

**Reading Materials for Pro Bono Shark Tank**  
LEAD Week - Thursday, August 22 at 1:15 p.m.

During this session, you will be introduced to a core responsibility of the practice of law: the provision of pro bono legal services. Pro bono is short for *pro bono publico*, which in Latin means “for the public good.” Through pro bono representation, attorneys provide free legal services to low-income or disadvantaged individuals as well as non-profits, courts, and governmental organizations. Work ranges from brief research or advice to multi-year trial and appellate litigation.

Most U.S. jurisdictions encourage – and some require – licensed attorneys to contribute minimum annual pro bono hours. Many large law firms have in-house pro bono departments or robust practices, and most legal service organizations (e.g., Legal Aid of North Carolina) rely on pro bono volunteers to supplement staff capacity/expertise or handle cases involving a conflict of interest.

The Pro Bono Shark Tank session is facilitated by Duke Law alumni, both in private practice and in public interest, with robust pro bono involvement throughout their careers. As part of the activity, student teams design and pitch a pro bono project to address an unmet legal need.

To prepare, please read American Bar Association Model Rule 6.1 and its Comment that appear on the following pages. Then, review the enclosed executive summary of the report *In Pursuit of Justice: An Assessment of the Civil Legal Needs of North Carolina* (June 2021) published by the North Carolina Equal Access to Justice Commission.

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**American Bar Association Model Rules of Professional Conduct<sup>1</sup>**

**Rule 6.1: Voluntary Pro Bono Publico Service**

Public Service

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

(a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:

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<sup>1</sup> [https://www.americanbar.org/groups/probono\\_public\\_service/policy/aba\\_model\\_rule\\_6\\_1/](https://www.americanbar.org/groups/probono_public_service/policy/aba_model_rule_6_1/)

(1) persons of limited means or

(2) charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means; and

(b) provide any additional services through:

(1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;

(2) delivery of legal services at a substantially reduced fee to persons of limited means; or

(3) participation in activities for improving the law, the legal system or the legal profession.

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

### **Comment to Rule 6.1**

[1] Every lawyer, regardless of professional prominence or professional work load, has a responsibility to provide legal services to those unable to pay, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. The American Bar Association urges all lawyers to provide a minimum of 50 hours of pro bono services annually. States, however, may decide to choose a higher or lower number of hours of annual service (which may be expressed as a percentage of a lawyer's professional time) depending upon local needs and local conditions. It is recognized that in some years a lawyer may render greater or fewer hours than the annual standard specified, but during the course of his or her legal career, each lawyer should render on average per year, the number of hours set forth in this Rule. Services can be performed in civil matters or in criminal or quasi-criminal matters for which there is no government obligation to provide funds for legal representation, such as post-conviction death penalty appeal cases.

[2] Paragraphs (a)(1) and (2) recognize the critical need for legal services that exists among persons of limited means by providing that a substantial majority of the legal services rendered annually to the disadvantaged be furnished without fee or expectation of fee. Legal services under these paragraphs consist of a full range of activities, including individual and class representation, the provision of legal advice, legislative lobbying, administrative rule making and the provision of free training or mentoring to those who

represent persons of limited means. The variety of these activities should facilitate participation by government lawyers, even when restrictions exist on their engaging in the outside practice of law.

[3] Persons eligible for legal services under paragraphs (a)(1) and (2) are those who qualify for participation in programs funded by the Legal Services Corporation and those whose incomes and financial resources are slightly above the guidelines utilized by such programs but nevertheless, cannot afford counsel. Legal services can be rendered to individuals or to organizations such as homeless shelters, battered women's centers and food pantries that serve those of limited means. The term "governmental organizations" includes, but is not limited to, public protection programs and sections of governmental or public sector agencies.

[4] Because service must be provided without fee or expectation of fee, the intent of the lawyer to render free legal services is essential for the work performed to fall within the meaning of paragraphs (a)(1) and (2). Accordingly, services rendered cannot be considered pro bono if an anticipated fee is uncollected, but the award of statutory attorneys' fees in a case originally accepted as pro bono would not disqualify such services from inclusion under this section. Lawyers who do receive fees in such cases are encouraged to contribute an appropriate portion of such fees to organizations or projects that benefit persons of limited means.

[5] While it is possible for a lawyer to fulfill the annual responsibility to perform pro bono services exclusively through activities described in paragraphs (a)(1) and (2), to the extent that any hours of service remained unfulfilled, the remaining commitment can be met in a variety of ways as set forth in paragraph (b). Constitutional, statutory or regulatory restrictions may prohibit or impede government and public sector lawyers and judges from performing the pro bono services outlined in paragraphs (a)(1) and (2). Accordingly, where those restrictions apply, government and public sector lawyers and judges may fulfill their pro bono responsibility by performing services outlined in paragraph (b).

[6] Paragraph (b)(1) includes the provision of certain types of legal services to those whose incomes and financial resources place them above limited means. It also permits the pro bono lawyer to accept a substantially reduced fee for services. Examples of the types of issues that may be addressed under this paragraph include First Amendment claims, Title VII claims and environmental protection claims. Additionally, a wide range of organizations may be represented, including social service, medical research, cultural and religious groups.

[7] Paragraph (b)(2) covers instances in which lawyers agree to and receive a modest fee for furnishing legal services to persons of limited means. Participation in judicare programs and acceptance of court appointments in which the fee is substantially below a lawyer's usual rate are encouraged under this section.

[8] Paragraph (b)(3) recognizes the value of lawyers engaging in activities that improve the law, the legal system or the legal profession. Serving on bar association committees,

serving on boards of pro bono or legal services programs, taking part in Law Day activities, acting as a continuing legal education instructor, a mediator or an arbitrator and engaging in legislative lobbying to improve the law, the legal system or the profession are a few examples of the many activities that fall within this paragraph.

