



Judiciary Committee

Wednesday, February 4, 2015
4:00 PM - 6:00 PM
Sumner Hall (404 HOB)

MEETING PACKET

Steve Crisafulli
Speaker

Charles McBurney
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Judiciary Committee

Start Date and Time: Wednesday, February 04, 2015 04:00 pm
End Date and Time: Wednesday, February 04, 2015 06:00 pm
Location: Sumner Hall (404 HOB)
Duration: 2.00 hrs

Presentation on Access to Civil Justice by Chief Justice Jorge Labarga of the Florida Supreme Court

NOTICE FINALIZED on 01/28/2015 15:55 by Ingram.Michele

Supreme Court of Florida

No. AOSC14-65
Corrected¹

IN RE: FLORIDA COMMISSION ON ACCESS TO CIVIL JUSTICE

ADMINISTRATIVE ORDER

WHEREAS, the American and Florida judicial systems are founded upon the fundamental principle that justice should be accessible to all persons, the advancement of which is of profound interest to the Supreme Court of Florida; and

WHEREAS, access to civil justice for lower income and disadvantaged persons is a critical challenge for the legal system, especially in difficult economic times; and

WHEREAS, the number of self-represented litigants has increased significantly over the past decade with the majority of family law matters in most states now including at least one unrepresented party, some of whom are unable to prepare court documents and effectively present their positions in court proceedings; and

1. A corrected version of this administrative order is hereby issued to correct Ms. Robin Hassler Thompson's title; see page 8.

WHEREAS, the population that is eligible for Legal Services Corporation-funded legal services has grown dramatically in recent years while at the same time federal funding for the Legal Services Corporation declined approximately seventeen percent from 2010 to 2012; and

WHEREAS, the Florida Interest on Trust Accounts Program also provides funds in support of legal assistance for the poor but is experiencing severely reduced revenue as a result of historic low interest rates; and

WHEREAS, the Florida state courts have diligently endeavored since the 1990's to develop forms, instructions, and other self-help resources in order to afford fair and timely resolution of cases involving self-represented family law litigants; and

WHEREAS, other entities in the Florida justice system have likewise endeavored within their respective scope of authority to improve the availability and delivery of judicial and legal services to lower income, disadvantaged, and self-represented individuals; and

WHEREAS, despite these noteworthy and substantial efforts, Floridians continue to encounter barriers when seeking meaningful and informed access to the civil justice system; and

WHEREAS, the Supreme Court of Florida recognizes the importance of responding to the unmet legal needs of low and moderate income Floridians, the

increasing complexity of civil legal services delivery, the importance of access to civil justice in the proper functioning of our democracy, and the need for leadership and effective coordination of access to civil justice efforts in Florida; and

WHEREAS, approximately thirty states and the District of Columbia have established access to justice commissions for the general purpose of collectively identifying and removing barriers to civil justice for low-income and disadvantaged persons; and

WHEREAS, many organizations throughout the state share a commitment to improving access to justice and, as the head of the judicial branch, the Supreme Court of Florida is the logical entity to create a commission to study access and serve as the umbrella organization for efforts to enhance access to civil justice in Florida.

NOW, THEREFORE, the Florida Commission on Access to Civil Justice is hereby established to study the remaining unmet civil legal needs of disadvantaged, low income, and moderate income Floridians. In conducting its work the Commission should consider Florida's legal assistance delivery system as a whole, including but not limited to staffed legal aid programs, resources and support for self-represented litigants, limited scope representation, pro bono services, innovative technology solutions, and other models and potential

innovations. The Commission should encompass the viewpoints of multiple constituencies and stakeholders and not be limited to those of any one particular institution.

During its term, the Commission shall perform the following tasks:

1. Provide a forum for discussion among the judicial branch, legislative branch, executive branch, the civil legal services and pro bono community, Bar leaders, funders, the business community, and other interested stakeholders, about issues affecting access to civil justice for disadvantaged, low income, and moderate income Floridians.
2. Identify and examine barriers that impede access to civil justice for disadvantaged, low income, and moderate income Floridians.
3. Determine how to promote coordination of legal services delivery to low income Floridians, for optimum efficiency and effectiveness.
4. Consider and evaluate components of a continuum of services for the unrepresented, taking into account consumer needs and preferences. Such components might include interactive forms; unbundled legal services; the involvement of court, law, and public libraries; and other innovations and alternatives.

5. Examine ways to leverage technology in expanding access to civil justice for disadvantaged, low income, and moderate income Floridians.
6. Identify and build partnerships among the courts, members of the private bar, providers of legal services, and other stakeholders who are engaged or interested in expanding access to civil justice for disadvantaged, low income, and moderate income Floridians.
7. Examine how available resources might be maximized and identify how additional resources might be procured in order to provide stable funding in support of services that enhance access to civil justice for disadvantaged, low income, and moderate income Floridians.

The Florida Commission on Access to Civil Justice shall submit an interim report to the Court no later than October 1, 2015, and a final report and recommendations to the Court no later than June 30, 2016. Copies of the interim and final reports should also be provided to the Governor of Florida, the President of the Florida Senate, and the Speaker of the Florida House of Representatives. In its final report, the Commission should include recommendations on the need for the establishment of a permanent access to justice commission in Florida.

