

BUSINESS ADVANCING JUSTICE



The Goal 16 Working Group Toolkit

October 2020



About NLADA

The National Legal Aid & Defender Association (NLADA) is the United States' oldest and largest nonprofit association devoted to excellence in the delivery of legal services to those who cannot afford counsel, whether in civil or criminal matters. For more than a century, NLADA has pioneered access to justice at the national, state, and local levels in multiple ways: helping create many of the first public defense systems in the country; supporting the establishment of the Legal Services Corporation; developing nationally applicable standards for legal representation of low-income clients; and advocating for groundbreaking legislation. NLADA serves as the collective voice for the country's civil legal aid and public defense providers and offers high-quality advocacy, training, and technical assistance. For more information about NLADA, please visit www.nlada.org.

NLADA has collaborated with distinguished legal executives in the private sector from a wide variety of industries to help low-income people in need of legal services by expanding and strengthening pro bono programs, formulating national strategies in support of funding for legal representation, and supporting resource development for NLADA to lead nationally on these issues. In 1992, under the leadership of Ford Motor Company, those unofficial partnerships were formalized to launch NLADA's Corporate Advisory Committee (CAC), which exemplifies corporate America's dedication to the principle of equal justice under the law and advancing federal, state, and local public policy that strengthens legal assistance for low-income people. Through the leadership of its member corporate counsel, the CAC engages the corporate community to expand the availability of quality representation to those who cannot otherwise afford counsel. For more information about the CAC, please visit <http://www.nlada.org/issues-and-initiatives/corporate-engagement>.

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Business Advancing Justice

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Overview

NLADA and the U.S. Corporate Community Advancing Goal 16 Together

In 2019, the National Legal Aid and Defender Association (NLADA) working with its Corporate Advisory Committee (CAC) launched a new initiative tied to the United Nations Sustainable Development Goal 16 and its call to “ensure equal access to justice for all.” The initiative’s mandate was to identify more opportunities for the U.S. corporate community interested in advancing Goal 16 to strategically collaborate with NLADA’s members – civil legal aid offices, public defender offices, and clients across the country. This activity resulted in the publication of the [NLADA Policy Brief: Access to Justice is Good for Business](#) and launch of the CAC’s [Goal 16 Working Group](#), which identifies access to justice policy issues that can be advanced through public-private partnership. The working group was successfully [registered with the UN’s Sustainable Development Goals Partnerships Platform](#) as the U.S. legal community’s commitment to Goal 16.

Working with NLADA’s experts, the working group considers access to justice policy issues that can be taken up by CAC members and peers together or by CAC members on their own. It also provides CAC members a place to share their own access to justice advocacy with other corporate leaders.

This toolkit spotlights this work. It sets out:

The Why: The case for why businesses should care about civil legal aid and public defense.

The How: An overview of the strategies that businesses use to advance public policy and legal reform on access to justice with case studies and examples of each: lobbying executive branch agencies and legislators, advocating before courts, and using the bully pulpit.

Tips: Tips for how corporate leaders and the access to justice community can effectively work together, including a worksheet to help corporate leaders get started.

The strategies and examples included in the toolkit are drawn from the activity of the Goal 16 Working Group, as well as those of individual CAC members and other corporate champions taken outside of the working group. We know these examples can provide inspiration to other private sector actors interested in advancing justice for all.

CONTENTS

Part I – The Why 2

Why Should
Business Care about
Civil Legal Aid?

Why Should
Business Care about
Public Defense?

Part II – The How 7

Strategy 1 – Lobbying
the Executive and
Legislative Branches

Strategy 2 – Advocating
Before the Courts

Strategy 3 – Using the
Bully Pulpit

Tips for Corporate Partners 11

Tips for Equal Access to Justice Members 12

Corporate Access to Justice Worksheet 13



Part I – The Why

Access to justice is more than ensuring people with limited means have access to the legal help they need. While legal assistance can help ensure fairness - a basic tenet of our justice system - it also safeguards human rights and secures basic life necessities.

Indeed, civil legal aid has a multiplier effect. It promotes healthy communities, eradicates homelessness, supports positive life outcomes for our veterans, and prevents domestic violence. Likewise, public defense is more than providing the constitutional right to counsel. Public defenders reduce unnecessary pretrial detention, often enabling individuals to continue to work and support their families while their cases are pending. And public defenders can stem racial disparities that pervade our legal system by exposing and challenging racial bias by a system actor or system-wide practice.

