



National Center *for*
Access to Justice

AT FORDHAM LAW SCHOOL

MAP

MICHIGAN
ADVOCACY
PROGRAM

“The Vision Thing”: Ideas Driving Civil Legal Aid

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Three Events that Influence Civil Legal Aid Today

Creation of LSC Act in 1974

- Response to poverty and riots
- Rule of law, not law of streets
- Newly aggressive practice
 - organize tenants and welfare recipients
 - domesticate courtrooms
 - bring test cases
 - rely on social workers

LSC Restrictions in 1996

- More individual cases
- No class actions
- No statutory attorneys fees*
- No challenges to welfare reform laws*
- No legislative lobbying
- No solicitation of clients
- No representation of people in prison
- Only certain immigrants
- No community organizing
- Restriction on all funds
 - separation requirement

Justice for All in 2015

- “100% access” per Chiefs’ Resolution
- Court based “self help”
- Reliance on technology
- A new understanding:
 - Millions defaulting
 - Millions alone in court
 - Millions unaware of legal nature of their problem
 - Millions lumping it
 - Millions tackling problems outside courts
- Research & Indexing
- Communications

*subsequently lifted

Ideas Driving Legal Aid Programs Today

1. **Secure access to justice**
--full participation
--know & protect rights

2. **Reduce poverty:**
--assure equality of opportunity for all
--assure equality

3. **Preserve human dignity**

4. **Build community power**
("legal empowerment")

5. **Provide client-centered service**

6. **Pursue good government**

7. **Pursue social justice**

8. **Run a high quality law firm**

How do these 8 goals intersect with the following visions?

- racial justice
- economic justice
- environmental justice
- disability rights
- criminal justice
- LGBT rights
- language rights

Do Other, More Personal, Narratives Ever Drive Work?

In addition to visions our institutions are pursuing, some of us may be motivated by more personal narratives, for example:

1. connecting with people and families
2. challenging authority
3. impressing others (peers, family members, selves)
4. exercising leadership
5. prevailing over bullies, holding people accountable, seeking vengeance
6. achieving moral or religious goals
7. defying others' expectations
8. other . . .

What is the Strategic Advocacy Initiative?

Led by NLADA, the SAI trains civil legal aid programs on responding to systemic needs with “broad based advocacy” that accomplishes systemic reform:

1. Individual matters – individual matters may achieve systemic results
2. Group matters – class actions, organizational representation cases, policy advocacy, other tools may achieve systemic results
3. Antipoverty advocacy – initiatives may remove barriers that interfere with efforts of individuals and groups to overcome poverty
4. Power-building – initiatives may assist community based organizations with economic development projects and with other efforts that grow community power
5. Justice system reform – initiatives may expand access to justice.

-- Source: [National Legal Aid & Defender Association \(“NLADA”\)](#)

What are Programs' Priorities?

What categories of cases are present in high volume today?

1. housing
2. family (divorce, child support, neglect, custody, visitation)
3. consumer
4. employment
5. disability
6. immigration
7. civil rights
8. environmental justice
9. civil-criminal intersection:
 - a. fees and fines in court proceedings
 - b. bail denials and bail reform
 - c. license suspensions
 - d. asset seizures
 - e. traffic and other municipal code violations

How should programs prioritize among different categories of cases?

What is the Right Staffing?

What are the pertinent degrees, training and roles?

1. law students
2. paralegals & LLLTs
3. social workers
4. lawyers
5. pro bono (lawyers and others)
6. court based staff & services
7. staff in other organizations and settings
 - federal, state and local government
 - social services agencies
 - indigent defense service providers
 - medical institutions
 - law schools
 - libraries

How do programs allocate responsibilities among staff with similar and different degrees, training and roles?

What is the Right Allocation of Resources Among Service Models?

What are the different models?

1. Technology and self-help
2. Public education
3. Advice and brief service
4. Limited assistance
5. Full representation in individual cases
6. Systemic advocacy – appeals, precedent setting cases, group representation, class actions, justice system reform
7. Policy advocacy

How do programs choose between the models?

What is AtJ Research?

Access to Justice Definition:

- individuals and groups,
- can learn about their rights,
- and protect their interests (home, family, financial security, safety, more),
- before a neutral and non-discriminatory decision-maker,
- in a formal or informal process,
- that determines the facts,
- applies, interprets and shapes the law,
- and enforces the result.

Six Questions for Research:

- I. What are people's legal needs?
- II. Is the law or practice a best model, in theory?
- III. Is the model present and fully implemented, in practice?
- IV. Does the model accomplish its goal?
- V. Does the model improve life of individual?
- VI. Does the model reduce poverty in society?

Methodologies:

1. Map policies. Survey "need" and "satisfaction".
2. Observe outcomes before and after intervention.
3. Conduct randomized control trials.
4. Examine whether individuals can perform tasks.



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