



UNC CENTER ON POVERTY, WORK AND OPPORTUNITY

ACCESS TO JUSTICE IN NORTH CAROLINA: A RIGHT TO COUNSEL IN CIVIL CASES

Conference Agenda October 30, 2009

Welcome and Introduction

1:00-1:10

Gene Nichol, Professor of Law, UNC School of Law and Director, UNC Center on Poverty, Work and Opportunity

Panel I

1:10-2:10

Gideon v. Wainwright's establishment of a constitutional right to counsel in criminal cases has become a familiar legal landmark. While civil cases can be similarly complex, and the stakes similarly high, no equivalent right exists in this arena. As a result, the millions of people in the U.S. who cannot afford the services of a lawyer are either denied access to the courts or forced to navigate the system alone. Numerous studies estimate that at least 80 percent of the legal needs of low and moderate income individuals are unmet—a failure that calls into question the legitimacy of our judicial system. This panel will examine the scope, costs and consequences of this exclusion and provide an overview of steps taken in North Carolina and elsewhere to remedy it.

Moderator: **M. Patricia DeVine**, District Court Judge, 15B Judicial District
Panelists: **Sarah Parker**, Chief Justice, North Carolina Supreme Court
Kenneth Schorr, Executive Director, Legal Services of Southern Piedmont
Janet Ward Black, Past President, North Carolina Bar Association
Laura Klein Abel, Deputy Director, Justice Program, Brennan Center for Justice
(with **John Pollock**, ABA Section on Litigation Civil Right to Counsel Fellow)

Panel II

2:10-3:10

This panel will examine the depth and degree of need in North Carolina. George Hausen will describe the role of Legal Aid: its singular importance, its limitations and how the presence of counsel (or absence thereof) makes a critical difference. Mark Martin will discuss the impact of the lack of effective counsel on the appellate process of adjudication. Gene Nichol will examine the denial of counsel as a constraint on due process of law. Patricia Timmons-Goodson will explore often stronger commitments to equal civil justice in other advanced western democracies.

Moderator: **Deborah Weissman**, Reef C. Ivey II Distinguished Professor of Law and Director of Clinical Programs, UNC School of Law

Panelists: **George Hausen**, Executive Director, Legal Aid of North Carolina
Mark Martin, Associate Justice, North Carolina Supreme Court
Gene Nichol, Director, UNC Center on Poverty, Work and Opportunity
Patricia Timmons-Goodson, Associate Justice, North Carolina Supreme Court

Ten Minute Break

Panel III

3:20-4:20

Panel III will focus on a variety of approaches to increasing access to counsel. Burton Craige will explore the perspectives of the trial academy and the constraints the costs of legal education impose on public service. Allan Head will consider challenges to both legal education and the bar in the delivery of pro bono services. John McMillan will outline three state bar initiatives: mandatory pro bono; mandatory IOLTA; and IOLTA comparability. John Wester will discuss the role, value and necessity of pro bono service in private practice. Justice Orr will probe the role of public interest advocacy organizations in meaningful access to justice.

Moderator: **Maxine Eichner**, Professor of Law, UNC School of Law

Panelists: **Burton Craige**, Past President, North Carolina Advocates for Justice
Allan Head, Executive Director, North Carolina Bar Association
John B. McMillan, President, North Carolina State Bar
John Wester, President, North Carolina Bar Association
Robert Orr, former Justice, North Carolina Supreme Court and Executive Director, North Carolina Institute for Constitutional Law

Ten Minute Break

Panel IV

4:30-5:30

Under the guidance of leading members of the legal community, North Carolina has taken significant strides in expanding access to counsel in civil cases in recent years. But much remains to be done, especially now. Given what we've heard today, what is the best path forward? Are the steps that have been described sufficient? Effective? Feasible? Panelists will respond to earlier sessions, make suggestions and compare efforts to similar movements in other states and nationally.

Moderator: **Gene Nichol**, Director, UNC Center on Poverty, Work and Opportunity

Panelists: **Debra Gardner**, Legal Director, Public Justice Center and Coordinator, National Coalition for a Civil Right to Counsel
Robin Hudson, Associate Justice, North Carolina Supreme Court
Rick Glazier, North Carolina House of Representatives
Charles Becton, Past President, North Carolina Bar Association