Business standing up for the equal access to justice community ensures a safe and predictable workforce, a stronger investment climate, a stronger corporate citizen profile, less government waste, and increased profits.



Why Should Business Care about Civil Legal Aid?

The most recent statistics on the need for civil legal aid in the United States are startling. With more than 60 million Americans qualifying for federally funded civil legal aid, but with no obligation that government provide these services:

86% of the civil legal problems reported by low-income Americans in the past year received inadequate or no legal help. In 2016, 71% of low-income households experienced at least one civil legal problem, including problems with domestic violence, veterans' benefits, disability access, housing conditions, and health care. Estimates are that in 2017, low-income Americans approached LSC-funded legal aid organizations for support with an estimated 1.7 million problems. They will receive only limited or no legal help for more than half of these problems because of a lack of resources.¹

Civil legal aid lawyers cannot fix this crisis on their own. Leadership is needed from government, other parts of civil society, and – indeed – the business community.

At a time when the business community is meeting the challenges of the day with a renewed sense of purpose,² caring about the provision of civil legal aid means:

1. Safeguarding the U.S. workforce

As the Organisation of Economic Co-operation and Development (OECD) has stated, legal aid can help workers secure jobs and resolve the legal problems of vulnerable groups that surface in their job search, such as helping individuals reinstate revoked driver's licenses or obtain rehabilitation certificates that helps formally incarcerated individuals qualify for certain job opportunities.³ Without this help, the OECD found the impact of unmet legal needs of individuals translates into: "social costs, physical and mental health costs, lost productivity, reduced access to economic opportunities for individuals and business, and foregone education and employment opportunities."⁴

Civil legal aid is also needed for the success of the recent wave of racial justice-focused initiatives across the business community, such as the Business Roundtable's newest efforts to promote broad economic opportunity and mobility by advancing racial equity and justice solutions. In particular, civil legal aid is critical to achieving their stated goals of improving education, health care, and improving re-entry for all members of the

workforce.⁵ By securing benefits – such as individualized education plans for children with learning needs, federal health benefits, and job training – and navigating the collateral consequences of a criminal conviction, civil legal aid helps individuals and families find stability in their lives, thus ensuring a reliable workforce.⁶

2. Standing up for the U.S. justice system and the rule of law, thereby creating a stronger climate for investment and making U.S. businesses more competitive

The access to justice crisis – exemplified by the lack of available civil legal aid across the country – weakens trust in our justice system and erodes faith in the rule of law; both are vitally necessary to attract investment in our economy and make businesses more competitive.⁷ As former Microsoft leader Jeff Raikes has stated, "Companies exist in a climate where the way workers, customers, and the rule of law are treated are matters of self-interest, not just in terms of fairness but also for corporate health and viability in the marketplace."⁸

The Global Task Force on Justice similarly noted that, "The private sector in many countries has incentives to mobilize for improvements in the legal environment. Businesses are reliant on the rule of law and responsive justice institutions."⁹

The rule of law is not only necessary to create predictability in the way laws govern business operations, it also ensures that the communities they serve are prosperous. As Amazon Senior Vice President, General Counsel, and Secretary David Zaplosky has stated, "The rule of law paves the way for prosperity, and American corporations have a major stake in keeping the country's promise of equal justice under law. Without it, the communities where we work and live are less prosperous, and so are the customers we serve."¹⁰ The same is true for international investment.¹¹ As Sharran Burrow of the B Team has stated, "When people's fundamental rights are protected, business has a better chance of contributing to a thriving society."¹²

3. Demonstrating good corporate citizenship

Businesses pursuing corporate social responsibility (CSR) activity can ground their support of the right to counsel in a sense of purpose beyond the bottom line. Merck Chairman and CEO Ken Frazier has stated, "This deeper sense of corporate citizenship – people before profits – is intertwined with ensuring the dignity of people when they have civil or criminal legal needs. Corporate engagement in strengthening legal services in the United States is, in this way, an expression of corporate self-interest. The best corporate citizens see value and values as aligned. They recognize the true reward of devoting time and energy to ensuring adequate justice: the

3 opportunity to improve many lives."¹³

And today, such values are expected by consumers, employees, and shareholders, who are increasingly raising issues of fairness and justice with the businesses with which they are aligned.¹⁴

4. Saving tax dollars

Access to legal aid can conserve public dollars by preventing problems like homelessness or health issues that can be extremely costly and harmful to individuals and the public. A study in Philadelphia found that tenants in eviction proceedings with lawyer assistance avoided a disruption to their housing 95 percent of the time.

