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# Improving access to justice: community-based solutions

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## ABSTRACT

Inaccessibility to justice is a major issue internationally, and in some countries access to justice has decreased in recent years. For example, the growth of inequality and decline of state support have left access to justice in the UK and the US in a worst state in decades. There is therefore an urgent need to find solutions to protect peoples' rights. This paper outlines key issues of access to justice, and identifies a number of solutions - from grass-root efforts to organizational changes. The paper highlights the importance of community-based solutions, such as mass pro bono contributions from individuals, law service providers and other organizations. It also proposes, as a key solution, making legal professions more representative of societies, and calls for law schools and legal regulators to take the required steps. Another important contributor to improved access to justice is promotion of pro bono work by all lawyers and law organizations at own initiative. The paper also discusses enhancing existing law degrees with additional topics on Access to Justice, to help students gain an objective picture of the realities of the legal system; and on Individual Differences, to benefit from latest interdisciplinary science. Community-based solutions provide stability even in times of difficult economic circumstances and political turbulence, and therefore are relevant to all societies.

## Keywords

Access to justice; access to legal profession; representative legal profession; consequences of inequality; community-based solutions; grassroots solutions; pro bono work.

## INTRODUCTION

In recent years, in line with the high and raising inequality, access to justice has been at its worst state in decades in some countries including the UK and the US. For example, in the

UK most of the population cannot afford the justice system.<sup>1</sup> Studies over extended periods (including prior to the 2013 legal aid reform) show that in Family Courts, over 80 percent of people are unrepresented<sup>2</sup>; and that 85% of county court defendants and 75% of litigants in adoption cases are unrepresented.<sup>3</sup> The numbers increased even further following the April 2013 justice reforms, when the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 significantly reduced legal aid.<sup>4</sup> In the US, numbers of the unrepresented are similar. For example, the National Center for State Courts (NCSC) reported that in more than 76% of civil cases at least one party was unrepresented<sup>5</sup>, as were around 90% of tenants facing eviction in New York City.<sup>6</sup>

Available free legal service is dwarfed by the existing need. It was as early as 1600s when John Cooke, the barrister who sacrificed his life by accepting the brief against Charles I, urged barristers to work pro bono (free of charge) in 10 per cent of their cases.<sup>7</sup> Around 400 years later, although a number of charitable organizations provide free support, this accounts for only a fraction of what is needed. For example, in the US the Center for American Progress reports that there is a ratio of around 1:6415 for free legal services attorneys available and the number of low-income Americans who need one.<sup>8</sup> Moreover, finding pro bono representation depends on a range of factors, such as fashionableness or conservativeness of the case, and potential for bringing in business.<sup>9</sup> In the UK the proportion of litigants in person is similar to that in the US, and therefore the situation is likely to be similarly grave. For example, a government funded organization, Leasehold Advisory Service, which provides free legal advice on landlord-tenant leasehold matters, offers a maximum of 15 minutes free advice.<sup>10</sup> Considering 15 minutes are not sufficient to even outline the issues, especially for non-lawyers, this shows the current grave situation in access to legal representation in the UK.

The unrepresented face a number of further disadvantages. There are numerous legislations and case law that create a labyrinth, which can be navigated only by highly specialised lawyers – leaving out a vast majority of people who cannot afford these lawyers. Prejudices,

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<sup>1</sup> JUDICIARY OF ENGLAND AND WALES, THE LORD CHIEF JUSTICE'S REPORT 2015 33 (2015), [https://www.judiciary.uk/wp-content/uploads/2016/01/lcj\\_report\\_2015-final.pdf](https://www.judiciary.uk/wp-content/uploads/2016/01/lcj_report_2015-final.pdf).

<sup>2</sup> Liz Trinder et al., *Litigants in person in private family law cases* (2014), [https://research-information.bristol.ac.uk/en/publications/litigants-in-person-in-private-family-law-cases\(863ec095-bd56-4e1f-9975-d01cdd7a3aed\)/export.html](https://research-information.bristol.ac.uk/en/publications/litigants-in-person-in-private-family-law-cases(863ec095-bd56-4e1f-9975-d01cdd7a3aed)/export.html) (last visited Feb 20, 2019).

