

# NC Equal Access to Justice

COMMISSION

A COMMISSION OF THE NORTH CAROLINA SUPREME COURT

P.O. Box 2448 • Raleigh, North Carolina 27602 • 919.890.1090 • [www.ncequalaccesstojustice.org](http://www.ncequalaccesstojustice.org)

## **A RESOLUTION OF THE NORTH CAROLINA EQUAL ACCESS TO JUSTICE COMMISSION**

*Whereas*, the North Carolina Equal Access to Justice Commission (the Commission) was established in 2006 by the Supreme Court of North Carolina as a body that includes representatives from bar organizations, the judiciary, legal aid providers, the legislature, the business community, philanthropic organizations, law schools, and the general public;

*Whereas*, the Commission is united in an effort to generate support within the bar, the judiciary, and the public for access to justice throughout North Carolina and to assist that effort through leadership and planning;

*Whereas*, the Supreme Court of North Carolina charged the Commission with various goals, purposes, and responsibilities, including to “increase resources and funding for access to justice in civil matters”;

*Whereas*, the Commission has studied the legal needs of the indigent population in North Carolina and learned that fewer than 20% of the legal needs of low-income North Carolinians, including those affecting seniors, children, veterans, and the disabled, are being met;

*Whereas*, the North Carolina Commission on the Administration of Law and Justice’s Final Report recommends the restoration of state funding for legal aid programs, as these programs are critical to a fair, accessible, transparent, efficient, and effective civil justice system;

*Whereas*, the North Carolina Constitution calls for the courts to be accessible so that “every person for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay”;

*Whereas*, more than 2.2 million North Carolinians, over 23% of our state’s population, qualify for legal aid;

*Whereas*, funding to support civil legal aid has decreased during the last five years from almost every source, including Interest on Lawyer’s Trust Accounts, private foundations, federal funding, and, most particularly, state funding, which has decreased 50% since 2008;

*Whereas*, only one legal aid attorney exists for every 11,000 eligible North Carolinians compared to one private attorney for every 362 citizens;

*Whereas*, Rule 6.1 of the North Carolina Rules of Professional Conduct encourages each licensed attorney to provide 50 hours of pro bono legal services annually; however, pro bono services provided by private lawyers, while substantial, cannot address the growth of unmet legal needs;

*Whereas*, one-half of the approximately 70,000 individuals who seek a lawyer are turned away due to the inability of legal aid programs to provide services to those citizens who need them;

*Whereas*, the most recent report of the Legal Services Corporation on the “justice gap” documents that 86% of the civil legal problems reported by low-income Americans received inadequate or no legal help;

*Whereas*, the Commission understands that resources are at the heart of access to justice in North Carolina and has studied ways to support the fundraising efforts of legal aid providers;

*Whereas*, the Appropriations Act of 2017 repeals the Access to Civil Justice Act and removes the allocation of \$1.50 from civil and criminal fees which funds the Act, a total of approximately \$1.7 million in funding in 2015-2016;

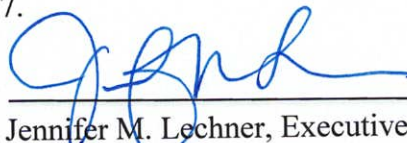
*Whereas*, the loss of these funds, which constitute over half of the remaining state funding, will result in a significant reduction of service capacity and legal representation for thousands of North Carolinians, including senior citizens, homeless veterans, domestic violence victims, the poor, the disabled, and the most vulnerable in our society, and will particularly limit the ability to assist thousands of Hurricane Matthew and disaster victims in this state as they seek federal services and relief;

*Whereas*, particularly given the State’s expanding fiscal reserves, no clear policy goal has been offered to explain this funding cut;

*Whereas*, this cut not only harms thousands of North Carolinians but also impairs judicial system accessibility, effectiveness, and efficiency; and

**NOW, THEREFORE**, the North Carolina Equal Access to Justice Commission reaffirms its commitment to restoring and increasing state funding for general civil legal services and to ensuring access to justice for all North Carolinians, and respectfully requests that the General Assembly reconsider this decision and restore the Access to Civil Justice Act funding before the end of the 2017 Regular Session.

This, the 28<sup>th</sup> day of June 2017.



Jennifer M. Lechner, Executive Director  
North Carolina Equal Access to Justice Commission