

Civil Legal Aid in North Carolina



Presentation of the NC Equal Justice Alliance
to the Civil Justice Committee of
the Commission on the Administration of Law and Justice

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What is the Equal Justice Alliance?

- Collaborative planning and coordination council of providers of civil legal assistance and supportive stakeholders in North Carolina.
- Mission: “to provide central coordination of a sustained, comprehensive, integrated, statewide system to provide the most effective legal services to people in poverty in North Carolina.”

Who are the members of the Equal Justice Alliance?



Providers of Legal Services

- Disability Rights North Carolina
- Financial Protection Law Center
- Land Loss Prevention Project
- Legal Aid of North Carolina
- Legal Services of Southern Piedmont
- NC Justice Center
- NC Prisoner Legal Services, Inc.
- Pisgah Legal Services

Other Supportive Stakeholders

- NC Bar Association Foundation
- NC IOLTA
- NC Legal Education Assistance Foundation

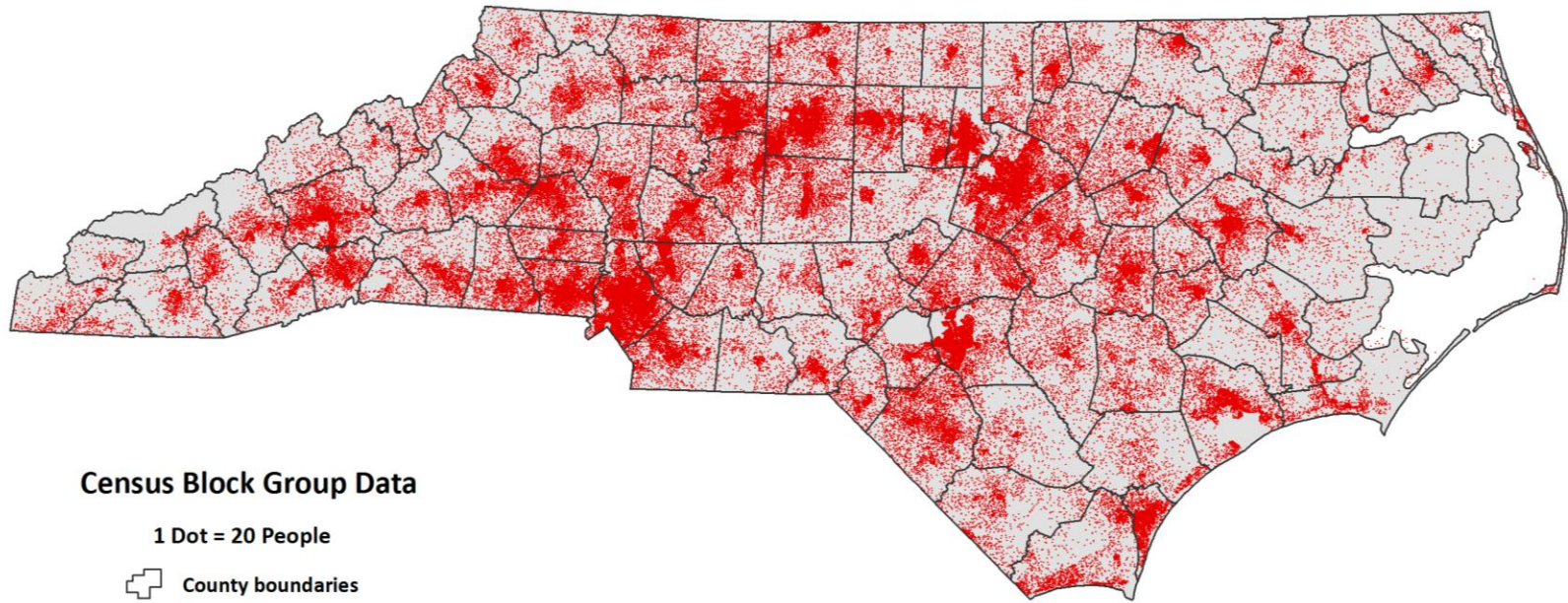
Who are our clients?



- 3.7 million North Carolinians are eligible for legal aid (based on 200% of the federal poverty level).
- \$12,875 average annual household income for clients (pre-tax).



North Carolina Population below 200% of Poverty Level



Source: U.S. Census, 2013 American Community Survey 5-year estimates.

Who are our clients?



- Vulnerable populations served

- People with disabilities
- Seniors 60+
- Children
- Domestic violence
and sexual assault victims



Who are our clients?