¹⁵ The study further found that the city would avoid \$45.2 million in annual costs by providing representation in eviction proceedings, which also translated into the city of Philadelphia receiving a benefit of \$12.74 for every dollar spent on representation. In another study, researchers found that survivors of domestic violence who had received civil legal aid assistance as they exited their abusive relationship had an average monthly income increase of 19.52 percent over a period of one year.¹⁶

As Amazon General Counsel David Zaplosky has stated, “It costs more to care for people after injustice occurs than it does to ensure equal access to justice, so investing in the expansion of civil justice yields a real return on investment. In Alabama, every \$1 of investments in civil legal aid yielded \$11.95 in immediate and long-term benefits, such as lowering foreclosure and eviction costs for the government and homeowners. Florida tells a similar story: Every dollar spent on legal aid generated more than \$7 in similar economic benefits.”¹⁷

5. Protecting business profits

The justice gap eats business profits. According to the OECD:

Although data is limited and there is no common methodology to measure the impacts of legal (justiciable) problems, some studies show that these problems may have a negative knock-on [i.e., downstream] effect for businesses. Some of the most common negative impacts include loss of income, business disruption, the incurring of additional costs, damage to business relationships, loss of reputation and damage to employee relations. In extreme cases, legal problems were said to have led to businesses ceasing trading. Problems concerning trading and intellectual property were associated with loss of income, problems concerning tax and regulation with the incurring of additional costs, while issues concerning employment were more likely than others to impact on the capacity to work.¹⁸

Indeed, the B Team recently found, “limits on important civic freedoms are linked to negative economic outcomes.”¹⁹ Thus, by championing civil legal aid, corporations eliminate the threat of these negative impacts on their business.



Why Should Business Care about Public Defense?

The right to counsel – a right guaranteed in the Constitution – remains unmet in courts across the country. Public defender offices are underfunded and understaffed, often so severely that they cannot hope to provide their clients with effective representation, many shooting through the annual caseload ceiling recommendations set by the National Advisory Commission on Criminal Justice.²⁰ Public defense lawyers cannot fix this crisis on their own. Leadership is needed from government, other parts of civil society, and – indeed – the business community.

At a time when the business community is meeting the challenges of the day with a renewed sense of purpose,²¹ caring about the right to counsel and public defense means:

1. Safeguarding and growing the U.S. workforce

The crisis in our public defense systems damages the communities that businesses serve and the health of the American workforce. Lack of access to quality representation is a significant contributor to the overuse of incarceration, which removes millions of people from their families and jobs unnecessarily, sometimes even before the start of trial, let alone before a conviction. The resulting negative educational, health, and employment consequences that destabilize families and individuals also harm our ability to rely on a predictable workforce.²²

In addition, criminal convictions that result from a lack of adequate representation often sharply limit these individuals' ability to find work – either because of employment screening questions or state or local licensing requirements for certain jobs that eliminate individuals from consideration because of their criminal records. And what can no longer be ignored is the racial disparities that pervade the justice system and disproportionately harm Black and Brown individuals including by limiting their employability in the ways described above.

Public defenders are critical to stemming racial disparities in the justice system, which are being recognized now more than ever. Their current efforts to reduce the spread of COVID-19 by challenging unnecessary incarceration plays an important role in interrupting the intersection between racial disparities in the criminal justice system and the health disparities that are exacerbating the pandemic's impact on communities of color. Not only do public defenders safeguard against racial injustice in individual cases, their daily experience on the frontlines of justice also makes them effective advocates

for systemic change by bringing into focus racial bias by a system actor or a system-wide practice. With the growing recognition by the business community of how these disparities impact the workforce,²³ public defenders are a necessary first responder to injustice.

Without this help, the Organisation of Economic Co-Operation and Development (OECD) has found that unmet legal needs of individuals translates into: “social costs, physical and mental health costs, lost productivity, reduced access to economic opportunities for individuals and business, and foregone education and employment opportunities.”²⁴

2. Standing up for the U.S. justice system and the rule of law, thereby creating a stronger climate for investment and making U.S. businesses more competitive

The access to justice crisis – exemplified by the strains on the public defense system across the country – weakens trust in our justice system and erodes faith in the rule of law, both of which are necessary to attract investment in our economy and make businesses more competitive.²⁵ As former Microsoft leader Jeff Raikes has stated, “Companies exist in a climate where the way workers, customers, and the rule of law are treated are matters of self-interest, not just in terms of fairness but also for corporate health and viability in the marketplace.”²⁶