<sup>3</sup> RICHARD MOORHEAD ET AL., LITIGANTS IN PERSON: UNREPRESENTED LITIGANTS IN FIRST INSTANCE PROCEEDINGS (2005).

<sup>4</sup> Adrian A. S. Zuckerman, *No Justice Without Lawyers — The Myth of an Inquisitorial Solution*, 33 (2014), <https://papers.ssrn.com/abstract=2503867> (last visited Feb 20, 2019).

<sup>5</sup> NATIONAL CENTER FOR STATE COURTS, LANDSCAPE OF CIVIL LITIGATION IN STATE COURTS. CIVIL JUSTICE INITIATIVE (2013), <https://www.ncsc.org/~media/Files/PDF/Research/CivilJusticeReport-2015.ashx>.

<sup>6</sup> REBECCA L. SANDEFUR & THOMAS CLARKE, ROLES BEYOND LAWYERS: SUMMARY, RECOMMENDATIONS AND RESEARCH REPORT OF AN EVALUATION OF THE NEW YORK CITY COURT NAVIGATORS PROGRAM AND ITS THREE PILOT PROJECTS (2016), <https://papers.ssrn.com/abstract=2949038> (last visited Feb 20, 2019).

<sup>7</sup> GEOFFREY ROBERTSON, THE TYRANNICIDE BRIEF: THE STORY OF THE MAN WHO SENT CHARLES I TO THE SCAFFOLD (2006), <https://www.abebooks.co.uk/9780099459194/Tyrannicide-Brief-Story-Man-who-0099459191/plp> (last visited Feb 20, 2019).

<sup>8</sup> CENTER FOR AMERICAN PROGRESS, CIVIL LEGAL AID BY THE NUMBERS (2011), <https://www.americanprogress.org/issues/general/news/2011/08/09/10080/civil-legal-aid-by-the-numbers/> (last visited Feb 20, 2019).

<sup>9</sup> Heather Mac Donald, *What Good is Pro Bono?*, CITY JOURNAL, 2000, <https://www.city-journal.org/html/what-good-pro-bono-12263.html> (last visited Feb 20, 2019).

<sup>10</sup> LEASE, WHAT WE DO THE LEASEHOLD ADVISORY SERVICE, <https://www.lease-advice.org/about-us/> (last visited Aug 10, 2018).

complexities in interpretations of the law, inaccessibility to laws, unnecessary formalities and language obstacles are also common barriers.<sup>11</sup> Moreover, even for those who can afford the justice system, access to justice is impaired due to the variation in the quality of representation. In the UK, for example, the quality of representation has been found to vary widely.<sup>12</sup> This inequality in access to justice comes with serious consequences for individuals and societies.

## INEQUALITY AS A MAJOR BARRIER TO ACCESS TO JUSTICE

The fundamental cause of inaccessibility to justice is inequality. Inequality is now at highest levels and growing rapidly. Between 1988 and 2011, the top 1% of the world's population ( $\approx 60$  million people) gained a higher percentage of income growth than the bottom 50% put together, and own more wealth than the rest of the planet ( $\approx 6$  billion people).<sup>13</sup> In the US, between 2009 and 2012 (following an economic crisis), all income growth happened in the top 1% of earners in eighteen of the states; and in New York and Connecticut, the top 1% of earners attained average incomes more than 48 times that of the bottom 99%.<sup>14</sup> At a global level, it is estimated that over the next 20 years, 500 people will hand over USD 2.1 trillion to their heirs – a sum larger than the GDP of India.<sup>15</sup>

Inequality has been identified by the World Economic Forum as the most likely global risk to manifest in the next 10 years.<sup>16</sup> Inequality affects stress levels, health, education and social cohesion – through multiple pathways.<sup>17</sup> For example, inequality, beyond poverty, affects children's health and education through a range of processes, including parental psychological and physical well-being, epigenetic regulation, feelings of injustice and residential segregation.<sup>18</sup>

Specific to access to justice, unequal experience in dispute resolution has been shown to have health consequences. The World Justice Project research on access to justice (1,020 adults) showed that in the UK 31% of people with legal problems reported they suffered a stress-related or physical illness as a result.<sup>19</sup> Similar figures were shown for Canada and the US.<sup>20</sup>

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<sup>11</sup> Fatos Selita, *Unrepresented Litigants in Modern Courts – Ordeal by Combat*, 6 LEG. ISSUES J. 35 (2018).