- **Special populations served**
 - Veterans and military families
 - Farmers
 - Farmworkers
 - Native Americans
 - Immigrants
 - Inmates
 - Persons living with HIV/AIDS



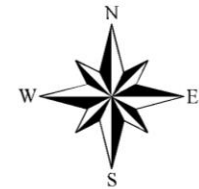
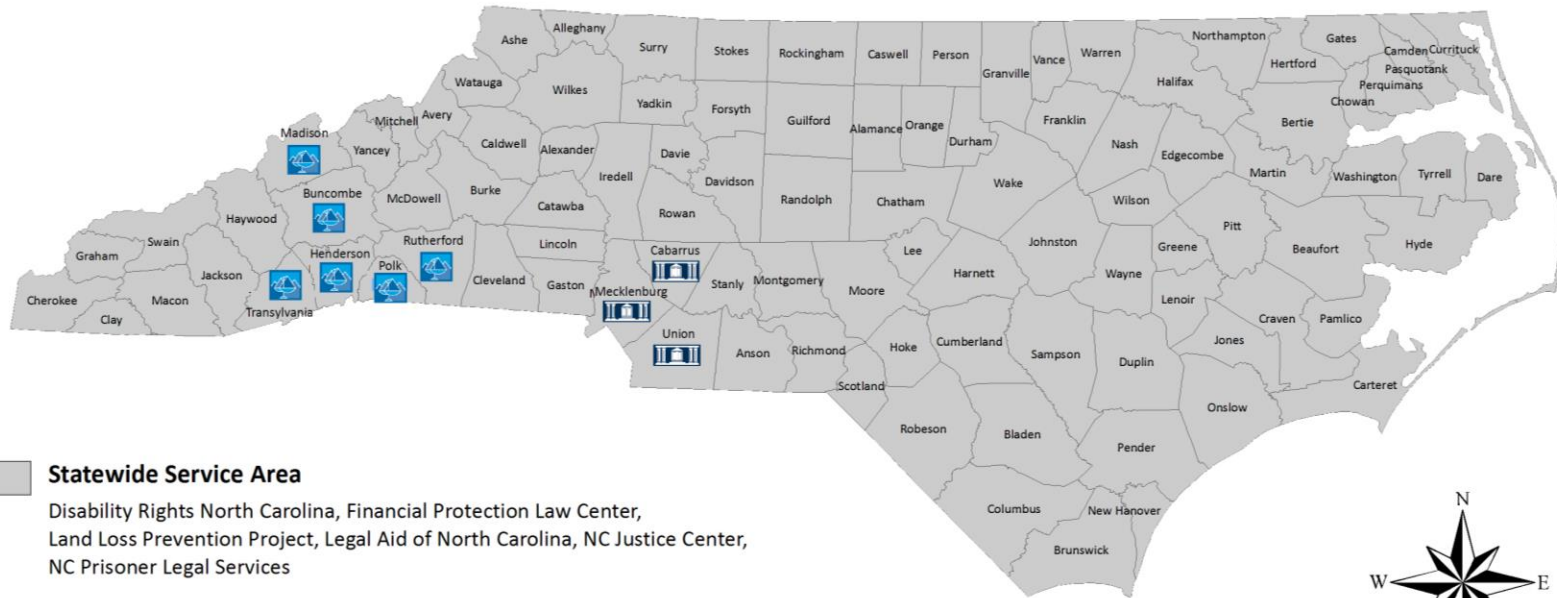
How do clients apply for services?



- **In-person walk-ins**
 - 31 offices statewide
 - Presentations and intake at off-site locations
- **Online applications**
- **By phone**
 - Telephone screening
 - Hotlines for brief service
- **By mail**
- **Referrals**



Service Areas of Legal Aid Providers



Statewide Service Area

Disability Rights North Carolina, Financial Protection Law Center, Land Loss Prevention Project, Legal Aid of North Carolina, NC Justice Center, NC Prisoner Legal Services

