

The South Carolina Supreme Court

ACCESS TO JUSTICE COMMISSION

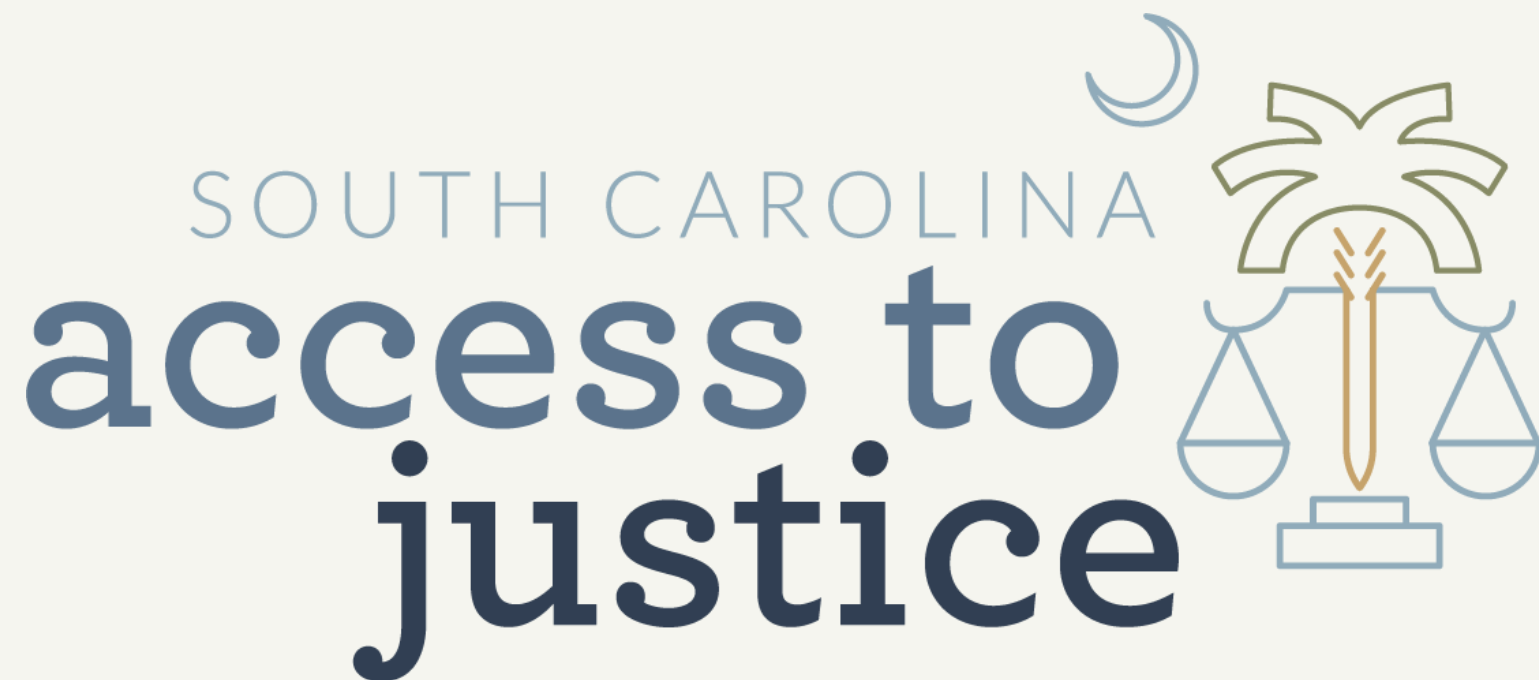
IMPACT

REPORT

2019-2023

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WHAT IS AN ACCESS TO JUSTICE COMMISSION?

Access to justice commissions are conveners, educators, problem-solvers, and innovators.

Access to justice commissions serve an umbrella function. They are collaborative entities, designed to bring together an expanded range of stakeholders from all facets of the legal community to remove barriers to civil justice for low- and moderate-income people and develop meaningful systemic change.

Access to justice commissions include representation from all components of the legal community—courts, legal aid providers, the private bar, lawmakers, funders, and law schools. The commission model grew out of a recognition that these stakeholders all too often work in siloes, making it difficult for them to collaborate effectively on their own. Access to justice commissions serve the purpose of bringing all these entities together, providing new advocacy from a neutral body with one common goal: to expand access to justice.

A common feature of access to justice commissions is affiliation with the judiciary. Many commissions are created and led by state supreme courts, which results in a high level of credibility and visibility for commission initiatives, and a built-in opportunity for

advocates and direct service providers to elevate issues they are seeing on the ground to state court leadership.

Access to justice commissions focus on the “big picture,” encompassing and incorporating viewpoints from all their member stakeholder organizations. They assess and consider a state’s legal assistance delivery system as a whole, including not just staffed direct legal aid programs, but also support for self-represented litigants, limited scope representation and pro bono services, technology advancements to increase access to legal help, and other innovative solutions.

