

### **Major topic 3: What specific measures can North Carolina use to improve access to legal services and related information?**

- How can North Carolina use technology to make free or inexpensive law-related help available?
- How can North Carolina make relatively simple law-related matters flow through (or away from) the courts efficiently and at minimal cost?
- What new consumer education methods (via AOC and others) would be most effective?
- How can these efforts be financed?

### **INTRODUCTION**

The subcommittee assigned to Topic 3 consists of Luke Bierman, Phyllis Craig-Taylor, Lisa Sheppard, Leslie Winner and Richard Boyette. Emily Portner has been a valuable resource to the subcommittee.

The topics that we were asked to address are outlined above. The committee as a whole has heard from a number of speakers and been provided with much written material<sup>1</sup> which has pointed up deficiencies in the current system of delivery of legal services, including the following which are relevant to the topics considered by this subcommittee:

- A large segment of the population cannot afford to pay for legal services
- A shortage of lawyers and access to legal services in rural areas
- Pro se litigants in the civil justice system
- A lack of funding and resources in the court system to address the needs of the public
- [ADR – Phyllis will craft language]

We believe that resources and technology are available which, if utilized, can improve the delivery of legal services to NC consumers, and improve the public's comprehension of the judicial system. To that end, our recommendations will address the use of tools and methodologies to promote the following:

- More efficient/effective lawyers leading to lower costs for providing services, which can be passed on to consumers through reduced legal fees and alternative fee structures;
- Wider range of legal service providers offering services targeted to specific needs of consumers, ranging from trained paraprofessionals to lawyers; and
- Additional options for consumers seeking legal redress to address over-crowding and other systemic issues which negatively impact consumers' access to justice.

---

<sup>1</sup>Report to be annotated with footnotes citing speakers and reference materials

## RECOMMENDATIONS

### I. Use of technology

- Use of telepresence, webex and other electronic technologies, located in public spaces (see below), for attorney-client communications, pre-trial proceedings, Small Claims hearings, ADR and Collaborative meetings, and all other appropriate instances requiring consumers to interact with counsel and/or the Courts, to assist consumers unable to travel or who are located in under-served legal markets and remote locations throughout the State, and to permit attorneys to provide services to or from remote locations where appropriate.
- Develop comprehensive statewide self-help resource for consumers, such as:
  - Use of “Legal Kiosks”, (essentially web-enabled databases with user friendly interfaces), located in public spaces (see below), to provide information to consumers without internet access (e.g., dockets, scheduling, court directories, forms, legal process information)
    - Study programs in Utah and California (see attached information)
    - Louisiana has placed self-help kiosks in libraries and has trained librarians as resources
- Expansion of use of virtual legal offices by lawyers to reduce the cost of providing legal services and expand scope of coverage to serve consumers unable to travel or who are located in rural and urban under-served legal markets or remote locations throughout the State.
- Inclusion in the updates to the NCCourts.org website the capability/functionality for NC consumers to access and interact with various court offices via mobile technology (now existing and capable of being updated for future mobile technologies), including:
  - the ability to accept secure payments, such as for traffic infractions, and other fines, fees, that are uncontested;
  - schedule appointments with parole officers and other court personnel;
  - respond to email correspondence from the courts; and
  - all other appropriate instances of consumer interactions with the courts.
- Development of a set of NC Standard Forms for Civil and Criminal Practice (for use by both *pro se* consumers and lawyers and accessible electronically and at various resource centers) accepted by Clerks in all 100 NC counties.
  - Harmonization of civil and criminal practice throughout North Carolina and concurrent development of standardized practice forms will promote efficiency and effectiveness for lawyers with multi-county practices; increase ease of use and greater access to *pro se* consumers; promote uniformity and consistency in

the practice generally, as well as ease of oversight by the Supreme Court AOC (or other administering authority).

- This long-term initiative should review/analyze the types of matters addressed in standardized forms in use in other jurisdictions (best practices review) and be a collaborative effort with input received from all interested stakeholders, including the AOC, the NC Supreme Court, the NC State Bar, the Clerks of the various counties, Legal Aid and other organizations that provide services to indigent NC consumers, as well as members of the Bar.

## **II. Use of existing resources in different/expanded ways**

- Use of space at centralized, public transport-convenient locations throughout the State though collaboration with Public Libraries, Community Colleges and Courthouses for:
  - “Legal Kiosks”,
  - Technology-enabled attorney-client meeting rooms and pre-trial proceedings, Small Claims hearings, ADR and Collaborative meetings, and other consumer-lawyer-court interactions and
  - Distribution of information and materials described below.
- Expansion of use of Collaborative Law services to offer consumers an additional avenue for problem avoidance, problem solving and legal redress, in addition to other forms of ADR and existing adversarial legal process.
- Expansion of existing Legal Hotlines-Attorney Referral Services to answer consumer questions and concerns, including a “triage services” component offered by trained paraprofessionals to assess consumers’ needs (do they need a lawyer? Some other service?), and to efficiently guide them to the services/information resources they need. (NM has an on-line triage system called “Together for Justice”)
  - Consider establishing one or more state-funded call centers.
  - Use existing law schools, paralegal schools etc. to train paraprofessionals or others who are providing resources

## **III. Education: Lawyers & Consumers**

- Education of law students, lawyers and legal service providers re: the use of enhanced technology tools and methods, virtual legal office strategies, processes for cost reduction, and multiple fee structure options through the development of course materials for use by law schools, paraprofessional training programs and CLEs, offered state-wide to reach practitioners in each Judicial District.

- CLE materials should be developed that provide descriptions of the range of permissible legal services providers, together with an analysis of the scope and limits of the services they are permitted to provide, as well as the certification/licensure/education requirements and governance of these legal service providers by the NC State Bar (or other administering authority).
- Development/distribution of information resource materials explaining the NC Court system, the variety of available legal services, and ALL points of consumer-legal system interactions for high school students and the general public offered at Libraries, and other appropriate public spaces.
  - Develop and distribute teaching materials for high schools, including the full range of legal services providers permitted in NC and the scope and limits of their services.
  - Materials for consumers should include information explaining the available types of legal service providers and the scope and limits of their services in a consumer-friendly manner, including “how to” determine if the person has been duly certified/licensed to perform legal services by the NC State Bar (or other administering authority).
- Statewide marketing campaign targeting public awareness and use of “Legal Kiosks” and expanded “Legal Hotline” services and information resource materials described above.
- Education of lawyers and the public in the Collaborative law process and circumstances under which current ethical rules will permit lawyers to assist multiple parties to resolve a dispute.