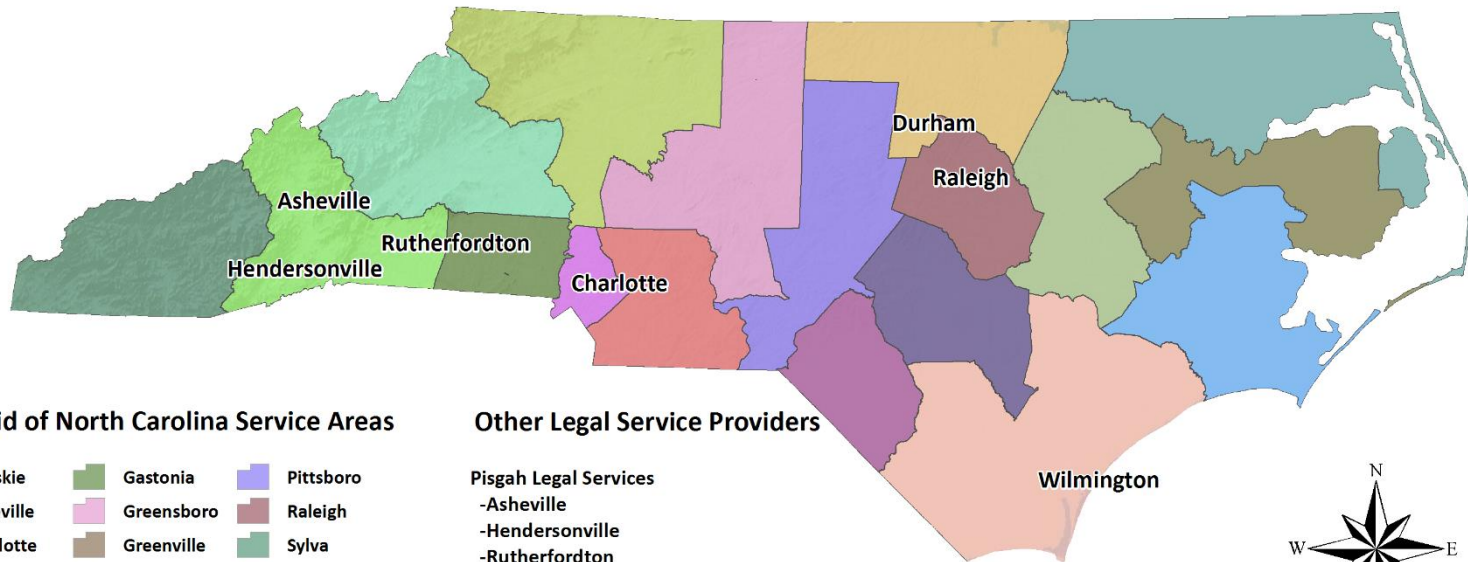
Service Area of Legal Services of Southern Piedmont

Serving the Charlotte metropolitan area and West Central North Carolina. Limited immigration, income tax, consumer protection, and HIV/AIDS services provided in other areas across the state.

Service Area of Pisgah Legal Services

Buncombe, Madison, Transylvania, Henderson, Polk, and Rutherford counties. Limited immigration services provided in other areas across the state.

Office Locations of Legal Aid Providers



Legal Aid of North Carolina Service Areas

Ahoskie	Gastonia	Pittsboro
Asheville	Greensboro	Raleigh
Charlotte	Greenville	Sylva
Concord	Morganton	Wilmington
Durham	New Bern	Wilson
Fayetteville	Pembroke	Winston-Salem

Other Legal Service Providers

Pisgah Legal Services
 -Asheville
 -Hendersonville
 -Rutherfordton

Legal Services of Southern Piedmont
 -Charlotte

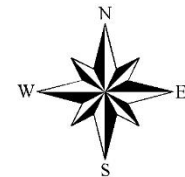
Land Loss Prevention Project
 -Durham

Disability Rights NC
 -Raleigh

NC Prisoner Legal Services
 -Raleigh

NC Justice Center
 -Raleigh

Financial Protection Law Center
 -Wilmington



Who gets help?



- Each year, 70,000 individuals ask for a lawyer to represent them.
- 35,000 + people DO NOT get a lawyer.



What do we do?



- **Provide legal representation**
 - Legal advice
 - Limited legal services
 - Litigation
 - Appeals
 - Advocacy targeted to systemic issues for our clients



What do we do?



- Offer other services
 - Community education and clinics
 - Volunteer attorney recruitment, training, mentoring, and management
 - Public policy advocacy
 - Investigation and monitoring
 - Communications



How do volunteer attorneys help?



- Pro bono attorneys assist legal aid providers by:
 - Taking a case for extended representation
 - Providing brief advice and services over the phone
 - Presenting a community education workshop or advising clients at a community clinic
- Legal aid providers leverage available resources to coordinate pro bono attorneys to assist those in need.
- Last year, 3,000 attorneys provided an average of 6 hours per year.

What types of cases do we handle?



- Community economic development
- Consumer protection
- Education
- Employment
- Family
- Health
- Housing
- Immigration
- Income maintenance
- Expungements
- And more...