The Global Task Force on Justice similarly noted that, “The private sector in many countries has incentives to mobilize for improvements in the legal environment. Businesses are reliant on the rule of law and responsive justice institutions.”²⁷

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And today, such values are expected by consumers, employees, and shareholders, who are increasingly raising issues of fairness and justice with the businesses with which they are aligned.³²

4. Saving tax dollars

Wrongful convictions and unnecessary and costly incarceration are common when workloads prevent lawyers from thoroughly investigating the facts of a case, preparing for trial, or being present in court during critical hearings. In fact, research has shown that investing sufficient public dollars on the front-end to ensure that defense counsel services meet constitutional standards of effectiveness saves dollars on the back-end spent on unnecessary prison costs.³³ What’s more, those wasted public resources could instead be productively invested in other sectors of society and the infrastructure needed for a strong and resilient economy.

5. Protecting business profits

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Indeed, the B Team recently found, “limits on important civic freedoms are linked to negative economic outcomes.”³⁵ Thus, by championing the right to counsel and public defense, corporations eliminate the threat of these negative impacts on their business.



Part II – The How

Businesses use their standing in society to speak out on issues of access to justice at the local, state, and national levels -- and even across borders. The strategies they employ vary, but include lobbying executive branch agencies and legislators on proposed laws or regulatory activity, advocating before courts on access to justice issues when their interests align, and using the bully pulpit to speak out clearly on an issue. Notably, while many of these activities are low-effort for the business community, such as signing a coalition letter or adding their name to an *amicus curiae* brief, they are often high-impact in helping to create lasting change.



Strategy 1 – Lobbying the Executive and Legislative Branches

In recent years, the business community has increasingly used its influence with executive branch agencies and legislators at the federal, state, and local levels to successfully advocate for policy changes to improve access to justice. Examples include:

Preserving & Expanding Federal Funding for Civil Legal Aid, including in COVID-19 Appropriations

Corporate Partners: Hewlett Packard Enterprise, Arconic, and over 260 other Corporations

Public Interest Partner: NLADA

Since 2017, starting under the leadership of John Schultz, Executive Vice President and Chief Operating Officer of Hewlett Packard Enterprise and Immediate Past Chair of the CAC and with the ongoing support of the CAC's current chair Max Laun, former Vice President and General Counsel of Arconic, General Counsel from U.S. corporations have joined together in [an annual letter](#) to members of Congress in support of the preservation and expansion of federal funding for the Legal Services Corporation (LSC) in the annual federal appropriations. This activity is particularly important because many civil legal aid offices are restricted from lobbying government and cannot directly make the case for themselves. In addition, in the spring of 2020, NLADA with the CAC leadership submitted letters to the Senate & House Leadership and Appropriations Committees urging the appropriations of emergency supplemental funding for LSC's response to the COVID-19 pandemic.

Impact: Preservation and expansion of the LSC's federal annual appropriations in every year since 2017 – resulting in an increase of \$55 million in the last three years. In addition, in 2020, secured additional \$50 million in federal funding for LSC's response to the pandemic with ongoing advocacy urging additional dollars to LSC in future supplemental appropriations.

Increasing Federal Funding for Public Defenders in COVID-19 Appropriations

Corporate Partners: Amazon, Entergy, Merck, Procter & Gamble, Raytheon

Public Interest Partner: NLADA

In July 2020, members of NLADA's CAC delivered [a letter to the Senate](#) in support of federal assistance for public defenders to meet the challenges of COVID-19. The letter recognized that public defenders safeguard the constitutional rights of low-income people in the criminal justice system, which is critical to upholding the rule of law. The corporate leaders noted that they rely on the strength and resilience of the justice system to perform business and attract investment in the economy. At the same time, they acknowledged the vital role that public defenders play in protecting the rights of the U.S. workforce.

Impact: COVID -19 supplemental appropriations is pending.

Revising Landlord-Tenant Statute in Washington State

Corporate Partners: Amazon, Funko, Expedia, Starbucks, Alaska Airlines, Convoy, RealNetworks, Seattle Mariners, Microsoft, NanoString Technologies

Public Interest Partner: King County Bar Association and Seattle Women's Commission

In 2019, General Counsels and Chief Legal Officers of Washington State private employers, [submitted a letter](#) to the Governor, State Senators, and State Representatives urging them to pass the eviction reforms found in SB 5400/ HB1453. Citing a report from the King County Bar Association and Seattle Women's Commission, the corporate leaders made the case as to why Washington's eviction laws cause homelessness.