[9] Because the provision of pro bono services is a professional responsibility, it is the individual ethical commitment of each lawyer. Nevertheless, there may be times when it is not feasible for a lawyer to engage in pro bono services. At such times a lawyer may discharge the pro bono responsibility by providing financial support to organizations providing free legal services to persons of limited means. Such financial support should be reasonably equivalent to the value of the hours of service that would have otherwise been provided. In addition, at times it may be more feasible to satisfy the pro bono responsibility collectively, as by a firm's aggregate pro bono activities.

[10] Because the efforts of individual lawyers are not enough to meet the need for free legal services that exists among persons of limited means, the government and the profession have instituted additional programs to provide those services. Every lawyer should financially support such programs, in addition to either providing direct pro bono services or making financial contributions when pro bono service is not feasible.

[11] Law firms should act reasonably to enable and encourage all lawyers in the firm to provide the pro bono legal services called for by this Rule.

[12] The responsibility set forth in this Rule is not intended to be enforced through disciplinary process.



# IN PURSUIT *of* JUSTICE

An Assessment of the  
Civil Legal Needs of North Carolina

JUNE 2021

In 2020, in partnership with UNC Greensboro's Center for Housing and Community Studies, the NC Equal Access to Justice Commission and the Equal Justice Alliance conducted the first comprehensive civil legal needs assessment of our state in almost 20 years. In addition to reviewing this summary, you can visit [nclegalneeds.org](http://nclegalneeds.org) for socioeconomic profiles for all 100 North Carolina counties and story maps that allow you to interact with the data.

**NC**  
Equal Access  
to Justice  
COMMISSION

A COMMISSION OF THE  
NORTH CAROLINA SUPREME COURT



NC Equal  
Justice Alliance

The Civil Legal Aid Community

Visit [nclegalneeds.org](http://nclegalneeds.org) for more information,  
including extensive county-level data.

## Legal Needs Assessment Steering Committee Members

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*North Carolina Supreme Court, Raleigh, NC*

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*Benton Family Law, Goldsboro, NC*

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## Acknowledgments

We would like to express our gratitude to North Carolina IOLTA and the North Carolina Bar Foundation for providing funding to support this research. Many thanks to the Center for Housing and Community Studies at the University of North Carolina at Greensboro (UNCG) for conducting the first comprehensive legal needs assessment of our state in almost 20 years. The members of the research team were: Stephen Sills, PhD, Director of the Center; Bruce Rich, JD, MPA, Housing and Urban Policy Coordinator; Haiyang Su, PhD, Survey Research; and Meredith DiMattina, GIST, Mapping.

We deeply appreciate the willingness of the hundreds of legal aid and social services professionals and members of the legal aid client community who shared their experiences through surveys, focus groups, and in-depth interviews.

*This document provides a brief summary of UNCG's extensive findings for judges, clerks of court, magistrates, and other stakeholders. The North Carolina Equal Access to Justice Commission and the Equal Justice Alliance are responsible for the content of this summary.*

## INTRODUCTION

Whereas the Sixth Amendment guarantees the right to legal counsel to most criminal defendants, there is almost no civil right to counsel in the United States.

A large percentage of the population in North Carolina cannot afford the services of a private attorney. Each year, thousands of North Carolinians must navigate complex civil legal issues such as foreclosure and child custody without the benefit of representation. Unable to pay for counsel or access legal aid, these families either proceed *pro se* (i.e., they represent themselves) regardless of education level or language barrier, or they simply fail to have their day in court.

In 2020, in partnership with UNC Greensboro's Center for Housing and Community Studies, the NC Equal Access to Justice Commission (EATJC) and the Equal Justice Alliance (EJA) completed the first comprehensive civil legal needs assessment in nearly two decades. The study provides an overview of the scope of civil legal needs in North Carolina, as well as the factors affecting the depth and type of civil legal problems people experience. Primary goals of this assessment included:

- Documenting the current resources and services available to meet civil legal needs.
- Understanding specifics regarding the gaps in availability of services and what resources are needed to address unmet legal needs.

UNCG researchers obtained economic and demographic contextual data from secondary data sources. They compiled data for 2015–2019 from the NC Administrative Office of the Courts (NCAOC) for 26 civil case types by county. Eight civil legal aid providers in North Carolina provided a snapshot of caseloads in 2019.

### Fast Facts: Legal Aid in NC

Until the current study, an assessment of the unmet civil legal needs of North Carolinians had not been undertaken since 2003.

More than 2 million low-income North Carolinians were eligible for the services of legal aid providers in 2018.

71% of low-income families will experience at least one civil legal problem in a given year.

86% of these legal needs go unmet because of limited resources for civil legal aid providers.

The coronavirus pandemic has significantly increased the need for civil legal aid.

There is 1 legal aid attorney for every 8,000 North Carolinians eligible for legal services, compared to 1 private lawyer for every 367 North Carolina residents.

**The UNCG team collected primary data over the course of 10 months in 2020 using the following methods:**

- 28 semi-structured, in-depth, one-on-one interviews with leaders in the legal aid field that included managing attorneys, policy directors, program officers, executive directors, legal scholars, and frontline attorneys from agencies across the state.
- Focus groups with legal aid lawyers, people who work for nonprofits delivering services in the community, and people who have been legal aid clients or have struggled to find affordable legal help (57 total participants).
- Statewide surveys of 1,176 stakeholders and 708 potential, current, or past clients.

## Primary Findings

- Legal aid and social services providers were unanimous on one point: low-income North Carolinians face a severe shortfall in affordable legal resources. Over the past 20 years, some of the resources available to serve people in poverty have expanded while some have contracted—but the needs have far outpaced the resources.
- Some populations are underserved even relative to the larger population of low-income people in need of civil legal services. These populations include veterans, seniors, people with disabilities, and Native Americans.
- The income limits imposed by the Legal Services Corporation (LSC), a significant source of funding for legal aid, excludes middle-income clients from eligibility for assistance, despite the fact that they often cannot afford a private attorney.
- Legal aid providers are forced to turn away many eligible people with meritorious cases due to lack of resources.
- Family law (particularly custody proceedings), immigration, and housing are the largest areas of need.
- 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.
- Significant barriers make it difficult for low-income people to gain access to legal services. Researchers asked client respondents to name the greatest barriers. By far the most frequent was costs, which 91.2% identified.
- A lack of internet access can significantly hamper the ability of rural and low-income communities to access legal services.
- The need for legal services for low-income families is growing, and poverty drives a large percentage of this need.