Members have been selected based upon their experience within the Florida justice system and their anticipated commitment. These individuals offer a

diversity of perspectives and expertise that will enable the Commission to meet its overall mission and specific objectives. The following persons are hereby appointed to the Commission for terms that expire on June 30, 2016:

The Honorable Jorge Labarga, Chair
Chief Justice, Supreme Court of Florida

Mr. Ramón A. Abadin
President-Elect, The Florida Bar

Mr. R. Alexander Acosta
Dean, College of Law, Florida International University

Mr. John A. Attaway, Jr.
Senior Vice President and General Counsel, Publix Super Markets

The Honorable Jeff Atwater
Chief Financial Officer, State of Florida

Ms. Martha Barnett
Attorney at Law, Tallahassee

The Honorable Pam Bondi
Attorney General of Florida

The Honorable Rob Bradley
The Florida Senate

The Honorable Nikki Ann Clark
Appellate Judge, First District Court of Appeal

Mr. Gregory W. Coleman
President, The Florida Bar

The Honorable Timothy J. Corrigan
Judge, United States District Court, Middle District of Florida

Mr. Jeffrey S. Craigmile
Chief Counsel, Walt Disney Company

Mr. Marshall M. Criser, III
Chancellor, State University System

The Honorable Linda Doggett
Clerk of Court, Lee County

Mr. Thomas S. Edwards, Jr.
Attorney at Law, Jacksonville

Mr. Benjamin J. Gibson
Assistant General Counsel, Executive Office of the Governor

The Honorable C. Robert Hilliard
County Judge, Santa Rosa County

Mr. James A. Kowalski, Jr.
Executive Director, Jacksonville Area Legal Aid

Mr. Dominic C. MacKenzie
President-Elect, The Florida Bar Foundation

Ms. Kathleen Schin McLeroy
Attorney at Law, Tampa

Chair, Judiciary Committee
The Florida House of Representatives

Mr. Byron Russell
Chairman and Chief Executive Officer, Cheney Brothers

The Honorable Bertila Soto
Chief Judge, Eleventh Judicial Circuit

The Honorable Emerson R. Thompson, Jr.
President, The Florida Bar Foundation

Ms. Robin Hassler Thompson
Attorney at Law, Tallahassee

The Honorable William A. Van Nortwick
Appellate Judge, First District Court of Appeal

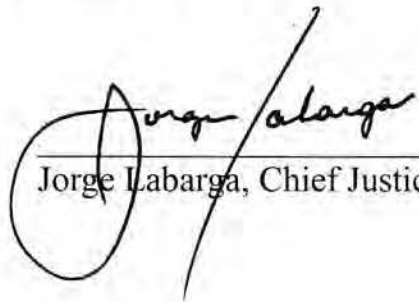
Ms. Gwynne Young
Past President, The Florida Bar

The Commission may function as a committee comprised of all members or as one or more subcommittees to consider specific issues. The chair is authorized to establish such subcommittees as may be required to effectuate the Commission's charges. Members of the subcommittees may include persons who are not members of the Commission but whose input is required on selected issues.

The Commission is directed to establish the necessary liaison relationships with the Judicial Management Council and other Supreme Court and Florida Bar committees, as appropriate.


The Florida Bar shall provide the necessary staff support to enable the Commission to carry out its duties, and shall consult with the Office of the State Courts Administrator. Members shall serve without compensation. The Commission must be cognizant of the limitations on the resources available to support its efforts as it develops a work plan that will accomplish the important tasks assigned in this administrative order. With regard to meetings, the Commission and any subcommittees should strive to utilize the most economical means appropriate to the type of work being accomplished.

DONE AND ORDERED at Tallahassee, Florida, on November 24, 2014.



Jorge Labarga, Chief Justice

ATTEST:



John A. Tomasino, Clerk of Court





Access to Justice Commissions: Lessons from Two States

Hon. Nathan L. Hecht, Chief Justice,
Supreme Court of Texas

Hon. Thomas L. Kilbride, Justice,
Supreme Court of Illinois
(Chief Justice, 2010-13)

State access to justice commissions work with state supreme courts and civil justice stakeholders to expand access to justice; tap new sources of expertise, leadership, creativity, and support; and help state supreme courts in the administration of justice for low-income and vulnerable people. Illinois and Texas provide two good examples.

Illinois and Texas, along with 30 other states and the District of Columbia and Puerto Rico, have created access to justice commissions that bring together the courts, the bar, civil legal aid providers, law schools, and other partners, such as legislators and business and community leaders, to address barriers to civil justice for low-income and other disadvantaged people. A number of state supreme courts are actively considering new commissions. The experiences of Texas and Illinois, one with a well-established commission and one with a brand new one, demonstrate what effective access to justice commissions can accomplish.

Building a Culture of Support in Texas

The Texas Supreme Court created the Access to Justice Commission in 2001, in the wake of an eye-opening court hearing the previous year that brought home the extent to which the civil legal needs of low-income Texans were going unmet. When the court became aware of the depth of the problem, several justices joined with representatives of the State Bar of Texas and the legal aid community to develop

solutions. Recognizing that uncoordinated and ad hoc steps would not do the job, the group recommended creating a commission that would engage all the major stakeholders in taking on the challenge. The entire Texas Supreme Court, including former Chiefs Tom Philips (1998-2004) and Wallace Jefferson (2004-13), has given unequivocal support to the commission and its efforts.

The state bar has provided staffing, including a full-time executive director for the commission. Chairs have come from the private bar, all well-respected leaders in the Texas legal community: founding chair John R. Jones; chair emeritus James B. Sales; and current chair Harry M. Reasoner.

Expansion of Access to Justice Commissions

1994	Washington State
1995	Maine
1996	California
1997	
1998	
1999	
2000	
2001	Texas
2002	
2003	Arkansas, Colorado
2004	New Mexico, Vermont
2005	District of Columbia, Massachusetts, North Carolina
2006	Mississippi, Nevada
2007	Alabama, New Hampshire, South Carolina
2008	Hawaii, Maryland, Wyoming
2009	Tennessee, West Virginia, Wisconsin
2010	Kansas, Kentucky, New York
2011	Connecticut
2012	Illinois, Montana
2013	Delaware, Indiana, Virginia
2014	Arizona, Oklahoma, Puerto Rico



“The result [in Texas] is bipartisan consensus that providing assistance for those who cannot afford a lawyer is critical for the justice system and the integrity of the rule of law.”