There are over 40 access to justice commissions or similar entities across the United States. Access to justice commissions have the support of a number of national organizations, including the Conference of Chief Judges, the National Center for State Courts, the National Legal Aid and Defender Association (NLADA), and the American Bar Association. The national access to justice movement and network of access to justice commissions across the country enables regular communication about initiatives in other states, development of best practices, and robust access to technical assistance and peer-to-peer support for new and innovative projects.



OUR STORY SO FAR

OUR HISTORY

The South Carolina Access to Justice (SCATJ) Commission was established in 2007 by the South Carolina Supreme Court in recognition of the need to expand access to civil legal assistance for people of low income and modest means. In three out of four cases across the nation, at least one party goes to court alone, unrepresented by an attorney.¹ This statistic holds true in South Carolina, where over 70% of parties that appear in civil court are unrepresented.²

Inspired by the work of Texas Supreme Court Justice Harriet O'Neill and the Texas Access to Justice Commission, Chief Justice Jean Toal created the SCATJ Commission in 2007 and served as its chair until 2014, when she appointed attorney Matthew Richardson to fill that role. In 2017, the Commission welcomed Justice John C. Few as its new chair, signifying renewed fervor and support from the Supreme Court. He continues to lead the Commission today.

Attorney Robin Wheeler served as executive director of the Commission from the time of its establishment until 2017. In June of 2019, the Commission hired Hannah Honeycutt as its second executive Director and only staff person.

Over the seventeen years of its existence, the SCATJ Commission has maintained a diverse membership of service-minded judges, private attorneys, legal aid providers, legislators, and policymakers, all united with one common goal—to expand access to justice for all in South Carolina.

OUR MISSION

Our mission is simple—to ensure equal access to civil legal assistance for all South Carolinians. We work to fulfill this mission by assessing essential civil legal needs, fostering collaboration, and identifying innovative solutions.

70%
**OF PARTIES THAT APPEAR
IN CIVIL COURT
IN SOUTH CAROLINA ARE
UNREPRESENTED**

1. Self-Represented Litigation Network, SRLN Brief: How Many SRLNs? (2019), available at www.srln.org/node/548/.
2. UNCG Ctr. for Housing & Community Studies, South Carolina Statewide Civil Legal Needs Assessment (2023).

OUR MEMBERS

2019-PRESENT

The SCATJ Commission maintains a diverse membership that represents all facets of the legal community, all levels of the court system, and all parts of South Carolina.

CURRENT...

The Hon. John C. Few (Chair)
South Carolina Supreme Court

The Hon. Frank R. Addy
South Carolina Circuit Court

Charles J. Boykin
Boykin & Davis
Board Member, South Carolina Legal Services

Bridget Brown
SC Appleseed Legal Justice Center

The Hon. Micah Caskey
South Carolina House of Representatives
Caskey Law Firm

Anne Caywood
Lowcountry Legal Volunteers

Elizabeth Chambliss
University of South Carolina School of Law
(Special Advisor)

Michelle Clayton
South State Bank
South Carolina Association of Corporate Counsel

Dean Larry Cunningham
Charleston School of Law

Margaret S. "Molly" Day
Law Office of Margaret S. Day

Emma Dean
South Carolina Bar
(ex officio)

William C. "Will" Dillard
Belser Law Firm
(Special Advisor)

Olivia Stafford Jones
South Carolina Bar Foundation
(ex officio)

Tonnya Kohn
State Court Administrator
(ex officio)

Christopher R. Koon
The Electric Cooperatives of South Carolina, Inc.
Board Member, South Carolina Bar Foundation

The Hon. Mary Geiger Lewis
United States District Court

Temitope O. Leyimu
Motley Rice
South Carolina Association for Justice

Thomas A. Limehouse, Jr.
South Carolina Governor's Office

Anthony W. Livoti
Murphy & Grantland
South Carolina Defense Trial Attorneys' Association

Andrea E. Loney
South Carolina Legal Services
(Special Advisor)