## Impact of COVID-19

Since descending on our state in March 2020, COVID-19 has both exposed and increased the unmet need for civil legal aid. The pandemic has significantly impacted North Carolina unemployment rates, causing ripple effects for families in many areas such as food insecurity, collections, child custody, and access to affordable healthcare. Stakeholder survey findings indicate that housing, employment, and discrimination are the top three

categories of increased need. Stakeholders noted an increase in domestic violence cases, as well as a surge in people concerned about wills and advance directives. The full impact of the pandemic on legal needs will not be seen for months or even years as vulnerable populations recover.

The unemployment rate in our state more than tripled between October 2019 and July 2020, soaring from 3.5% to 12.7%. The number of unemployed workers during this same time period increased from 180,081 to 436,774. The unemployment rate had fallen back to 6.1% in October 2020 and was 6.1% as of March 2021; this rate is significantly higher than before the pandemic.

Under difficult conditions, the civil legal aid community has helped families in every county of the state meet basic human needs. Attorneys and other staff adapted to working remotely, socially distancing, and implementing other safety measures. They ramped up technology use to serve more clients and provide vital information to the public. Zoom meetings, email, websites, videos, and social media have been critical advocacy tools and allowed legal aid providers to increase their reach. Facebook Live is one of many tools used to inform people about their rights in a rapidly changing environment.

Courts have shifted a variety of hearings to virtual settings. Many study participants noted that people without access to reliable broadband and technology may fall through the cracks of the digital divide.

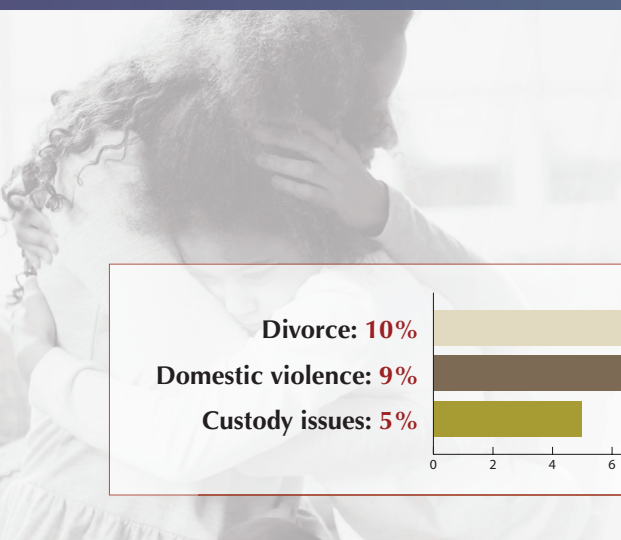
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# Improving Lives by Meeting Legal Needs

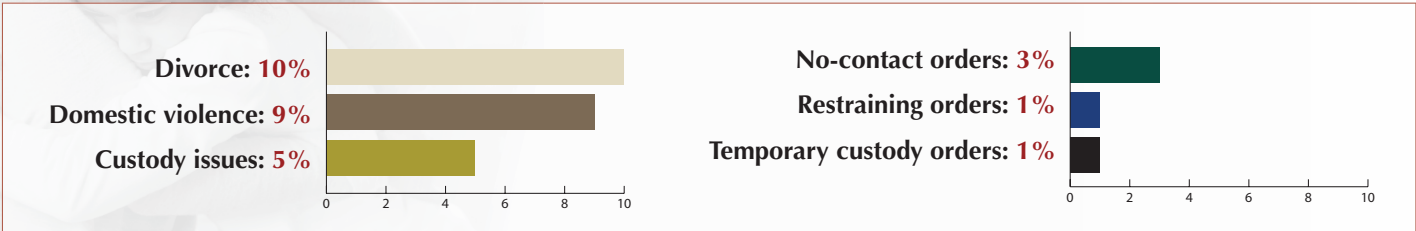
More than 70% of low-income families have at least one civil legal issue in a given year, and poverty is frequently a factor. People seeking a solution to their legal problems are often forced to navigate the court system without the help of a lawyer.

Note: Percentages below related to NCAOC cases refer to the subset of 26 civil case types researchers analyzed from NCAOC's entire annual statewide caseload for 2015-2019.



## Family Law CIVIL LEGAL ISSUES

**30%**  
of annual volume of NCAOC cases studied



## Housing Law CIVIL LEGAL ISSUES

**56%**  
of annual volume of NCAOC cases studied



**1,467,591**  
North Carolinians  
LIVE IN POVERTY

**15.4%**  
of the state's  
POPULATION

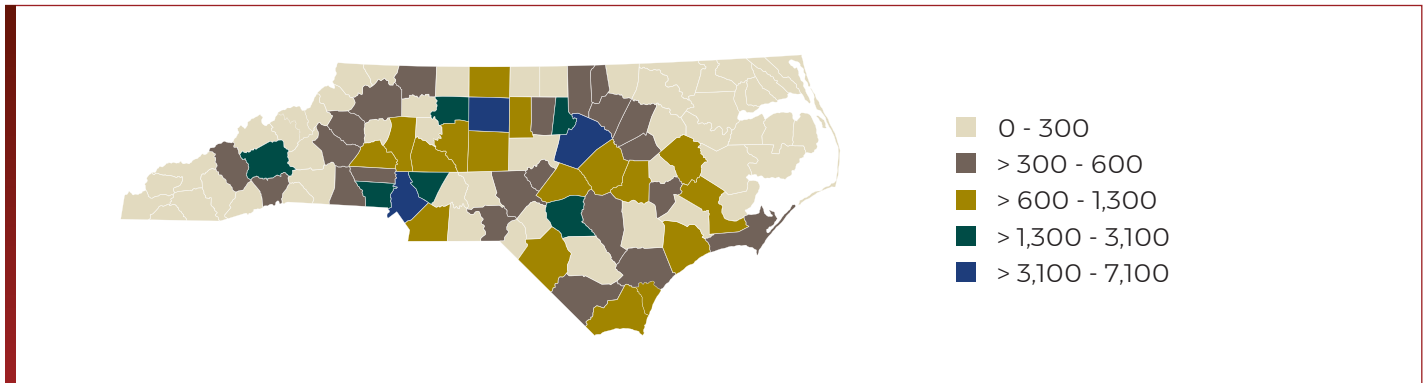
BEFORE THE PANDEMIC,  
**47.8% OF NC HOUSEHOLDS**  
HAD AN ANNUAL INCOME  
OF **LESS THAN \$50K.**