Hundreds of volunteers—private attorneys, corporate counsel, legal aid staff, judges and court administrators, legal educators, librarians, IT professionals, public relations consultants, and others—serve on the commission’s committees.

An initial priority for the commission was expanding funding for civil legal aid. One of its first successes was obtaining a new funding stream from the legislature through the attorney general’s fund for crime victims. In 2009 the commission helped secure the first-ever state appropriation for civil legal aid to help address the shortfall in state Interest on Lawyers Trust Accounts funding, and in 2011 and 2013 it successfully championed preservation of the new funding stream.

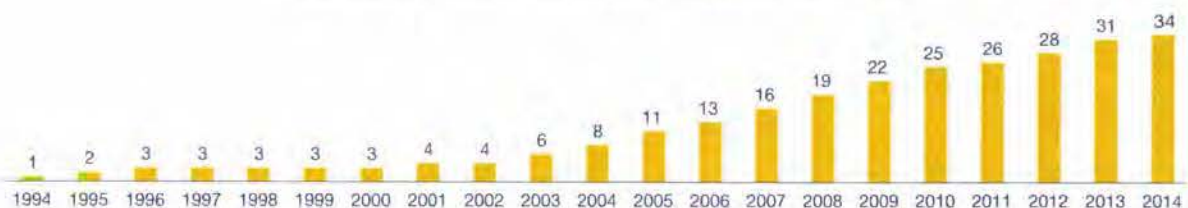
Achieving such results in hard economic times shows that access to justice has become a priority among Texas legislators across the political spectrum. Over the years, the commission has worked to raise the awareness of the legislature, the bench and bar, and the public about legal needs and the importance of the legal aid mission. It has made its case with editorial boards, corporations, and a broad range of organizations around the state. It has educated key legislators and recognized their support by presenting them with awards at large events in their districts. The supreme court has participated in this advocacy, making it clear that it regards legal aid funding as equal in importance to direct funding for the courts. The result is bipartisan consensus that providing assistance for those who cannot afford a lawyer is critical for the justice system and the integrity of the rule of law.

In addition, the commission has:

- developed and expanded new funding sources, including bar-dues assessments, *cy pres* awards, and a *pro hac vice* fee;
- mobilized new financial and pro bono resources for legal aid from corporate counsel;
- recruited technology leaders from large law firms to help upgrade the technological capacity of legal aid programs and provide cyber-security training and mentoring;
- created free advocacy training for legal aid lawyers taught by volunteer fellows of the American College of Trial Lawyers;
- convened a consortium of law schools that has developed programs, such as an annual Pro Bono Spring Break, to engage law students in serving low-income Texans;
- convened a task force of bar representatives, legal aid providers, court administrators, and court reporters to develop pro bono projects in underserved areas;
- highlighted the special legal needs of veterans at an annual gala, bringing in resources from new partners and supporting the development of new programs; and
- created an annual campaign around a voluntary contribution on the bar-dues statements, including an annual giving society (Champions of Justice Society) and statewide law-firm competition.

In 2010 the commission and the Office of Court Administration cosponsored a statewide summit on the needs of self-represented litigants. The commission’s Self-Represented Litigants Committee, created as a result of the summit, develops tools to help pro se litigants navigate the court system. Subcommittees examine policy, conduct trainings, and collaborate on state and local projects to improve services.

Expansion of Access to Justice Commissions
Cumulative Growth in Number of States with Commissions



Over the past three years, the committee has:

- provided education to court clerks, judges, law librarians, legal aid staff, and the private bar on assisting pro se litigants without overstepping ethical duties;
- evaluated national support models for possible replication in Texas, including a mobile pro bono legal clinic for rural areas;
- provided technical assistance to courts and communities interested in developing or expanding self-help projects;
- created a “virtual file cabinet” of resources for self-help-center and law-library staff;
- presented seminars and webcasts for attorneys and judges on limited-scope representation, along with educational materials and risk management tools; and
- revised rules to ensure consistent treatment of affidavits of indigency.

In 2012 the commission provided valuable assistance to the Texas Supreme Court during the challenging process of developing and adopting statewide standardized forms for uncontested divorce. The commission developed proposed forms and a thorough report for the court’s advisory committee, with recommendations and extensive background material. The commission is currently helping to develop name-change, estate-planning, and probate forms.

Despite good intentions on all sides, the path has not always been easy. But the commission has provided a structure for resolving disagreements among stakeholders productively. It has engaged skeptics and potential opponents and often converted them into supporters.

The Texas Supreme Court convened two further hearings on civil legal needs (2004 and 2009), and access to civil justice remains a top priority in the court’s public statements. The commission conducts an ongoing communications campaign that includes regular CLE and other presentations at bench and bar events, newsletters, op-eds, videos aimed at particular legal audiences, and a speakers bureau. The result of these efforts is a culture of support for access to justice initiatives throughout the legal community and the general public.



Access to Justice Commission Timeline

1990s Access to justice commission is born as part of response by bench and bar across the country to civil-legal-aid-funding crisis.

2002 First National Meeting of State Access to Justice Chairs is attended by 80 state and national leaders.

2006 Plenary session at CCJ Midyear Meeting highlights commission model.

ABA creates Resource Center for Access to Justice Initiatives.

2010 Laurence Tribe, senior counselor for access to justice for the U.S. Department of Justice, addressing CCJ/COSCA, calls the development of access to justice commissions “one of the most important justice-related developments in the past decade.”

CCJ and COSCA adopt resolution supporting the creation of a commission in every state (goal reiterated in 2013)

Public Welfare Foundation recognizes the promise of the commission model and the importance of court leadership on access issues with major grants to the NCSC and the ABA. Kresge Foundation provides additional support to the ABA to expand its efforts supporting commissions.

2012-2013

With funding from the Public Welfare Foundation, the Kresge Foundation, and the Bauman Foundation, the ABA makes 26 Access to Justice Commission start-up and innovation grants.