Impact: In May 2019, the Governor signed the O U Statute for Washington State.

Preventing Driver's Licenses Suspensions, Revocations and Non-Renewals

Corporate Partners: JP Morgan Chase, Uber Technologies, Dave's Killer Bread

Public Interest Partner: Fines and Fees Justice Center and over 100 ideologically diverse organizations including NLADA

In September 2019, the Fines and Fees Justice Center, along with its partners, launched the Free to Drive Campaign: a national campaign to end driver's license suspensions for unpaid fines and fees. Activity is advanced through a diverse coalition composed of over [150 ideologically diverse organizations](#), which is proactively advocating for legislative and policy reform at the local, state, and national levels. Uber Technologies participated in the [campaign's launch event](#) and officially joined the coalition. Koch Industries was an inaugural member of the Steering Committee and [published a piece](#) in the *Wall Street Journal* to shed light on the issue and signed an April 2020 coalition [letter to the American Association of Motor Vehicle Administrators](#) to modify their policies in order to reduce debt-based driver's license suspensions for the duration of the COVID-19 pandemic. JP Morgan Chase joined the coalition in 2019 and in June 2020 became a member of the Steering Committee.

Impact: The campaign is ongoing, but has resulted in [successful reform](#) across the country.



Strategy 2 – Advocating Before the Courts

Every day, litigation affecting access to justice is being decided in courthouses across the country. When business interests align with these efforts – such as laws or policies that adversely affect business’ ability to maintain a stable and reliable workforce or the rules of procedure governing civil litigation – the impact of a business bringing a lawsuit or filing an *amicus curiae* brief in support or defense of access to justice cannot be underestimated.

Business as Plaintiff

In 2017, Microsoft Corporation filed a lawsuit with Princeton University and a Princeton student, Maria Perales Sanchez, to object to the Administration’s rescission of the Deferred Action for Childhood Arrivals program (DACA). Established in 2012, DACA provided legal protection for nearly 700,000 Dreamers (individuals brought to the United States by their undocumented family as children) – over 60 of which are Microsoft employees.

Microsoft’s President Brad Smith explained the reason for Microsoft to bring the case,

For Microsoft, the decision to bring this case was straightforward. We believe Dreamers are worth protecting. The case speaks to the impact the rescission has on our business, company, employees and the hundreds of thousands of Dreamers across the country. It also has a broader impact on the country’s flow of talent and innovation economy, a perspective that we share with Princeton. Like all research- and innovation-focused organizations, both Microsoft and Princeton depend on the ability to attract talent from around the world. It’s essential not just to us, but also to our country’s ability to compete on the world stage.³⁶

While Microsoft was the only named [business-plaintiff](#) in the lawsuit or related DACA suits, by the time the case reached the Supreme Court, [more than 140 businesses and business associations signed *amicus curiae* briefs](#) supporting DACA. Importantly, in June 2020, the U.S. Supreme Court upheld DACA.

Business as Friend

In the U.S. Supreme Court case of *Timbs v. Indiana*, the U.S. Chamber of Commerce [filed *amicus curiae* briefs](#) in support of the petitioner on the issue of excessive fines. The case considered whether the State of Indiana violated the U.S. Constitution’s Eighth Amendment’s Excessive Fines Clause when it seized a criminal defendant’s car, valued at four times the maximum fine that the state could impose, after he pleaded guilty.

In [stating its interest in the case](#), the Chamber explained that,

The Chamber and its members have a strong interest in ensuring a fair and predictable legal environment across the United States.

Unfortunately, and with increasing frequency, state and local legislatures are authorizing – and executive officials are seeking – excessive fines and forfeitures for relatively modest violations of the law by businesses and individuals.³⁷

Importantly, in February 2019, the U.S. Supreme Court held that the Eighth Amendment’s excessive fines clause applies to the states – meaning that state civil forfeiture laws and other civil penalties will be subject to federal constitutional scrutiny under the Eighth Amendment.



Strategy 3 – Using the Bully Pulpit

The bully pulpit comes in many shapes and sizes, but the opportunities to speak out on issues of justice are endless. This is especially true in 2020, when we are facing a pandemic, economic uncertainty, and heightened awareness of racial injustice.

A sampling of approaches include:

Speeches

Upon receiving NLADA's 2020 Exemplar Award, Entergy General Counsel Marcus Brown [delivered remarks](#) making his and Entergy's commitment to access to justice clear.

