

# Justice for All Guidance Materials

Access to Justice Strategic Planning Materials
2024



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# **Background**

In 2015, the <u>Conference of Chief Justices</u> and the <u>Conference of State Court Administrators</u> unanimously passed <u>Resolution 5</u>, <u>Reaffirming the Commitment to Meaningful Access to Justice for All</u>. The resolutions recognized the significant advances in access to justice that had occurred over the previous decade and concluded with a call to action to achieve the aspirational goal of meaningful access to justice for all:

... the Conference of Chief Justices and the Conference of State Court Administrators support the aspirational goal of 100 percent access to effective assistance for essential civil legal needs and urge their members to provide leadership in achieving that goal and to work with their Access to Justice Commission or other such entities to develop a strategic plan with realistic and measurable outcomes; and...

the Conferences urge the National Center for State Courts and other national organizations to develop tools and provide assistance to states in achieving the goal of 100 percent access through a continuum of meaningful and appropriate services.

In 2016, civil justice leaders, experts, and funders responded to the resolution's challenge by launching the Justice for All ("JFA") Initiative, which included guidance materials, inventory tools, and over \$2 million in funding and support over five years for 14 states and the District of Columbia to plan and build toward the systemic change required to attain justice for all.

At the five-year mark of the JFA initiative, the National Center for State Courts (NCSC) collected extensive feedback from state partners regarding their experiences with the JFA guidance materials and processes. These revised materials build on the original materials and are informed by that feedback. The <u>original materials</u>, including a full list of acknowledgments, remain available as a reference tool and contain additional information about the project's history, purposes, and commitments.

# The Vision

When justice for all has been achieved, everyone will have access to the information and assistance they need to address essential civil legal needs, when and where they need it, and in a format they can use. The Justice for All (JFA) project seeks to build a bridge from our current reality to that vision.

Currently, too many people are left without any meaningful assistance to address important civil legal issues such as evictions, child custody, employment, immigration, debt collection, and public benefits. The consequences of these unmet legal needs can be dire not just for individual families, but for their communities, the economy, and the larger legal system. Justice benefits society and is a mutual obligation. Reaching the vision of justice for all will require lawyers, professionals who are not lawyers, courts, legal aid, law schools, and community-based organizations to work together to plan, implement, assess, and improve access to justice.

Justice for all also requires coordinated planning that is informed by current realities but that builds toward the systemic change necessary for meeting the shared vision. The materials provided here are designed to assist states in those planning efforts.

# **Justice for All Resources**

The JFA initiative provides a set of materials and tools to assist states in moving toward the vision of justice for all no matter where they are in that journey. JFA tools assist states that are just starting to work together to improve access to justice as well as those that have strong, established access to justice committees with a history of successfully working together on access to justice improvements. The resources can be adapted to suit a particular state's current environment and needs and can be used regardless of whether a state has the capacity for an intensive planning process.

#### The JFA resources include:

- A <u>framework</u> for understanding the sets of resources, services, relationships, and support systems necessary for achieving justice for all.
- An automated <u>diagnostic tool</u> for assessing opportunities for addressing gaps in a jurisdiction's access to justice efforts.
- A <u>model process</u> for access to justice stakeholders to move from assessment and prioritization to action.

# The Justice for All Framework

The JFA framework is a component-based description of the resources, services, relationships, and support systems needed to achieve justice for all. The framework is built on the following assumptions:

- Justice for all requires lawyers, courts, legal aid, law schools, professionals who are not lawyers, and community-based organizations to work together to improve access to justice in a state.
- Many people with legal issues do not think of their issues as primarily legal in nature.
   Often, they seek help from non-legal sources, such as service providers, faith-based organizations, and libraries.
- A small percentage of legal issues end up in court. Many can be and are resolved outside of court.
- The demand for free and low-cost legal assistance for low-income individuals far exceeds the availability of legal aid and pro bono legal assistance.
- While increasing legal aid and pro bono participation remains critically important, a
  growing number of people with civil legal issues can and do rely on user-friendly legal
  information, forms, and assistance from trained navigators to resolve their legal
  problems without the assistance of lawyers.
- Legal resources users and the community partners that they rely on should play a central role in developing, assessing, and improving resources.

