

## FOREWORD

The Honorable Michael J. Davis<sup>†</sup>

“Equal justice under the law” has always been an American virtue, but today the phrase comes very close to being cliché—and dangerously close to being untrue. Our entire judicial system rests on the notion that all people are entitled to equal protection and due process under the law. And yet, even today we fail to meet the legal needs of underrepresented individuals in this country.

Who will defend our indigent? Pro bono efforts, although worthwhile, address less than fifteen percent of this group’s civil legal needs in housing, employment, health, childcare, and education. As criminal and juvenile defendants, this population fares no better. In sum, more than eighty percent of the legal needs of the poor are unmet. Even more troubling, the indigent are disproportionately men and women of color.

Who will defend America’s old, its young, its women, its children, its disabled, and its marginalized? We find the ranks of the underrepresented in every segment of society. They include the pro se litigants who filed more than 25,000 cases in federal appellate courts last year.

For all these people, access to justice is a daunting series of barriers. The cost of hiring an attorney for even a nominal fee is a major reason that so many individuals are underrepresented. Even when free legal representation is available, the quality and adequacy of such representation is in question. Without qualified attorneys to guide the way, citizens seeking redress from society’s injustices are simply lost amid court rules, practices, and procedures.

If we are to preserve the fundamental guarantees of equal justice under the law and serve as a model for judicial systems around the world, we in the legal profession must address the persistent problems the underrepresented face with access to justice. Supporting scholarship on justice-oriented issues is the first

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of many steps toward addressing these problems, and the articles in this symposium are important contributions to this body of scholarship. These articles raise public consciousness about current problems with access to justice and recommend meaningful and effective solutions for meeting that need. “Equal justice under the law” is not simply a vague concept we can take for granted. We must support justice for all.