<sup>12</sup> COMPETITION AND MARKETS AUTHORITY, LEGAL SERVICES MARKET STUDY. FINAL REPORT (2016), <https://assets.publishing.service.gov.uk/media/5887374d40f0b6593700001a/legal-services-market-study-final-report.pdf>.

<sup>13</sup> OXFAM INTERNATIONAL, AN ECONOMY FOR THE 1% | OXFAM INTERNATIONAL (2016), <https://oxf.am/2FKbYYL> (last visited Feb 20, 2019); Deborah Hardoon, *An Economy for the 99%: It's time to build a human economy that benefits everyone, not just the privileged few* 48 (2017).

<sup>14</sup> ESTELLE SOMMEILLER & MARK PRICE, THE INCREASINGLY UNEQUAL STATES OF AMERICA: INCOME INEQUALITY BY STATE, 1917 TO 2012 (2015), <https://www.epi.org/publication/income-inequality-by-state-1917-to-2012/> (last visited Feb 20, 2019).

<sup>15</sup> Hardoon, *supra* note 13.

<sup>16</sup> WORLD ECONOMIC FORUM, GLOBAL RISKS 2012. (2012).

<sup>17</sup> Fatos Selita & Yulia Kovas, *GENES AND GINI: WHAT INEQUALITY MEANS FOR HERITABILITY*, J. BIOSOC. SCI. 1–30 (2018); COUNTY HEALTH RANKINGS AND ROADMAPS, 2015 KEY FINDINGS REPORT (2015), [rwjf.org/content/dam/farm/reports/reports/2015/rwjf418649](http://rwjf.org/content/dam/farm/reports/reports/2015/rwjf418649).

<sup>18</sup> BRUCE A. RYAN & GERALD R. ADAMS, FAMILY RELATIONSHIPS AND CHILDREN'S SCHOOL ACHIEVEMENT: DATA FROM THE NATIONAL LONGITUDINAL SURVEY OF CHILDREN AND YOUTH (1998); R. G. WILKINSON & K. E. PICKETT, THE SPIRIT LEVEL: WHY GREATER EQUALITY MAKES SOCIETIES STRONGER. (2009); Greg J. Duncan & Richard J. Murnane, *Rising Inequality in Family Incomes and Children's Educational Outcomes*, 2 RSF RUSSELL SAGE FOUND. J. SOC. SCI. 142–158 (2016); Selita and Kovas, *supra* note 17.

<sup>19</sup> WORLD JUSTICE PROJECT, GLOBAL INSIGHTS ON ACCESS TO JUSTICE (2018), [https://worldjusticeproject.org/sites/default/files/documents/WJP\\_Access-Justice\\_April\\_2018\\_Online.pdf](https://worldjusticeproject.org/sites/default/files/documents/WJP_Access-Justice_April_2018_Online.pdf).

Inequality in access to justice is propelled through different mechanisms, across different jurisdictions. For example, in the UK, inaccessibility to justice may be exacerbated by the unrepresentativeness of the current legal force. Figures show that the judiciary, which exerts huge power over society<sup>21</sup>, is mainly composed of people from the wealthy part of the population. The 2017 report by JUSTICE raises (for the third year) concerns about demographic make-up of the judiciary in the UK. The report emphasises that the judiciary is dominated by white and privately educated men, and that despite 10 years of measures to improve diversity, progress has remained stagnant. The report also points out that, in terms of diversity, the UK remains significantly worse than other European and common law jurisdictions.<sup>22</sup> A situation where lawyers are generally from significantly different percentiles of SES distribution to those whom they represent, creates a disconnect in values, knowledge and experiences between lawyers and their clients.

