

2023 International Forum on Legal Aid

National Reports: USA

1. Please provide up-to-date information about your country and its legal aid organizations.

Information about your country (region or state)*				
Country	Population (by the end of 2022)	GDP (by the end of 2022)	Poverty line & population living in poverty	Total no. of practicing lawyers
United States	U.S. : 333,287,557 NYS: 19,677,151 NYC: 8,355,897	\$26.14 trillion	U.S. : 37.9 million NYS: 2.7 million NYC: 1.2 million	U.S. : 1.3 million NYS: 187,246
<p>* In addition to the country information given above, for countries with federal systems where the legal aid organization described below is not a national organization, please provide data for the state/province/area where the legal aid organization operates.</p>				
Information about the legal aid organization				
Name of legal aid organization	Date of establishment	Total no. of applications received in 2022	Total no. of applications approved in 2022	Total no. of applications rejected in 2022
The Legal Aid Society	1876	15,568	988	4795
Total no. of employees	Total no. of Legal Aid Lawyers	Government funding for the legal aid organization in 2022	Total legal aid expenses in 2022	Proportion of government funding to the total legal aid expenses
2182	1055	LAS Entire Organization (CDP, JRP, Civil) - \$325,546,837 LAS Civil Practice Only (non right-to-counsel Practice) - \$83,939,648	LAS Entire Organization - \$346,109,965 LAS Civil Practice Only - \$98,038,513	LAS Entire Organization - 94% LAS Civil Practice Only - 86%

2. What are the impacts of the COVID-19 pandemic on democracy, human rights, and the judicial system in your country? Please include, but do not limit your answers to, the following aspects:

- (1) What were the COVID-19 restrictions (such as lockdowns, isolation, etc.) at different phases of the pandemic in your country? How did those restrictions affect individual rights and society?
- (2) Do you have any concerns that the COVID-19 measures (e.g., quarantine, isolation, digital contact tracing, etc.) taken in your country might have violated human rights?
- (3) How were the judicial system (such as courts, prosecutors' offices, public defenders, etc.) and the

correctional system (such as prisons, detention centers, etc.) in your country impacted at different phases of the COVID-19 pandemic? Were there short-term or long-term changes? How did they affect democracy, human rights, and access to justice in your country? How did you deal with the impacts?

The COVID-19 pandemic has had various impacts on democracy, human rights, and the judicial system in the United States. These impacts evolved over the course of the pandemic and varied from state to state, as the response was primarily determined by state and local governments. Many policies and responses were subject to debate and legal challenges. While I do not provide a comprehensive overview for all 50 states, I can offer a general sense of the types of restrictions implemented and their impact on individual rights and society during different phases of the pandemic.

Here are some of the key effects:

1. Democracy:

- Election processes: The pandemic led to significant changes in the way elections were conducted, with many states implementing expanded mail-in voting and early voting options to accommodate public health concerns. While these changes aimed to protect the right to vote, they also triggered debates about election integrity and voter access.
- Erosion of democratic norms: The pandemic exacerbated political polarization, and there were concerns about the erosion of democratic norms, including efforts to undermine the legitimacy of the 2020 presidential election. Disagreements over COVID-19 response measures often became highly politicized.

2. Human Rights:

- Health disparities: The pandemic disproportionately affected marginalized communities, particularly communities of color. This highlighted existing disparities in healthcare access and underscored issues related to social and economic inequality in the United States.
- Civil liberties and restrictions: To control the spread of the virus, some restrictions were imposed on individual freedoms, such as lockdowns, travel restrictions, and mask mandates. Balancing public health with individual rights was a complex challenge that raised concerns about government overreach.
- Impact on vulnerable populations: Vulnerable populations, such as prisoners and immigrants in detention centers, or homeless individuals in congregate shelters faced heightened risks during the pandemic, as crowded and confined living conditions made it difficult to implement effective social distancing and healthcare measures.

3. Judicial System:

- Court closures and delays: To reduce the risk of COVID-19 transmission, many courts temporarily closed or scaled back their operations. This led to significant delays in legal proceedings, affecting

individuals awaiting trials, hearings, and access to justice.