Who provides the services?



Legal aid staff

- 485 staff located across North Carolina including:
 - 248 lawyers
 - 114 paralegals
 - 123 other staff
- How does this compare to attorneys available for a fee?
 - 1 private attorney for every 562 people.
 - 1 legal aid attorney for every 13,170 eligible clients.



What challenges do our staff face?



- Low salaries
- High case loads
- Limited litigation budgets
- Lack of support staff
- Fund-raising
- Funding restrictions
- Reporting requirements by funders
- Clients' personal limitations

How many clients do we represent annually?



- Closed 35,000+ cases in 2014.
- Represented nearly 50,000 clients each year.
 - Total household members = 90,000+.



How are we funded?



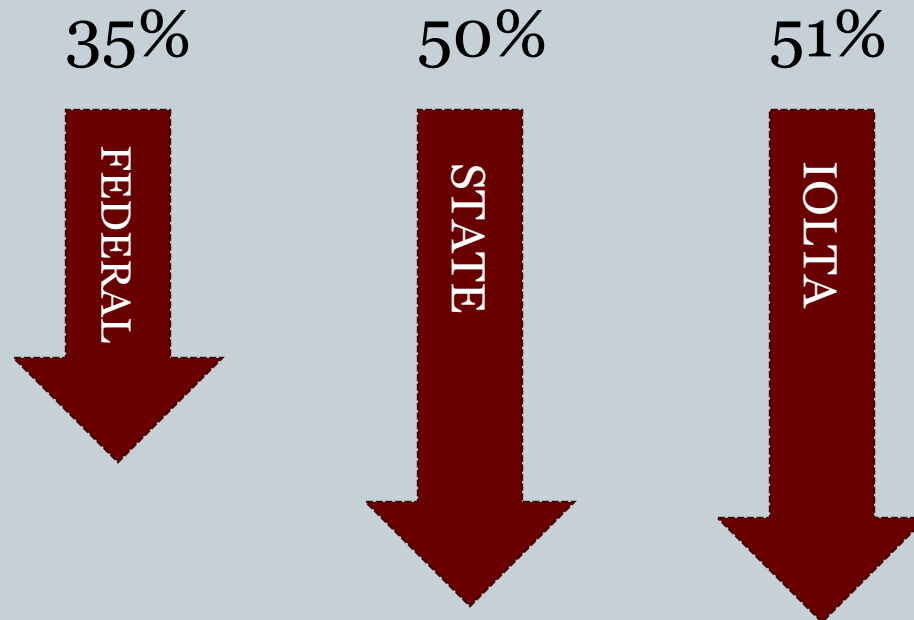
- Federal, state, and local governments
- NC IOLTA
- Private and public foundations, including bar organizations
- Individual donations



How has our funding changed?



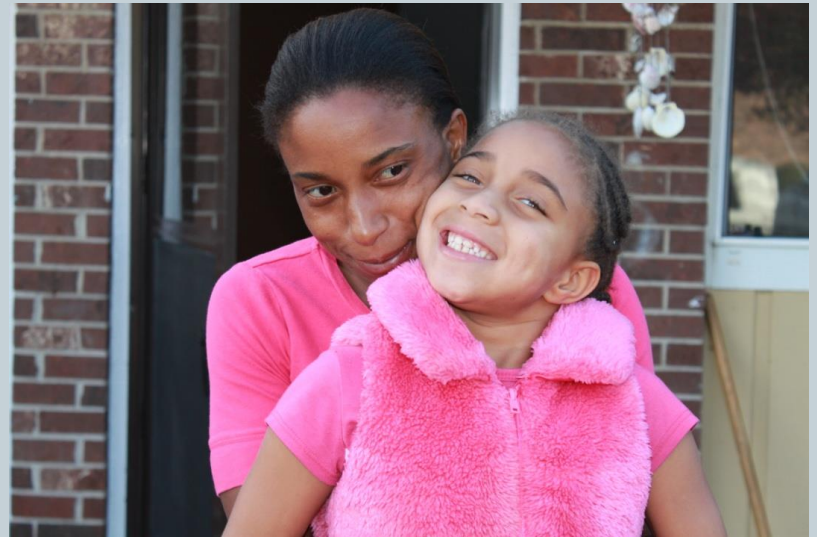
Funding has decreased sharply since 2008.



Who benefits from legal aid?



- **50,000 clients and their families**
 - Safety from violence
 - Housing
 - Financial security
- **Courts in all 100 counties**
 - Efficiency –
fewer pro se litigants
 - Meritorious cases
 - Assist with fair decisions in civil cases
- **All communities across North Carolina**



What are the economic benefits of legal aid?