For example, people are unlikely to view existing legal salaries and fees as appropriate. At the English Bar, the lower end Barristers' fees are around £300 per hour. Moreover, hours accumulate even for small cases. For example, fees reached over £50,000 in landlords' legal costs for a simple service charge case in the First-tier tribunal.<sup>23</sup> In contrast, the national average hourly rate in the UK is £14 per hour<sup>24</sup>, and the average household income is £593 per week.<sup>25</sup> Furthermore, in 2008/09 for 13.5 million people, the household incomes were around £119 per week for single adults, £206 per week for a couple with no dependent children, and £288 per week for a couple with two dependent children.<sup>26</sup> This clearly demonstrates the gulf between what is affordable and reasonable for the majority of the population. This situation can lead to miscommunication and discontent on both sides. People, being represented and judged by those far removed from the realities of their lives, are likely to experience greater stress and uncertainty.

More accessible services are provided by more representative workforce, including academics, whose training is similar in length and cost to that of lawyers. For example, professorial hourly teaching rate (Grade 9) is around £40 per hour. This is paradoxical considering legal services are a necessity for all people; whereas, paying for higher education is a choice and an investment, potentially leading to better employment and higher income. Currently we are in a situation where access to justice is in a similar category to luxury

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<sup>20</sup> Jon Robins, *The justice gap revisited*, NEW LAW J. (2018), <https://www.newlawjournal.co.uk/content/justice-gap-revisited> (last visited Feb 20, 2019).

<sup>21</sup> JUDICIAL STUDIES BOARD, DIVERSITY, COMMUNICATION AND REPRESENTATION. EQUAL TREATMENT BENCH BOOK 2009 (2009), [www.banksr.co.uk](http://www.banksr.co.uk) (last visited Apr 28, 2018); CIVIL JUSTICE COUNCIL, ACCESS TO JUSTICE FOR LITIGANTS IN PERSON (OR SELF-REPRESENTED LITIGANTS): A REPORT AND SERIES OF RECOMMENDATIONS TO THE LORD CHANCELLOR AND TO THE LORD CHIEF JUSTICE (2011), <https://www.judiciary.uk/wp-content/uploads/2014/05/report-on-access-to-justice-for-litigants-in-person-nov2011.pdf>.

<sup>22</sup> JUSTICE, INCREASING JUDICIAL DIVERSITY IS VITAL TO A FAIRER JUSTICE SYSTEM – A JUSTICE WORKING PARTY GIVES ITS RECOMMENDATIONS JUSTICE (2017), <https://justice.org.uk/judicial-diversity-working-party-launch/> (last visited Feb 20, 2019).

<sup>23</sup> Selita, *supra* note 11.

<sup>24</sup> Statista, FULL-TIME AVERAGE HOURLY WAGE 2006-2018 | UK STATISTIC STATISTA, <https://www.statista.com/statistics/280687/median-hourly-earnings-for-full-time-employees-in-the-uk-since-2006/> (last visited Feb 20, 2019).

<sup>25</sup> DEPARTMENT FOR WORK AND PENSIONS, HOUSEHOLDS BELOW AVERAGE INCOME: AN ANALYSIS OF THE UK INCOME DISTRIBUTION: 1994/95-2015/16 (2016), [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/600091/households-below-average-income-1994-1995-2015-2016.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/600091/households-below-average-income-1994-1995-2015-2016.pdf).

<sup>26</sup> Department for Work and Pensions, INCOME DISTRIBUTION GOV.UK (2018), <https://www.ethnicity-facts-figures.service.gov.uk/work-pay-and-benefits/pay-and-income/income-distribution/latest> (last visited Feb 20, 2019).

services, such as cosmetic surgery and designer fashion. The legal system, therefore, has to be organized differently – in a more egalitarian way – including becoming more representative of society it represents. Not doing so comes with serious consequences for society.

## CURRENT ATTEMPTS TO IMPROVE ACCESS TO JUSTICE

Some steps are being taken towards improving representativeness of the legal workforce. For example, the Inns of Court have announced plans to improve diversity at the Bar by conducting ‘activities directed at encouraging those from non-traditional backgrounds to come to the Bar’.<sup>27</sup> Another measure for improving access to the profession, introduced by the Bar Standards Board (BSB) as part of its Equality and Diversity Strategy 2017-19, is the Equality objective to “improve our understanding of the diverse experiences of students training for the Bar” which entails to “undertake targeted research to understand the experiences of students with the following protected characteristics: BME, women, disabled and, in addition, those from lower socioeconomic backgrounds” and to “use the research findings to inform decisions for Future Bar Training (FBT)”; to “produce and publish findings of the research”; as well as “Produce a report and work with providers to identify and influence best practice”.<sup>28</sup> However, these measures are unlikely to improve access significantly because student experience is not the main barrier. [The number of people from ‘non-traditional backgrounds’ successfully completing the Bar Training Course and Called to the Bar is already high, despite high fees (e.g. over £18,000 for a 9 months Bar professional training course). In fact, an almost equal number of BME (black and ethnic minority) and White are Called to the Bar. For example, in 2017 the numbers of those Called to the Bar were 561 and 585 BME and White respectively.<sup>29</sup>