- Virtual proceedings: To adapt to the pandemic, many courts transitioned to virtual or remote proceedings. While this helped maintain some level of access to the judicial system, it also raised concerns about due process, especially for those with limited access to technology.
- Impact on incarcerated individuals: The pandemic raised concerns about the safety and health of incarcerated individuals (including detained immigrants and juveniles), leading to legal challenges related to prison conditions, parole, and compassionate release.

Phases of the Pandemic in the United States

Early Phases - March 2020 - Summer 2020

- **Lockdowns**: In the early stages of the pandemic, many states imposed stay-at-home orders, closing non-essential businesses and restricting movement. These lockdowns were aimed at curbing the spread of the virus.
- **Isolation and Quarantine**: Infected individuals were required to isolate, and those exposed to the virus were asked to quarantine. Contact tracing efforts were initiated.
- **Mask Mandates**: Many states implemented mask mandates for indoor public spaces.
- **Impact on Individual Rights**: Lockdowns and restrictions were seen as necessary to protect public health, but they raised concerns about individual freedom of movement and assembly. There were legal challenges to some of these measures on constitutional grounds, such as First Amendment concerns regarding religious gatherings.

Fall 2020 - Winter 2021

- **Reopening and Capacity Limits**: Many states began to ease lockdowns and gradually reopen businesses, schools, and public spaces. However, capacity limits were often imposed, and social distancing requirements continued.
- **Travel Restrictions**: Some states implemented quarantine requirements for travelers from COVID-19 hotspots, and the federal government issued travel advisories.
- **Impact on Individual Rights**: The balance between public health and individual freedoms continued to be a subject of debate. Some individuals protested against restrictions, arguing that they infringed on personal liberties.

Spring 2021 - Fall 2021

- **Vaccination Efforts**: The rollout of COVID-19 vaccines led to a significant change in the pandemic response. Many states expanded vaccination campaigns, and some began to lift restrictions as vaccination rates increased.
- **Mask Mandates**: Some states lifted mask mandates for fully vaccinated individuals.

- **Impact on Individual Rights:** The focus shifted from restrictions to vaccination efforts. Vaccine mandates for certain activities or workplaces sparked debates about individual rights and personal choice.

Late 2021 - 2022

- **Variants and Booster Shots:** The emergence of new variants and concerns about waning vaccine efficacy led to discussions about booster shots and additional precautions.
- **Remote Work and Education:** Many workplaces and schools continued to offer remote options.
- **Impact on Individual Rights:** The debate around vaccine mandates and booster shots became prominent, with discussions about individual rights versus public safety. Some public and private sector employers made hiring or continued employment contingent on employees getting vaccinated.

The impact of these restrictions on individual rights and society was a complex issue. While many measures were implemented to protect public health, they also raised concerns about personal freedom, economic consequences, and the potential for unequal impacts on marginalized and vulnerable populations. Public health officials and policymakers had to navigate a delicate balance between protecting public health and preserving individual rights.

There have been concerns and debates about whether some of the COVID-19 measures taken in the United States, including quarantine, isolation, and digital contact tracing, might have violated human rights. These concerns center on issues related to individual privacy, civil liberties, and potential abuses of power. Here are some key areas of concern:

1. Quarantine and Isolation:

- Privacy and Stigmatization: Quarantine and isolation measures, while essential for public health, can lead to the stigmatization of affected individuals. People may be hesitant to get tested or cooperate with contact tracing efforts due to fears of discrimination.
- Overreach and Duration: Concerns have been raised about the potential for overreach by authorities and prolonged quarantine or isolation periods that could infringe on individuals' rights and well-being.
- Support for Vulnerable Populations: There have been concerns about whether adequate support and accommodations were provided to vulnerable populations, such as those without stable housing or access to healthcare.

2. Digital Contact Tracing:

- Privacy and Surveillance: The use of digital contact tracing apps and tools raised concerns about government surveillance and the potential for abuse of personal data.
- Transparency and Consent: Some argued that the collection and use of personal data for contact tracing should be transparent and based on informed consent.