Op-Eds

In an op-ed in *Fortune*, Amazon Senior Vice President, General Counsel, and Secretary David Zaplosky makes the case for why corporations should support civil justice: [Top Amazon Lawyer: 'Justice for All' Requires More Funding and Innovation](#), *Fortune* (June 18, 2019).

Scholarly Articles

Contributing to *Daedalus: The Journal of the American Academy of Arts and Sciences'* Issue on Access to Justice, Merck Chairman and CEO Kenneth Frazier authored an article to make the case for why corporations should support strengthening legal services in the United States: [Why Big Business Should Support Legal Aid](#), 148 *Daedalus* 150 (2019).

Hosting Conversations

In September 2019, NLADA sponsored a successful United Nations Sustainable Development Summit side-event: [Corporate America Advances Goal 16](#). Hosted by AT&T in Rockefeller Plaza in New York, NY and co-sponsored by AT&T, Hewlett Packard Enterprises, Pathfinders for Peaceful, Just and Inclusive Societies, Namati, and the Justice for All Campaign, [the gathering highlighted the ways in which the corporate community advances access to justice](#).

TV Interviews

Uber Vice President, Chief Legal Officer, and Corporate Secretary Tony West shared his views on diversity and social justice in [an interview on Bloomberg TV](#) on the 2020 commemoration of Juneteenth.

Podcasts

In September 2020, [Ben & Jerry's launched](#) a six-part podcast in partnership with Vox Media and The Who We Are Project entitled: [Who We Are: A Chronicle of Racism in America](#). The podcast takes "a deep look at our country's lesser-known history of racial injustice and show[s] how legally-enforced discrimination and state-sanctioned brutality continued long after slavery ended, profoundly affecting Black Americans' ability to gain access to jobs, housing, education, and health care, or to create and accumulate wealth."³⁸

Tips for Corporate Partners

- 1. Identify your issues.** Identify the human rights issues that align with your values, which may be tied to your business model. For example, if you are in the hospitality industry, housing security may be the issue at the core of your justice activity or if you are in the travel industry, freedom of movement may be the most natural fit. Consider focusing on the justice needs tied to your stated corporate social responsibility values.
- 2. Where do you want to focus your efforts?** Depending on your interests and the size of your business, you may want to focus your efforts at the local, state, or national level -- or a combination of the three. Where you want to drive change will impact your strategy.
- 3. Listen to your community.** Engage with your communities – employees, consumers, shareholders, and impacted individuals – to learn what is impacting them and what to prioritize.
- 4. Don't go it alone.** Partner with access to justice organizations – like NLADA – that can identify policy issues that might be advanced in collaboration with the corporate legal community. By partnering with justice experts, you can avoid pitfalls or hidden concerns that may not be readily apparent on the face of the issue. [Join NLADA's Corporate Advisory Committee and take advantage of the policy expertise the NLADA community provides.](#)
- 5. You can do things we can't.** Your ability to lobby government is a value-add that many access to justice organizations are unable to do themselves due to restrictions tied to federal funding.
- 6. Your non-lawyer colleagues can also help.** For example, interpreters, graphics designers, and accountants can offer valuable non-legal pro bono services to under-resourced public interest organizations. Helping to match your company's talent with your community's need can create a rewarding experience for your employees and goodwill from your community.
- 7. Identify where our interests overlap.** Identify where your corporation's interests align with those of the access to justice community and look for opportunities to make those interests known in court filings or letters to policymakers. Partnerships with access to justice organizations, such as [NLADA's Corporate Advisory Committee](#), can help you learn of court cases, legislative reform, or regulatory reform that might be of interest to you.
- 8. Your voice matters.** Policymakers and the public listen to you. During interviews with the press, in op-eds or other writings, and at public speaking events, consider lending your voice to an issue of concern to the access to justice community. We value you as our colleagues and allies and you have the ability to make change simply by showing your support publicly.
- 9. Open up CLEs or other training opportunities.** CLEs and trainings can be expensive. If you are organizing trainings for your in-house counsel, consider opening them up to your partner access to justice organizations – no matter the subject!
- 10. Join boards or advisory councils of local public interest organizations.** Not sure where to start? Consider joining the board or advisory council of a local public interest organization. You can offer business management expertise that many non-profits need, while at the same time learn more about the legal needs of the community the organization serves.