Mary E.A. Lucas
Open Technology Fund
South Carolina Bar Young Lawyers Division

The Hon. Deborah Malphrus
South Carolina Family Court

The Hon. Brandy W. McBee
Clerk of Court, Cherokee County

W. Clarkson McDow, Jr.
At Large Member

The Hon. J. Thomas McElveen
South Carolina Senate
Bryan Law Firm

The Hon. Amy J. Mikell
Charleston County Magistrate Court

Lloyd A. "Al" Parker

South Carolina Legal Services

Aparna Polavarapu

University of South Carolina School of Law

Dawn Przirembel

*Counsel to the Chief Justice of South Carolina
(ex officio)*

Mary Sharp

*Sharp Law Firm
South Carolina Bar Board of Governors*

The Hon. Joseph M. Strickland

Richland County Master-In-Equity

La' Jessica Stringfellow

Robinson Gray Stepp & Lafitte

Jeffrey J. "Jeff" Yungman

*Charleston County Public Defender Office
(Special Advisor)*

John D. Kassel

*Board Member, South Carolina Appleseed
(2018-2023)*

The Hon. R. Keith Kelly

*South Carolina Circuit Court
(2014-2021)*

Matthew Richardson

*Former Commission Chair
(2014-2021)*

David Ross

*South Carolina Bar
(2021-2022)*

Megan Seiner

*South Carolina Bar Foundation
(2021-2023)*

Jim Sheedy

*South Carolina Bar Foundation
(2018-2019)*

Carl L. Solomon

*South Carolina Association for Justice
(2014-2021)*

The Hon. James O. Spence

*Lexington County Master-In-Equity
(2014-2021)*

Richele Taylor

*South Carolina Governor's Designee
(2019-2023)*

The Hon. John Waites

*United States Bankruptcy Court
(2014-2023)*

Carrington Wingard

*Board Member, South Carolina Legal Services
(2018-2021)*

...AND FORMER

Justin Bradley

*South Carolina Association of Corporate Counsel
(2019-2023)*

The Hon. Margie Bright Matthews

*South Carolina Senate
(2019-2023)*

The Hon. J. Michelle Childs

*United States District Court
(2021-2022)*

Michelle Condon

*Charleston School of Law
(2014-2021)*

Molly Craig

*South Carolina Defense Trial Attorneys Association
(2014-2021)*

The Hon. Rochelle Conits

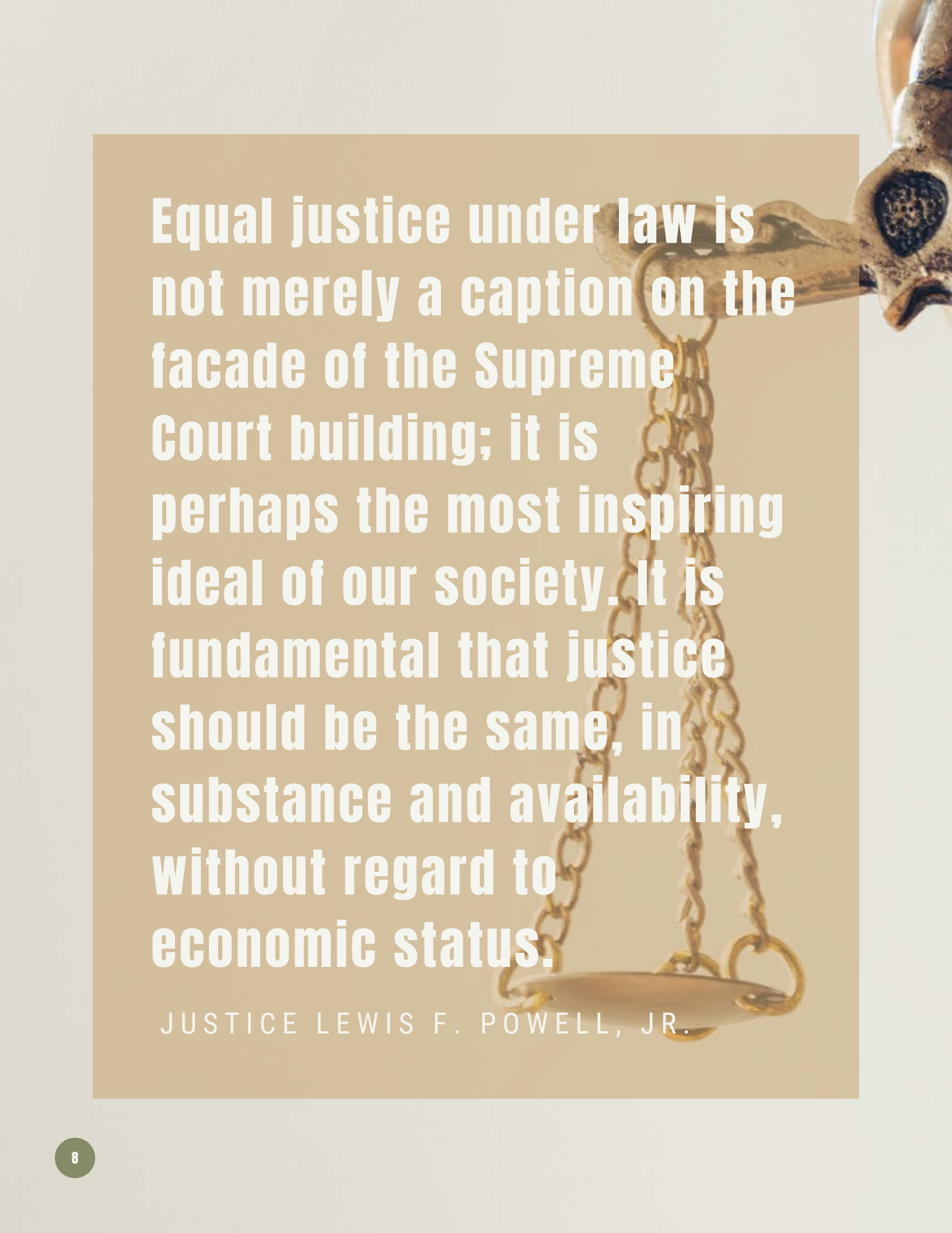
*South Carolina Family Court
(2014-2021)*

Betsy Goodale

*South Carolina Bar Pro Bono Program Director
(2018-2022)*

Rusty Infinger

*South Carolina Bar Officer Member
(2019-2020)*



Equal justice under law is not merely a caption on the facade of the Supreme Court building; it is perhaps the most inspiring ideal of our society. It is fundamental that justice should be the same, in substance and availability, without regard to economic status.