3. Civil Liberties:

- Freedom of Movement and Assembly: Lockdowns, travel restrictions, and limits on gatherings raised questions about the balance between protecting public health and individual rights to freedom of movement and assembly.
- Freedom of Religion: Some restrictions on religious gatherings were met with legal challenges on the grounds that they violated the First Amendment's protections of religious freedom.
- Free Speech and Protest: Restrictions on public protests and demonstrations during the pandemic led to concerns about freedom of speech and assembly rights.

The COVID-19 pandemic had significant impacts on the judicial system, including courts, prosecutors' offices, public defenders, and the correctional system (prisons, detention facilities) in the United States. The overall impact of these changes and challenges on democracy, human rights, and access to justice in the United States has been a subject of ongoing debate and scrutiny. Many of the debates have turned political. There are national conversations between state court systems and advocates to share best practices across the country. We are working to have the impact of the changes on the justice system positively evolve in the long term as new practices and technologies become more integrated.

3. Beside the impact of the pandemic, have there been other crises endangering democracy and violating human rights in your country in the past five years (i.e., since the last Forum)? If yes, please describe the events, explain their causes, their impacts on society and legal aid services, and how the legal aid organization or legal aid attorneys in your country have dealt with them.

Over the past five years the United States experienced several significant events and crises that raised concerns about democracy and human rights. Some of these events, along with their causes, impacts on society and legal aid services, and responses, include:

1. Family Separation at the U.S.-Mexico Border (2018-2019):

- Cause: The U.S. government's "zero tolerance" immigration policy resulted in the separation of migrant families at the U.S.-Mexico border.
- Impact: This policy raised significant human rights concerns, particularly related to the well-being of children and families.
- Legal Services Response: Legal services organizations and attorneys provided legal assistance to separated families, challenging the government's actions and advocating for reunification. Lawsuits were filed to protect the rights of detained migrants.

2. Social Justice Protests (2020):

- Cause: The killing of George Floyd and other instances of police brutality against Black individuals led to widespread protests in the United States.
- Impact: These protests brought attention to systemic racism, police violence, and inequality.
- Legal Services Response: Legal services organizations and attorneys played a crucial role in providing pro bono legal services to protesters, advocating for civil rights, and supporting the push for police

reform and accountability.

3. Immigration and Asylum Policies (Various Years):

- Cause: Changes in immigration and asylum policies, including the "Remain in Mexico" policy and various travel bans, created legal challenges for asylum seekers.
- Impact: These policies affected individuals fleeing persecution and violence, potentially violating their rights to seek asylum.
- Legal Services Response: Legal services organizations and attorneys worked to represent asylum seekers, challenge restrictive immigration policies, and ensure access to legal assistance for those facing deportation or detention.

4. COVID-19 Response and Healthcare (2020-Present):

- Cause: The COVID-19 pandemic led to legal challenges related to healthcare access, public health measures, and disparities in the impact of the virus.
- Impact: The pandemic highlighted disparities in healthcare access and raised issues related to the right to health.
- Legal Services Response: Legal services organizations have been involved in advocating for healthcare access, addressing housing and employment issues caused by the pandemic, and supporting those facing eviction.

5. Voting Rights and Election Integrity (Ongoing):

- Cause: Debates over voting rights, gerrymandering, and election integrity have intensified in recent years, with concerns about voter suppression and access to the ballot.
- Impact: These issues have implications for democracy and the right to vote.
- Legal Services Response: Legal services organizations have been involved in lawsuits and advocacy efforts to protect voting rights, challenge discriminatory voting laws, and promote equitable access to the electoral process which often varies widely from state to state in the United States of America.

6. January 6, 2021, US Capitol Insurrection:

- Cause: The January 6, 2021 insurrection at the U.S. Capitol was primarily driven by false claims of election fraud, conspiracy theories, and political grievances.
- Impact: The insurrection resulted in violence, destruction, multiple fatalities, and a temporary disruption of the certification of the 2020 U.S. presidential election results. The event and issues giving rise to the event have implications for continued democracy.
- Legal Services Response: Legal defender organizations have played a role in representing individuals involved in criminal legal proceedings stemming from the insurrection and advocating for due process and access to legal representation. They have worked to ensure that individuals' rights are upheld and that the legal system functions fairly.