The framework recognizes the critical importance of robust legal services and resources, including innovative services that don't require lawyers. It also encourages a systemwide focus on how services and resources are provided, evaluated, expanded, and improved.

# **Components of the JFA Framework**

#### **Collaboration Components**

- ✓ Governance & Planning
- ✓ Communications & Resources

# **Legal Resources & Services Components**

- ✓ Self-Help Information and Forms
- Systemwide Referrals
- Representation from Lawyers (Including Brief Services and Limited Scope Representation)
- ✓ Assistance from Navigators and Other Professionals Who Are Not Lawyers

- ✓ Community Education and Prevention
- ✓ Appropriate Alternative Dispute Resolution

#### **Courts Component**

✓ User-Friendly and Accessible Courts

Each component has a list of key elements that access to justice stakeholders can use to assess progress, opportunities, and challenges in a particular jurisdiction.

The <u>Appendix</u> includes a list of resources, examples, and best practices organized by the framework components. For a more tailored list of potentially useful resources, consider using the JFA diagnostic tool.

# **Collaboration Components**

Justice for all is not possible without systems supporting collaborative work by a wide variety of legal and community partners, including the existence of governance structures such as access to justice commissions or committees. Although an individual user of the legal system may never directly interface with the governance structure, it provides the basis for the effective strategic planning, implementation, and evaluations that ultimately improve the experiences and outcomes of people with legal issues. The core components of collaboration are:

- Governance & Planning
- Communications & Resources

# Governance & Planning

An effective governance system has an inclusive coordinating body and established processes for access to justice partners to plan, implement, and evaluate access to justice efforts. The coordinating body performs ongoing assessments of user and community experiences and public needs.

- An established forum and processes for collaboration among partners.
- Representation from critical legal and non-legal partners, including the courts, legal aid, the private bar, and community stakeholders.
- Established expectations for governance roles and responsibilities, including participation, decision-making, and committee structures.
- Commitment to equity, diversity, and inclusion.
- A shared understanding of working priorities and benchmarks to measure progress on those priorities.

- Ongoing opportunities for sharing data, information, and expertise between legal providers and community partners.
- Strong feedback loops with the public, service providers, and other community partners. Feedback should be integrated into access to justice decisions.
- Use of data to inform coordinated planning and decision-making. For example:
  - An inventory and profiles of traditional and non-traditional civil access to justice stakeholders (e.g., the courts, the Bar, legal aid, community partners)
  - Legal needs studies.
  - Publicly available datasets from court, government, non-profit, and commercial sources to better understand the population characteristics and vulnerabilities in the jurisdiction.
  - Geospatial analyses of needs, services, and technological, social, and economic infrastructure.
- Work toward general alignment about how to address gaps and efficiently and effectively distribute legal resources and services in the state.

#### **Communications & Resources**

To be effective, the governance system must have sufficient resources to support the state's collaborative priorities (in addition to the funding to support individual organizations and projects). Efforts to increase funding for access to justice often require coordinated communications and education campaigns that raise awareness about the importance of access to justice efforts, legal aid, and fairness in the civil justice system.

- Resources and staff capacity to support a jurisdiction's coordinated work, including capacity for coordinated assessments, planning, and evaluation of access to justice efforts.
- Coordinated efforts to fill identified gaps and increase funding for access to justice in a state.
- Coordinated communications campaigns that educate the public and decision-makers about the importance of access to justice efforts, legal aid, and fairness in the civil justice system.