JUSTICE LEWIS F. POWELL, JR.





OUR CORE OBJECTIVES

The SCATJ Commission's work is organized around seven Core Objectives. These broad objectives guide our work, advise the projects we pursue, and help illustrate the Commission's vision: a South Carolina that is well-coordinated, well-informed about the legal needs of its citizens, and ready to embrace new initiatives and technology that will increase access to justice for all.

1 Assess the essential civil legal needs of South Carolinians of low income and modest means

2 Foster collaboration among stakeholders and legal aid providers

3 Support increased funding and efficient use of resources to expand access to justice

4 Support programs and resources to assist self-represented litigants

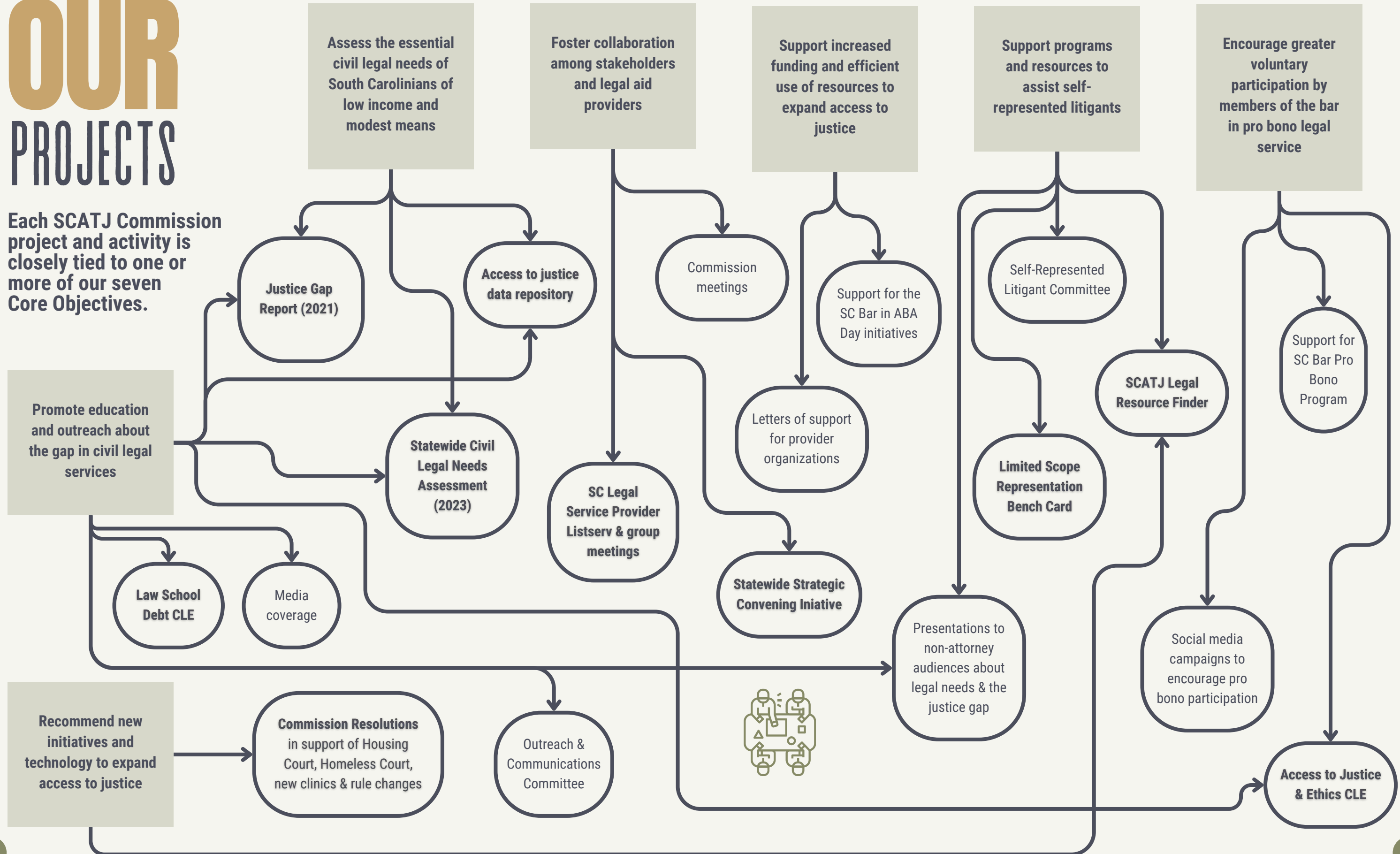
5 Encourage greater voluntary participation by members of the bar in *pro bono* legal service

6 Promote education and outreach about the gap in civil legal services

7 Recommend new initiatives and technology to expand access to justice

OUR PROJECTS

Each SCATJ Commission project and activity is closely tied to one or more of our seven Core Objectives.