4. How has the organization you work for or the legal aid organization in your country changed or been affected since the COVID-19 outbreak? What has been adjusted accordingly? Please include, but do not limit your answers to, the following aspects:

- (1) Daily operations and working methods of the legal aid organization or legal aid service providers (such as suspension of external services, work from home, etc.)
- (2) Procedures, review criteria, or requirements for application documents for the public to apply for legal aid
- (3) Ways to provide legal advice to the public
- (4) Development in the rule of law through education and outreach services
- (5) Caseload and case types for each type of service
- (6) Were the above short-term changes during the severe pandemic phase, or did they persist despite the pandemic subsiding?
- (7) What positive or negative impacts do you think the COVID-19 pandemic has had on the operations of the organization you work for or the legal aid organization in your country, and on the organization's aim to safeguard democracy, human rights, and access to justice?

Daily Operations and Working Methods:

- Shift to remote work during the pandemic, with staff working from home.
- In-person services and face-to-face meetings were often suspended or reduced to minimize the risk of virus transmission.

Procedures and Intake or Application for Assistance:

- More leniencies or exceptions were granted across the board regarding financial eligibility criteria for free legal services due to the economic impacts of the pandemic.

Providing Legal Advice:

- Transitioned to virtual platforms, offering legal advice through video conferencing, phone calls, or online chat.
- Online legal resources and self-help tools were expanded to facilitate remote assistance.

Caseload and Case Types:

- Caseloads for certain types of cases increased during the pandemic, such as those related to housing, employment, or public benefits.
- Some case types, like those involving family law or immigration, were affected by changes in government policies.

Duration of Changes:

- Many of these changes were implemented as short-term measures during the severe pandemic phase. However, some have persisted or evolved as organizations adapted to new ways of operating efficiently.

Impacts of the Pandemic:

- Positive impacts include increased use of technology, which can make legal services more accessible and efficient.
- Negative impacts include challenges in maintaining personal connections with clients and addressing

the digital divide, which can limit access for vulnerable populations.

- After prolonged periods of remote work many staff expressed feelings of isolation, loss of work community, and inability to meaningfully connect and collaborate with colleagues on work that often was the source of vicarious trauma.
- Decreases in the retention of employees, especially in major metropolitan areas as staff left for less population dense and more affordable areas.
- The pandemic highlighted the importance of legal aid organizations in safeguarding democracy, legal rights, and access to justice, as they played a crucial role in helping individuals navigate legal issues arising from the pandemic, such as eviction moratoriums, employment disputes, and public benefits.

5. Beside the impacts of the pandemic, has the organization you work for or the legal aid organization in your country undergone other major changes in the following areas in the past five years (i.e., since the last Forum)? If yes, please describe what the changes are and explain why they occurred and what the impacts are.

- (1) Form of organization (including organizational framework, supervisory authority, and organizational structure)
- (2) Development strategies and primary focus of the organization
- (3) Budget, financial sources, and expenses for legal aid
- (4) Procedures or financial eligibility requirements for legal aid application
- (5) Service delivery model (such as services provided by staff attorneys or external lawyers; if both, please indicate the ratio between them)
- (6) Salary of legal aid staff attorneys or remuneration of external legal aid lawyers
- (7) Management of quality assurance for legal aid services
- (8) Rule of law through education and outreach services
- (9) New services and businesses (technology-related services or businesses can be detailed in the following two questions).

6. Does the organization you work for or the legal aid organization in your country employ modern information and communications technology (ICT) in providing legal aid services to the general public, or provide modern ICT to the users of legal aid services? If yes, please share your experiences, including, but not limited to, the following:

- (1) Technology tools, or the systems and functions (such as online application, chatbots, online mediation, etc.); and how the technology-based services work
- (2) When and why the technology-based services were launched
- (3) Pros and cons of using technology tools to provide legal aid services
- (4) challenges of using technology tools to provide legal aid services, and the ways to overcome the challenges
- (5) How to bridge the gaps in users' technological capabilities to tackle digital exclusion
- (6) Have you observed any changes in people's technological capabilities or any behavioral changes in using technology tools following the COVID-19 pandemic?

