

To: The University of North Carolina, Board of Governors

Date: July 10, 2017

We write to you in our capacity as law professors, deans and law school administrators. Our institutions, colleagues and students, through clinical and pro bono programs, advocate for and represent individuals, families and communities who lack access to justice as a result of poverty and isolation. Our practice and teaching is consistent with the fundamental tenet that the core of a lawyer's work is to provide access to justice to those who are most vulnerable. We write to express our deep concern about the proposal pending before the UNC Board of Governors (BOG) that would prohibit the UNC Center for Civil Rights (CCR) and other centers throughout North Carolina from engaging in litigation. If adopted, this policy will deal a severe blow to CCR, the UNC School of Law, the UNC, and to the many students denied valuable service-learning opportunities. It would also cause tremendous harm to the individuals, families and communities throughout North Carolina for whom the CCR is the lawyer of only resort. Affected groups include Black North Carolinians who are politically disenfranchised, children who in 2017 still attend segregated schools, families who need and deserve safe housing, and communities throughout North Carolina that bear the health costs resulting from environmental hazards in their neighborhoods.

We are well aware that Julius Chambers founded the Center for Civil Rights in 2001. Mr. Chambers was a legend. His life embodies all that we admire and respect as the very best of our profession. His personal experiences with segregation and racial isolation fueled his drive to use the law to dismantle systems of exclusion. His legal victories against racial segregation were met with the fire-bombing of his home. However, he did not turn away from injustice. Rather, he fought even harder. Many of us teach a core part of his legacy to our students: hard cases—particularly cases brought on behalf of marginalized individuals and communities—come with staunch opposition. Justice, however, requires that these cases be brought.

These lessons should not be missed when you consider the proposed litigation ban pending before the BOG. This proposal appears rooted in the opposition of some BOG members to the CCR suing the State on behalf of minority and indigent individuals and communities although the proposed ban extends further to bar CCR litigation of any form against any party. Their opposition ignores the fact that lawyers have the professional responsibility to represent their clients zealously and to pursue relief that will remedy injustice. As part of their obligations, lawyers must consider all options. They file lawsuits and litigate when other options for securing justice are unavailable or ineffective. This opposition also fails to appreciate the educational and service value of the CCR and similar law school-based pro bono programs throughout the country which, in addition to law school clinical programs, have engaged law students in helping address the large unmet need for representation among desperately underserved populations. Indeed, American Bar Association Law School Accreditation Standard 303(b), mandates that law schools shall provide substantial opportunities for students for both “law clinics or field placements” and “participation in pro bono legal services including law-related public service activities.” Prohibiting the CCR from litigating would harm its clients irreparably, limit the ability and academic freedom of the CCR to freely select cases that meet its service and

educational goals and expertise, deprive students of strongly desired, ABA–encouraged service-learning opportunities, and further isolate individuals, families and communities who will not otherwise be able to seek legal redress.

This proposed policy, if adopted, would undermine the CCR’s work. In doing so, it would undo the legacy and urgency that created the CCR and needlessly tarnish the reputation of UNC in the national legal education community. A university’s ability to attract top students and faculty rests upon the notion that it must be free to take up controversial ideas and issues that may be at odds with established interests. Rather than punishing the CCR in this way, the Board of Governors should praise and support it and reject this proposal.

Attacks on access to justice for the poor and marginalized are never the right answer. We hope that you will reject the proposed policy prohibiting the CCR from litigating on behalf of its present and future clients.

Sincerely,

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[Supply additional Names, Titles, and Affiliations by 7/10]