ACCESS TO JUSTICE STARTS WITH DATA

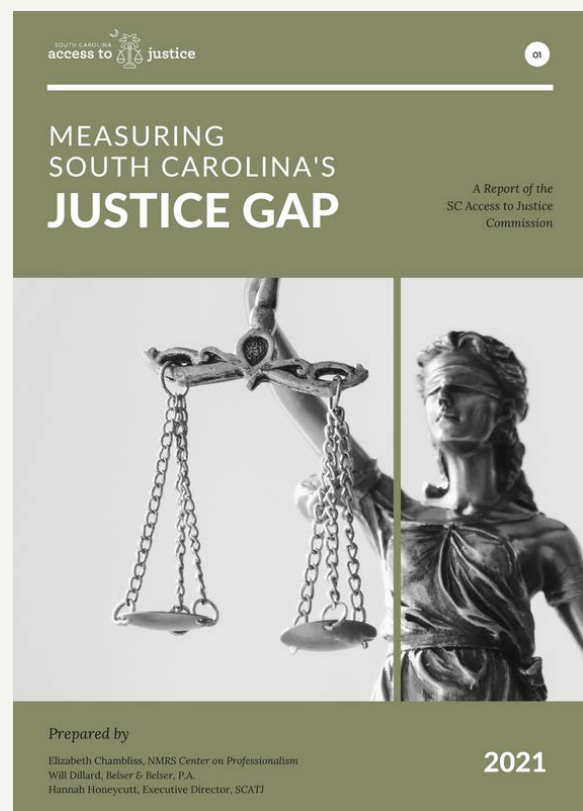
At the SCATJ Commission, we believe that we cannot formulate meaningful solutions without a comprehensive understanding of the problems before us.

Collecting good data about our courts, our communities, and our profession helps us understand how people access our legal system, how they seek and find legal help, where there are gaps in services, and—perhaps most importantly—what is and isn’t working about the systems and procedures we have in place. This data can help many different stakeholders, including court leaders, legal aid organizations, funders, and policymakers tailor programs and initiatives to community needs.

The SCATJ Commission has worked in recent years to collect crucial data about access to justice and make it accessible for anyone to use. This work began in 2021 with the release of the Commission’s first-ever **Justice Gap Report, “Measuring South Carolina’s Justice Gap.”**

The term “justice gap” refers to the difference between the *need* for civil legal services and the *availability* of resources to meet those needs. For our Justice Gap Report, we collaborated with South Carolina Court Administration, South

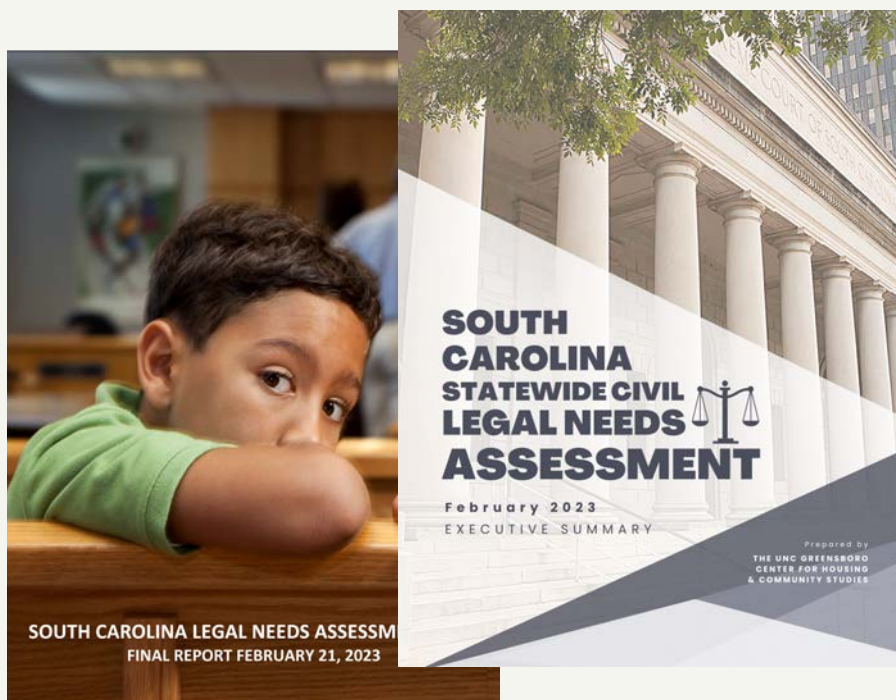
Carolina Legal Services, the United States Bankruptcy Court for the District of South Carolina, and the South Carolina Bar to collect data that illustrates this gap. Court Administration and Bankruptcy Court data illuminate how many people go to court in our state with and without an attorney, and for what types of cases. Data from South Carolina Legal Services illustrates the number of requests for assistance our providers receive and for what types of problems, who they’re able to help, and



who they have to turn away due to lack of resources or other reasons. Data from the South Carolina bar about private attorney distribution around the state sheds light on the availability of private attorneys to help meet the need for legal services and lack of attorney access in rural areas. The report also incorporates census data about poverty in South Carolina to help provide perspective and a deeper understanding of the populations

