

The Order establishing the Equal Access to Justice Commission is hereby amended to read as follows:

**IN THE SUPREME COURT OF NORTH CAROLINA**

**BY ORDER OF THE COURT**

In recognition of the need to expand access to civil legal representation for people of low income and modest means in North Carolina, the Court hereby creates the **EQUAL ACCESS TO JUSTICE COMMISSION**.

BY THIS ORDER, the Court charges this Commission with the following goals, purposes, and responsibilities:

- (1) Identify and assess current and future needs of low-income North Carolinians for access to justice in civil matters by conducting a study to determine the full range and volume of such unmet legal needs. The study shall: (a) determine and document how unrepresented people with legal disputes are attempting to meet these needs without attorneys, the extent to which these efforts are successful, and the consequences of the lack of attorney representation; (b) recognize the enormous efforts currently being made by attorneys to serve low-income North Carolinians; (c) analyze the need for funding and other resources to close the gap; and (d) address any other matters related to the delivery of equal access to justice in civil matters to all North Carolinians.
- (2) Develop and publish a strategic plan for delivery of civil legal services to low-income North Carolinians throughout the state that will (in part) educate the public about the large gap between the ideal of equal access to the legal system and the reality of lack of representation.
- (3) Foster coordination within the civil legal services delivery system and between legal aid organizations and other legal and non-legal organizations.
- (4) Increase resources and funding for access to justice in civil matters and ensure both are applied to the greatest need so that all possibilities for additional state, local, and other non-Legal Services Corp. funding are examined, the most feasible options analyzed, and a strategy for pursuing such funding implemented.
- (5) Ensure wise and efficient use of available resources through collaboration among legal aid and other organizations (such as other legal advocacy groups, non-legal advocacy groups, providers of social services, law schools, the court system, corporate and government law departments, and other state and local agencies) and through the use of local, regional, and statewide coordination systems.

- (6) Develop and implement other initiatives designed to expand civil access to justice, such as increasing community education, enhancing technology, developing assisted *pro se* programs, and encouraging greater voluntary participation of the private bar in *pro bono* legal assistance to low-income people in North Carolina.
- (7) Monitor the effectiveness of the statewide system and services provided, as well as periodically evaluate the progress made by the Commission in fulfilling the civil legal needs of low-income North Carolinians.
- (8) Consider the legal needs and access to the civil justice system of persons whose income and means are such that they do not qualify under existing assistance programs and whose access to civil justice is limited either by the actual or perceived cost of legal services; and develop and implement initiatives designed to meet these needs, such as limited representation and limited appearances by attorneys and identification of types of services that could be provided by non-lawyers.

The Equal Access to Justice Commission shall consist of up to thirty members who reflect the diversity of ethnic, gender, legal, and geographic communities of North Carolina and who are residents of North Carolina. The Chief Justice or his or her designee shall serve as Chair of the Commission. The day-to-day management and operation of the organizations shall be conducted by an Executive Director who works with and reports regularly to the Commission. Members are eligible for reappointment at the discretion of the Chief Justice, with a term limit of two three-year terms. These three-year terms will be staggered. The appointments of governmental representatives will expire at the expiration or resignation of the appointing office's term or the member's term, whichever comes first. Prospective Commission members may be recommended by a Commission Development Committee for consideration and appointed by the Chief Justice as follows:

**(1) Judiciary:**

The Chief Justice will appoint up to five representatives of the judiciary which may include:

- (a) An Associate Justice from the Supreme Court of North Carolina;
- (b) A Judge from the North Carolina Court of Appeals;
- (c) A Judge from the Superior Court;
- (d) A Judge from the District Court;
- (e) A representative of the North Carolina Administrative Office of the Courts (AOC);
- (f) A representative from the North Carolina Clerks of Superior Court;
- (g) A North Carolina Judge from the federal courts may also be invited to serve.

**(2) Practicing Lawyers:**

In consultation with the leadership of the below bar organizations, the Chief Justice will appoint up to eight practicing lawyers:

- (a) North Carolina State Bar;
- (b) North Carolina Bar Association/Foundation (NCBA);
- (c) The North Carolina IOLTA Board of Trustees;
- (d) NC Advocates for Justice;
- (e) North Carolina Association of Defense Attorneys;
- (f) Other bar associations.

**(3) Legal Aid Programs:**

In consultation with the North Carolina Equal Justice Alliance, the Chief Justice will appoint up to six members from legal aid programs.

**(4) Law Schools:**

In consultation with the deans, the Chief Justice will appoint one or more representatives from the accredited law schools in North Carolina.

**(5) Public Members:**

- (a) Governmental Representatives: The Chief Justice will invite the Governor, the President Tempore of the Senate, and the Speaker of the House to serve on the Commission or to recommend a member of their respective body to serve in his or her stead.
  - (b) North Carolina Philanthropy Community Representative: In consultation with the North Carolina Network of Grantmakers, the Chief Justice will appoint one member to the Commission.
  - (c) North Carolina Business Community Representatives: The Chief Justice will appoint two members to the Commission from the business community in North Carolina.
- (6) The Chief Justice may also appoint at-large members to the Commission. These members will not represent any particular group, but rather will serve because of their demonstrated commitment to increasing access to justice in North Carolina.

The Commission will meet quarterly and will file an annual written report on the status and progress of its activities. The Commission will send a copy of the report to this Court, the North Carolina State Bar, and the North Carolina Bar Association. The Commission will provide oral progress reports to North Carolina Bar Association board meetings and to North Carolina State Bar Council meetings.

Adopted by the Court in Conference this the 19<sup>th</sup> day of August, 2014.

s/Sarah Parker  
SARAH PARKER  
Chief Justice  
For the Court

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 28<sup>th</sup> day of August, 2014.

s/Christie Speir Cameron Roeder  
CHRISTIE SPEIR CAMERON ROEDER  
Clerk of the Supreme Court