Tips for Equal Access to Justice Members

- 1. Make pro bono opportunities available!** Pro bono relationships often lead to lasting partnerships that can develop into efforts to advance your organization's policy and legal reform.
- 2. Cultivate relationships with local businesses.** Consider smaller businesses in your community as partners for your efforts. They are employers and will have connections to policymakers.
- 3. Be proactive – especially when it comes to securing *amicus curiae* participation.** If you identify a business interest in your litigation, call your Chamber of Commerce or a law firm pro bono partner and ask for help getting that message to the business community.
- 4. Provide speaking engagements to legal leaders from the business community.** Speaking opportunities help identify corporate leaders who are willing to lead on the issues you care most about. From there, you can cultivate a longer-lasting partnership.
- 5. Partner in other ways besides pro bono.** Identify other ways your corporate allies can partner with you besides providing legal pro bono help. Many businesses have community service and volunteer programs for their employees. Consider activities you can offer to build lasting relationships.
- 6. Open up CLEs or other training opportunities.** If you are organizing trainings for your attorneys, consider opening them up to your corporate partners' lawyers so that they can be trained and ready to take on pro bono activities.
- 7. Translate community needs to your business allies.** You have valuable lines of communication to the communities you serve. Consider sharing those needs with the business community or even organizing a community meeting to allow your clients to engage directly with the business community that serves them.
- 8. Share vacancies on your board of directors or advisory council when they arise.** Partners in the business community may be looking for a volunteer opportunity that you can provide – and their business experience is always a plus when you are looking to professionalize your board.
- 9. Adopt *business speak*.** Learn to communicate your issue priorities with terminology that is broadly understandable and used by business professionals. Most importantly, identify your potential business partner's stakeholders (employees, shareholders, consumers, community members) and link your partnership proposal to their stakeholder communities.
- 10. Ask for help!** Sometimes that is all it takes.

Corporate Access to Justice Worksheet

| 1. What's your access to justice issue? | |
|---|--|
| (a) An issue that is connected to your business or business model? | |
| (b) An issue of the day that needs urgent attention? | |
| (c) An issue of personal interest to a corporate leader? | |
| 2. Who are your partners? | |
| (a) Do you want to focus your efforts at the national, state, or local level -- or all three? | |
| (b) Do you have existing public interest partners who works on the issue? <i>NLADA can help you identify partners.</i> | |
| (c) Are there coalitions working on the issue in your community that you can join? <i>NLADA can help you identify coalitions to join.</i> | |
| 3. What types of activities interest you? | |
| (a) Legal or Policy Change: Are you interested in putting your views before executive branch agencies or legislators? The business community weighing-in on legal or policy change can have swift results. | |
| (b) Advocating before Courts: Does your business have interests that align with those of the access to justice community? Can you bring a lawsuit or file an <i>amicus curiae</i> brief on behalf of those interests? <i>Note: This might be an opportunity to partner with outside counsel or chamber of commerce.</i> | |
| (c) Using the Bully Pulpit: Are you interested in getting your position out into the world? Arguably one of the lowest effort/highest impact activities, consider writing an op-ed or working those views into a speech before a relevant audience. | |

Now what? If you would like help filling in the worksheet or getting started, NLADA is here to help. Just e-mail Aileen Moffatt, NLADA's Vice President of External Relations at a.moffatt@nlada.org.

