



EQUAL JUSTICE AMERICA

Summer 2022 EJA Fellow:



Name: Grace Summers

Law School: Harvard Law School

Organization: Legal Aid Chicago

Update 1: The Supreme Court building is emblazoned in stone with four words: “Equal Justice Under Law.” In reality, however, our system only provides justice to those who can fully access it. The United States’ justice system is not just. When people talk about issues within our justice system, I think most people jump to issues in our criminal justice system. This ignores the fact that there is a whole other side of our justice system, civil justice, and all the types of cases that move through the civil system. Unlike in the criminal justice system, there is no right to an attorney in civil cases. Instead, if a person cannot afford an attorney to represent them in a legal issue, the only real option is to potentially receive legal services from a Legal Aid organization. In the United States, 86% civil legal issues in low-income populations did not receive adequate legal help as of 2017 according to a report by the Legal Services Corporation. Their estimate in 2022 is that 92% of low-income Americans do not receive adequate legal assistance in their civil legal needs. A [2012 ABA article](#) recounted a report where the United States ranked 50th of 66 high income nations in the ability of people to obtain legal counsel. One of the reasons that so many low-income needs are unmet is because of how underfunded legal aid services are in the United States. A fellow Harvard Law grad recently published a report on public interest legal careers and found that Canada spends three times as much on legal aid per capita than the United States, and England and Wales spends thirteen times as much.

I don’t know if people realize how varied civil legal needs are. The American system demands people to seek justice almost universally in the courts. How does an employee fight for back wages an employer may have illegally withheld? How do victims of domestic violence receive orders of protection? How does someone respond to the threat of losing essential utility services like their electricity or gas? All of these require civil action in the courts. The lack of available legal services for low-income Americans on civil legal needs means there is a massive gap in our justice system forcing the least privileged in our country to suffer injustices without meaningful remedies. We have created a system of justice that is inaccessible to those without means, and then



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we as a nation have refused to appropriately fund nonprofits that try to expand such access. Legal aid is the cornerstone of insuring that these people still have at least a chance to access justice.

Update 2: This summer, the summer following my first year in law school, I decided to intern for Legal Aid Chicago to try and support the efforts of the legal aid community in providing these much-needed legal services. I am supporting the Consumer Practice Group, and often we represent clients who, unlike the scenarios listed above, are being forced into court after being sued for things like consumer debt or potential foreclosure. The few assets these people have are threatened by legal action, but they have no guaranteed representation in this fight. I will continue to share updates on the work I am doing and the clients I have supporting, but even with only a few weeks under my belt, I fully understand how crucial legal aid work is to achieving justice in this country.

I know many of us are currently frustrated with the justice system in the U.S. this summer, and I realize this information I am sharing makes it seem even worse, but part of changing our justice system means giving everyone the proper access to this system in even the smallest municipal courts. Thank you for supporting my work in this area, and I look forward to sharing more.

Update 3: Working on certain cases this summer has emphasized how much justice in this country relies on access to legal representation, and not just legal justice, but economic justice. One of our clients this summer reached out for assistance regarding the repossession of a car. While this type of case is not unusual for Legal Aid Chicago, the facts were even more egregious than usual:

Our client purchased a used vehicle from a local retailer. Despite the car throwing codes prior to purchase, the dealer claimed the car was in working condition. Four days after purchase, however, the car broke down while our client was driving on the expressway. The dealer claimed because our client didn't purchase a warranty, there was nothing that could be done, but that our client also still owed her monthly payments. This was the first injustice to our client. Under the Illinois Vehicle Code, any purchased vehicle is required to be functional 15 days or 500 miles after purchase, whether or not a warranty was purchased.

Our client stopped her monthly payments for a period of time so she could pay to repair the transmission out of pocket, costing several thousand dollars. After fixing the car, our client reached out to try and get some of the repairs taken off the total she owed on the car. Although she had been behind on her car payment for some time, it wasn't until the dealer found out her car was now in working order that they came to repossess her vehicle with the rebuilt transmission. They repossessed the vehicle from a grocery store shopping lot while our client was inside shopping for her family. Upon repossession, they failed to tell our client of her rights to redeem her vehicle by paying off the car balance and also violated the Uniform Commercial Code by failing to notify her when they resold her vehicle to someone else.



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The average person does not know these types of legal rights under state law, and even if they do, they are still not able to seek justice in a court of law without representation. If organizations like Legal Aid Chicago were not able to take cases like this, it would further exacerbate the cycles of poverty in our city (and even with these organizations many people are still not able to get representation, so the cycle continues). While I'm proud of contributing to the amazing work Legal Aid Chicago is doing and helping clients like the one above, there should not be such significant barriers to justice in this country. We need to rethink how the legal system works so we can expand access to all Americans seeking justice.

Update 4: This summer my supervising attorney said something that has stuck with me. "Fifty percent of the work is just procedure." Coming in as a 1L, I think it is common to think that what a lawyer provides to his or her clients is how the case law applies to the facts of the clients case. Working in legal aid, however, you realize how so much of support needed is even just navigating the procedures required by our legal system. Recently there have been articles and discussions highlighting how so many civil courtrooms are now "pro se courtrooms" where very few lawyers actually represent the litigants, and while technically this is an allowable approach to a civil case, in practice it isn't very functional. Anecdotally, the folks I have worked with in legal aid see first-hand that when plaintiffs try to bring their own cases because they can't afford legal representation, they often hit procedural snags early on when trying to navigate things such as service on the defendant. The procedures created in the legal system are too convoluted and inaccessible to give pro se litigants a good opportunity for success.

