

FOREWORD

POVERTY AND ACCESS TO JUSTICE SYMPOSIUM

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Supra is pleased to present the *Poverty and Access to Justice Symposium*.¹ When walking through the west entrance of the U.S. Supreme Court, we are reminded of one of the founding ideals of the American judiciary: all persons should receive “Equal Justice Under Law.”² Achieving this lofty objective, however, has always posed challenges to the legal profession.³ This symposium provides a forum to discuss how to provide equal justice for millions of Americans for whom it remains unattainable.

Poverty and access to justice is a national issue affecting the lives of millions of Americans.⁴ In the wake of the recent economic recession, organizations providing legal services strain to meet the rising demands of low income clients.⁵ Compounding the

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² *The Court Building*, SUPREME COURT OF THE UNITED STATES, <http://www.supremecourt.gov/about/courtbuilding.aspx> (last visited Jan. 31, 2013).

³ Luz E. Herrera, *Rethinking Private Attorney Involvement Through a “Low Bono” Lens*, 43 LOY. L.A. L. REV. 1, 8-30 (2009).

⁴ *Fact Book 2011*, LEGAL SERVS. CORP. 1, 1 (June 2012), http://grants.lsc.gov/sites/default/files/Grants/RIN/Grantee_Data/fb11010101.pdf (documenting that 2,284,163 people were served in 2011); *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, LEGAL SERVS. CORP., 1, 6, 9 (2009), http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_america_2009.pdf (confirming the trend that for every person served by LSC-funded programs, one is turned away).

⁵ *Documenting the Justice Gap in America*, *supra* note 4, at 5-6 (“The current economic crisis . . . has pushed many families into poverty for the first time. . . .”)

challenges, Legal Services Corporation (LSC), the largest funder of legal aid to the poor, is encountering dramatic budgetary restraints and subsequent staffing reductions.⁶

In Mississippi, the dilemmas confronting the legal profession are even more acute given the staggering rate of poverty,⁷ low budget and staffing resources for legal aid providers,⁸ and the dissemination of the population throughout many rural areas.⁹ Nonetheless, members of the bench and bar have stepped up to take on the task. On June 28, 2006, the Mississippi Supreme Court established an Access to Justice Commission with the primary purpose of “develop[ing] a unified strategy to improve access to justice for the poor in civil legal proceedings.”¹⁰ Mississippi also led the country when the Mississippi Lawyers Volunteer Project was established, the first formal joint project between a state bar association and LSC.¹¹

According to the U.S. Census Bureau, the number of individuals living below 125 percent of the federal poverty level in the United States increased from 49.6 million in 2005 to 53.8 million in 2008.”)

⁶ Press Release, Legal Servs. Corp., Funding Cuts Expected to Result in Nearly 750 Fewer Staff Positions at LSC-Funded Programs (Aug. 15, 2012), *available at* <http://www.lsc.gov/media/press-releases/funding-cuts-expected-result-nearly-750-fewer-staff-positions-lsc-funded> (“Over the two-year period from 2010 to 2012, LSC-funded programs expect to lose 14 percent of their staff, including 591 attorneys (nearly 13 percent) and 320 paralegals (18 percent). Sixteen percent of respondents expect to close offices in 2012.”).

⁷ Alemayehu Bishaw, *Poverty 2010 and 2011: American Community Survey Briefs*, U.S. CENSUS BUREAU 1, 3 (Sept. 2012), <http://www.census.gov/prod/2012pubs/acsbr11-01.pdf>. (noting that 22.6% of Mississippians were living at or below the poverty threshold in 2011).

⁸ *LSC-Funded Programs in Mississippi*, LEGAL SERVS. CORP., <http://www.lsc.gov/local-programs/state-profile?st=MS> (last visited Jan. 31, 2013) (reporting that Mississippi has only thirty-two LSC-funded attorney and has suffered over \$1.6 million in budget cuts from 2009 to 2011).

