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## Foreword: Building on Smith's Legacy

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## Foreword: Building on Smith's Legacy

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John M.A. DiPippa has done a great public service by reminding us of the contributions Reginald Heber Smith made to the legal profession when he published *Justice and the Poor* in 1919. Smith, a legal aid lawyer before there was a formal system of legal aid, was deeply passionate about access to justice, arguing that a court system that was not accessible to all was a threat to democracy.

Many of Smith's ideas were ultimately adopted by the American Bar Association and by Congress when it formed the Legal Services Corporation ("LSC") with bipartisan support in 1974. Smith's dream of a formal legal aid program, funded by the federal government, with offices in every state, had finally been realized.

But, cuts to legal aid at the federal and state level followed soon after. LSC funding today is a fraction of its prior levels, meaning 80% of the legal needs of the poor go unmet. As the March 2017 Report of the North Carolina Commission on the Administration of Law and Justice noted, a large majority of citizens believe that individuals who attend court without a lawyer receive "worse" or "far worse" treatment by the courts.

So what is to be done? Smith's original recommendations have stood the test of time. LSC and public defender's offices must be funded at higher levels in order to preserve the integrity and reliability of the justice system. Bar Associations must continue to support pro bono efforts, encouraging lawyers to both contribute financially to Legal Aid organizations and to volunteering time to handle cases for those in need.

Meanwhile, we must build on Smith's legacy by developing additional models for providing low income clients with adequate representation.

*Justice and the Poor* proposed one such model, lawyers partnering with charitable organizations, that Campbell Law School adopted in September 2016 when it opened the doors of the Campbell Community Law Clinic in downtown Raleigh. That clinical program established referral relationships with non-profits in the community and aimed to assist clients of those organizations with their legal problems. The goal was to remove legal barriers that prevented clients from moving out of poverty, like unresolved

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criminal charges, criminal records, family law issues and other impediments to stable jobs and housing. Under this model, the student lawyer becomes a partner with the non-profit agency and the client. The client feels supported and has access to resources provided by the agency that make resolution of the legal issue more likely. It is a successful, sustainable model that provides justice for the poor.

Other models need to be developed including potential “low bono” services that include a fee scale appropriate for people of moderate means. Furthermore, technology can play a powerful role in delivering free or low cost legal services to a vast number of people.

It will be up to the next generation of lawyers to advance Smith’s goal of providing access to justice for the poorest among us.