NCSC launches Center on Court Access to Justice for All.

CCJ/COSCA Committee on Access, Fairness, and Public Trust highlights commission model and court role in expanding access.

Representatives of Supreme Courts from over 30 states are among 170 participants in 2012 and 2013 National Meeting of State Access to Justice Chairs, which include special programming for high court judges.

National Meeting of State Access to Justice Chairs held in May at Portland, Oregon.

2014

ABA to issue evaluation findings and tools from its grant-funded projects.

Impressive Results from the Beginning in Illinois

The Illinois Supreme Court Access to Justice Commission was created in 2012 after extensive planning among leaders in the bar and legal aid community. The commission has met almost monthly and created a number of important working committees, each committee involving one or more commissioners. More than 300 lawyers, judges, clerks, law students, social service providers, and others have volunteered to work on commission projects.

In addition, more than 100 people attended the commission's First Annual Access to Justice Conference (2012); approximately 500 people attended access-to-justice-themed "listening conferences" in five locations across the state; and more than 400 people attended the commission's Second Annual Access to Justice Conference (2013). All seven justices of the Illinois Supreme Court attended these conferences, along with commissioners and leaders from the judiciary, legal aid organizations, and the private bar.

The commission's first annual conference (2012) highlighted three particular areas of high importance to the courts: standardized forms, language access, and guidance and education for court administrators and judges on dealing with self-represented litigants. The commission created working committees to develop specific initiatives and recommendations. Within less than a year, the court adopted commission proposals in each targeted area, including an amendment to the Judicial Canons to permit judges to make reasonable efforts to help self-represented litigants to be fairly heard; a model language-access plan/template for all courts; and a rule authorizing standardized plain-language forms.

“The commission has provided focus, coordination, and new energy to improving access to civil justice in Illinois.”

These steps represent only the beginning of the commission's efforts. The commission is currently:

- finalizing standardized proposed forms for key matters, such as divorce, orders of protection, expungement, name change, and foreclosure;
- collaborating with the Administrative Office of Illinois Courts on a language-access policy to complement the language-access template for review and consideration in 2014;
- hosting, with the court, a series of regional language-access meetings to help prepare language-access plans statewide; and
- developing judicial training materials for dealing with self-represented litigants.

Other commission proposals adopted by the court in 2013 were a new pro hac vice rule with funds going to support civil legal aid and the commission; a new rule that eliminated licensing barriers for military spouses who are active attorneys in good standing in other U.S. jurisdictions and who reside in Illinois due to military orders; and rules expanding pro bono opportunities.

With the support of the commission, the Illinois legislature enacted a new Access to Justice Act in 2013 to fund pilot projects to provide court-based legal counsel for those who cannot afford a lawyer in civil cases, as well as projects to help disadvantaged veterans and military personnel. While Illinois has long had an effective coalition to support civil legal assistance, the commission's efforts increased the visibility of these issues and brought in new partners, helping to convince the legislature to provide additional resources.

The second annual conference (2013) focused on innovative, court-based pro bono models from Illinois and around the country, such as clinics, help desks, and mediation. The commission has developed a step-by-step checklist for starting and sustaining a court-based pro bono program, with links to supporting resources. Commission committees and subcommittees are supporting adoption and expansion of these models statewide.

During the first two years, the commission was chaired by Jeffrey Colman, a partner with Jenner and Block. Its committees and subcommittees are supported by volunteer staff assistance from the courts, legal aid, and private firms. The commission also benefits from special advisory committees, including the Deans' Advisory Committee (all nine deans of the law schools in Illinois); the Government Lawyers' Advisory Committee (the top government lawyers from the local and state executive and legislative branches); the Corporate Counsel Advisory Committee (many top corporate counsel); and a Medical Legal Partnership Advisory Committee (advocates working in medical legal partnerships or interested in starting such programs).

In two years, the commission has provided focus, coordination, and new energy to improving access to civil justice in Illinois. The commission looks forward to building on these initial successes much more in the months and years ahead.

Reasons for Success

Texas and Illinois demonstrate that an access to justice commission can provide a powerful tool if its potential is realized. An effective commission can:

- focus the courts' attention on their responsibilities for ensuring access to civil justice for those who cannot afford attorneys;
- tap new sources of leadership, expertise, creativity, energy, and support to help the courts meet those responsibilities;
- expand funding, pro bono service, and other resources for civil legal assistance;
- ensure continuity and coordination among the institutions and organizations whose involvement is necessary for such efforts to succeed;
- promote the development of innovative responses to access challenges;
- provide a flexible process for developing proposals before official court action;
- provide a collaborative, informal process through which divergent opinions can be heard and differences resolved;
- speak with a voice separate from that of the courts to advocate positions that might be more difficult or less effective for the courts to promote;
- educate key decision makers, the legal community, and others about the importance of meeting civil legal needs, making it clear that advocacy supporting these goals is not based on institutional self-interest and transcends partisan politics; and
- foster understanding and support for access to justice in the general public.



Texas Access to Justice Website
(www.texasatj.org)

Additional Information and Resources

ABA Resource Center for Access to Justice Initiatives, resources on Access to Justice commission development leadership
www.ATJsupport.org

NCSC Center on Court Access to Justice for All, "Access Brief: Access to Justice Commissions" <http://www.ncsc.org/atj>

Texas Access to Justice Commission, semi-annual reports to Texas Supreme Court www.texasatj.org

Four key factors underlie the success of the Texas and Illinois Access to Justice Commissions: court support and engagement; strong and effective leadership; a shared sense of mission and participation from other partners; and broad, bipartisan support.

Providing access to civil justice for those who cannot afford attorneys is essential to the administration of justice and among the responsibilities of the courts. But this responsibility cannot be fulfilled by the courts alone. An effective access to justice commission, embodying a partnership that extends across the legal community and beyond, can focus, complement, support, and leverage court leadership in achieving the promise of equal justice under law.