**20.7%** of HOMEOWNERS  
**44.1%** of RENTERS  
**SPEND > 30%**  
of income on housing

## Overview of Need

The need for civil legal services for North Carolinians is generally acute. Researchers reviewed NCAOC data and selected 26 case types that protect people’s health, families, and livelihoods (examples in Figure 2 below). NCAOC records indicate there were more than 1.7 million civil legal cases in these 26 categories during the five-year period of 2015–2019, or more than 340,000 annual cases. Of these cases, 40% appeared in district court with less than 1% in superior court. Magistrates fielded about 45% of cases, and the remainder were primarily handled through special proceedings.

**FIGURE 1: Civil Case Volume by County, 2019**



Source: NC Administrative Office of the Courts (NCAOC), 2015–2019.

**FIGURE 2: 10 Most Prevalent Civil Case Types of the 26 Selected Case Types Statewide**

Issue	District Court	Magistrate Court	Superior Court	Estate	Special Proceedings	Registration	Annualized Rate per 10,000
Summary Ejectment	2,871	167,175	-	-	-	-	169.2
Divorce	37,070	-	-	-	-	-	36.9
Collection on Account	35,931	-	952	-	-	-	36.7
Domestic Violence	32,651	-	-	-	-	-	32.5
Foreclosure	-	-	-	-	23,778	-	23.7
Custody	18,521	-	2	-	-	-	18.4
Findings and Order of Foreclosure	-	-	-	-	13,949	-	13.9
Permanent Civil No-Contact Order	9,329	-	-	-	-	-	9.3
Incompetency	-	-	-	-	4,922	-	4.9
Guardianship of the Person	-	-	-	3,478	-	-	3.5

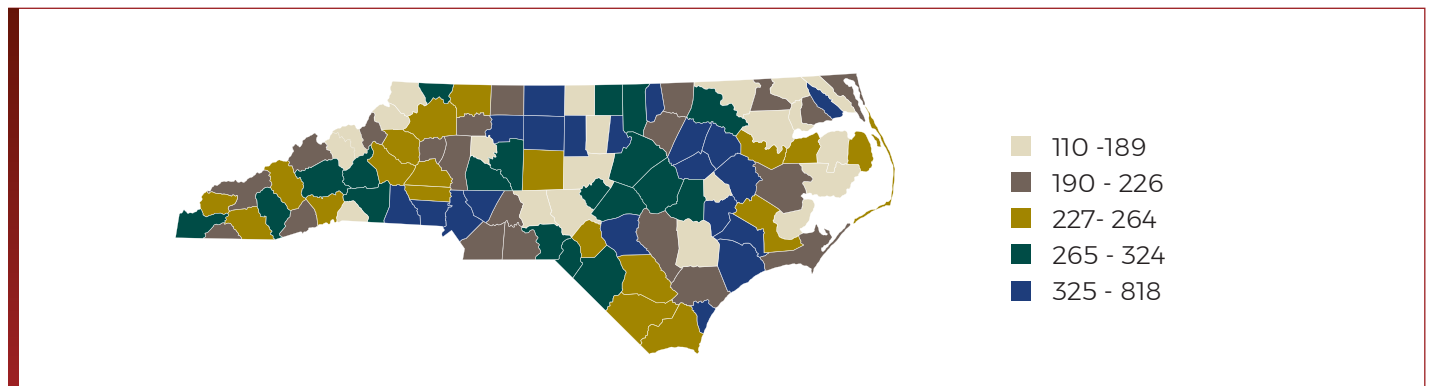
Source: NC Administrative Office of the Courts (NCAOC), 2015–2019.

Large variations exist in both the rate and volume of civil cases in different counties across the state. County-level information is available upon request for these selected case issue types: summary ejectment, collection on accounts, child custody, divorce, domestic violence, foreclosure, and guardianship. Additionally, UNCG researchers tabulated and mapped county-level information on the rate and volume of cases per court type and disposition. Figures for case issue type, court type, and dispositions are available both as annual rates per 10,000 population per year by county and as total annualized data by county, without consideration of the county’s population. This county-level information may be found at [nclegalneeds.org](http://nclegalneeds.org).

The highest raw volume of civil court cases is centered around the larger metropolitan areas of the state, which are located in Wake, Mecklenburg, Guilford, Forsyth, Durham, and Cumberland Counties. Having a greater ratio of rental properties, these same counties are among the highest regarding the volume of summary ejectments, even when accounting for population density.

