for law and policy reform that benefits clients.
- *Civil Right to Counsel Movement* – States guarantee a right to counsel for certain civil cases (for example, state actions to terminate a parent’s rights or initiate involuntary commitment), but not for cases involving basic human needs, such as housing, domestic violence, medical care, and public assistance. The National Coalition for a Civil Right to Counsel (NCCRC), in 38 states, guides a national movement and supports local initiatives (litigation, legislation, court rules reform, public education) to establish a civil right to counsel for low-income people. [www.civilrighttocounsel.org](http://www.civilrighttocounsel.org). NCCRC maintains an interactive map of civil rights to counsel in the states, and a bibliography of articles. It helped create a 2006 ABA Resolution encouraging states to provide a civil right to counsel in cases involving basic human needs, and developed the ABA’s *Directory of Law Governing Appointment of Counsel in State Civil Proceedings*. [http://www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/l\\_sclaid\\_judges\\_manual\\_preferatory\\_info.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/l_sclaid_judges_manual_preferatory_info.authcheckdam.pdf).
- *Legal Aid Programs Protecting Group Rights, Solving System Problems with Systemic Solutions* – Civil legal aid programs see individual clients harmed on a routine basis and are well-positioned to identify patterns resulting from systemic problems. Many pursue diverse approaches to bring about systemic solutions, including by sharing their knowledge and expertise with government officials, but also by initiating systemic litigation, and pursuing policy reform advocacy. Some organizations prioritize this work. See *Legal Impact Network*, <http://www.povertylaw.org/lin>. Funding restrictions limit certain forms of client advocacy by organizations receiving LSC funds, <http://www.lsc.gov/about-statutory-restrictions-lsc-funded-programs>, although limited exceptions are recognized where LSC programs affiliate with non-LSC programs, and LSC programs remain able to help clients achieve systemic goals not prohibited by funding restrictions. See, e.g., *Affirmative Litigation Under the LSC Restrictions*, [http://heinonline.org/HOL/Page?handle=hein.journals/clear34&div=51&g\\_sent=1&collection=journals](http://heinonline.org/HOL/Page?handle=hein.journals/clear34&div=51&g_sent=1&collection=journals). Initiatives to modify and remove onerous funding restrictions have met with some success, including in *LSC v. Velazquez*, <https://www.oyez.org/cases/2000/99-603>, overturning federal funding restrictions that had banned certain challenges to certain welfare reform laws, <https://www.brennancenter.org/analysis/national-campaign-fix-legal-services-restrictions>.
- *Coalition-Building and Organizing Support for Legal Aid* - Representing the civil and criminal defense legal aid provider communities, NLADA has promoted access to justice at the national, state and local level, including through the development of national standards for legal representation, groundbreaking legal legislation, support for research, <http://legallaidresearch.org/>, and support for the Legal Services Corporation and other important institutions. [www.nlada.org](http://www.nlada.org). The ABA supports civil legal aid in many ways, including on policy and funding.

The ABA's activities include the Resource Center for Access to Justice Initiatives, [http://www.americanbar.org/groups/legal\\_aid\\_indigent\\_defendants/initiatives/resource\\_center\\_for\\_access\\_to\\_justice.html](http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice.html), Standing Committee on Legal Aid & Indigent Defendants, [http://www.americanbar.org/groups/legal\\_aid\\_indigent\\_defendants.html](http://www.americanbar.org/groups/legal_aid_indigent_defendants.html), and National Project to Improve Representation for Parents Involved in the Child Welfare System, [http://www.americanbar.org/groups/child\\_law/what\\_we\\_do/projects/parentrepresentation.html](http://www.americanbar.org/groups/child_law/what_we_do/projects/parentrepresentation.html).

- *Immigrant Services* – Immigrant Justice Corps, <http://justicecorps.org/our-story/>, in New York City, a new model of legal assistance and representation for immigrants facing detention and deportation, is being replicated in other cities.
- *Holistic Models* – Some organizations combine civil legal aid with indigent defense services to resolve civil and criminal legal problems, improve lives and reduce engagement with the criminal justice system. See Community Oriented Defender Network, <http://www.nlada100years.org/member-resources/defender-resources/community-oriented-defender-cod-network> and Bronx Defenders, <http://www.bronxdefenders.org/who-we-are/>.

