

Access to Justice
Virginia Beach Bench-Bar Conference*
May 21, 2015

I. The Virginia Access to Justice Commission was created by the Supreme Court of Virginia on September 13, 2013. Its mission is to promote equal access to justice, with particular emphasis on the civil legal needs of all Virginians.

II. The Commission includes judges from every level of the Virginia judiciary; leaders of the various bar associations; representative legal aid funders; leading legal aid attorneys from around the state; law professors; non-legal social services providers; in-house corporate counsel; large firm pro bono coordinators; and small firm practitioners.

III. The Access to Justice Commission is an identifiable entity dedicated to improving access to justice by increasing resources available for civil legal services; reducing barriers that prevent equal access to justice; improving planning and coordination of civil legal services delivery to indigent clients; and advocating for increased pro bono work by Virginia lawyers.

IV. Access to justice provided through pro bono legal representation is essential to making sure that everyone is treated the same by the law regardless of economic status.

V. The adversarial system is effective at arriving at the truth and applying the law fairly. The system is dependent upon each party being represented by counsel. If one party cannot afford counsel, the playing field is no longer level.

VI. Legal aid providers are funded by IOLTA, interest on attorney trust accounts, and by the Legal Services Corp. IOLTA funding has plummeted because of historically low interest rates. Federal funding cuts have resulted in a 20% reduction in funding for legal services programs.

VII. According to the U.S. Department of Justice, more than half of indigent Americans who qualify for legal aid must be turned away because of lack of funding. What we know intuitively has been proven empirically. Having a lawyer in cases involving things such as custody, housing and domestic violence makes a difference in the outcome.

VIII. If indigent people do not have a lawyer in civil cases, there is a difference in the justice they receive as opposed to that received by individuals who can afford representation. There is a justice gap.

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IX. The increase in pro bono participation urged by the Supreme Court of Virginia and the Access to Justice Commission is not a change in vision, but a reminder of the obligation as members of the bar to fulfill the promises of our Constitution.

X. Constitutional rights are meaningless without lawyers and without courts

X. Constitutional rights are meaningless without lawyers and without courts to uphold those rights. The lawyers of Virginia, and the lawyers of America, are the protectors of freedom, liberty, and justice.

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