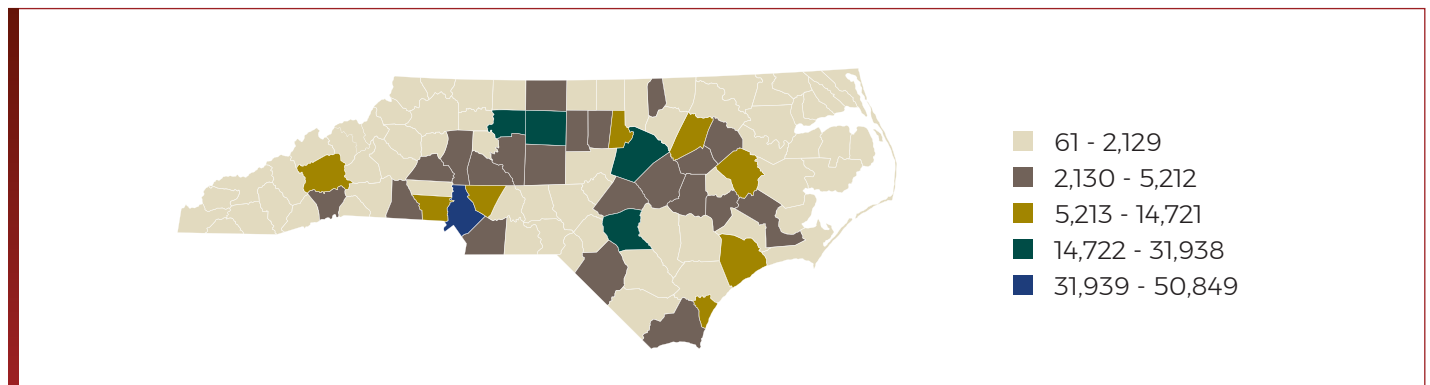
In contrast, foreclosure related cases were less correlated with population density, being highest in some of the eastern and western extremities of the state, as well as in Guilford, Forsyth, Hoke, and Cumberland Counties, while remaining relatively low in counties like Wake and Mecklenburg with major metropolitan areas. Even when low population density is accounted for, cases related to domestic violence were highly concentrated in the western half of the state and lower in the northeastern counties.

**FIGURE 3: Rate of Civil Cases per 10,000 Population Per Year for 26 Selected Case Types By County**



Source: NC Administrative Office of the Courts, 2015-2019.

**FIGURE 4: Total Count of Civil Cases for 26 Selected Case Types per Year By County**



Source: NC Administrative Office of the Courts, 2015-2019.

Note: The 26 case types included in the tabulations above are, in descending order, summary ejectment (eviction), divorce, collection on accounts, domestic violence, foreclosure, custody, findings and order of foreclosure, permanent civil no-contact order, incompetency, guardianship of the person, name change, temporary restraining order, domestic violence temporary custody, claim/designate exempt property, domestic violence temporary child support, renew permanent restraining order, general guardianship (incompetent), estate guardianship (incompetent), limited driving privilege, protective services (adult), power of attorney, permanent restraining order, renewal of permanent civil no-contact, general guardianship (minor), objection to exemptions claimed, and unlawful discriminatory housing practice.

## Scope and Type of Cases Closed by Legal Aid Providers

Eight civil legal agencies provided data for this assessment from their 2019 records: Charlotte Center for Legal Advocacy, Council for Children’s Rights, Disability Rights North Carolina, Financial Protection Law Center, Land Loss Prevention Project, Legal Aid of North Carolina, NC Free Legal Answers program, and Pisgah Legal Services.

### These eight organizations reported the following:

- Closing more than 33,805 cases.
- Serving more than 93,692 individuals, including 2,111 veterans.
- Preventing more than 1,897 evictions and 284 foreclosures.
- Assisting clients in obtaining 3,186 domestic violence protection orders.
- Assisting 628 individuals in expunging records.

Civil legal agencies disproportionately helped non-white clients. Approximately 55% of clients served in 2019 were non-white, whereas about 33% of the state’s population was non-white.

**FIGURE 5: Top 10 Civil Legal Case Types Closed by Eight North Carolina Legal Aid Providers in 2019**

Rank	Case Type	Closed 2019	Percent of All Cases Closed
1	Domestic Abuse	7,679	22.6%
2	Private Landlord/Tenant Issue	5,046	14.8%
3	Federally Subsidized Housing	1,873	5.5%
4	Other Miscellaneous	1,801	5.3%
5	Custody/Visitation	1,659	4.9%
6	Wills/Estates	1,568	4.6%
7	Advance Directives/Powers of Attorney	1,437	4.2%
8	Collection (including Repossession/Deficiency/Garnishment)	1,388	4.1%
9	SSI Benefits	1,050	3.1%
10	Immigration/Naturalization	1,021	3.0%

Source: Eight Legal Aid Providers.

In some geographic and issue areas, the gap between service need and service availability has reached a crisis stage. If a low-income individual is also a member of another marginalized group such as veterans, they are even more unlikely to obtain services. North Carolinians with incomes that just surpass the limit to be eligible for legal aid are particularly underserved because they earn too little to pay for the services of a private attorney.

**In some geographic and issue areas, the gap has reached a crisis stage.**

## Difficult Choices

Legal aid providers must make difficult decisions about which individuals receive services based on their income eligibility, the importance of the issues being presented, the ability of the person to represent themselves, and whether the potential client's issue falls within one of the organization's priority subject areas.

The ability to meet the need for services will decline further post-pandemic.

Civil legal aid providers reported their ability to meet low-income families' legal needs will decline further post-pandemic due to anticipated increased demand. Stakeholder interviews indicated that the worst practice area shortfall is in family law, and the second most underserved practice area is immigration.

## Geographic Disparities

Interviewees noted that it is much more challenging for low-income people in rural areas to access civil legal aid for a variety of reasons. They indicated that rural populations are:

- Less likely to have access to public transport.
- Less likely to reside near a legal aid office.
- Less likely to have access to high-speed internet.
- More likely to be older and have more health issues.
- More likely to suffer from the aftereffects of a weather-related disaster.
- More likely to be generally isolated and therefore less likely to know about available services.