Access to Justice Commissions: An Overview

Provided by

THE FLORIDA BAR FOUNDATION

Mobilization of the prestige, visibility and credibility of the state Supreme Court is probably the single most important reason behind the success of Access to Justice Commissions (August 2010, ABA Resource Center)

The rapid spread of the Access to Justice Commission model has been one of the most striking and consequential justice-related developments of the past decade.

Center for Court Access to Justice for All
National Center for State Courts
Access Brief, Updated July 2014

WHEREAS, many states have established an access to justice commission to ensure the effective delivery of justice to all; and

WHEREAS, access to justice commissions have achieved remarkable results and have been recognized as one of the most important justice-related developments in the past decade as championed by Professor Laurence H. Tribe, Senior Counselor for Access to Justice, United States Department of Justice in his remarks to the Conference of Chief Justices and the Conference of State Court Administrators during their 2010 annual meeting;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators support the aspirational goal that every state and United States territory have an active access to justice commission or comparable body.



CONFERENCE OF CHIEF JUSTICES/CONFERENCE OF STATE COURT ADMINISTRATORS
Resolution in Support of Access to Justice Commissions, Adopted July 28, 2010



RESOLVED, That the American Bar Association urges establishment of and support of access to justice commissions or comparable bodies in all states and territories

FURTHER RESOLVED, That the American Bar Association urges its members to support state or territorial supreme court initiatives to create and promote access to justice commissions or comparable bodies.

August, 2013

ACCESS TO JUSTICE COMMISSIONS

are blue-ribbon entities that bring together the courts, the bar, civil legal aid providers and other stakeholders in a coordinated effort to identify and remove barriers to civil justice for low-income and disadvantaged people.

DEFINITION OF AN ACCESS TO JUSTICE COMMISSION

- A **BLUE-RIBBON COMMISSION** or similar formal entity comprised of leaders representing, at minimum, the state courts, the organized bar, and legal aid providers. Its membership may also include representatives of law schools, legal aid funders, the legislature, the executive branch, and federal and tribal courts, as well as stakeholders from outside the legal and government communities.
- Its core charge is **TO EXPAND ACCESS TO CIVIL JUSTICE** at all levels for low-income and disadvantaged people in the state (or equivalent jurisdiction) by assessing their civil legal needs, developing strategies to meet them, and evaluating progress. Its charge may also include expanding access for moderate-income people.
- Its **CHARGE IS FROM AND/OR RECOGNIZED BY THE HIGHEST COURT OF THE STATE** or equivalent jurisdiction; the highest court and the highest levels of the organized bar are engaged with the commission's efforts and the commission reports regularly to them.
- Its primary **ACTIVITIES RELATE TO PLANNING, EDUCATION, RESOURCE DEVELOPMENT, COORDINATION, DELIVERY SYSTEM ENHANCEMENT, AND OVERSIGHT**; it is not primarily a funder or direct provider of legal assistance.
- It **MEETS ON A REGULAR BASIS AND HAS ONGOING RESPONSIBILITY** for carrying out its charge.

THE FLORIDA BAR FOUNDATION, DECEMBER 2014

Trends in State Courts 2014



Access to Justice Commissions: Lessons from Two States

Hon. Nathan L. Hecht, Chief Justice,
Supreme Court of Texas

Hon. Thomas L. Kilbride, Justice,
Supreme Court of Illinois
(Chief Justice, 2010-13)

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“The commission has provided focus, coordination, and new energy to improving access to civil justice in Illinois.”

“The result [in Texas] is bipartisan consensus that providing assistance for those who cannot afford a lawyer is critical for the justice system and the integrity of the rule of law.”

THE FLORIDA BAR FOUNDATION, DECEMBER 2014

And it's not just here...

CANADIAN SUPREME COURT JUSTICE BACKS PROVINCIAL ATJ COMMISSIONS

Australia

- whether the civil justice system as a whole is achieving its objectives and what it is delivering to the Australian community
- how different organisations and services contribute to that
- how people connect with and what patterns emerge as they move through the system
- where there are gaps, pressure points, emerging trends and opportunities
- where there are opportunities for better coordination
- where potential exists for development of more complementary services
- where there is potential for innovation, and
- how changes in one area are likely to impact elsewhere.¹⁷

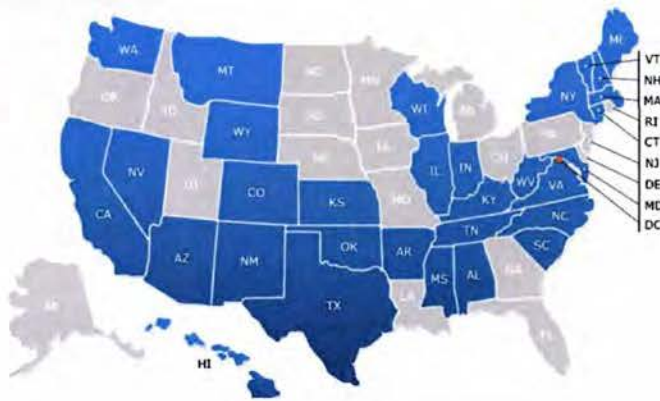
The Australian Attorney General's Department hosted a symposium to discuss with stakeholders how to move forward with this initiative in May 2011 and a further forum was held in May 2012. Working group of all civil justice system stakeholders and data experts is developing a framework to guide the collection of consistent data to create an evidence base for the civil justice system.¹⁸ /

Being able to access justice
 Is fundamental to the rule of law
 If people decide they can't get justice,
 They will lose respect for the law...
 The legal system risks a loss of public faith
 Unless barriers to public access to the courts,
 Especially for civil matters, are lowered
 Chief Justice Beverley McLachlin
 Canada Supreme Court