However, the situation changes drastically at the final stage of attempting to join the Bar. Upon being Called to the Bar, barristers are faced with the biggest barrier to access to the profession – entry to pupillage, the only stage of training for which no payment is required. Although the system presents an image that access to this stage is based on merit, the unquantifiable and non-transparent selection processes is fraught with inherent biases (e.g. towards selecting a candidate similar to oneself)<sup>30</sup> and conscious and unconscious resistance to change. This is clearly reflected in the fact that 80% fewer BME than White get a pupillage. Those unable to enter the final stage of training, can repeat the same process for up to six years – but with no clear guidance as to what exactly is required to succeed in gaining entry.

Other legal systems provide more equal access to the profession through using quantifiable entry criteria, such as State Bar entry in the United States. However, such meritocratic

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<sup>27</sup> The Honourable Society of the Middle Temple, A MESSAGE FROM THE TREASURER: ACCESS TO THE BAR (2017).

<sup>28</sup> BAR STANDARDS BOARD, BSB EQUALITY AND DIVERSITY STRATEGY 2017-19 13 (2018), [https://www.barstandardsboard.org.uk/media/1819877/bsb\\_equality\\_and\\_diversity\\_strategy\\_2017\\_in\\_12pt\\_for\\_website.pdf](https://www.barstandardsboard.org.uk/media/1819877/bsb_equality_and_diversity_strategy_2017_in_12pt_for_website.pdf).

<sup>29</sup> Bar Standards Board, CALLED TO THE BAR AND TENANCY STATISTICS, <https://www.barstandardsboard.org.uk/media-centre/research-and-statistics/statistics/called-to-the-bar-statistics/> (last visited Apr 20, 2018).

<sup>30</sup> I.E. Dror, B.M. McCormack & J. Epstein, *Cognitive Bias and Its Impact on Expert Witnesses and the Court*, 54 JUDGES’ J. (2016); J. Ehrlinger, W.O. Readinger & B. Kim, *Decision-Making and Cognitive Biases*, in ENCYCLOPEDIA OF MENTAL HEALTH 5–12 (2016), <https://linkinghub.elsevier.com/retrieve/pii/B9780123970459002068> (last visited Feb 20, 2019).

procedure needs to be combined with greater socio-economic equality to achieve a truly equal access. In highly unequal societies, the diversity of the legal profession is hindered by lack of early educational opportunity and inaccessible health care.<sup>31</sup> For example, in the US the income ratio between high- and low-income families grew from 5:1 in 1970 to 11:1 in 2013.<sup>32</sup> This was accompanied by a similar increase in educational investment gap, from 5:1 in 1972 to 9:1 in 2007.<sup>33</sup> These increases in income- and educational investment gaps were paralleled by a growing educational achievement gap of around 50%.<sup>34</sup> Such inequality in educational opportunity prevents many from entering even the early stages of legal training. The situation is similar in other desirable professions. For example, in the UK, 80% of students accepted by medical schools are from high SES, with around 34% living in the most affluent tenth of postcodes, and around 5% in the least affluent tenth.<sup>35</sup> Furthermore, 50% of secondary schools had never had a pupil apply to medical school.<sup>36</sup>

A pessimistic view would be that only an equal society with meritocratic criteria for entry into the profession can provide equal access to justice to its citizens. However, even before major societal changes occur, small adjustments to the system and grassroot movements can lead to significant positive outcomes.