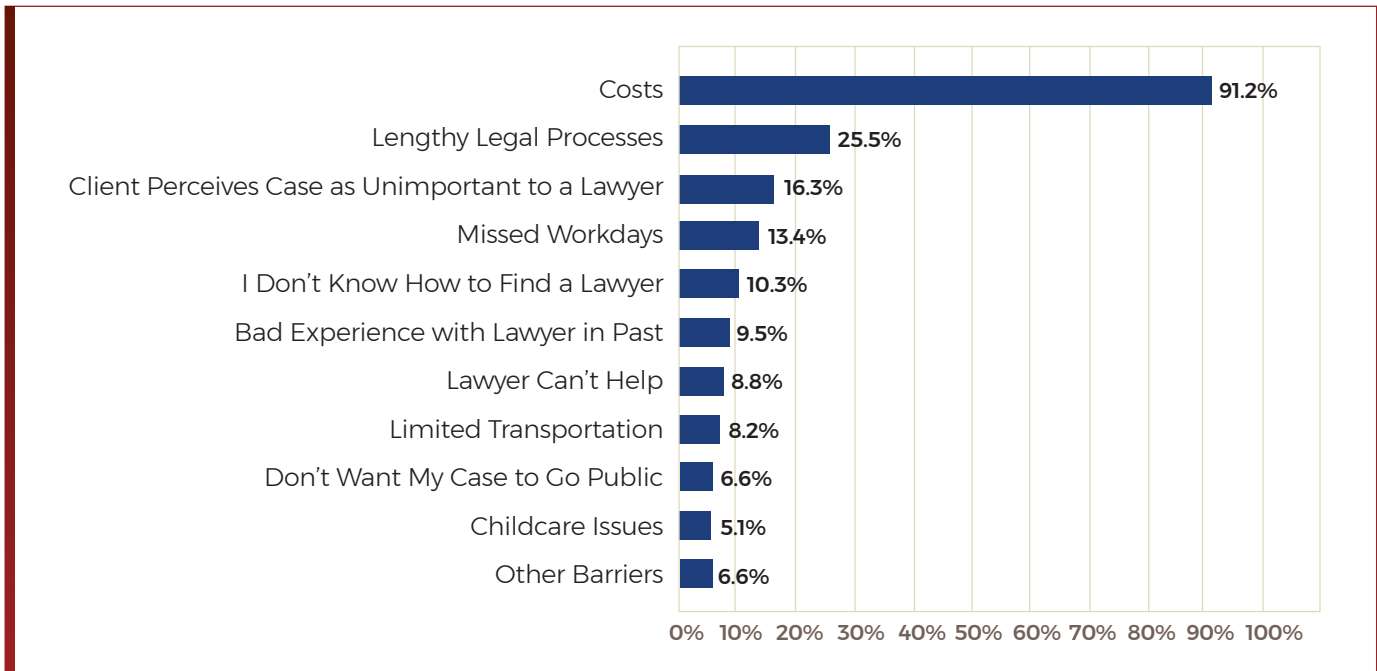
They also pointed out there are fewer pro bono attorneys and less locally-based philanthropic activity to support fundraising efforts in rural counties.

## Costs Are Largest Barrier to Receiving Services

Clients overwhelmingly reported that costs are the most significant barrier to obtaining assistance with civil legal issues (Figure 6). In 2018, approximately 15% of North Carolinians lived in poverty, which is disproportionate by race and affects 23.5% of Black households and 12.1% of white households. The percent of households receiving SNAP (Supplemental Nutrition Assistance Program) in 2018 was 14.1%. One-in-five (20.7%) homeowners and 44.1% of renters were cost-burdened, spending more than 30% of income on housing-related costs. Finally, the median annual household income in North Carolina in 2018 was \$53,855, or about \$8,000 lower than that of the United States as a whole, with great variability between counties.

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**FIGURE 6: Barriers to Seeking Assistance with Civil Legal Issues, Client Survey Respondents, 2020**



The top three most frequently mentioned barriers noted in Figure 6 were consistent across race, income, and level of trust in lawyers. The professionals interviewed further identified the following barriers: lack of childcare, inability to get time off work, lack of transportation, limited language and literacy, lack of internet access, health issues, lack of trust, and lack of awareness.

An additional barrier that came to light in the interviews and focus groups is that members of low-income and immigrant communities often have a low level of trust in lawyers, the court system, and the legal system in general. Client survey respondents were asked to rate on a scale from 0 (no trust) to 100 (total trust) their level of trust in lawyers. The average level of trust (mean) was 63.6. The highest trust level was seen among those with high incomes. Notably, veterans had the lowest level of trust in lawyers.

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**FIGURE 7: Level of Trust in Lawyers, Client Survey Respondents, 2020**

Client Group	Mean
All Clients	63.6
White	64.74
Non-White	62.75
Males	65.28
Females	63.43
Veteran	57.59
Non-Veteran	64.27
Very Low Income	64.49
Very High Income	81.33

## Categories of Legal Services with High Need

UNCC researchers analyzed all data collected from the 28 in-depth interviews with leaders in the legal services field; focus groups with 57 total participants (including professionals, clients, and potential clients); and statewide surveys (1,176 stakeholders and 708 past, current, or potential clients). They identified multiple types of civil legal cases with high need for legal services.

**Housing Issues for Owners:** Housing legal services ranked at or near the top in each component of our assessment of civil legal needs in North Carolina. The most commonly filed legal issues for homeowners were foreclosure and mortgage issues, followed by home repair problems.

**Housing Issues for Renters:** Housing legal issues for renters were a top category of need and included general affordability issues, rent increases, threats of eviction, and tenants' rights.

**Family Legal Services:** Statewide NCAOC data and data supplied by legal aid providers indicated that family legal services are in high demand. Among the surveyed issues in the category of family law, more than half of respondents indicated a great need for services for domestic violence and partner abuse, followed closely by child custody, child visitation, and child support issues.

**Immigration and Naturalization:** Legal services for immigration and naturalization also ranked high on the overall assessment of legal needs, as well as in interviews and focus groups. All subfields ranked relatively high in need, and the most significant areas of need were related to deportation, immigration court hearings, problems resulting from not having a driver's license, and Deferred Action for Childhood Arrivals (DACA).

**Seniors:** The most prominent issues for seniors were fraud, Medicare/Medicaid issues, and powers of attorney and living wills. Guardianship and abuse of older adults, while still high need, ranked lowest comparatively.

