

IN THE SUPREME COURT OF NORTH CAROLINA

BY ORDER OF THE COURT

In recognition of the need to expand access to civil legal representation for people of low income and modest means in North Carolina, the Court hereby creates the **EQUAL ACCESS TO JUSTICE COMMISSION**.

BY THIS ORDER, the Court charges this Commission with the following goals, purposes, and responsibilities:

- (1) Identify and assess current and future needs of low-income North Carolinians for access to justice in civil matters by conducting a study to determine the full range and volume of such unmet legal needs. The study shall: (a) determine and document how unrepresented people with legal disputes are attempting to meet these needs without attorneys, the extent to which these efforts are successful, and the consequences of the lack of attorney representation; (b) recognize the enormous efforts currently being made by attorneys to serve low-income North Carolinians; (c) analyze the need for funding and other resources to close the gap; and (d) address any other matters related to the delivery of equal access to justice in civil matters to all North Carolinians.
- (2) Develop and publish a strategic plan for delivery of civil legal services to low-income North Carolinians throughout the state that will (in part) educate the public about the large gap between the ideal of equal access to the legal system and the reality of lack of representation.
- (3) Foster coordination within the civil legal services delivery system and between legal aid organizations and other legal and non-legal organizations.
- (4) Increase resources and funding for access to justice in civil matters and ensure both are applied to the greatest need so that all possibilities for additional state, local, and other non-Legal Services Corp. funding are examined, the most feasible options analyzed, and a strategy for pursuing such funding implemented.
- (5) Ensure wise and efficient use of available resources through collaboration among legal aid and other organizations (such as other legal advocacy groups, non-legal advocacy groups, providers of social services, law schools, the court system, corporate and government law departments, and other state and local agencies) and through the use of local, regional, and statewide coordination systems.
- (6) Develop and implement other initiatives designed to expand civil access to justice, such as increasing community education, enhancing technology, developing assisted *pro se* programs, and encouraging greater voluntary participation of the private bar in *pro bono* legal assistance to low-income people in North Carolina.
- (7) Monitor the effectiveness of the statewide system and services provided, as well as periodically evaluate the progress made by the Commission in fulfilling the civil legal needs of low-income North Carolinians.

- (8) Consider the legal needs and access to the civil justice system of persons whose income and means are such that they do not qualify under existing assistance programs and whose access to civil justice is limited either by the actual or perceived cost of legal services; and develop and implement initiatives designed to meet these needs, such as limited representation and limited appearances by attorneys and identification of types of services that could be provided by non-lawyers.

The Equal Access to Justice Commission shall consist of twenty-five members who reflect the diversity of ethnic, gender, legal, and geographic communities of North Carolina. The Chief Justice or his or her designee shall serve as Chair of the Commission. The day-to-day management and operation of the organization shall be conducted by an Executive Director who works with and reports regularly to the Commission. Members shall serve three-year staggered terms. A member may not be reappointed to serve a successive three-year term.

Members will be appointed as follows:

- (1) **Judiciary:**

The Chief Justice will appoint the following representatives of the judiciary:

- (a) The Chief Justice or an Associate Justice;
- (b) A Judge from the North Carolina Court of Appeals;
- (c) A Judge from the Superior Court;
- (d) A Judge from the District Court;
- (e) A representative of the North Carolina Administrative Office of the Courts (AOC) or from the North Carolina Clerks of Superior Court.

- (2) **Practicing Lawyers:**

- (a) The North Carolina State Bar president will appoint two members;
- (b) The North Carolina Bar Association/Foundation (NCBA) president will appoint two members;
- (c) The North Carolina IOLTA Board of Trustees chair will appoint one member;
- (d) The Chief Justice will appoint three members from voluntary bar associations.

- (3) **Legal Aid Programs:**

In consultation with the North Carolina Legal Services Planning Council, the Chief Justice will appoint four members to represent the interests of legal aid programs as follows: one board member from Legal Aid of North Carolina, Inc. (LANC), one LANC staff member, one board or staff member from the North Carolina Justice Center, and one board or staff member from another unrestricted legal aid program that either serves a particular geographic area or provides specific services or serves a particular client base.

(4) Law Schools:

In consultation with the deans, the Chief Justice will appoint one representative from the accredited law schools in North Carolina.

(5) Public Members:

- (a) Governmental Representatives: The Chief Justice will invite the Governor, the President of the Senate, and the Speaker of the House to serve on the Commission or to recommend someone to serve in his or her stead.
- (b) North Carolina Philanthropy Community Representative: In consultation with the North Carolina Network of Grantmakers, the Chief Justice will appoint one member to the Commission.
- (c) Client Representative: In consultation with the North Carolina Clients Council and the North Carolina Legal Services Planning Council, the Chief Justice will appoint one client representative member to the Commission.
- (d) North Carolina Business Community Representatives: The Chief Justice will appoint two members to the Commission from the business community in North Carolina.


The terms of Commission members shall be:

To implement a staggered term system, Commission members will be appointed in classes, designated Class I, Class II, and Class III. The initial appointments of Class I members will end one year from the date their terms begin; the initial appointments of Class II members will end two years from the date their terms begin; and the appointments of Class III members will end three years from the date their terms begin.


- (1) Class I members are: one appointee each from the NCBA, voluntary bar associations, IOLTA, the Court of Appeals, and the business community; the representatives from the LANC board and the North Carolina Justice Center.
- (2) Class II members are: one appointee each from the NCBA, the North Carolina State Bar, the Superior Courts, voluntary bar associations, the business community, and law schools; the representative from the unrestricted, undesignated legal aid program, and the client representative.
- (3) Class III members are: one appointee each from the North Carolina State Bar, the District Courts, voluntary bar associations, and the AOC or Clerks of Superior Court; the LANC staff member, and the philanthropy community representative.
- (4) Governmental representatives will rotate by the terms of their offices.

The Commission will meet quarterly and will file an annual written report on the status and progress of its activities. The Commission will send a copy of the report to this Court, the North Carolina State Bar, and the North Carolina Bar Association. The Commission will provide oral progress reports to North Carolina Bar Association board meetings and to North Carolina State Bar Council meetings.

Adopted by the Court in Conference this the 3rd day of November, 2005.


I. BEVERLY LAKE, JR.
Chief Justice
For the Court

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 3rd day of November, 2005.


CHRISTIE SPEIR CAMERON
Clerk of the Supreme Court