

ALL RISE FOR CIVIL JUSTICE

*Martha Bergmark**

Equal justice under law is an American ideal. But every year, millions of people lose their cases in civil courts, not because they have done something wrong, but because they do not have the information or legal help they need to make their case. The United States civil justice system must be reformed so that it works for everyone, not just for the wealthy and the represented.

For guidance, advocates of civil justice reform should look to the movement for criminal justice reform, which has successfully raised awareness and galvanized coalitions to effect policy change. I eagerly await the case study that analyzes the emergence, key components, and pivotal moments of that movement.

Advocates for civil justice reform are poised for an ambitious national effort to fix our broken civil justice system, as the Access to Justice Summit at Fordham University School of Law recently showcased. Research is beginning to document the enormous scale of the harm our civil justice system inflicts on people. Most Americans, when faced with highly consequential life problems, do not know that a legal solution may be available to them. And only a fraction of those who do seek legal help are able to obtain the information and assistance they need to protect their families, their homes, and their livelihoods.

However, most people beyond the advocacy community do not know this. The best available opinion research tells us that the public, policymakers, funders, journalists, and even those most directly affected, do not understand the nature and scale of this problem, its consequences for millions of Americans, or the solutions available to reverse the crisis. As advocates, we are failing to make the case that restricted and unequal access to the civil justice system *itself* causes and exacerbates significant social problems.

To date, we have relied on several traditional calls to action:

- Donate more generously to any given legal aid program;
- Increase funding for the Legal Services Corporation;
- Run a pilot project to improve court self-help services; or
- Sign up to be a pro bono lawyer.

These are all important and necessary appeals, but to convey the urgency of the civil justice crisis, we need an overarching narrative that goes further.

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The unifying theme is that we have a crisis of civil *injustice* in America. It manifests as a family wrongfully evicted from their home, a homeless veteran with untreated PTSD, a woman unsafe in her own home because she can't escape her abuser, or a child threatened with deportation and facing an immigration judge alone.

Many faces and stories comprise this crisis. There are well over one-hundred million civil justice problems in America every year. But the common thread is a civil justice system that fails to meet America's promise of equal justice under law. In civil courts across the country, restricted and unequal access is the rule, not the exception, and the human toll is high.

The human stories, and how we tell them, are where we have to start. We must tell the stories in a way that makes plain the damage that our broken civil justice system is causing, free of legal jargon and full of pathos. We must tell them in a way that explicitly states how we can fix the damage. We must tell them in a way that explains to our audiences how they can help.

This is precisely the goal of "All Rise for Civil Justice," an ambitious digital storytelling project launched this year by Voices for Civil Justice.¹ It casts a spotlight on America's broken civil justice system, the people it hurts, the decisions that brought it to the brink, and the people working to make it better. Using video, photo essays, animations, mapping, and other media, the website and accompanying campaign will explain the urgency of the problem and showcase the solutions. As the project develops, we hope advocates will rely on it to help them tell compelling human stories woven into the overarching narrative of a crisis of civil injustice in America.

By modeling the strong example of the criminal justice reform movement and by defining the crisis and conveying its urgency, "All Rise for Civil Justice" aims to build a narrative that unifies an emerging national movement for civil justice reform.

1. ALL RISE FOR CIVIL JUSTICE, <https://www.allriseforciviljustice.org> [<https://perma.cc/5AMJ-EV5U>] (last visited Apr. 1, 2019).