**Healthcare:** Medical-legal issues included addressing Medicaid eligibility issues and Medicaid nursing home benefits, as well as the provision of home and community-based services.

**Income Maintenance:** The most common legal services needs in this area were help with applying for or receiving SNAP, unemployment compensation, and Social Security Disability Insurance (SSDI).

**Consumer Rights:** Respondents indicated the greatest needs for consumer legal programs were related to collection agency abuse, student loan debt, and creditor harassment.

**Employment Legal Services:** Respondents agreed there was moderate to great need for addressing employment issues related to criminal records as well as issues concerning unemployment benefits.

**Civil Rights/Discrimination:** More services are needed for people facing discrimination due to race or ethnicity. Related was a high need for legal services for discrimination due to criminal record or police misconduct due to discrimination. The need was consistently high throughout all categories of civil rights cases.

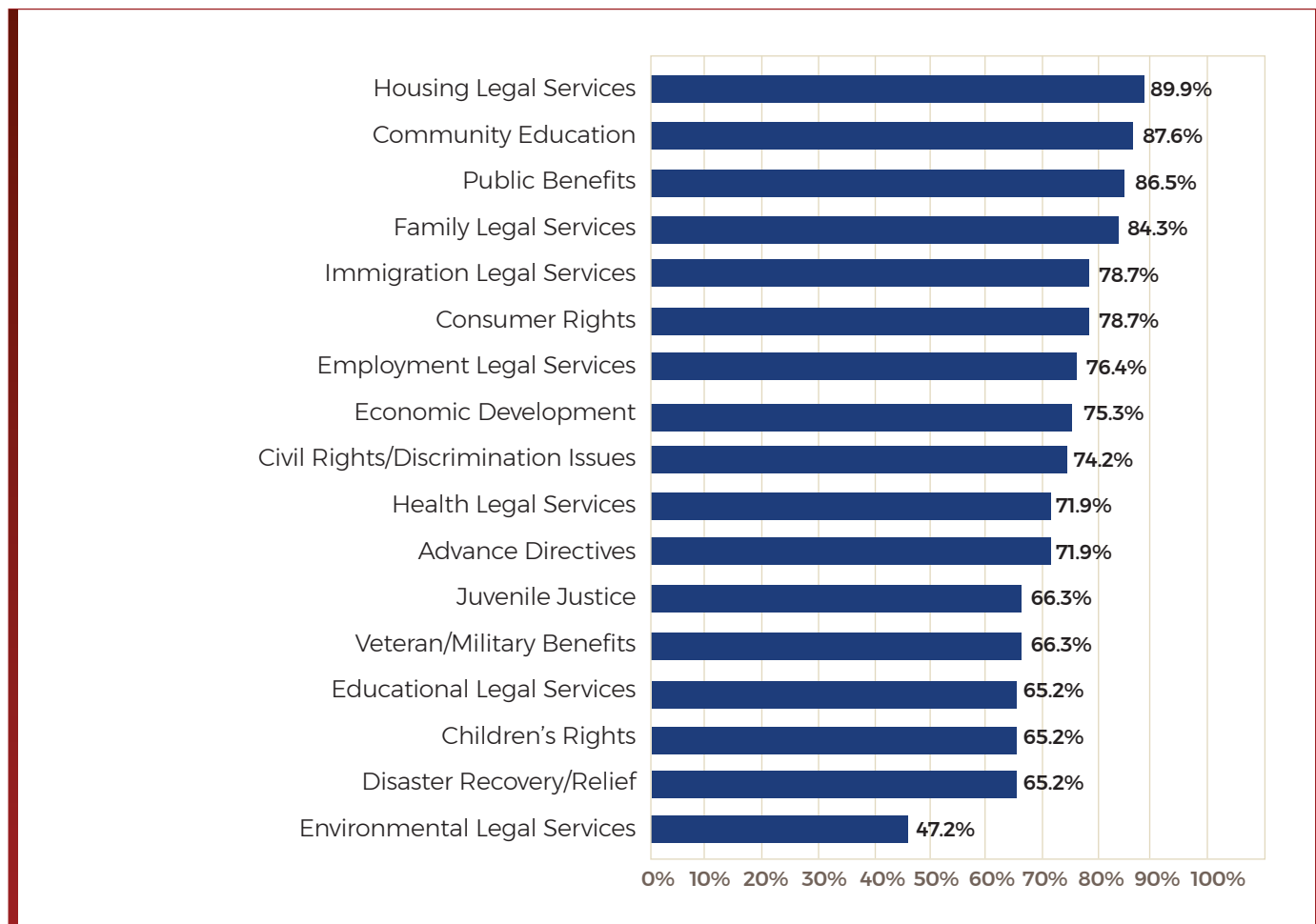
**Veteran/Military Benefits:** Denial of veterans benefits was the greatest area of legal need indicated by respondents, while discharge status upgrade or correction was the least needed service.

**Education Legal Services:** The majority of respondents agreed there was moderate to great need for addressing Individual Education Program (IEP) issues, school enrollment for homeless youth, and issues of youth being turned down for special education programs. The need was consistently high throughout all categories of educational legal cases.

**Disability Benefits:** The majority of respondents also recognized moderate to great need for legal services for cases where disability benefits were denied, reduced, or terminated; for Social Security Disability Insurance (SSDI) claims; and for mental illness or commitment hearings.

**Wills and Estates:** Respondents indicated roughly equal need in the following four areas of wills and estates: estate planning, probate, household members had problem with will or estate of deceased person, and unspecified legal problems with will or estate.

**FIGURE 8: Top Needs Identified by Nonprofit Legal Aid Providers, 2020**





## Existing Financial and Human Resources

Researchers asked survey respondents to identify programs and efforts in their area that are successful in the current provision of civil legal services. Respondents provided 227 write-in responses, and key themes included the emergence of new programs, strong civil legal aid providers, effective community partnerships, and improvements in court training.