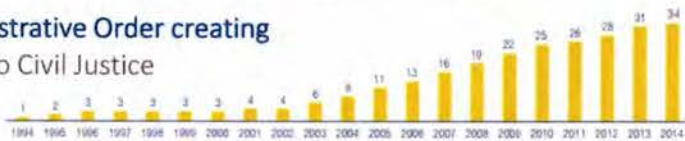
Current Status

Expansion of Access to Justice Commissions


- 1994 Washington State
- 1995 Maine
- 1996 California
- 1997
- 1998
- 1999
- 2000
- 2001 Texas
- 2002
- 2003 Arkansas, Colorado
- 2004 New Mexico, Vermont
- 2005 District of Columbia, Massachusetts, North Carolina
- 2006 Mississippi, Nevada
- 2007 Alabama, New Hampshire, South Carolina
- 2008 Hawaii, Maryland, Wyoming
- 2009 Tennessee, West Virginia, Wisconsin
- 2010 Kansas, Kentucky, New York
- 2011 Connecticut
- 2012 Illinois, Montana
- 2013 Delaware, Indiana, Virginia
- 2014 Arizona, Oklahoma, Puerto Rico



Expansion of Access to Justice Commissions
 Cumulative Growth in Number of States with Commissions



On November 24, 2014, the Administrative Order creating the Florida Commission on Access to Civil Justice was signed.



**FLORIDA COMMISSION
ON ACCESS TO CIVIL JUSTICE**

"Florida needs a coordinated effort involving all of the entities with the potential to make permanent, systemic advances to ensure that access to justice in Florida is not limited to those who can afford it. I am particularly concerned about the circumstances facing low-income litigants for whom purchasing legal representation can pose an impossible challenge, but access to civil justice is also a problem for the middle class, many of whom do not qualify for legal aid and cannot afford to hire a lawyer." Chief Justice Jorge Labarga, Florida Supreme Court

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THE FLORIDA BAR FOUNDATION, DECEMBER 2014



(from left) Ramon Abadin, Judge Emerson Thompson, Chief Justice Jorge Labarga, Gregory Coleman



Commissions have been active in...

- INCREASING PUBLIC AWARENESS of the need through legal needs studies, communications campaigns, hearings and other events
- INCREASING STATE-LEVEL FUNDING through legislative appropriations, fee and fine surcharges, special fees such a pro hac vice or changes in cy pres rule
- INCREASING PRO BONO SERVICE via judicial involvement, rules changes, recruitment campaigns
- MAKING THE COURTS MORE USER-FRIENDLY through simplification of court processes and forms, self help centers/assisted pro se, clinics and other methods
- INCREASING COLLABORATION AND COORDINATION among legal aid and pro bono providers
- PROMOTING CHANGES IN THE LEGAL PROFESSION to make services more affordable, such as limited scope representation
- PROMOTING COMMITMENT AMONG LAW STUDENTS AND NEW LAWYERS to pro bono and access to justice
- ADDRESSING RELATED ISSUES AND CHALLENGES such as language access

THE FLORIDA BAR FOUNDATION, DECEMBER 2014

Launching a New Commission

Most recent Commissions have been created by Supreme Court order or rule.

Some degree of independence from Court: Not perceived as an “arm” of the court.
Maintains flexibility to act and speak separately)

Commission membership: Enough to achieve balance and diversity without being unwieldy (optimum 15-25). Uses Committee/taskforce/workgroup structure to engage people/stakeholders not on Commission. Typically most of the Commission’s “work” is done at this level.



KEY FORMATION PRINCIPLES:

- ✓ **Stature** - High profile/prominent members and strong, active leadership
- ✓ **Mission and scope** - Primary focus on overcoming specific barriers to civil justice created by inability to afford counsel and are broad enough to consider a full range of potential solutions.
- ✓ **Launch meeting orients members** - Consolidates support from stakeholders, builds energy and enthusiasm
- ✓ **Initial agenda** - Balances planning and action along with short-term and long-term goals.
Early successes important
- ✓ **Terms/re-authorization**. Model designed for institutionalization

THE FLORIDA BAR FOUNDATION, DECEMBER 2014

Hallmarks of an Effective ACCESS TO JUSTICE COMMISSION

- Solid Base of Institutional Support from Core Legal Community:
Judiciary, Organized Bar, Civil Legal Aid/Pro Bono Providers and Funders
- Critical Mass of Strong Leadership to Move the Commission Agenda forward
- Engaging Partners Beyond the Core Legal Community
- Full Range of Activities and Strategies
- Ongoing Planning and Self-Assessment
- Active Engagement of Members
- Committee or Workgroup Structure Brings in New Partners
- Effective, Adequate Staffing
- Visibility. Communicating Effectively and Consistently
- Respected Presence providing Strong Effective Leadership on ATJ issues

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Websites

www.texasatj.org

www.arkansasjustice.org



The Texas Access to Justice Commission seeks to improve the quality of justice in civil legal matters for low-income Texans by developing initiatives that increase access and reduce barriers to the judicial system.

The Commission works in tandem with the following Access to Justice Partners to ensure access to justice for all.







ACCESS TO JUSTICE CONTRIBUTION
ONE GIFT CAN OPEN LARGE DOORS!

The following organizations work in partnership with Arkansas Access to Justice to ensure that all Arkansans have equal access to justice:













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Florida



FLORIDA COMMISSION ON ACCESS TO CIVIL JUSTICE



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[MEMBERS](#)
[ADMINISTRATIVE ORDER](#)
[Q&A/LINKS](#)
[CONTACT](#)

Q&A

- ▶ WHAT ARE ACCESS TO JUSTICE COMMISSIONS AND HOW ARE THEY OPERATING IN OTHER STATES?
- ▶ WHAT HAVE THE OTHER STATE COMMISSIONS ACCOMPLISHED?
- ▶ WHY DOES THE ADMINISTRATIVE ORDER SET A TWO-YEAR TERM FOR THE COMMISSION?
- ▶ HOW WERE THE MEMBERS SELECTED?
- ▶ WHY IS THE BUSINESS COMMUNITY ENGAGED ON THIS ISSUE?
- ▶ WHY IS IT IMPORTANT FOR FLORIDA TO ESTABLISH AN ACCESS TO JUSTICE COMMISSION?
- ▶ HOW OFTEN WILL THE COMMISSION MEET AND HOW WILL WE BE ABLE TO FOLLOW ITS WORK?
- ▶ WHAT ARE THE COSTS AND SOURCE OF FUNDS TO SUPPORT THE COMMISSION?