⁹ *Medicare Rural Hospital Flexibility Program (FLEX): State Rural Health Plan*, MISS. STATE DEPT OF HEALTH 1, 3, http://www.msdh.state.ms.us/msdhsite/_static/resources/66.pdf (“Mississippi is one of the most rural states in the nation in terms of the percentage of persons residing in rural areas (56%) and 65 of the state’s 82 counties are designated rural.”).

¹⁰ *Our Story*, MISS. ACCESS TO JUST. COMM’N, <http://www.msatjc.com/about.asp> (last visited Jan. 31, 2013) (noting Mississippi is the twenty-third state to develop an Access to Justice Commission); *Our Mission*, MISS. ACCESS TO JUSTICE COMM’N, <http://www.msatjc.com/mission.asp> (last visited Jan. 31, 2013)

¹¹ *About*, MISS. VOLUNTEER LAWYERS PROJECT, <http://www.mvlp.net/about/> (last visited Jan. 30, 2013).

While Mississippi faces difficult challenges, our state is not alone. As the national issue gains prominence, states have developed new and innovative ways to address the inability of citizens to address their legal needs.

The goal of the Symposium is to explore access issues from all angles: barriers that will be faced, methods available to overcome the challenges, and innovative approaches that may increase access to justice. The authors contributing to this Symposium discuss topics that include an overview of the issues in Mississippi,¹² bar protectionism via unauthorized practice of law rules,¹³ Washington's pioneering Limited Legal Technician Practice Rule,¹⁴ fault-based divorce,¹⁵ the effect of pro se litigants' use of forms in court,¹⁶ technology to improve form creation and distribution,¹⁷ capitalizing on law school clinics and pro bono initiatives,¹⁸ providing a holistic approach through medical-legal partnerships,¹⁹ and establishing local Access to Justice committees.²⁰

Supra seeks to provide a forum for judges, scholars, and practitioners to discuss approaches to overcome the barriers to equal justice.²¹ The *Poverty and Access to Justice Symposium* continues the work of many dedicated professionals, but an ongoing and frank discussion of the barriers and creative ideas to overcome the challenges is essential to the realization of equal

¹² Hon. Jess H. Dickinson, *Equal Justice*, 82 MISS. L.J. SUPRA 53 (2013).

¹³ Benjamin P. Cooper, *Regulatory Barriers to Justice in Mississippi*, 82 MISS. L.J. SUPRA 61 (2013).

¹⁴ Brooks Holland, *The Washington State Limited License Legal Technician Practice Rule: A National First in Access to Justice*, 82 MISS. L.J. SUPRA 75 (2013).

¹⁵ Deborah H. Bell, *The Cost of Fault-Based Divorce*, 82 MISS. L.J. SUPRA 129 (2013).

¹⁶ Hon. Denise S. Owens, *The Reality of Pro Se Representation*, 82 MISS. L.J. SUPRA 145 (2013).

¹⁷ Vincent Morris, *Navigating Justice: Self-Help Resources, Access to Justice, And Whose Job is it Anyway?*, 82 MISS. L.J. SUPRA 159 (2013).

¹⁸ Douglas A. Blaze & R. Brad Morgan, *More Equal Access to Justice: The Unrealized Potential of Law Schools*, 82 MISS. L.J. SUPRA 181 (2013).

¹⁹ Marni von Wilpert, *Medical-Legal Partnerships in Mississippi: A Model to Improve Access to Justice*, 82 MISS. L.J. SUPRA 199 (2013).

²⁰ Hon. Donna M. Barnes, *Bringing Access to Justice to the Local Community*, 82 MISS. L.J. SUPRA 223 (2013).

²¹ The views expressed in these articles are solely those of the authors and are not associated directly with *Supra*, the *Mississippi Law Journal*, or the University of Mississippi School of Law.

justice. With this goal in mind, *Supra* invites responses to the articles published in this symposium.²²

In conclusion, *Supra* would like to thank the authors and panelists for contributing to the symposium and furthering the conversation regarding poverty and access to justice for the citizens of Mississippi and the Nation.

²² Please direct all submissions to supra@mississippilawjournal.org with the words SUBMISSION—ACCESS TO JUSTICE SYMPOSIUM RESPONSE in the subject line.