## COMMUNITY-BASED SOLUTIONS TO IMPROVING ACCESS TO JUSTICE

Equality in access to justice can be improved in a number of ways, including though increasing representativeness of the legal workforce, and though pro bono contributions. Improving representativeness would require different steps in different legal systems. In the UK, a major step towards improving representativeness would be to make the qualification criteria quantifiable and objective. This would require action by the legal regulators (Bar Standards Board and The Solicitors' Regulation Authority). However, representativeness can be improved even without the support of the Regulators. Law firms and chambers can introduce standard entry tests for pupillage and training contract, instead of current subjective criteria (e.g. interview). Firms/chambers can unite into a network (including national) that offers pupillage/training contracts on the same standardised assessment criteria. High quality standards will be maintained through the accepted probationary employment process. This seemingly small step would lead to a significantly more meritocratic qualification system, and therefore a system more representative of society – ultimately reducing the divide between lawyers and clients and instilling greater trust in the justice system.

Apart from such system changes, continuous pro bono contributions by all lawyers and organizations can make a difference in improving access to justice. For example, a

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<sup>31</sup> Selita and Kovas, *supra* note 17.

<sup>32</sup> Sean F. Reardon, *The Widening Income Achievement Gap*, 70 EDUC. LEADERSH. 10–16 (2013).

<sup>33</sup> Sabino Kornrich & Frank Furstenberg, *Investing in children: changes in parental spending on children, 1972-2007*, 50 DEMOGRAPHY 1–23 (2013).

<sup>34</sup> Sean F. Reardon, *The Widening Academic Achievement Gap Between the Rich and the Poor: New Evidence and Possible Explanations*, in WHITHER OPPORTUNITY 91–116 (Greg J. Duncan & Richard J. Murnane eds., 2011); GREG J. DUNCAN & RICHARD MURNANE, WHITHER OPPORTUNITY? RISING INEQUALITY, SCHOOLS, AND CHILDREN'S LIFE CHANCES (2011).

<sup>35</sup> Kathryn Steven et al., *Fair access to medicine? Retrospective analysis of UK medical schools application data 2009-2012 using three measures of socioeconomic status*, 16 BMC MED. EDUC. 11 (2016).

<sup>36</sup> Severin Carrell, *Students from wealthy backgrounds dominate medical schools*, January 22, 2016, <https://www.theguardian.com/society/2016/jan/22/medical-school-students-wealthy-backgrounds> (last visited Feb 20, 2019).

contribution of two hours per week from every practising solicitor and barrister in England and Wales would total to approximately 17 million hours of free legal advice per year available to those in need. Organizations/businesses have an even greater power due to resources available to them. For example, law firms/chambers of 10 or more lawyers could establish pro bono departments. Pro bono contributions raise awareness and inspire people to engage in Pro Bono work. Today already a number of non-government and charitable organizations provide pro bono support to those who cannot afford the legal system. In the UK these include, Citizens Advice Bureau, Free Representation Unit, Law Centres Network and University Law Clinics. Similarly, in the US there are a significant number of pro bono legal service providers located in different states.<sup>37</sup>

Another step towards improving access to justice is enhancing existing law degrees with additional topics. First, a module on access to justice can help students gain an objective picture of the realities of the legal system. Currently, to do that, one needs to conduct extensive research, including on statistics, barriers and court practices – something law students and graduates are unlikely to undertake. Moreover, little information is openly available in relation to lower courts, with information easiest to obtain is related to higher courts. This is paradoxical, because nearly all cases end in first tier / lowest courts. For example, around 95% of criminal cases are completed in Magistrates' court.<sup>38</sup> Introduction of a module that covers the realities of the legal profession will help students to make more informed decisions about their careers.

Second, law curriculum can be enhanced with a module on the origins of individual differences. Recent findings from biology, genetics, neuroscience, sociology, psychology and other disciplines, have provided great insights into the origins of differences among people.<sup>39</sup> Awareness of the complex interacting gene-environment processes is a powerful tool for lawyers/judges. It can help finding personalised approaches to clients, taking into account learning disabilities, mental health problems and behavioural issues; and conduct meaningful self-evaluation, including sources of irritation and burnout; and avoiding widespread attribution of errors, memory flaws, incorrect assumptions and harsh judgements.