The Legal Aid Society works to provide best-in-class services to our clients, with limited resources. Data for decision-making at every stage of the legal defense process – outreach, intake, drafting motions/briefs/notices, arraignments, investigations, discovery, depositions, evidence management, class/collective action strategy, analysis, trial preparation, trial strategy, presentation, appellate process – is gathered and used to build good outcomes for individual or class defense. Systems change priorities including advocacy, legislative change, community engagement, education (know your rights) and policy are also driven by data and rolled out using digital technologies. Finally, the administration of nearly 2200 member staff, \$370M nonprofit budget working on more than 200,000 cases each year, must leverage data and technology to compensate for its small size of 150 administrative staff. Examples of critical technologies in use at LAS:

- AI driven arraignment forms to scan handwriting of intake attorneys and paralegals to integrate court data into our case management system
- Case Management System (CMS) LawManager with case records of 3 million New Yorkers, growing at 200,000 per year
- Document Management System built with customized Sharepoint online
- eDiscovery evidence storage using Storage Area Network to store 300TB of evidence
- Microsoft 365 platform used for email, chat, meetings and collaboration – Outlook and Teams
- Virtual desktops using Citrix for secure, remote access to data
- VPNs for site-to-site connections and individual data needs
- Enterprise WiFi for secure access to domain technology using mobile devices
- Laptops and iPhones for all staff who need them
- Networked multi-function printers and scanners across all LAS offices
- Daily, scheduled integration with State and City data systems to reflect court-based data in our CMS LawManager
- Blackbaud Raiser's Edge used for communications and marketing with mass email campaigns run on Luminate online
- Blackbaud Financial Edge used for financial management, general ledger and accounting
- Property leases for our 23 locations managed on lease management software with smart contract capability
- OfficeSpace used for property design, assignment, hoteling and management
- Digital Forensics Unit helps with digital evidence collection, analysis, strategy and presentation, including mobile phones, video/audio and DNA.

Technology has been part of the way we work since the mid-nineties, with major investments in cloud platforms and infrastructure, cybersecurity and user experience beginning with the pandemic in 2020, when staff needed to be effective and efficient with their legal work without reliance on LAS office locations. While we continue to make investments in technology, the crippling costs of the next frontier of AI-driven legal-tech will require careful alignment with mission, balancing against other priorities in the resource-crunched environment all social justice law firms find themselves in. The profile of AI-driven technology – with the biggest efficiency gains for people with the least access to knowledge and resources – is particularly attractive for LAS because of the demographic we serve. Preliminary data shows that the weaker the city and state's infrastructure, public resources, education and economic ladders, the higher the potential for AI-driven

toolsets to make a bigger improvement to justice outcomes for the affected community.

The digital divide or digital exclusion has always been a challenge in New York City, mirroring its status as the largest and most segregated school system in the United States. More than 20 percent of its 8.5 million residents (about half the population of New York) did not have access to broadband internet in 2020. Unlike developing or smaller democracies, mobile broadband internet is not the norm in the U.S., as entrenched telecom providers use their aging investments in digital infrastructure to deliver services while smaller, mobile competitors are priced out of the market or kept out with weakened anti-trust regulations allowing effective monopolies to thrive without innovation. One way around this issue is to design and deliver legal-tech applications that do not require broadband to operate effectively. LAS applications are mobile responsive, designed to limit bandwidth use and work offline/online with data synchronization where needed.

The biggest roadblock to using advanced technology and data in our sector remains access to technology for our clients and the people we serve. To the extent the pandemic has forced the city and state court systems to utilize technology for discrete components of the justice system like remote hearings, digital evidence review, and presentation, this has helped LAS and other civil legal services organizations and public defenders move up the scale of technology. We recognize our separate responsibility to our stakeholders for social justice systems change unrelated to how the judiciary works, to prevent and reroute vulnerable communities from pathways to and through the justice system, by supporting access to reliable housing, food, education and healthcare. These foundational services and their technology and data levers are on our roadmap via tools like helplines, Know-Your-Rights (KYR) blasts and community listening sessions.