LINKS

- VIEW THE ADMINISTRATIVE ORDER CREATED BY CHIEF JUSTICE JORGE LASARGA ON NOV 24 2014
- THE FLORIDA BAR
- THE FLORIDA SUPREME COURT
- THE FLORIDA BAR FOUNDATION
- AMERICAN BAR ASSOCIATION - ACCESS TO JUSTICE RESOURCE CENTER

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7

Resources about Commissions

ABA Resource Center for Access to Justice Initiatives

www.atjsupport.org



The Resource Center for Access to Justice (ATJ) Initiatives serves judicial, private bar, and legal aid leaders who work together to provide people of low and modest income with meaningful access to their justice systems.

Innovation Grants **Expansion Grants**

Empowering ATJ Commissions to develop innovative new programs serving low- and modest-income client communities:

- Alabama – Online SRL Pro Bono Support
- Arkansas: Assisted pro se/limited scope pilot
- Colorado: Affordable unbundled legal services
- Connecticut: Corporate-funded legal aid fellowships
- Hawaii: Language access & cultural bias
- Maine: Lawyers in Libraries' project
- Massachusetts: Engaging new funding partners
- Mississippi: New service delivery partners
- New Mexico: Diagnostic tool to assess potential for self-representation
- North Carolina: Veterans Online Resources
- Tennessee: Faith-based pro bono clinics
- Vermont: On-line referral from legal aid intake site to limited scope panel
- Washington State: E-access to court records
- Wyoming: Skype-based remote law offices at rural sites

New Resource Documents

- 2014 Vision Statement: "ATJ Commissions: What We Can Achieve"
- Launching New ATJ Commissions
- Hallmarks of Effective ATJ Commissions
- Commission Self-Assessment Library

ABA GROUPS

Resource Center for Access to Justice Initiatives

- State ATJ Commission Directory
- Resources: ATJ Commission Development
- Resources: Key ATJ Issues
- Resources: Civil Legal Aid Funding
- ATJ Innovation and Expansion Grant Resources
- National Meeting of ATJ Chairs & Stakeholders
- Contact Us

Key ATJ Issues

- Civil Legal Aid Funding
- Civil Legal Aid Planning, Delivery and Support
- Civil Right to Counsel
- Communications & ATJ Messaging
- Language Access
- Limited Scope Representation
- Pro Bono
- Self-Represented Litigants

ATJ Commissions

An **Access to Justice Commission** is a state-based body, typically created by a state (or territorial) high court, and composed of high-level actors from the courts, the state bar, the civil legal aid community, and elsewhere.

ATJ Commissions develop and implement solutions toward ensuring that people of limited means have meaningful access to civil justice. Commissions promote pro bono, increased legal aid funding, and resources for self-represented litigants, among other initiatives.

The Latest...

- Save the Date: National Meeting of ATJ Commission Chairs - May 9, 2015** - Austin, TX.
- 11.25.14 - Tennessee ATJ Commission releases low-income community legal needs report. (Press release)
- 11.24.2014 - Florida establishes new **Access to Civil Justice Study Commission**

For more ATJ, civil legal aid, and pro bono news, see our "ATJ Headlines" online newsletter, posted every other Monday.

Resources about Commissions

National Center for State Courts

Center on Court Access to Justice for All

www.ncsc.org/atj



Center on Court Access to Justice for All

...promoting access-friendly courts

HOME TOPICS ASSISTANCE CURRICULUM WEBINARS

New Definitions & Counting Rules for Cases with SRLs

These rules will allow comparative data to be produced within and among jurisdictions.

[read more](#)

ACCESS BRIEFS

- Self Help Services
- Forms and Document Assembly
- Access to Justice Commissions
- Accessible Electronic Filing
- Language Access & Self-Represented Litigants
- Court-Supported Pro Bono Service
- Judicial Engagement & Curriculum

THE FLORIDA BAR FOUNDATION, DECEMBER 2014

Associate Attorney General Tony West announcing the launch of the Legal Aid Interagency Roundtable Toolkit at the April 8, 2014 White House Forum on Increasing Access to Justice.



Resources for Commissions

U.S. Dept. of Justice

Access to Justice Initiative

www.justice.gov/atj


The Justice Index www.justiceindex.org

Measuring Access to Justice

Every person seeking justice deserves a chance to be heard. Extraordinary efforts by court legal aid services, legislators and activists make that possible. The Justice Index presents, for the first time, clear and detailed pictures of the scope of the work being done, and where more is needed.

ATTORNEY ACCESS	SELF REPRESENTATION	LANGUAGE ASSISTANCE	DISABILITY ASSISTANCE
1:40	47%	22%	16%
ratio of attorneys for people in poverty to attorneys for everyone.	of states don't yet guide judges to assist people without counsel.	of states don't yet assure quality by using interpreters who are "certified".	of states allow judges to charge a deaf or hearing impaired person for the cost of a sign language interpreter.
SEE THE DATA >	SEE THE DATA >	SEE THE DATA >	SEE THE DATA >

Composite Index - 50 State Map



We evaluated each U.S. state on four key issues to create a composite measure for overall accessibility of justice. [SEE THE DATA >](#)

SELF REPRESENTED LITIGANTS NETWORK LIBRARY

www.selfhelpsupport.org

SelfHelpSupport.org supports pro se practitioners through:

- An extensive **Library** which has a collection of publications gathered from self-help programs across the country. topics include:
 - **Ethics & Changing Roles**
 - **Collaborative Efforts**
 - **Evaluation Tools & Reports**
 - **Funding & Grants**
 - **Judicial Resources**
 - **Language & Cultural Issues**
 - **Pro Se Task Force Reports**
 - **Self-Help Programs**
 - **Self-Help Technology**
 - **Unbundling Legal Services**
- A **Network** of pro se practitioners;
- **Email Groups** where you can share information and ask questions;
- A **Networking and Mentoring Service** to help you connect with others who have faced similar situations.

