

North Carolina Nonprofit to Appeal Dismissal of Legal Practice Challenge



Lawsuit Dismissal Sparks Plans for Appeal

Lawyers representing a North Carolina nonprofit and two paralegals announced plans to appeal after a federal judge dismissed their lawsuit challenging the state's legal practice regulations. The North Carolina Justice for All Project (JFAP) filed the suit earlier this year against five state prosecutors and the former president of the North Carolina State Bar Association, alleging that restrictions on non-lawyers providing legal advice infringe on constitutional rights.

Claims of First Amendment Violations

The plaintiffs argued that North Carolina's rules prohibiting the unauthorized practice of law violate the First Amendment. These rules, they claimed, hinder their initiative to offer affordable and free "simple" legal advice to residents. Their proposed services aimed to help individuals complete court-created forms in areas like domestic violence, child custody, and small estate administration—areas where access to affordable legal assistance is often limited.

The lawsuit sought to prevent the enforcement of these rules as they apply to their plans, highlighting the potential to close the access-to-justice gap for low-income individuals.

Federal Judge Upholds Legal Practice Rules

On Monday, U.S. District Judge Terrence Boyle ruled in favor of the defendants, affirming the validity of the state's legal practice regulations. In his decision, Judge Boyle stated that the rules are a reasonable approach to regulating the legal profession and ensuring quality legal services.

"North Carolina's current limits on the practice of law and the provision of legal advice reasonably fit within its interest in regulating the legal profession," Judge Boyle wrote. He noted that the regulations do not prevent the nonprofit or paralegals from providing general legal information or assisting clients with forms under attorney supervision.

Plaintiffs Express Disappointment and Resolve to Appeal

Paul Sherman, an attorney with the Institute for Justice representing JFAP, expressed disappointment with the ruling but remained determined to pursue the case. "JFAP has a First Amendment right to provide advice about common legal issues, and North Carolinians have a right to hear that advice," Sherman said in a statement on Wednesday. The group intends to appeal the decision to the 4th U.S. Circuit Court of Appeals.

State Officials Decline to Comment

The North Carolina Department of Justice, which represents the five district attorneys named in the lawsuit, declined to comment on the case. Similarly, lawyers for Todd Brown, the former president of the North Carolina State Bar who was sued in his official capacity, did not respond to requests for comment. The bar's current president, Matthew Smith, assumed office in October.

Broader Implications for Access to Justice

This case underscores the ongoing debate over the balance between regulating the legal profession and expanding access to affordable legal services. The outcome of the appeal could have significant implications for the way legal advice is delivered to underserved communities in North Carolina and beyond.

