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Book Notes: Access to Justice, by Deborah L. Rhode

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ACCESS TO JUSTICE. BY DEBORAH L. RHODE. NEW YORK: OXFORD UNIVERSITY PRESS, 2004. Pp. xi + 252. Notes, index. USD \$19.95 paper.

BY SARAH JACOBS

Access to Justice addresses a fundamental disjuncture in the American legal system, between a commitment to the rule of law and the inability of the majority of citizens to access legal services. Deborah L. Rhode analyzes this problem by detailing the evolution of the concept of equal access to justice—from a general constitutional guarantee to the more specific right to counsel in criminal proceedings. In providing the historical context, Rhode recounts numerous procedural injustices arising from self-representation, which led to the establishment of legal aid and pro bono services.

The inequity in accessing justice is divided into two areas of concern. First, Rhode discusses the inability of most Americans to afford, locate, or even assess their need for legal services. She links this phenomenon to exclusionary bar initiatives, including placing restrictions on advertising, setting high minimum fees, and objecting to group legal service programs that would allow employers to extend legal

coverage to employees. Rhode also emphasizes the need for public awareness on the positive aspects of legal representation; she cites the proliferation of frivolous litigation in the media as a deterrent to citizens who may otherwise pursue legal remedies.

Second, using the criminal justice system as a case study, Rhode discusses how access to justice is hindered where defendants are unable to obtain “effective assistance of counsel.” According to Rhode, many state appointment systems provide defendants with counsel with little experience in criminal proceedings, and limited resources to prepare for them.

Recognizing that pro bono work is often cited as a solution to the inaccessibility of legal services, Rhode conducted an empirical study of the factors that influence lawyers to undertake pro bono work, with emphasis on the role of law school pro bono programs. Rhode’s study culminates in a list of “best practices” for employers and law schools to encourage pro bono work.

Although Rhode’s analysis and empirical findings are based on the American legal system, she makes limited reference to Canadian and international legal aid experience, primarily as models to inspire reform. Many of Rhode’s strategies for reform transcend the American experience, most notably in her recommendations for effective self-representation, and expanding pro bono services in the legal profession.