# **Legal Resources & Services Components**

Justice for all requires a comprehensive set of resources and services that include self-help information and forms, assistance from trained navigators and community partners, and legal assistance and representation by licensed lawyers. This is often referred to as a "continuum of services." Key components include:

- Self-Help Information and Forms
- Systemwide Tirage and Referrals
- Representation from Lawyers, Including Brief Services and Limited Scope Representation
- Assistance from Navigators and Other Professionals Who Are Not Lawyers
- Community Education and Prevention
- Appropriate Alternative Dispute Resolution

### **Self-Help Information & Forms**

Most people who appear in civil cases are self-represented. In that context, justice for all cannot be achieved without comprehensive, widely available, and user-friendly legal information and forms. Self-help information and forms also make it easier for pro bono lawyers and professionals who are not lawyers to efficiently assist individuals who would otherwise proceed without any help.

- A comprehensive, centralized, and widely available set of self-help forms, instructions, and information:
  - Prioritize areas of the law in which litigants are most likely to be self-represented.
     For example: family law, housing law, and consumer law
  - Include resources to help litigants understand
    - The applicable law
    - Which courts hear which cases
    - Legal processes, including process flow charts
    - How to prepare and present a case at trial
    - Compliance and other post-judgment issues
    - Plain language definitions of legal terms
  - Collaboratively develop, improve, and update based on priorities and processes agreed to by the courts and other access to justice stakeholders
  - Universally implement and adopt (even in decentralized systems)
  - Easy to find and available online, optimize for mobile viewing, and in hard copy at courthouses, self-help centers, and with other legal and community providers that assist self-represented litigants

- Materials that are accessible, user-friendly, and written in plain language
- Automated forms that ask users guided questions and use the answers to tailor additional questions and generate a customized form ready for filing (e.g., Turbo Tax ©)
- Materials informed by systematic feedback from users, community and legal providers, and self-help center staff

#### Systemwide Triage & Referrals

Strong relationships and networks are needed to ensure that individuals with civil legal needs are directed to the appropriate information and services, regardless of where they seek help, including from community-based providers and other trusted institutions, such as food banks, libraries, and churches. A "no wrong door" approach requires an effective, systemwide triage and referral system that matches a person's legal need with the appropriate resource or service. An effective triage and referral system will be easy to use for people seeking legal information and services, the community partners assisting them, and legal services providers making referrals to and from each other.

- A comprehensive and regularly updated inventory of existing legal resources and services that
  - includes provider and service profiles with clear descriptions of services provided and intake protocols.
  - o is widely shared among legal providers and community partners.
- A centralized referral system (that may also include centralized intake) or, at a
  minimum, transparent and widely shared protocols for referrals to and among providers,
  with focused efforts on eliminating ineffective referrals that do not result in assistance.
  - Support for referral systems that include websites, hotlines, and email or live chat services.
- A network of community partners that are supported in helping people find information about legal problems, understand options for addressing legal problems, and locate appropriate and available resources and services.
- Consistent and ongoing outreach, information sharing, and cross-training among and between legal and community partners regarding the availability of relevant information and services and how to access those resources
- Community resources and services that are integrated into legal referral systems and vice versa.

#### **Representation from Lawyers**

Justice for all demands legal representation through well-resourced and coordinated civil legal aid providers, pro bono programs, and affordable market-based options. Legal representation should include a full spectrum of services including legal advice, limited scope representation, and full representation through trial, settlement, or other final resolution of a case. Justice for all necessitates that full representation be available when the legal issue is particularly complex, where the stakes are particularly high, or where mental health, age, learning disabilities or other capacity issues impede the person's ability to effectively use other resources and services.

#### **Key Elements**

- Coordinated programs to recruit, train, mentor, and support pro bono attorneys.
- Limited scope representation (LSR). LSR includes assistance with discreet tasks, also referred to as brief services and unbundled legal services, as well as diagnostic services, counsel and advice, legal research, document drafting, representation in negotiations, assistance with evidence gathering and preparation, and representation in discrete courtroom appearances. Support for LSR includes:
  - Adoption of rules that support the practice.
  - Education of the judiciary regarding the importance of LSR.
  - Attorney recruitment.
  - Training, resources, and communities of practice to support LSR attorneys.
- Ongoing identification of effective and innovative pro bono, legal aid, and market-based delivery strategies.
- Capacity to engage in impact litigation that increases access to justice.
- Consideration of right-to-counsel initiatives in cases that involve basic human needs.