- \$9.2 million in new federal benefits, including food stamps, SSI, disability and federal tax refunds in 2012.
- \$8.8 million in child support and housing awards in 2012.
- \$ 1 million+ in medical costs saved through legal aid's prevention of domestic violence.



Challenges clients face to get a legal aid lawyer



- Knowledge – identification of legal problem and where to go for assistance
- Personal limitations
- Geography
- Eligibility for services
- Case type
- Staffing



Meet Nancy



- Single mother with 16-yr-old daughter
- Worked as a customer service representative
- Suffered a stroke and slipped into a coma
- Hospitalized and in a coma for 3 days
- Fired from her job for missing 3 days of work without calling to report an absence
- Asked employer for job back but employer said “no”
- Cannot pay rent, food, utilities, gas for her car, etc.
- Filed for unemployment benefits
- Denied unemployment benefits

What does Nancy do?



Nancy needs a lawyer to handle this complex legal matter. How does she find one?

The first hurdle: knowledge

Decision denying benefits includes a pamphlet with information about legal services

- Nancy calls toll-free number on pamphlet

What does Nancy do?



The second hurdle: Personal Limitations

- No transportation
 - Difficulty remembering details after stroke
 - Doesn't know how to appeal denial and the 10-day deadline to do so
 - Providing copies of her unemployment paperwork to lawyer
- Nancy talks to legal aid lawyer; legal aid lawyer sends her follow up letter and envelope with address and postage to send paperwork

Does Nancy qualify for services?



Next hurdle: Eligibility for services

- Does she meet income and asset eligibility?
 - Does the household income including wages and child support exceed \$19,913 pre tax (125% of poverty guidelines for two-person household)?
- Good news! Nancy qualifies to receive services.

Is Nancy's case one that legal aid will handle?



Next hurdle: Case type

- Legal aid providers handle different types of cases.
 - Has Nancy contacted a legal aid provider that will handle her particular case type?
- Yes, her local legal aid office handles this type of case.

Will Nancy get a lawyer?



Final hurdle: Staffing limitations

- Does her local legal aid office have a staff attorney to take her case?
- The legal aid office has an attorney who can represent Nancy to appeal the denial of her unemployment benefits.

How does Nancy's story end?



- Legal Services of Southern Piedmont agreed to represent Nancy to appeal the decision denying her unemployment benefits.
- Without her job and without unemployment benefits, Nancy could not pay her rent.
- Nancy and her daughter were evicted before her case was heard.
- Nancy won her appeal and got unemployment benefits. She used the benefits to get another apartment.



Opportunities to Improve Civil Justice in North Carolina



RECOMMENDATIONS OF THE EQUAL JUSTICE ALLIANCE

Recommendations require varying levels of time and financial resources and may involve institutional commitment from a number of stakeholders.

Principal recommendation: restore and increase state funding for civil legal aid

Short term



- Consolidate domestic violence court cases on a particular day, especially when multiple counties are within a judicial district, to improve scheduling.
- Provide legal aid organizations free access to ACIS, criminal records database.
- Clarify orders of indigency apply throughout the life of a case, including mediation.

Intermediate



- Develop and improve pro se forms and instructions, for example, a form complaint for unpaid wages for use in small claims court.
- Conduct a comprehensive independent study of civil legal needs in North Carolina.
- Train magistrates, judges and clerks on an annual basis on frequent topics that disproportionately affect low income residents.
- Continue to improve language access and to make the courts more accessible to people with disabilities.

Long term



- Allow video conferencing in limited proceedings, for example, domestic violence cases, arbitrations, and custody mediations.
- Develop system for electronic filing of pleadings.
- Restore funding for NC Legal Education Assistance Foundation (NC LEAF) that provides loan repayment assistance to public interest lawyers.
- Restore civil legal aid funding that has been cut drastically since 2008.



Final Thoughts

- Improving the civil justice system in North Carolina for all, regardless of ability to pay, requires an investment of financial resources.
- Increasing the staffing capacity of legal aid to serve those in need is critical to improved efficiency of and access to the judicial system.

Equal Justice Alliance



DISABILITY RIGHTS
NORTH CAROLINA

Champions for Equality and Justice



Financial Protection Law Center



PISGAH
LEGAL SERVICES



**NORTH CAROLINA
PRISONER LEGAL SERVICES**

**NORTH CAROLINA
FOUNDATION
BAR ASSOCIATION**