**Funding:** Legal aid providers throughout the state receive funding from a variety of sources. Federal funds through LSC furnish the greatest amount of funding for civil legal representation for low-income people in our state but exclude many people who need services. Additional federal, state, and local government grants are important sources as well. Respondents frequently mentioned the Governor’s Crime Commission, which allocates funding to agencies under the Violence Against Women Act (VAWA) and the Victims of Crime Act (VOCA). These funds primarily support services to victims of domestic violence and sexual assault. Additional sources respondents identified were NC IOLTA, philanthropic foundations, individual and corporate contributions, attorneys’ fee awards, and nominal fees from clients who exceed income levels.

As discussed, the funding for services to address North Carolinians’ civil legal needs is severely inadequate. The lack of stability of funding emerged as a key issue. Many respondents also commented that restrictions on funding hampered their efforts to provide services efficiently.

**Pro Bono:** In our conversations about resources, study participants repeatedly mentioned the private bar as an important resource available to support the provision of legal services. Some legal aid providers reported receiving significant support from private attorneys who provide pro bono services to low-income families. These volunteers take on individual and appellate cases, as well as partner with legal aid attorneys for complex civil litigation cases. In many cases, bar associations also organize pro bono projects such as phone banks to provide answers to legal questions and clinics that help low-income people prepare documents. Training and supporting pro bono attorneys can, however, be labor intensive for legal aid providers. Opinions varied regarding the efficiency of utilizing pro bono services to assist clients.

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**Leveraging Non-Lawyers:** Civil legal aid providers struggling with limited resources told researchers they need community partners who can play a number of supporting legal roles. Respondents identified potential allies in local social services agency staff, social workers, navigators, advocates, housing counselors, victim witness assistants, paralegals, law students, and volunteers. Respondents also indicated that working closely with other social services organizations allows attorneys to meet client needs more effectively.

**Partnerships within the Legal Civil Aid Community:** Professionals serving low-income clients report dramatic growth in the effectiveness of their partnerships with other members of the civil legal aid community. Increasingly, they work together to support each other as well as their clients. They collaborate to educate clients and the wider community about legal issues. This interdependence sometimes also extends to the relationships between legal aid firms and the private bar.

## Suggestions for Improvements from Justice System Stakeholders

After extensive discussion of needs, shortfalls, barriers, and resources, researchers asked study participants what changes they would like to see at the local, state, or federal level. We heard many suggestions for improvement, ranging from sweeping systemic change to modest tinkering with regulations. Recommendations generally fell into the three broad categories of structural change, funding, and regulatory reform.

Regarding structural change, some study participants recommended that steps be taken to reduce poverty and oppression. Ideas ranged from greater access to food and child care to increasing the minimum wage and the amount of affordable housing available. Many supported a civil right to counsel.

Short of sweeping systemic change, study participants generally felt that lack of funding is the key issue in explaining and remedying the shortfall in civil legal services. Many participants mentioned the need for far greater resources. Others advocated that funding be more flexible so that it can be used to cover nonprofit operational costs or small expenses of clients such as bus fare.

In terms of regulatory reform, several respondents mentioned Medicaid expansion. Other ideas were reinstating the earned income tax credit as an anti-poverty measure for children and reforming the unemployment insurance system in North Carolina.

The domestic violence sector gave rise to a number of policy recommendations. Among other suggestions, one practitioner urged that domestic violence protective orders be issued for longer periods and that courts take greater advantage of the statutory authority to award child and spousal support, as well as housing allowances, with protective orders. Reform of the campus sexual assault system was also mentioned.

### Other ideas included:

Expansion of the property tax reduction available to disabled and elderly homeowners, liberalization of bankruptcy rules to permit restructuring of a mortgage on a primary residence, and expansion of Department of Agricultural rules to allow low-resource farmers to have more access to credit and conservation programs. Several informants recommended that the Self-Serve Center in Mecklenburg County be expanded to other counties. Remote court and administrative hearings and a system for remote notarizations were suggested as other ways to increase access.

Remote court and administrative hearings and remote notarizations were suggested as other ways to increase access.

Many legal aid attorneys struggling to meet needs with limited resources advocated for training community partners and leveraging non-lawyers for support. Examples included providing more training for police and court officials regarding the dynamics of domestic violence, training housing counselors to assist in eviction and foreclosure cases, and utilizing prison staff to screen for needs like expungement. Non-lawyer advocates, with the appropriate support of lawyers, could be utilized to a greater extent to accompany clients to the courthouse to help them file *pro se* or represent themselves in court.

*We do not yet know the full picture regarding the civil legal needs emerging from the pandemic. This study relied on court data from 2019 and interviews conducted throughout 2020. We know that unemployment, education deficiencies, housing instability, and other issues will have a prolonged impact on our state, and we will continue to monitor gaps in services over the coming months and years.*

## YOU CAN HELP

The North Carolina Constitution provides that “justice shall be administered without favor, denial, or delay.”

### Volunteer

Attorney volunteers bridge the gap between those with low/modest income and the court system.

**More information is available at  
[ncprobono.org](http://ncprobono.org).**

### Donate

Support your community’s second responders by giving to civil legal aid organizations in North Carolina.

**More information about civil  
legal aid organizations is available at  
[ncequaljusticealliance.org](http://ncequaljusticealliance.org).**

### Spread the Word

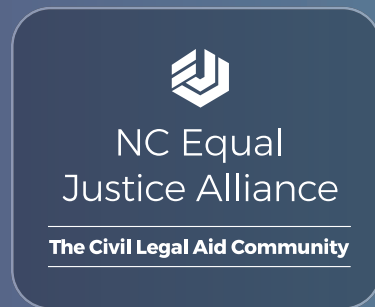
Tell others how civil legal aid is vital for North Carolina citizens and how it can solve problems early, make communities more resilient, and strengthen the economy.

**More information is available at  
[ncaccesstojustice.org](http://ncaccesstojustice.org).**



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