One other powerful resource for change is the contribution of University-based and national student associations. Many such associations exist across the world.<sup>40</sup> Their work includes supporting aspiring lawyers from diverse backgrounds, organizing careers events and providing publication opportunities. Appendix 1 provides details of work by one such organization – the UK Law and Society Association (UKLSA) - as an example of activities

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<sup>37</sup> See list at: US Department of Justice, LIST OF PRO BONO LEGAL SERVICE PROVIDERS (2015), <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> (last visited Feb 20, 2019).

<sup>38</sup> Courts and Tribunals Judiciary, MAGISTRATES' COURT, <https://www.judiciary.uk/you-and-the-judiciary/going-to-court/magistrates-court/> (last visited Feb 20, 2019); Blake Morrison, *Judgment day*, April 4, 2002, <https://www.theguardian.com/society/2002/apr/04/prisonsandprobation> (last visited Feb 20, 2019).

<sup>39</sup> BEHAVIOURAL GENETICS FOR EDUCATION, (Yulia Kovas, Sergey Malykh, & Darya Gaysina eds., 2016); Eva Krapohl et al., *The high heritability of educational achievement reflects many genetically influenced traits, not just intelligence*, 111 PROC. NATL. ACAD. SCI. 15273–15278 (2014); Kaili Rimfeld et al., *Genetics affects choice of academic subjects as well as achievement*, 6 SCI. REP. 26373 (2016); S. Selzam et al., *Predicting educational achievement from DNA*, 22 MOL. PSYCHIATRY 267–272 (2017); Kaili Rimfeld et al., *Phenotypic and genetic evidence for a unifactorial structure of spatial abilities*, 114 PROC. NATL. ACAD. SCI. 2777–2782 (2017); Margherita Malanchini et al., *The genetic and environmental aetiology of spatial, mathematics and general anxiety*, 7 SCI. REP. 42218 (2017); Selita and Kovas, *supra* note 17.

<sup>40</sup> See lists for the US and the UK: HG.org, WORLDWIDE DIRECTORY OF LAW SCHOOLS - SCHOOLS OF LAW BY COUNTRY, <https://www.hg.org/law-students-associations.html> (last visited Apr 20, 2018); LawCareers.net, STUDENT LAW SOCIETIES, <https://www.lawcareers.net/Courses/StudentLawSocieties> (last visited Feb 20, 2019).

designed to improve access to justice. If such efforts became widespread, the current inefficiencies of the legal system would be widely recognised, and the pressing need for change would be felt amongst aspiring lawyers, the future workforce. This would lead to a point of no return where significant changes would be necessary to satisfy the sense of justice and equality in this new force. The majority of aspiring lawyers report as primary motivation their wish to do justice (UKLSA Equalities Conferences Polls). Such grassroots movements, foster inspiration for the best aspects of the legal profession – providing justice for all – rather than simply following financially satisfying careers. Combined effort of all stakeholders in the justice system could lead to significant improvements in access to justice, long before greater economic equality is achieved.

## CONCLUSIONS

Greater access to justice comes with immense benefits for societies, including improving social cohesion and people's wellbeing. While perfectly equal societies are neither possible nor desirable/fair<sup>41</sup>, the current level of inequality violates all principles of fairness and morality. The associated desperate state of access to justice requires urgent action. Recent State budget cuts place restrictions on the required major restructuring of the existing justice systems. However, if individuals and communities show commitment to equality, governments would be encouraged to increase efforts to improve equality in access to justice. Community-based solutions include changing of recruitment ethos by networks of like-minded firms that are committed to increasing equality; wide-spread pro-bono work by individual lawyers and law businesses; and support offered by non-profit organizations.

**Declaration of interest statement:** The author confirms that there is no conflict of interest.

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<sup>41</sup> Christina Starmans, Mark Sheskin & Paul Bloom, *Why people prefer unequal societies*, 1 NAT. HUM. BEHAV. (2017), <http://www.nature.com/articles/s41562-017-0082> (last visited Feb 20, 2019).

Appendix A: Examples of pro bono activities provided by a national association

**10** years **OF PRO BONO ON: JUSTICE & EQUALITY**

Publishing the interdisciplinary

**LEGAL ISSUES JOURNAL**

**1000s of people reached**

**Making proposals for more equal access to the profession and justice**

**Free advice, training & representation for law students:**

advocacy, careers, events and training

**Large-scale National Equalities Conferences**

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