# Assistance from Navigators & Professionals Who Are Not Lawyers

For many individuals without access to lawyers, self-help materials are essential but insufficient. Individuals may need help navigating to the appropriate resources and materials, explanations of basic processes, and general guidance. Many of these functions can be performed by trained professionals who are not lawyers. This preserves scarce and more expensive legal representation for the most complicated and consequential cases. Types of information and assistance that can be effectively provided by professionals who are not lawyers, include:

- Help selecting and preparing forms.
- Provision of relevant legal information.
- Explanations of basic court processes, including where to go and when.
- Help accessing additional legal assistance and social services.

- · Court accompaniment.
- Explanation of court orders and other legal documents.

#### **Key Elements**

- Staffed self-help centers
  - o in or near courthouses
  - o in the community with trusted partners
  - online with remote assistance provided
- Other navigator services

#### **Community Education & Prevention**

Coordinated community education and prevention programs ensure that community members have the legal information and services they need to understand common legal rights and responsibilities and identify and prevent legal issues before they arise or escalate into legal conflicts. Effective community education and prevention requires strong relationships with community partners and an understanding of the places that people most often go to for help with legal-related issues. Important partners include:

- Community-based organizations, service providers, and advocates, including in the areas of housing, senior services, disability rights, domestic violence, food security, and childcare
- Health care providers
- Public benefits and social service organizations
- Schools
- Libraries
- Churches and faith-based organizations
- Emergency responders

- A robust and shared understanding of where low-income individuals commonly go for information and help.
- Collaborative partnerships between legal and community organizations and service providers that include:
  - Consistent information sharing and cross-trainings.
  - Coordinated community outreach and education on legal topics frequently encountered by low-income community members.
  - Coordinated development of information and tools that assist in early issue identification.
- Collaborative advocacy on laws, policies, and practices that increase access to justice.

#### **Appropriate Alternative Dispute Resolution Options**

Alternative dispute resolution (ADR) can provide opportunities for parties to resolve legal issues outside of court. When carefully designed to include appropriate screening, ADR permits parties to maintain more control over outcomes, weigh trade-offs, and shape key terms of the resolution. ADR preserves limited court resources for cases that cannot be resolved by or are not appropriate for – ADR and may also lead to faster case resolution.

#### **Key Elements**

- Plain language information about ADR options and processes.
- Appropriate information about and screening for power imbalances that could lead to unjust outcomes.
- Clear codes of ethics for individuals providing ADR services.
- Exploration of remote access through online ADR options.

### **Courts Component**

#### **User-Friendly & Accessible Courts**

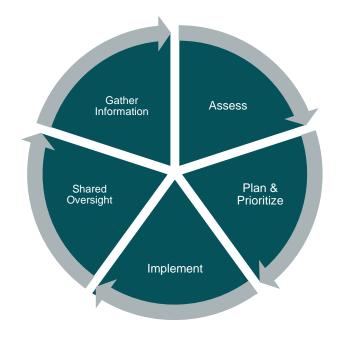
Justice for all requires court systems that are organized and resourced to service the significant number of individuals who navigate cases without the assistance of lawyers. User-friendly courts have simplified rules and processes, offer self-help services, and train judges and staff on how to interact with individuals who are not represented by a lawyer.

- Self-help services that are treated and funded as core functions of the court system.
- Judicial leadership on access to justice issues.
- Judicial education and court staff education that
  - o adhere to adult learning best practices.
  - o cover topics including:
    - Engaging effectively with SRLs
    - Resources, services, and referrals for SRLs
    - Information versus advice (for court staff)
    - Procedural fairness (for judges)
    - Accessibility issues and resources, including language access and disability access
    - Diversity, equity, and inclusion
- Court processes and rules are standardized and simplified to reduce the burden on selfrepresented litigants.