**3. Community Based Legal Empowerment Movement** – The global legal empowerment movement values individual legal services, but prioritizes systemic reform, including expanding the capacity of communities to advocate for themselves:

- *Community Rights* – Namati, <http://namati.org/about/our-mission/>, the Open Society Foundations, [www.opensocietyfoundations.org](http://www.opensocietyfoundations.org), and others are working to promote legal empowerment of disenfranchised communities by relying on community based paralegals to help communities organize and advocate to protect their rights and interests around the globe. Some organizations prioritize the roles of “paralegals” in group representation, while also emphasizing individuals’ need for legal services that enable people to help themselves. The movement is about “strengthening the capacity of all people to exercise their rights, either as individuals or as members of a community.” <https://www.opensocietyfoundations.org/projects/legal-empowerment>. Some organizations focus on building power in the U.S., sometimes prioritizing a policy reform agenda, see, e.g., Make the Road New York, <http://www.maketheroad.org>, or emphasizing an area of policy, for example, employment, see, e.g., Interfaith Worker Justice, <http://www.iwj.org/network/workers-centers>. A focus on the need to build group power and to advocate for group rights and systemic reform is implicit, and sometimes explicit, in driving the work of many organizations. See, e.g., Black Lives Matter, <http://blacklivesmatter.com/>; New York Immigration Coalition, <http://www.thenycic.org/what-we-do>.
- *Lay Advocates Movement, including Navigators, Court Advocates, Limited Licensed Legal Technicians (LLLTs), Legal Hand, McKenzie Friends* – Bar associations, courts, task forces, academics, Non-Governmental Organizations (NGOs), and for profit companies are urging and testing new roles that involve differing levels of training and supervision, specified categories of services, that are set both in and beyond the courtroom, in nonprofit and for profit employment settings, as an exception to traditional “unauthorized practice laws” that forbid nonlawyers from practicing law. In New York, “navigators” provide moral and informational support in court hallways and courtrooms, <http://www.courts.state.ny.us/courts/nyc/housing/rap.shtml>, “Legal Hand trained community volunteers” provide guidance under attorney supervision in poor communities, <http://www.courtinnovation.org/legal-hand>, and “court advocates” are the subject of model legislation that would place supervised nonlawyers in advocacy roles in eviction and debt collection courtrooms. <http://accesstojustice.net/2015/03/31/steps-in-new-york-underline-speed-of-acceptance-of-roles-beyond-lawyers/>. Washington State authorized LLLTs to provide designated services

outside of courtrooms, <http://www.wsba.org/licensing-and-lawyer-conduct/limited-licenses/legal-technicians>. Social workers, case workers, mental health workers, homeless outreach workers, may also have roles responding to otherwise unmet legal needs. In the United Kingdom, the McKenzie Friend may provide diverse forms of support to the litigant, both inside and outside the courtroom, and may charge a fee for such services, if approved by the court. <http://www.courtsni.gov.uk/en-gb/judicial%20decisions/practice%20directions/documents/practice%20note%2003-12/practice%20note%2003-12.htm>.

- *Networking* – The International Legal Aid Group (ILAG) is a network of legal aid specialists including chief executives and managers from legal aid commissions, high ranking civil servants and leading academics in over two dozen countries, with the mission of improving evidence-based policy-making in the field of poverty legal services through discussion and dialogue relating to international developments in policy and research. <http://www.internationallegalaidgroup.org>. The Organization for Economic Co-operation and Development (OECD) is also supporting the exchange of “good practices” among its member countries and partners. <http://www.oecd.org/gov/oecd-expert-roundtable-equal-access-to-justice.htm>.
- *Human Rights* – The Columbia Law School Human Rights Institute’s Human Rights in the U.S. Project builds the capacity of U.S. lawyers, policymakers and advocates to incorporate a human rights framework into domestic social justice advocacy efforts, including by building networks, facilitating trainings, conducting educational outreach, and promoting coordination among progressive public policy and advocacy groups. <http://web.law.columbia.edu/human-rights-institute/human-rights-us>. *See also*, the Human Rights at Home blog, [http://lawprofessors.typepad.com/human\\_rights](http://lawprofessors.typepad.com/human_rights).

#### **4. Movement to Reverse Court-Stripping, Tort Reform, Compulsory Arbitration Doctrines**

– People seeking to vindicate their civil legal rights often face limits on the capacity and authority of courts to resolve claims. These limits may include mandatory arbitration requirements, class action restrictions, caps on liability, sovereign immunity defenses, standing requirements, threshold criteria for making a claim, and even limitations on eligibility for attorneys’ fees. Some barriers arise as judicial precedents; others surface in federal and state laws and in court rules. Some organizations are working to remove these barriers. *See, e.g.*, Public Justice, <http://www.publicjustice.net/what-we-do/access-justice>; American Constitution Society, <https://www.acslaw.org/acsblog/all/access-to-justice>.