A goal and recommendation of the Justice Gap Report was to conduct a more in-depth analysis of civil legal needs in South Carolina. In 2021, shortly after the release of that report, the SCATJ Commission partnered with the South Carolina Bar and the NMRS Center on Professionalism at the University of South Carolina School of Law to commission a comprehensive **Statewide Civil Legal Needs Assessment**—the first of its kind ever

performed in South Carolina. Research was conducted by the UNC Greensboro Center for Housing & Community Studies and guided by a dynamic steering committee of attorneys, legal aid providers, and court leaders. The project took nearly eighteen months to complete.



 saccesstojustice.org/legal-needs

eligible for legal services. The report is designed to be updated regularly so that these metrics can be studied over time.

To accompany the report, we developed an **Interactive Data Tool** in partnership with the Legal Services Corporation and the NMRS Center on Professionalism at the University of South Carolina School of Law which can be used to visually explore data from the report.

The researchers used a variety of methods—including focus groups, key informant interviews, public multi-modal surveys, stakeholder surveys, geographic socio-economic profiles, and administrative data analysis—to document and report on the legal needs of South Carolina’s citizens and the resources available to meet them.

Legal needs assessments and the research process that they entail are incredibly valuable.

Not only does the assessment and research process provide comprehensive and detailed data for providers and policymakers, it raises awareness of issues (such as the gap between the need for and availability of civil legal services) with stakeholders outside the legal aid community, helps identify where more funding is needed and where other types of interventions might be more effective, requires and fosters widespread collaboration and buy-in from professional leaders, and helps us understand the experiences of ordinary people who use the legal system.

A particularly impactful feature of the Legal Needs Assessment is robust qualitative data from focus groups and surveys of ordinary South Carolina citizens—people who have experienced legal problems and tried (successfully or unsuccessfully) to get help. Too often overlooked by attorneys and court

leaders who are designing systems meant to serve them, their voices are front and center in this report, lending a rich and human element to the findings.


Accompanying the Assessment is the **SC Civil Legal Needs Data Dashboard**, which presents data from the report in a visual format that can be displayed in many ways—statewide, for one county, or for any combination of counties.

Since its release at a special session of the Supreme Court in February of 2023, the South Carolina Statewide Civil Legal Needs Assessment has been used by organizations, attorneys, and policymakers all over the state to set priorities, allocate scarce resources, support requests for funding, educate legal system stakeholders and the public about legal needs and gaps in services, and to support new initiatives to increase access to justice.

Looking forward: **Access to justice data repository**

With the release of the 2021 Justice Gap Report and the 2023 Statewide Civil Legal Needs Assessment, the SCATJ Commission has become the largest repository of access to justice data in South Carolina. But, there is so much more research being conducted about how South Carolina’s citizens access its courts.

The Commission has partnered—and will continue to partner—with researchers from the University of South Carolina Joseph F. Rice School of Law and other institutions and organizations who are conducting research projects and collecting program data on domestic violence, orders of protection, the practice of law in rural areas, and other access to justice topics. We will work with these groups to make their data available alongside the Justice Gap and Legal Needs Assessment reports and incorporate this new data into our Civil Legal Needs Dashboard.



If we don't know exactly what justice is, we certainly know what justice is not. When such large segments of our society cannot access the justice system that our society has set up, then we know that is not justice.

JUSTICE JOHN C. FEW
SCATJ COMMISSION CHAIR

ACCESS TO JUSTICE INCREASES WITH EDUCATION

The SCATJ Commission prioritizes education about access to justice, because if people don't know about a problem, they can't be a part of the solution.

The Commission regularly speaks to attorney and non-attorney groups about the justice gap in South Carolina, the Commission's work, an attorney's ethical obligation to increase access to justice, and how community service providers can help bridge the justice gap by helping to connect people with legal help.

These presentations include a Continuing Legal Education (CLE) ethics course for attorneys entitled **Access to Justice: What It Is, Why It Matters, and How You Can Help**. We have presented this CLE all over the state as a standalone event, and in conjunction with a poverty simulation—an interactive exercise that encourages empathy with low-income people and the barriers they experience in their everyday lives and when accessing legal help.