Endnotes

1. Legal Services Corporation, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans* (2017).
2. See The Business Roundtable, *Statement on the Purpose of a Corporation* (Aug. 2019).
3. OECD and the World Justice Project, *Building a Business Case for Access to Justice* 42 (2019).
4. OECD, *Equal Access to Justice for Inclusive Growth: Putting People at the Centre* 46 (2019).
5. See The Business Roundtable, *Business Roundtable Chairman Doug McMillon Establishes Special Committee to Advance Racial Equity and Justice* (June 5, 2020).
6. Legal Services Corporation, *Civil Legal Aid and Business* webpage, available at <https://www.lsc.gov/civil-legal-aid-business> (last updated April 2019).
7. *Id.*
8. Jeff Raikes, *We Need Corporate America in the Fight for Justice*, *The Chronicles of Philanthropy* (Sept. 5, 2018).
9. See The Report of the Task Force on Justice: *Justice for All* at 93 (2019).
10. David Zaplosky, *Top Amazon Lawyer: ‘Justice for All’ Requires More Funding and Innovation*, *Fortune* (June 18, 2019).
11. See, e.g., *Responsible Business Investment for Justice, Responsible Business Engagement on the Death Penalty: Factsheet on the USA* (2018).
12. Sharan Burrow, *The B-Team, A World Where Rights are Restricted is a World Where Business is Restricted* (May 12, 2020).
13. Kenneth C. Frazier, *Why Big Business Should Support Legal Aid*, 148 *Daedalus* 159 (2019).
14. See Maha Jweied, *NLADA Policy Brief, Access to Justice is Good for Business* at 3-4 (July 2019).
15. Stout Risius Ross, *Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants*, Prepared for the Philadelphia Bar Association’s Civil Gideon and Access to Justice Task Force (Nov. 13, 2018).
16. Carolyn Copps Hartley & Lynette M. Renner, *Economic Self-Sufficiency among Women Who Experienced Intimate Partner Violence and Received Civil Legal Services* (2018), *Journal of Family Violence* 33(7).
17. David Zaplosky, *Top Amazon Lawyer: ‘Justice for All’ Requires More Funding and Innovation*, *Fortune* (June 18, 2019).
18. OECD, *Equal Access to Justice for Inclusive Growth: Putting People at the Centre* 35 (2019).
19. The B Team, *The Business Case for Protecting Civic Rights* (Oct 2018). For a discussion around the costs to business and the private sector associated with racial inequality; see also FSG and Policy Link, *The Competitive Advantage of Racial Equity* (Oct. 2017).
20. The National Advisory Commission on Criminal Justice, *Standard 13.12 Workload of Public Defenders* states: The caseload of a public defender office should not exceed the following: felonies per attorney per year: not more than 150; misdemeanors (excluding traffic) per attorney per year: not more than 400; juvenile court cases per attorney per year: not more than 200; Mental Health Act cases per attorney per year: not more than 200; and appeals per attorney per year: not more than 25. Note that these standards were set in 1967 and while they remain the only national standards in existence, they are generally viewed as too high and many state and local standards are far lower.
21. See The Business Roundtable, *Statement on the Purpose of a Corporation* (Aug. 2019).
22. See, e.g., Silas Horst, *Making the US justice system fairer is good business*, *The Financial Times* (Jan. 26, 2020).
23. See The Business Roundtable, *Business Roundtable Chairman Doug McMillon Establishes Special Committee to Advance Racial Equity and Justice* (June 5, 2020).
24. OECD, *Equal Access to Justice for Inclusive Growth: Putting People at the Centre* 46 (2019).
25. Legal Services Corporation, *Civil Legal Aid and Business* webpage, available at <https://www.lsc.gov/civil-legal-aid-business> (last updated April 2019).
26. Jeff Raikes, *We Need Corporate America in the Fight for Justice*, *The Chronicles of Philanthropy* (Sept. 5, 2018).

27. See The Report of the Task Force on Justice: Justice for All at 93 (2019).
28. David Zaplosky, Top Amazon Lawyer: ‘Justice for All’ Requires More Funding and Innovation, *Fortune* (June 18, 2019).
29. See, e.g., Responsible Business Investment for Justice, Responsible Business Engagement on the Death Penalty: Factsheet on the USA (2018).
30. Sharan Burrow, The B-Team, A World Where Rights are Restricted is a World Where Business is Restricted (May 12, 2020).
31. Kenneth C. Frazier, Why Big Business Should Support Legal Aid, 148 *Daedalus* 159 (2019).
32. See Maha Jweied, NLADA Policy Brief, Access to Justice is Good for Business at 3-4 (July 2019).
33. See, e.g., U.S. Department of Justice, Expert Working Group Report: International Perspectives on Indigent Defense 5-6 (NCJ 236022) (Sept. 2011) (discussing research in Michigan that demonstrated cost-savings that would have been possible if adequate representation was available to defendants who were subject to longer prison sentences than was necessary).
34. OECD, Equal Access to Justice for Inclusive Growth: Putting People at the Centre 35 (2019).
35. The B Team, The Business Case for Protecting Civic Rights (Oct 2018). For a discussion around the costs to business and the private sector associated with racial inequality, see FSG and Policy Link, The Competitive Advantage of Racial Equity (Oct. 2017).
36. Microsoft on the Issues, Brad Smith, Standing up for every Dreamer (Nov. 8, 2019).
37. Brief for the Chamber of Commerce as Amicus Curiae, at 1, *Timbs v. Indiana*, 586 U.S. ____ (2019).
38. Ben & Jerry's, Introducing “Who We Are: A Chronicle Of Racism In America,” A New Podcast In Partnership With Vox Media (Sept. 1, 2020).



BUSINESS ADVANCING JUSTICE

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