7. Is modern ICT used in the organization you work for or the legal aid organization in your country, or used by this organization to communicate with its legal aid providers (i.e., in the broad sense, legal aid professionals including external lawyers)? In doing so, have information exchange and administrative processing been speeded up? What is the effectiveness and efficiency of daily operations? Has the quality of management been improved? Please share your experience, including, but not limited to, the following:

- (1) Technology tools or systems and functions, and how they work
- (2) How much annual budget is allocated to ICT utilization and development? How is the ICT workforce allocation in this organization each year?
- (3) Pros and cons of promoting digital transformation for legal aid organizations and professionals
- (4) Challenges in promoting digital transformation and how to overcome them
- (5) Impacts of the COVID-19 pandemic on the promotion of digital transformation for legal aid organizations and professionals.

As mentioned in the response to question #6 above, LAS uses a broad array of communication, collaboration and information exchange tools. Email and Microsoft Teams meetings are the primary digital collaboration media. The IT budget for LAS was \$12M in FY23 or about 3.5% of annual operating budget. We are aware of our sector benchmark of 6-8% of operating budget spent on technology and data by public sector law firms with effective operations, and are building up to this level using a variety of funding tactics and strategies. Digital transformation is seen as an organic process at LAS. We recognize that our staff are highly educated, highly motivated legal professionals who want to spent most of their time doing client-facing or systemic

work rather than learning new technologies. Our IT team approaches digital transformation initiatives with 2 threshold questions – always try to answer “what’s in it for us?” and “how does this improve LAS and/or clients?” for every technological change or upgrade. Finding time on calendars for training and feedback to new technology is one of our biggest challenges. We try to solve by over communicating via every channel available – email, Sharepoint, in-person, digital office hours – and try to foster direct links between IT and legal practice staff in an ongoing fashion using scheduled “Champion meetings” to connect influencers and administrative hubs within legal practice areas with IT subject matter experts. The pandemic has made our staff open to change, growth and new technology, while making them more susceptible to burnout and change fatigue. Balancing these prerogatives, always valuing staff time and centering around our shared values of working toward equal access to justice for all New Yorkers, has helped align us as we push toward 3 enterprise digital transformations in 2024, to replace our case management, evidence management and financial management systems.

8. Does the organization you work for or the legal aid organization in your country provide legal aid for specific vulnerable groups, or provide services concerning specific legal issues? Target clients may include women, children and juveniles, indigenous peoples, laborers, migrants, migrant workers, refugees and stateless persons, social welfare dependents, people with disabilities, people in debt, victims of crime, victims of disasters and environmental hazards. Please present **not more than three** targeted legal services for specific vulnerable groups, with attention to the following:

- (1) Background: the reason why this group/issue is selected, and why the service was launched.
- (2) Scope of services: promotion of rule of law through education, legal information, legal representation, strategic litigation or class actions, advocacy and reform.
- (3) Are the financial eligibility requirements that these aid recipients need to meet the same as the requirements for general legal aid?
- (4) Do you collaborate with other legal/non-legal aid organizations? How do you work together?
- (5) How to achieve service optimization within a limited budget.
- (6) Service challenges and how to overcome them.
- (7) Achievements.

9. Does the organization you work for or the legal aid organization in your country engage in strategic litigation or class actions on specific issues? If that is the case, please provide examples and explain how it was done.

