

January 24, 2023

Re: Expanding Access to Justice in North Carolina

Members of the North Carolina General Assembly:

I write to express my support for the innovations under your consideration pursuant to a policy analysis and legislative proposal directed toward bridging the access-to-justice gap in the state of North Carolina. Specifically, the North Carolina Justice for All Project (JFAP) has recommended that the North Carolina General Assembly amend N.C. Gen. Stat. §84 (Unauthorized Practice of Law) to allow Licensed Legal Practitioners to provide limited legal advice. This request also includes a proposal to relax the unauthorized practice of law statute for legal aid organizations and pro bono service providers so they can better leverage non-attorney staff to serve more clients within the providers' funding constraints. While these proposals alone will not solve the access-to-justice crisis, they are most certainly two steps forward.

My optimism stems from my work in this space as a Justice of the Utah Supreme Court. Prior to my retirement from the Court in March 2022, I spearheaded the Utah judiciary's efforts to tackle the access-to-justice crisis in our state. As part of those efforts, my colleagues and I took a studied approach to the crisis and its possible solutions. During that process, we came to understand the enormous scope of the unmet legal needs confounding everyday Utahns and small businesses. One analysis we undertook showed that, in 93% of the civil claims in our adult courts (small claims and district) in our most populous judicial district, one or both parties were unrepresented throughout the entirety of the matter. This was no surprise because debt collection cases represent such a large swath of civil case filings.

We also came to understand the potential presented by authorizing trained and experienced non-lawyer advocates to offer legal advice. To this end, the Utah Supreme Court authorized trained and experienced paralegals to provide legal advice, without lawyer oversight, in the areas of family law, debt collection, and landlord/tenant disputes. We selected these areas in line with data that show they are hugely underserved by lawyers.

It is important to note that while the inclusion of licensed legal practitioners is a positive step, it is not a panacea. It will take time for these practitioners to become widely available and established in the field. As previously mentioned, the introduction of licensed legal practitioners is a significant and positive development toward addressing the access-to-justice crisis. North Carolina should follow in the footsteps of states like Utah, which have taken action to empower such practitioners.

Sincerely,



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