# A Model JFA Process

Each state has a unique set of circumstances, relationships, and resources that inform the best way to engage with these JFA materials and tools. In general, justice for all demands an ongoing process of improvement that includes shared oversight, information gathering, assessment, planning and prioritization, and implementation.

The process should be ongoing and informed by current realities. Yet participants should keep in mind the ultimate vision of a system in which every person has access to the information and assistance they need to address essential civil legal needs, when and where they need it, and in a format they can use.



How much initial time and resources are dedicated to each step depends on a state's unique circumstances. For example, some states may have funding to hire a consultant to oversee a comprehensive planning process, while others may not have the resources for extensive information gathering and assessment stages. Some states may already have up-to-date legal needs studies, inventories of available legal resources and services, and sources of community and user feedback. Information gathering and assessment may be relatively easy for these states. States without an existing access to justice committee or other body may need to spend more time initially creating a shared oversight structure or other support systems. The model process should be adapted to the circumstances, resources, and needs of the state.

# Shared Oversight - Assembling the Team

In general, states should assemble a working group to review the JFA framework and tools. They should agree on a planning process, assigned responsibilities, and a timeline. The working group could be an existing access to justice committee or subcommittee, with partners added as necessary to provide additional perspective and input.

Early questions to consider regarding oversight may include:

- Can an existing leadership team, working group or subcommittee oversee the planning process, or should a new one be created?
- Do new partners need to be invited to participate in the process?
- Is the right team assembled to ensure engagement and buy-in for later implementation of agreed-upon priorities?
- How and how often should the working group or subcommittee communicate to a larger group of access to justice partners in the state, including but not limited to an existing access to justice committee?

The team will be responsible for overseeing the planning process.

# Information Gathering

During the information gathering stage, partners assemble, update, and share information about the current access to justice landscape in the state. Ideally, information gathering would include:

- Legal needs, including recent legal needs studies, intake statistics, and court case statistics.
- An inventory of currently available legal information, resources, and services.
- User and community experiences and feedback, which can be attained by existing or new surveys, focus groups, community meetings, and community advisory counsels.
- An understanding of the formal and informal networks by which low-income individuals and other vulnerable populations get information and assistance (including non-legal community-based organizations), for example through geospatial analyses of the services and networks currently available.
- Population characteristics using publicly available data sets.

In states without existing data or capacity to engage in significant information gathering, this stage can be as simple as a facilitated meeting, set of meetings, or portion of a meeting during which diverse access to justice stakeholders share what they know about the needs of low-income litigants and the availability of resources and services in a jurisdiction. This discussion could be organized around the questions asked in the <u>JFA diagnostic tool</u>, which are discussed in more detail below.

#### Assessment

The assessment stage includes an analysis of a state's progress toward justice for all using the <u>JFA framework</u> and the available data and information. Assessment stages should involve diverse partners collaboratively evaluating the strengths, weaknesses, opportunities, and

A Model JFA Process

threats in working toward justice for all. Assessments could take the form of a formal written report, informed by feedback from and discussions with partners, or they may be documented in minutes from facilitated meetings.

Some states may find the <u>JFA diagnostic tool</u> a useful basis for discussion and analysis during the assessment stage. Based on the JFA framework, the tool asks users questions about their satisfaction with the range of resources, services, relationships, and support systems necessary to achieve justice for all. The tool provides a customized report based on answers to the questions, with a curated list of potential access to justice activities a state may want to prioritize, including useful links to additional resources, best practices, and examples. The tool may be particularly helpful in states in the early stages of coordinating access to justice work and where stakeholders are unsure about where to focus future coordinated efforts.

# **Planning and Prioritization**

The planning and prioritization stage will use the assessment as a basis to reach consensus on priority activities, including meaningful and achievable commitments to outcomes over a designated period, typically one to three years. Ideally, the planning and prioritization process includes:

- Participation by important JFA partners, including but not limited to access to justice committee members.
- Agreement on the factors and principles used to prioritize collaborative work.
- A written plan that includes:
  - timelines for completing prioritized work.
  - o assignment of responsibilities for overseeing and completing the work.
  - performance measures for tracking progress on work. These measures can be used to inform later assessment and planning efforts.
- Agreement on how to use and revise the plan as a part of ongoing governance and oversight.