#### **5. Legal Education Reform, including Pro Bono, Incubator Programs, Fellowships and Loan Forgiveness**

– Legal education is in flux. Law schools are increasing support for students and faculty in pro bono initiatives and are teaching students about “the justice gap.” The ABA accreditation standards now require schools to offer experiential education credits and explicitly encourage schools to provide opportunities to students to perform at least 50 hours of pro bono service by graduation. [http://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/Standards/2015\\_2016\\_chapter\\_3.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2015_2016_chapter_3.authcheckdam.pdf). New York requires 50 hours of pro bono service as a pre-requisite to admission to the State bar, <https://www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml>. Schools are supporting graduates in new public interest fellowships, and many are running “incubator programs” that help graduates with new law practices providing “low bono” services. [http://www.americanbar.org/groups/delivery\\_legal\\_services/initiatives\\_awards/program\\_main.html](http://www.americanbar.org/groups/delivery_legal_services/initiatives_awards/program_main.html). Some states are experimenting with early administration of bar exams to students who qualify as Pro Bono Scholars by fulfilling pro bono service commitments in the third year. <http://www.nycourts.gov/attorneys/probonoscholars/index.shtml>. The federal government has established a Public Service Loan Forgiveness program, <https://studentaid.ed.gov/sa/repay-loans/forgiveness-cancellation/public-service>, and organizations have worked

hard to establish, sustain, and explain opportunities for public service law graduates to obtain loan forgiveness from the federal government, state government, and law schools. *See* Equal Justice Works, <http://www.equaljusticeworks.org/ed-debt/public-service-loan-forgiveness>; *see also* American Bar Association, Directory of Loan Repayment Assistance Programs (“LRAP”), [https://apps.americanbar.org/legalservices/probono/lawschools/pi\\_lrap.html](https://apps.americanbar.org/legalservices/probono/lawschools/pi_lrap.html).

### **6. Medical Legal Partnership Movement, Library Initiatives, and Legal Aid in New Settings**

– Civil legal aid is increasingly available in new and diverse settings where advocates help to solve people’s pressing legal problems. Some legal aid programs partner with clinics and hospitals to help resolve problems that lead to illness. *See* National Center for Medical Legal Partnerships, <http://medical-legalpartnership.org/>. In libraries, people obtain help and access to new technologies to prepare, defend and advance legal claims. [www.aallnet.org/mm/Publications/products/atjwhitepaper.pdf](http://www.aallnet.org/mm/Publications/products/atjwhitepaper.pdf). Civil legal aid is present in community colleges, veterans service agencies, homeless outreach centers, nursing homes, schools, and diverse social services agencies.

**7. Pro Bono Models** – Courts, law firms, corporations and other stakeholders are testing new models of pro bono service that include engaging senior attorneys in new roles, enlisting “lawyers for a day,” using high school and college students as volunteers in courts, experimenting with “unbundled” legal assistance, linking law firms to specific legal aid programs, building specific subject matter expertise in specific law firms, and more. *See e.g.*, <http://www.nycourts.gov/attorneys/probono/index.shtml>. The ABA, [http://www.americanbar.org/groups/probono\\_public\\_service.html](http://www.americanbar.org/groups/probono_public_service.html), and the Pro Bono Institute, <http://www.probonoinst.org/>, with state bar associations, courts, and other stakeholders, are helping to advance these efforts. The Association of Pro Bono Coordinators, APBCo, supports strategic initiatives that increase the impact of pro bono. <http://www.apbco.org/impact/>.

**8. Technology** – New technologies are re-shaping and expanding access to justice. LSC’s Technology Initiative Grant Program (TIG), <http://tig.lsc.gov/>, makes grants to legal aid recipient programs to increase access to justice through the use of technology, often through partnerships with courts, social services organizations and other stakeholders, including in projects that promote e-filing systems, expand availability of do-it-yourself pleading software, and coordinate client intake. Pro Bono Net, [www.probono.net](http://www.probono.net), [www.lawhelp.org](http://www.lawhelp.org), promotes the use of technology and collaboration among courts, legal services providers and other community partners to support effective state justice networks, increase the efficiency of traditional service models, enable self-help and promote innovation in service delivery. Pro Bono Net’s [www.lawhelpinteractive.org](http://www.lawhelpinteractive.org), and the Center for Access to Justice and Technology’s A2J Author, [www.a2jauthor.org](http://www.a2jauthor.org), are making it easier for people to produce their own pleadings (on the model of TurboTax software). Legal Zoom, Rocket Lawyer, We the People and other for-profit companies are selling self-help services, including on-line services. Research is needed to evaluate the new programs, and to gauge the relative value of court-provided services, non-profit provided services, and for-profit services. *See generally*, <http://www.theatlantic.com/business/archive/2014/05/is-there-such-a-thing-as-an-affordable-lawyer/371746/>.

