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ACCESS TO LEGAL HELP IS A HUMANE SERVICE

*Jo-Ann Wallace**

We are in a pivotal, transformational moment for justice reform in the United States. One of the key strategies undergirding the transformation is a redefinition of interrelated systems that can work together to improve lives. This includes defining access to legal help as an integral part of human services systems.

Civil legal aid has a multiplier effect with respect to meeting human services goals. Research is confirming experiential knowledge that civil legal assistance promotes healthy communities, eradicates homelessness, supports positive life outcomes for our veterans, and prevents domestic violence.¹ Similarly, a growing body of research is demonstrating the significant role that effective public defense plays in reducing unnecessary pretrial detention, which has life-altering consequences.² People who await trial at home can maintain employment and family ties and engage in other activities that promote stability. Moreover, while far less visible in the literature, advocates in the field understand that public defense also plays a key role in relation to other significant factors that influence life outcomes including, for example, preventing deportation, eliminating racial disparities, supporting access to healthcare, and reducing homelessness.

Legal help is a critical part of the long-term solution for vulnerable individuals and families to lead healthy, productive lives. Increased ability to demonstrate the connection between access to legal help and the numerous other systems and sectors that impact people is helping to expand funding for access to legal assistance, create new relationships, and build new systems.

This integrative approach is consistent with the U.S. government and global strategies. The United Nations Sustainable Development Goals aim to make considerable progress in addressing challenges that face countries

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1. *See, e.g., Civil Legal Aid 101*, U.S. DEP'T JUST., <https://www.justice.gov/olp/civil-legal-aid-101> [<https://perma.cc/T8RM-CS2M>] (last visited Apr. 1, 2019) (citing research that shows access to legal resources was “the only public service that reduces domestic abuse in the long term” and that tenants in eviction proceedings lost their homes at a far lower rate when represented by counsel).

2. *See, e.g., PATRICK LIU ET AL., THE ECONOMICS OF BAIL AND PRETRIAL DETENTION 9* (2018), https://www.brookings.edu/wp-content/uploads/2018/12/BailFineReform_EA_121818_6PM.pdf [<https://perma.cc/88RP-HDEB>].

worldwide, including poverty, equality, peace, and justice.³ Part of the U.S. response to achieving Sustainable Development Goal 16, pertaining to access to justice,⁴ was the formal recognition of the Legal Aid Interagency Roundtable (LAIR).⁵ LAIR works to integrate the work of civil legal aid into the federal programs that provide support to vulnerable communities.⁶ This approach is not only unlocking millions of dollars of new federal funding for legal aid, it is helping the agencies achieve their primary objectives while also addressing some of the other U.N. Sustainable Development Goals, including poverty (Goal 1), hunger prevention (Goal 2), health (Goal 3), education (Goal 4), the empowerment of women (Goal 5), employment (Goal 8), inequality (Goal 10), and sustainable cities (Goal 11).⁷ The National Legal Aid & Defender Association's Project to Advance Civil Legal Aid Collaborations was conceived to complement LAIR's work, and leverages its work with legal aid advocates in the field taking the same integrated approach.

Successful movements require connecting with community. Lawyers alone cannot galvanize nationally significant reform movements. Bail reform, highly publicized police shootings of people of color, and mass incarceration have attracted public attention and outrage. Those issues and more are building community engagement on criminal justice reform issues. The civil reform movement, however, has not yet garnered the same level of activism.

The research that demonstrates the lack of visibility and public understanding of the many facets of a complex civil justice system⁸ at least partly explains why this is so. Individuals without legal training may not understand the procedural requirements that accompany securing a restraining order. But they do understand that having access to a lawyer to get the order helps prevent domestic violence and keep people safe. It then makes sense when people see this on a list of services offered to victims of domestic violence. What is less known is how access to counsel can help prevent further violence and establish long-term safety and stability. A lawyer's ability to remove barriers to employment, secure income benefits, and prevent evictions, for example, are valuable and unique services that aid

3. See *About the Sustainable Development Goals*, UNITED NATIONS, <https://www.un.org/sustainabledevelopment/sustainable-development-goals/> [https://perma.cc/8MSM-QBAP] (last visited Apr. 1, 2019).

4. See *Goal 16: Promote Just, Peaceful and Inclusive Societies*, U.S. DEP'T JUST., <https://www.un.org/sustainabledevelopment/peace-justice/> [https://perma.cc/DAJ3-7BRV] (last visited Apr. 1, 2019).

5. See *Legal Aid Interagency Roundtable*, U.S. DEP'T JUST., <https://www.justice.gov/olp/legal-aid-interagency-roundtable> [https://perma.cc/NH9U-7WD8] (last visited Apr. 1, 2019).

6. *Id.*

7. See *About the Sustainable Development Goals*, *supra* note 3.

8. See, e.g., Celinda Lake et al., Presentation on Voices Messaging Research at the National Legal Aid Communications and Media Training: Building a Civil Justice System that Delivers for All (July 19, 2017), <https://voicesforciviljustice.org/wp-content/uploads/Voices-2017-Messaging-Research-Findings-LRP-ASO-Report-July-2017-Slides.pdf> [https://perma.cc/7C3X-VL4A].

in breaking the cycle of violence. These activities are largely invisible, however, and outside the scope of broad public understanding. A redefinition of access to justice thinks beyond immediate access to court proceedings, to the broad array of services where access to legal help intersects with and influences the systems—such as employment and housing—that impact people’s lives.

Approaching access to legal counsel from a human services lens also reframes the relationship between the civil and criminal justice systems. Civil legal help is part of the continuum of services that can disrupt the individual and social conditions that result in criminal activity. It plays an essential role in helping people while they are incarcerated, as well as their families. In addition, legal help is often essential in order to clear pathways to employment or education and other arenas that support successful reintegration into society. In between those two moments, effective public defense can help halt further individual and familial destabilization while cases make their way through the criminal justice system.

Unfortunately, the role that access to counsel plays in promoting equality, opportunity, and other indicators of health and wellbeing too often is missing from conversations and activities connected to justice reform. Embracing these themes and integrative approaches in national efforts will help ensure that promising momentum turns into monumental movements that secure justice for all.