HOW MIGHT WE CARRY FORWARD THE LEGAL SYSTEM’S RESILIENCE DURING THE COVID-19 PANDEMIC TO MAXIMIZE ACCESS TO JUSTICE?
In 2020, the US was ranked 109th out of 128 countries for the accessibility and affordability of our civil justice system.

The WJP Rule of Law Index 2020

86% of the civil legal problems reported by low-income Americans in [2016–17] received inadequate or no legal help.

LEGAL SERVICES CORPORATION, The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans (June 2017)

Providing even one hour of attorney time to every American household, facing a legal problem would cost on the order of $40 billion.

Total expenditures on legal aid, counting both public and private sources, are now just 3.5% of that amount.

Gillian Hadfield & Deborah Rhode, How to Regulate Legal Services to Promote Access, Innovation, and the Quality of Lawyering

Among the low-income Americans receiving help from LSC-funded legal aid organizations, the top three types of civil legal problems relate to:

1. family
2. housing
3. income maintenance

LEGAL SERVICES CORPORATION, The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans (June 2017)
The pandemic has affected communities differently based on race, class, occupation, education, & geography.

6 million households are behind on rent.

> 70% of low-income families have at least one civil legal issue in a given year.

COST is the most frequent barrier named by 91.2% of low-income North Carolinians seeking access to legal services.

- Marginalized groups are least served by the legal system, and those at the intersection of marginalized classes may suffer the worst.
- Barriers identified included childcare issues, difficulty in taking time off work, transportation limitations especially in rural areas, as well as language and literacy limitations of clients.
- Among low-wealth clients, there is a clear digital divide and lack of regular internet access.

"Funneling additional resources into more routine practice areas like expunctions and traffic law has the potential for tremendous impact on many individuals’ ability to be economically self-sufficient."

NC Legal Needs Assessment Executive Summary, 2021
UNDERSTANDING THE PROBLEM

- 2017 Legal Services Corporation Justice Gap Report
- 2020 North Carolina Civil Legal Needs Assessment: The most comprehensive and current legal needs study for NC
- National Center for Access to Justice: State Scores & Rankings
- In the news: More people than ever need legal aid services (4/2021)
- US Attorney General Merrick Garland’s letter to the legal community (8/2021)

MORE BACKGROUND

- Andrew M. Perlman, Towards the Law of Legal Services, 37 Cardozo L. Rev. 50 (2015)
EXAMPLES OF LEGAL INNOVATION

COURTS & JUDICIAL PROGRAMS

North Carolina:
- Guide-and-file Program for self-represented litigants
- NC Judicial Branch COVID-19 Task Force meeting minutes (with best practices from other states)
- NC Courts Operational Data and Statistics shows year over year changes in cases

Other States:
- Michigan Trial Courts, Draft Lessons Learned from the Pandemic
- Utah court system: summary of recent changes
- State Justice Initiative: Examples from the Court Pandemic Response and Recovery Grant Program
- Court Forms Online MassAccess
- Reopening Texas Courts: Plans and Challenges for Resuming In-Person Court Proceedings from the State Bar of Texas podcast
- Remote Court: Judge Emily Miskel's Insights On COVID-Era Proceedings from the State Bar of Texas podcast

National:
- Legal Services Corporation Recorded Webinar: Court Innovations During COVID-19
- National Center for State Courts: Pandemic Lessons Learned
- National Center for State Courts: Pandemic Caseloads Dashboard
- The Impacts of the Pandemic on State & Local Courts
EXAMPLES OF LEGAL INNOVATION

PRO BONO & LEGAL AID

North Carolina:
• Legal Aid of North Carolina: Great starting place for identifying services, self-help clinics, and tools that currently exist.
• NC Pro Bono Resource Center: COVID-19 Small Business/Nonprofit Initiative
• NC Pro Bono Resource Center: COVID-19 Frontline Health Planning Project
• North Carolina Faith and Justice Task Force: Interdisciplinary pro bono initiative
• Pisgah Legal Services: Eviction Moratorium Information

National:
• Legal Services Corporation & COVID-19
• ABA Standing Committee on Legal Aid and Indigent Defense: COVID-19 Resources
• MakeLawBetter Volunteer Database: Database of volunteers from the last year. Check out the bios/expertise of these volunteers to see if they identify any resources or can find additional ideas

LEGAL TECH

• Legaltech Hub: Database of legal tech tools, searchable by country, language, functional area, etc.
• Meet the 27 startups pioneering the Justice Tech market
• NC Courts will be moving towards Odyssey case management system by Tyler Technologies
EXAMPLES OF LEGAL INNOVATION

SANDBOXES & RE-REGULATION

- Law Society of British Columbia, Innovation Sandbox
- Law Society of Ontario, Innovation Sandbox
- Utah Office of Legal Services Innovation
- IAALS Legal Regulation Knowledge Center

Articles on Re-Regulation

- Deno Himonas & Scott Bales, *It’s Time to Allow New Legal Service Providers*, Bloomberg Law (June 29, 2020)
- Gordon Smith & Kimball Dean Parker, *Redesign the Legal System for More than Just Lawyers*, Bloomberg Law (June, 17 2020)
Dig Deeper

More on Re-Regulation