## **II. Research, Data & Indexing**

**9. Indexing, Including Post-2015 Sustainable Development Goal 16 Indexing** – In the U.S., the Justice Index, [www.justiceindex.org](http://www.justiceindex.org), created by the National Center for Access to Justice, [www.ncforaj.org](http://www.ncforaj.org), is using indicators and data to promote the replication of best practices for access to justice in the states (including increased numbers of civil legal aid lawyers, systems for self-represented litigants, systems for people with limited English proficiency, and systems for people with disabilities), by creating incentives for states to adopt those practices, and by making it easy to recognize and copy those practices. United Nations “Global Goal 16” calls on all countries, including the United

States, to use indexing and data to measure and expand access to justice. See <http://www.globalgoals.org/global-goals/peace-and-justice> and [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E). The World Justice Project's Rule of Law Index tracks access to justice in major cities in nations around the world. <http://worldjusticeproject.org/rule-of-law-index>.

**10. Research** – Research on access to justice is supported and conducted in many settings, including universities, law schools, government agencies and institutes, the American Bar Foundation, <http://www.americanbarfoundation.org/faculty/profile/31>, the Legal Services Corporation ([www.lsc.gov](http://www.lsc.gov)), the National Center for State Courts, [www.ncsc.org](http://www.ncsc.org), the National Coalition for a Civil Right to Counsel ([www.civilrighttocounsel.org](http://www.civilrighttocounsel.org)), the National Center for Access to Justice ([www.ncforaj.org](http://www.ncforaj.org)), and the Self-Represented Litigants Network ([www.srln.org](http://www.srln.org)). The National Legal Aid and Defender Association (NLADA) maintains a web site posting civil justice system research studies, <http://legalaidresearch.org>. The National Science Foundation is funding new research on the civil justice system. <http://www.nsf.gov/pubs/2013/nsf13076/nsf13076.jsp>. The Office for Access to Justice in the U.S. Department of Justice has convened researchers in the field. <http://www.justice.gov/atj>.

### III. Funding & Coordination

**11. LSC, Access to Justice Commissions, Interest on Lawyers Trust Accounts & Other Initiatives that Coordinate and Help to Fund Civil Legal Aid** – In virtually all settings, civil legal aid programs lack resources to respond adequately to people's needs. LSC remains the largest single source of support for civil legal aid in the United States, distributing federal dollars to locally incorporated LSC-recipient programs across the country. [www.lsc.gov](http://www.lsc.gov). Access to Justice Commissions, now present in 37 states, carry out multiple functions, including supporting fundraising. [http://www.americanbar.org/groups/legal\\_aid\\_indigent\\_defendants/initiatives/resource\\_center\\_for\\_access\\_to\\_justice/state\\_atj\\_commissions.html](http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice/state_atj_commissions.html). Interest on Lawyers Trust Accounts, are an important source of revenue. <http://www.iolta.org/about-naip>. "Raising the Bar" Campaigns increase law firm support. <http://www.dccaccesstojustice.org/raising-the-bar>. State and local government, and private philanthropy, provide new revenue for civil legal aid, including filing fees, and cy pres awards. See [http://www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/ls\\_slcaid\\_atj\\_state\\_rule\\_policy\\_matrix\\_sept\\_2014.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_slcaid_atj_state_rule_policy_matrix_sept_2014.authcheckdam.pdf). In New York, state and local government revenues have become increasingly important sources of funding for civil legal aid. See, for example, <http://www1.nyc.gov/office-of-the-mayor/news/108-16/mayor-bill-de-blasio-city-council-speaker-melissa-mark-viverito-creation-office-of>.