One of the hardest parts of working in legal aid is telling clients that we are not taking their case. Even when not taking a case, however, Legal Aid Chicago was always willing to discuss with a client how to best represent themselves and, importantly, how the process would move through the court system. Even this kind of assistance was received with a lot of gratitude because the system is so complicated and opaque to those without a legal education. The process of moving a civil case through our legal system is part of the assistance that civil legal aid organizations can offer to the community, and I think understanding this as a service was an important part of understanding how legal aid orgs are so crucial even when they aren't fully representing a client.

When thinking about changes to our legal system in order to expand access to justice, I really think there needs to be discussions of reforming procedure to make it more navigable for those who are representing themselves pro se. I know lawyers don't want to make themselves obsolete, and I think there will always be a value added by having a lawyer, but the system as it is today makes it so hard for low-income Americans to fight for their rights under the law.

Update 5: Reflecting on my time at a Legal Aid organization, I feel like it has been an amazing experience that young lawyers and aspiring lawyers should more often be pushed to participate in. Legal aid work is a great training ground for a wide variety of types of legal cases, for learning more about procedure, and understanding how the legal system works for individuals. Because legal aid organizations generally have more potential clients



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than they can fully represent, in my experience legal interns get a lot of independence and opportunity for taking on big projects. I was able to take on a lot of different types of work, including client interviews, case law research, and even drafting a motion for summary judgment. I know my peers had very fulfilling internship opportunities, but I think some of them were genuinely surprised by how much client-facing work and big projects I was given.

Additionally, when students only work for only big law firms, they can get a skewed understanding of our legal system. While the legal system does play a big role in the corporate world, it also affects the most personal aspects of individual's lives, and that is easy to forget if someone spends their entire career working only with corporate clients. Working with clients and seeing the huge variety of cases they were dealing with helped me learn a lot more about our legal system. Below are some of the major lessons I learned working in legal that I hope to share with my peers once I'm back at law school:

1. Our legal system is a central tool in establishing justice in our country, but there is not equal access to this tool.

Unlike in our criminal justice system, the fact that there is no guarantee to legal representation in civil cases causes massive inequalities in our legal system. While obviously there are ongoing calls for reform of our criminal justice system, and public defenders are stretched thin and overworked, my time in legal aid showed me how many different ways individuals are harmed by not being able to access the civil justice system with legal representation. In cases concerning family law, often clients were in emergency situations without representation, such as domestic violence situations. Without nonprofits, many of these clients would waste precious time trying to navigate the system without help. In the consumer practice group, where I worked, there were both affirmative clients and clients who were defending against suits filed against them. In potential affirmative cases, clients were facing injustices such as consumer fraud, and without legal representation they would not be able to fight for their own rights nor stop the potentially fraudulent activity from affecting future consumers. For clients defending against cases, clients were being forced into court against big name companies with big name legal representation, such as for consumer debt or foreclosure. Without representation these clients faced massive obstacles in the likelihood of winning their case, such as the complexities of civil procedure, which brings me to my next lesson:

2. Our legal system has many flaws and weaknesses that further exacerbates inequality.

As I've written about previously, procedures and processes within the legal system make it almost impossible to successfully navigate without legal representation. Given that so many civil cases in the U.S. end up as pro se, it feels even more important that we take a hard look at how the legal system functions in civil cases to figure out how to make it more accessible. There even have been changes that have made a huge difference in recent years. My coworkers described how big of a difference going to court over Zoom has made to low-income clients. Instead of having to take a whole day off work to attend court, clients now can use break time to attend court without having to sacrifice either their time off or a paycheck. But this change alone is not enough. We need to



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think about how to make our system more accessible to navigate without legal representation OR we need to ensure access to legal representation. Without one of these changes, injustice will continue in our legal system.

3. Finally, without reform, we leave our most vulnerable populations even more vulnerable. People living close to or below the poverty line are already struggling to meet their families' needs. Because our system essentially requires legal representation, which is very costly, there is a much smaller likelihood that low-income families can access justice, and unfortunately people exploit this situation. There was more than one case that I encountered during my time in legal aid where a business was explicitly breaking the law and taking advantage of low-income consumers, some which had been operating in an illegal manner for decades. These businesses get away with their exploitation because they target already vulnerable populations who cannot afford to take necessary legal action. This helps perpetuate the cycle of poverty and underlines how unequal our justice system really is.

I'm incredibly thankful for being a part of the legal aid community this summer, and for those that made it possible (Harvard and Equal Justice America!). I know these important lessons will impact the rest of my legal education and future career, but I also hope I can continue to share these lessons with others. While not all lawyers will spend time in legal aid, I think every lawyer needs to understand how our legal system works for but also fails individuals on a regular basis, because it will take those who work in our legal system to help reform the system. Otherwise, we will never have equal justice under law.