Resources for Commissions

Law Library Self-Help Programs and Services Survey
Executive Summary April 2014

The Law Librarians' Working Group of the Self-Represented Litigation Network surveyed law libraries in the summer of 2013 about their services, including self-help programs. The full survey results are available at www.selfhelpsupport.org/library/

253 libraries from 33 states, Canada and Guam participated. Respondents included state and federal court law libraries, county, state, Superior Court and academic law libraries, and one prison library. Ninety-nine percent reported that they provide services to self-represented litigants. Many indicated that they partner with the courts, public libraries, and legal aid organizations to provide service to the self-represented. Law librarians reported that they support pro bono attorneys and participate in access to justice commission activities.

CivilRightsCounsel.org

John Rocco, National Coordinator for a Civil Right to Counsel, Public Sector Center, August 26, 2014
The National Coordinator for a Civil Right to Counsel (NOCRC) released its complete report and long-anticipated new website in August of 2014.

Communicating with Lawyers about Civil Legal Aid: Highlights of 2014 Research Among Lawyers

Lynn Heppner-Fordham, Tennessee State University for Civil Justice, August 22, 2014
For Justice for Civil Justice, two national surveys survey firms updated their 2012 research with new data to find which messages work with lawyers.

Accessing Justice in the Contemporary USA: Findings from the Community Needs and Services Study

Innocentia, Sundar, American Bar Foundation (ABF), University of Illinois at Chicago, Chicago, August 9, 2014
A new study of the civil justice experience of the American public, the Community Needs and Services Study, first collected evidence of events and situations that have civil legal impacts, then did legal issues and are identified, chronic and acute, and are not addressed outside the context of the formal justice system.

Law Libraries and Access to Justice

Innocentia, Association of Law Libraries (ALLL), July 1, 2014
Law libraries are an important part of the access to justice community. Not only do they offer long-standing traditional reference services, but they also develop programs that foster innovation.

Washington State Access to Justice Technology Principles: A Perspective for Justice System Professionals

Raymond Zinke, David L. Hendrick, Justice System Journal, National Center for State Courts, NCSJ, 2014

www.LegalAidResearch.org



Legal Aid Practitioners



Policymakers & Funders



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National Meetings

May 9, 2015 Access to Justice Commission Chairs and Stakeholders:

"The ATJ Meeting is the preeminent national gathering of ATJ Commission members and other stakeholders. The meeting offers substantive programming delivered by national experts, and unique networking opportunities for Supreme Court Justices, judges, bar association and foundation officials, legal aid directors, funder organization officials, law school faculty, and of course Commission members and staff."

200+ attendees (including 20+ Supreme Court Justices) from over 40 jurisdictions took part in 2014.

May 7-9, 2015 ABA National Equal Justice Conference, Austin Texas

THE FLORIDA BAR FOUNDATION, DECEMBER 2014

01.05.15

by Steve Gram

ACCESS TO JUSTICE HEADLINES: NEW YEAR 2015 EXTRAVAGANZA EDITION

Other Resources

ABA Access to Justice Blog: <http://abaatj.wordpress.com>

The ATJ News in very, very brief:

- legal aid funding woes in Eastern VA
- OK may go to required interpreter certification in civil courts
- In ME, a new LSC Technology Initiative Grant to reach female military vets
- CT corporations fund a legal aid fellowship at each of state's 3 providers
- NBC looks at medical-legal partnerships
- MA ATJ Commission releases resource on ATJ in administrative law
- End-of-2014 federal legislation impacting legal aid
- NYC Housing Court's push to expand access to lawyers
- Attorney dues increase to support struggling Iowa Legal Aid?
- Push for more legal aid funding from NM legislature
- MN-based Cancer Legal Line connects people to pro bono legal help
- FL launches an ATJ Commission

- Corporate pro bono contributions up
- Pilot projects to expand civil right to counsel in CA, MA & NY
- The Justice Index releases revised, state x state findings in late 2014
- How much does legal representation affect the fate of detained immigrants?

Two pieces of ATJ scholarship:

"How a Civil Right to Counsel Can Help Dismantle Concentrated Poverty in America's Inner Cities."

"Ensuring Access to Justice For All: Addressing the Justice Gap Through Renewed Emphasis on Attorney Professionalism and Ethical Obligations in the Classroom and Beyond."

Richard Zorza's Access to Justice Blog www.accessstojustice.net

ABA Journal Honoree



This blog defines access to justice broadly to include innovations in courts, the bar, legal aid and community that make it easier for people to obtain access to justice institutions, and to just results within those institutions. Richard Zorza is the former coordinator of the national Self Represented Litigation Network, has acted as a consultant to the Harvard Law School Bellow-Sacks Project on the Future of Access to Civil Justice, www.bellowsacks.org, and works in support of the national LawHelp network of access to justice websites, www.lawhelp.org. His book, *The Self-Help Friendly Court: Designed from the Ground Up to Work for People Without Lawyers*, was published by the National Center for State Courts in 2002. Richard coordinated the National Judicial Conference on Self-Represented Litigation held at Harvard Law School in November of 2007 and was the recipient of the 2008 American Judicature Society Kate Sampson Access to Justice Award.

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