**12. Federal Leadership Initiatives, including the Office for Access to Justice, the White House Legal Aid Interagency Roundtable (WH-LAIR), and the Access to Civil Legal Services Caucus** – In 2012, the U.S. Department of Justice's Office for Access to Justice conceived of and staffed "LAIR," <http://www.justice.gov/atj/legalaid>. In September 2015 the White House issued a Presidential Memo establishing LAIR formally as the *White House* Legal Aid Interagency Roundtable ("WH-LAIR"), <https://www.whitehouse.gov/the-press-office/2015/09/24/presidential-memorandum-establishment-white-house-legal-aid-interagency>. WH-LAIR recognizes that federal agencies can be effective in accomplishing their goals by assuring that the people they are trying to help have access to legal solutions. WH-LAIR includes a process of identifying federal agencies that have grantmaking capacity and a mission-driven interest in supporting civil legal aid services. President Obama formally charged WH-LAIR with responsibility for implementing in the U.S. the U.N.'s Post-2015 Sustainable Development Goals, including Goal 16, which calls on all countries to assure access to justice. <https://www.whitehouse.gov/the-press-office/2015/09/24/presidential-memorandum-establishment-white-house-legal-aid-interagency>. WH-LAIR is one of many initiatives of the *Office for Access to Justice*, which

“works within the Department of Justice, across federal agencies, and with state, local, and tribal justice system stakeholders to increase access to counsel and legal assistance and to improve the justice delivery systems that serve people who are unable to afford lawyers.” <http://www.justice.gov/atj>. In December 2015, Congressman Joe Kennedy III (D-MA4) and Congresswoman Susan Brooks (R-IN5) launched the Access to Civil Legal Services Caucus “which will focus on expanding access to legal representation for low-income families.” <https://kennedy.house.gov/media/press-releases/kennedy-brooks-launch-congressional-access-to-civil-legal-services-caucus>.

**13. Philanthropy & Civil Legal Aid** – Charitable foundations recognize that they can be effective in accomplishing anti-poverty goals when civil legal aid is made available to the people they are trying to help. Civil legal aid helps keep families together, prevent domestic violence, reduce substance abuse problems, preserve housing, resolve problems of hunger, secure inheritance rights, promote health care, and reduce contacts with the criminal justice system. In *Natural Allies: Philanthropy and Civil Legal Aid*, the Public Welfare Foundation and The Kresge Foundation have explained that “[i]nvesting to help low-income people solve their legal problems is smart, results-oriented philanthropy.” <http://www.publicwelfare.org/wp-content/uploads/2014/10/NaturalAllies.pdf>. The Council on Foundations is educating the field on how the Sustainable Development Goals offer a framework that can guide grantmaking to reduce poverty. <http://www.cof.org/content/sustainable-development-goals-what-funders-need-know>.

#### IV. Neutral and Nondiscriminatory Decision-making

**14. Fair Courts Movement** – In *Goldberg v. Kelly*, 397 U.S. 254 (1970), the Supreme Court observed that a neutral decisionmaker is an element of due process and of access to justice. The “fair courts movement” promotes the integrity of judicial selection processes, generally favoring appointment over election, but working in all selection settings to preserve judicial neutrality and to reduce the influence of money on judges. The fair courts movement supports improved recusal mechanisms, greater diversity on the bench, and ideological independence. *See*, for example, Justice at Stake, [www.justiceatstake.org](http://www.justiceatstake.org); Brennan Center for Justice, <https://www.brennancenter.org/issues/fair-courts>; Lambda Legal, <http://www.lambdalegal.org/issues/fair-courts-project>. Some advocates have questioned models that reduce fairness and/or the perception of fairness of judges, such as judicial imposition and collection of excessive court fees. <http://www.brennancenter.org/criminal-justice-debt>.

#### V. Communications

**15. Communications** – Voices for Civil Justice, a national communications hub for civil legal aid, pursues the mission of raising visibility in the media of the vital role of civil legal aid in ensuring fairness for all in the justice system. With an extensive, nationwide network of spokespeople and experts, it brings to media outlets the fresh, untold stories that convey what civil legal aid is and why it matters. Its searchable database of news stories, broadcast clips, op-eds, and letters to the editor is a rich resource for advocates seeking to make the case – on social media platforms as well as in the traditional media – that fulfilling America’s promise of justice *for all* requires increased funding for this under-resourced sector. <http://voicesforciviljustice.org/>. Richard Zorza’s Access to Justice Blog, [www.accesstojustice.net](http://www.accesstojustice.net), is a source of information for stakeholders, as is NCAJ’s blog, [www.ncforaj.org](http://www.ncforaj.org), and the ABA’s access to justice newsletter, [http://www.americanbar.org/groups/legal\\_aid\\_indigent\\_defendants/initiatives/resource\\_center\\_for\\_access\\_to\\_justice/news.html](http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice/news.html). At regional and local levels, court systems, civil legal aid programs, access to justice commissions, state bar organizations, and other stakeholder institutions are increasing their respective communications capacities. •