In 2021, the SCATJ Commission partnered with Jordan Roberts, an attorney and financial advisor with Parallel Financial in Greenville, to develop a CLE about student debt and financial wellness called **Law School Debt and the Path to Financial Freedom**. The ABA reports that

more than 90% of law school students graduate with debt and their average cumulative education debt upon graduation is \$120,000.³ Student loan debt, and especially Public Service Loan Forgiveness (PSLF), is a significant factor affecting recruitment and retention efforts for civil legal aid and other public service jobs. According to the National Legal Aid and Defender Association,

*"PSLF has expanded access to justice by improving both the quality and availability of legal representation for low-income Americans. It enables these programs to attract talented lawyers from a range of backgrounds and to prevent those lawyers from leaving because of the debts they face."*⁴

Law School Debt and the Path to Financial Freedom covers the student loan debt crisis, discusses different loan repayment plans with a focus on PSLF, offers up-to-date information on new student debt relief programs, and offers general guidance on how to feel in control of your finances.

The Commission has sponsored this event for attorneys working at legal aid organizations across South Carolina, as well as for the broader legal community and law students at the University of South Carolina Joseph F. Rice School of Law.

3. American Bar Ass'n, Profile of the Legal Profession (2023), www.abalegalprofile.com/legaled.html#debt.
4. Nat'l Legal Aid & Defender Ass'n, Public Service Loan Forgiveness and the Justice System, www.nlada.org/pslf-and-justice.



**SINCE 2019
SCATJ HAS REACHED
MORE THAN 3,000
PEOPLE
WITH CLES AND
EDUCATIONAL EVENTS**

ACCESS TO JUSTICE DEPENDS ON **INNOVATION**

The SCATJ Commission recognizes that in order to close the justice gap in South Carolina, the way we've always done things might not be the best way; we need to try new things.

Trying to close the justice gap with systems, procedures, and tools that we have always used would be like trying to build a modern skyscraper using only a hammer and nails. The SCATJ Commission looks for innovative solutions that will increase access to justice, and lifts up organizations and programs that are thinking outside the box.

In 2022, the Commission partnered with the Civ Tech Practicum Class at Georgetown University School of Law to create the **SCATJ Legal Resource Finder**, a web-based app that helps users find legal help. The tool guides users through a series of questions about their legal problem, their income, and where they live, and suggests legal aid organizations for which they might qualify based on their answers. It also provides a list of self-help resources that might help them deal with their specific legal problem, including videos, guides, articles, and websites produced by legal aid organizations and other

trusted sources. In an age where limitless, but often unreliable, information is available at the click of a button, the SCATJ Legal Resource Finder offers reliable, vetted resources that are tailored to a person's needs.

The SCATJ Legal Resource Finder represents the first time that information and resources from all of our state's legal aid provider organizations has been collected under one "roof." Instead of searching the internet and calling around to many organizations only to be told they don't qualify, or to call a different organization, people seeking help can now access information tailored specifically for them, all in one place.

To ensure the Legal Resource Finder reaches the people who need it, the Commission developed **bilingual flyers** with a QR code linking to the tool, and redesigned the Commission's original "**Welcome to South Carolina Court**" poster to not only include text in English and Spanish, but also to include a QR Code and short URL for the Legal Resource Finder—and worked with South Carolina Court Administration to distribute these resources to courthouses all over the state. People in need of legal assistance often turn to the courts for help, but court staff can be wary of slipping into giving forbidden legal advice and feel limited in

the information they can share. The Legal Resource Finder provides a way to get that information to the people who need it in a way that is comfortable for court staff and accessible for the user.


¿necesita ayuda para encontrar ayuda?

para información, abogado y cómo autoayuda que usted, visite scaccesstojustice.org o escanee el código QR a la izquierda.

need help finding legal help?

for information about how to find an attorney and how to access self-help resources that might be available to you, visit scaccesstojustice.org/get-help, or scan the QR code below.

SOUTH CAROLINA access to justice

 scaccesstojustice.org/court-resources

welcome to south carolina court
bienvenido a la corte de carolina del sur

our court staff are happy to help you if we can. however, we can only help you in ways that are fair to everyone.

el personal de la corte estará encantado de ayudarlo, si se pudiera, sin embargo, sólo podemos ayudarlo de una manera justa para todos.

we can:
lo que podemos hacer:

- Explain and answer questions about how the court works.
Explicar y responder a sus preguntas sobre el funcionamiento de la corte.
- Point you to organizations and online legal information that might be able to help you.
Indicar las diferentes organizaciones e información legal online disponible que podría ayudarlo.
- Give general information about where to find court procedures, deadlines, rules, and practices.
Proveer de información general sobre dónde encontrar procedimientos, plazos, reglamentos y prácticas judiciales.
- Provide court schedules and information about how to get a case scheduled.
Facilitar los horarios de los tribunales e información sobre cómo programar un caso.
- Provide basic information about your own case file.
Proporcionar información básica sobre su expediente.
- Provide approved/authorized court forms and available instructions.
Facilitar formularios judiciales aprobados y/o autorizados, e instrucciones disponibles.
- Make sure your papers are complete.
Asegurarnos de que sus papeles estén completos.

we cannot:
lo que no podemos hacer:

- Tell you whether or not you should bring your case to court.
Decirle si usted debería o no, llevar su caso a la corte.
- Tell you what to say in your court papers.
Decirle qué poner o escribir en sus documentos judiciales.
- Tell you what to say in court.
Sugerirle qué decir en la corte.
- Give you an opinion about what will happen if you bring your case to court.
Brindar una opinión sobre lo que sucederá si lleva su caso a la corte.
- Talk to the judge for you.
Hablar con el juez en su representación.
- Let you talk to the judge outside of court.
Permitirle hablar con el juez fuera de su audiencia y/o del tribunal.
- Change an order signed by a judge.
Cambiar una orden firmada por el juez.

we are not allowed to give you legal advice
no estamos autorizados a brindar asesoría legal

for information about how to find an attorney and how to access self-help resources that might be available to you, visit scaccesstojustice.org/get-help, or scan the QR code to the left.

para información sobre cómo encontrar un abogado y cómo acceder a recursos de autoayuda que podrían estar disponibles para usted, visite scaccesstojustice.org/get-help, o escanee el código QR ubicado a la izquierda.

SOUTH CAROLINA access to justice

TO DATE, THE SCATJ LEGAL RESOURCE FINDER HAS PROVIDED GUIDANCE FOR MORE THAN **4,100 USERS**

SCATJ Commission Resolutions: Supporting innovative programs & policy solutions

In addition to developing new resources, the SCATJ Commission works to support and recognize innovative programs that are working to close the justice gap and recommend policy and rule changes that would increase access to justice. Since 2019, the Commission has passed several resolutions:

- Supporting statewide expansion of the **Charleston Housing Court Pilot Project**, a program that connects tenants facing eviction with legal help and rental assistance services; expansion was ultimately approved by the Supreme Court in 2023
- Supporting a proposed amendment to Rule 3 of the South Carolina Rules of Civil Procedure to create a **presumption of indigence when determining *in forma pauperis* status**; in 2024, the Supreme Court will send an amendment to the legislature that will create a presumption of indigence when a person's income is at or below the Federal Poverty Guidelines
- Supporting and recommending establishment of **Homeless Court Programs in Rock Hill and Greenville**; the Commission has long supported Homeless Court programs, which provide a path to recovery, housing, and expungement for homeless defendants in City Court
- Recognizing and supporting the innovative, collaborative efforts of the **City of Columbia Driver's License Reinstatement Clinic**, which helps people reinstate their driver's license when it has been suspended for failure to pay fines and fees

Looking forward:

Limited scope representation

Limited scope representation—when an attorney agrees to handle only part of a client's case—has the potential to increase access to justice by making some retained legal services more affordable for clients and making pro bono representation more manageable for attorneys. With help from the South Carolina Bar's Practice and Procedure Committee, the SCATJ Commission developed a **Bench Card on Limited Scope Representation** to explain the practice, clarify the ethical rules surrounding it, and encourage its acceptance among attorneys and judges across the state. We expect the Supreme Court to approve the bench card in early 2024.

Additionally, the Commission's Self-Represented Litigant Committee is currently working on a **Limited Scope Representation Toolkit**, which will include best practices, sample forms, and further guidance on how attorneys can ethically and professionally take cases on a limited scope basis.



ACCESS TO JUSTICE IS SUSTAINED BY **COLLABORATION**

The SCATJ Commission understands that it is impossible to achieve meaningful access to justice without collaboration and cooperation among all justice system stakeholders.

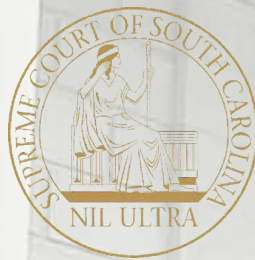
Attorneys, judges, court leaders, legal aid providers, policymakers, community service providers—and the people that use the justice system every day—all have unique and valuable perspectives and skill sets. The system works better when we work together.

The Commission encourages collaboration not only through our Commission meetings and membership, but also by fostering community among our state’s legal aid provider organizations. We believe that a well-coordinated legal aid delivery system will be a successful one, and encourage coordination of services, collaborative problem solving, and sharing of ideas among organizations. The Commission hosted regular Zoom meetings for legal aid providers during the COVID-19 pandemic and continues to maintain the **SC Legal Service Provider Listserv** to encourage regular communication among our frontline legal aid providers.

Looking forward: **Statewide strategic convening initiative**

The 2023 Statewide Civil Legal Needs Assessment shed light on many deficiencies in access to justice in South Carolina, but shedding new light on a problem provides new opportunity to come together and solve it. In 2024, the SCATJ Commission will convene justice system leaders from across the state—from not just the legal aid community, but also the South Carolina Bar, private attorney organizations, and the courts—for a facilitated workshop where we will work together to collectively respond to the findings of the Legal Needs Assessment. Participants will engage in systems-level problem solving and strategic planning, as well as intentional follow up over time. While the problem is vast, we believe that we can solve it by working together.





The South Carolina Access to Justice Commission

www.scaccesstojustice.org