The Legal Aid Society engages in law reform representation when that is the most effective way to resolve systemic issues. **By leveraging our individual client representation into law reform litigation and advocacy, LAS can assist vast numbers of eligible clients while achieving systemic reforms that would not be possible solely through individual representation. Our work around pandemic rent relief demonstrates the successes of this multi-pronged approach.**

Since the start of the pandemic, LAS has played a leading role in developing and implementing legislation to protect low-income New Yorkers and prevent eviction. While the federal stimulus package was still under discussion, LAS helped to write and pass the Tenant Safe Harbor Act to provide interim protections at the state level. We then worked closely with legislators to draft the New York State Emergency Rental Assistance

Program (ERAP) law, building in critical protections, such as specifying that tenants would not have to pay back any of the funds and ensuring that immigrant households with mixed-status or undocumented individuals were protected. During the ERAP roll-out, LAS provided information in multiple languages and through multiple channels. We directly supported households with applications, training law student volunteers to scale up and meet demand. In parallel, we relayed feedback from our clients to OTDA, successfully advocating for improvements to the process.

When OTDA closed the application portal prematurely, denying up to 400,000 eligible families who had not yet applied the chance to access the additional protections conferred by the application, LAS sued to re-open the portal in *Hidalgo v. NYS OTDA*. LAS succeeded by securing the injunction, which extended important protections to hundreds of thousands of additional New Yorkers at a critical turning point in the pandemic. Our lawsuit enabled landlords to obtain more than \$1 billion dollars in back rent and saved thousands of tenants from eviction. No other state in the U.S. America had a longer eviction moratorium or greater tenant protections.

10. Is there a system of citizen participation in trials in your country? If that is the case, please explain how the system works, the system structure, and the role of the organization you work for or the legal aid organization in your country in the system and in cases involving citizen participation.

In the United States, the legal system is based on principles of due process and the right to a fair trial. Citizens can participate in trials in various roles, both as jurors and as witnesses. Here's an overview of how the system of citizen participation in trials works, along with its structure:

Jury Service:

One of the primary ways citizens participate in trials is through jury service. Jury duty is a civic responsibility and a fundamental component of the American legal system. Juries are used in both criminal and civil trials.

Jury Selection:

Jurors are typically selected at random from a pool of eligible citizens in the jurisdiction where the trial is held. Potential jurors are summoned to court and may be subject to a voir dire process, during which attorneys for both parties and the judge ask questions to assess their suitability for the case.

Trial Structure:

Trials are typically divided into phases, including jury selection, opening statements, presentation of evidence, witness testimonies, closing arguments, and jury deliberation.

Role of Jurors:

Jurors have a crucial role in the trial process. They listen to the evidence presented by both sides, assess the credibility of witnesses, and ultimately render a verdict based on the facts and the law.

Witnesses:

Citizens can also participate in trials as witnesses. Witnesses provide testimony under oath about their

knowledge of the case. Witnesses can be called by either side and their testimony can be crucial in determining the outcome of the trial.

Legal Representation:

Parties involved in a trial have the right to legal representation. Attorneys act on behalf of their clients, presenting evidence and arguments to support their case.

Adversarial System:

The U.S. legal system follows an adversarial model, meaning that opposing parties (prosecution and defense or plaintiff and respondent) present their cases before an impartial judge and jury. The judge serves as a referee, ensuring that proceedings are conducted fairly and according to the law.

Judicial Oversight:

Judges play a pivotal role in ensuring that trials are conducted in a fair and lawful manner. They make legal rulings, instruct the jury on the applicable law, and manage the trial process.

Appeals:

If a party is dissatisfied with the outcome of a trial, they may have the right to appeal the decision to a higher court. Appeals are based on questions of law, rather than questions of fact, and are typically reviewed by a panel of judges.

Despite its foundational principles of fairness and justice, the American legal system has faced significant challenges related to racial bias and inequity. Although pervasive throughout the entire legal system, the impact is most severe in the criminal and juvenile justice systems. There are several key factors contributing to these issues:

Historical Context: The U.S. has a long history of racial discrimination, including slavery, segregation, and systemic racism. These historical injustices have left a legacy that continues to influence the legal system.

Implicit Bias: Implicit biases are unconscious attitudes and stereotypes that can affect decision-making, including in the legal system. Judges, jurors, and legal professionals may hold implicit biases that can result in unfair treatment of individuals from racial or ethnic minority groups.

Racial Disparities in Arrests and Prosecutions: Racial disparities exist in the rates of arrests, prosecutions, and sentencing. Law enforcement practices, such as racial profiling, disproportionately target individuals of color that are then disproportionately represented in the criminal justice system.

Voir Dire and Jury Selection: The process of voir dire, or jury selection, can be susceptible to bias. Attorneys may use peremptory challenges to exclude potential jurors they perceive as biased, and this can disproportionately affect jurors of color.

Racial Disparities in Sentencing: Studies have shown that individuals from racial minority groups often

receive harsher sentences than their white counterparts for similar offenses.

Racial Disparities in the Criminalization of Minor Offenses: Some minor offenses disproportionately affect minority communities, leading to over-policing and a higher likelihood of interactions with the criminal justice system.

Efforts to address these issues include reforms to the criminal justice system, initiatives to reduce racial profiling, training on bias awareness for legal professionals, and changes to sentencing laws. The goal is to ensure that the legal system is fair, impartial, and provides equal protection under the law for all citizens. However, addressing racial bias and inequity in the legal system remains an ongoing challenge, and there is still much work to be done to achieve greater fairness and justice.

11. What specific measures has the organization you work for or the legal aid organization in your country taken to protect victims? What is its role in implementing protective measures? Does it collaborate with other groups or professionals (such as social workers, counselors, or healthcare professionals) to provide holistic services?

The Legal Aid Society plays a crucial role in protecting victims and survivors of various legal issues, including domestic violence, elder abuse, eviction prevention, immigration challenges. We often work in collaboration with other parts of our organizations as well as other professionals and organizations to provide holistic services to victims. Here are some specific measures and their roles in protecting victims and survivors, as well as examples of collaboration:

1. **Safety Planning:** We work with victims to create safety plans, which can include guidance on emergency housing, securing protective orders, and accessing social services.
2. **Emergency Legal Assistance:** In urgent cases, we offer emergency legal assistance to protect victims from immediate harm, such as obtaining emergency stays of eviction.
3. **Legal Representation:** We provide victims and survivors with legal representation, ensuring that their rights are upheld and they have a voice in legal proceedings. For instance, in cases of domestic violence, legal aid attorneys help victims obtain restraining orders, child custody, and support.
4. **Advisory and Counseling Services:** We offer advisory and counseling services to help victims and survivors understand their legal rights and options. They provide guidance on navigating the legal system, which can be complex and intimidating.
5. **Holistic Services:** We often collaborate with social workers, counselors, and healthcare professionals through medical/legal partnerships to provide holistic support. For example, in domestic violence cases, organizations may partner with domestic violence shelters, mental health providers, and healthcare facilities to address victims' physical and emotional needs.

6. Referrals and Resources: We often refer victims and survivors to other service providers, such as crisis hotlines, shelters, and counseling services, to ensure they receive comprehensive support.
7. Legislative and Policy Advocacy: We engage in policy advocacy to influence systemic changes that protect victims in an emergency as well as ongoing basis.
8. Affirmative and Class Action Representation: Due to federal funding restrictions, not all legal aid organizations are permitted to engage in class action litigation, but The Legal Aid Society and other groups monitor issues or trends and bring affirmative or class action litigation to protect the most vulnerable and pivot quickly into court for emergency matters including the seeking of temporary restraining orders.
9. Community Education: We conduct community education and outreach programs to raise awareness of victims' rights and the services available to them.

In many cases, the protection of victims is a multidisciplinary effort, with legal aid organizations working closely with social workers, healthcare professionals, shelters, and other support networks. This collaborative approach is essential to address the complex and interconnected challenges faced by victims and to ensure their safety and well-being.

12. In the past five years, has the organization you work for or the legal aid organization in your country ever conducted surveys on the legal needs of the public or specific vulnerable groups and their behavioral patterns in seeking legal services, or has it conducted studies on the historical service data? If yes, please provide files or links to the studies.

N/A - We work and rely on reports from partner stakeholder policy groups and state and city bar associations.

13. How does your country fulfill the requirements to provide specific legal aid to specific vulnerable groups in line with the international human rights instruments (e.g., Convention on the Elimination of all Forms of Discrimination Against Women, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities, etc.)? What is the progress in the implementation of these requirements?

N/A