The ABA's website contains examples of access to justice commissions' strategic plans.

# Implementation and (Revisiting) Shared Oversight

During the implementation and shared-oversight stage, the appropriate oversight body should track and report on the progress in implementing the agreed-upon priorities. This often happens through an established access to justice commission. Proper oversight and reporting systems are what distinguish plans that result in meaningful progress from plans that gather "dust on shelves." Ongoing oversight may include working groups that oversee, monitor, and report on specific priorities in the plan. In some states, it will make sense for the working groups to be a subcommittee of the access to justice committee. The oversight structure

A Model JFA Process

should include regular progress reports and suggestions for necessary adjustments. This doesn't have to be a cumbersome process. For example, the access to justice commission or other oversight committee can simply start each meeting with a rearticulation of their strategic priorities and then dedicate a portion of each meeting to reporting on progress related to those priorities.

As implementation is occurring, shared oversight and shared learning should inform the next cycle of assessment and planning, resulting in serial improvements.

A Model JFA Process

# Appendix: Resources, Examples & Best Practices by Component

# **Collaboration Components**

#### **Governance & Planning**

#### Access to Justice Commissions

For information about creating and supporting access to justice commissions, visit the ABA's website dedicated to <u>access to justice commissions</u>. The site includes state-by-state comparisons of existing commissions and:

- considerations for <u>launching a new access to justice commission</u>.
- hallmarks of an effective access to justice commission.
- access to justice commission self-assessment materials.
- links to many commissions' strategic plans.
- information on staffing access to justice commissions.

For an example of a recently adopted commission, informed in part by the JFA initiative, see the Michigan Supreme Court <u>Justice for All Commission</u>.

#### Effective Meetings

For general guidance on making the most of your commission meetings, see NCSC's Planning for and Leading Engaging and Effective Meetings Webinar.

#### Diversity, Equity, and Inclusion

Like many organizations and businesses, access to justice commissions across the country are increasingly looking internally at how they might strengthen commitments to equity, diversity, and inclusion. <u>Visit the ABA's Diversity, Equity, and Inclusion Center</u> for guidance, resources, and examples for the legal profession. See also, NCSC's <u>Racial Justice Resource Center</u> for a wealth of resources on racial justice and the court system, including a <u>Blueprint</u> for Racial Justice.

#### Data

Sources of potential data and information to inform coordinated planning include:

- Legal needs studies. For examples, see the ABA's library of <u>Needs Assessments and</u> Impact Studies.
- Publicly available datasets from prominent government, non-profit, and commercial sources to better understand the population characteristics and vulnerabilities in the jurisdiction. For an introduction to multiple sources of relevant data and research, visit the <u>Research & Data</u> page of LSC's website.
- Geospatial analyses of needs, services, and technological, social, and economic
  infrastructure. For examples of informative uses of GIS mapping, see the SelfRepresented Litigation Network's list of <u>Mapping and GIS Resources</u>. For examples of
  two mapping projects that informed access to justice priorities in those states, see
  Louisiana's Justice for All Story Map and Alaska's Justice Ecosystem Story Map.

For more information, generally, about the importance of assessments for Access to Justice Commissions, see the ABA's <u>Framework for Outcome Evaluation of Commission</u> Projects.

#### Community Feedback

For examples of jurisdictions that have gained meaningful feedback by conducting robust community listening sessions, see the <u>Community Listening Project</u> conducted by the DC Consortium of Legal Services Providers and the Colorado Access to Justice Commission's <u>Listen and Learn</u> Report.

#### **Communications & Resources**

#### Coordinated Efforts to Increase Funding

The ABA's <u>Resource Center for Access to Justice Initiatives</u> is a good place to find information about joint fundraising efforts, including examples from other states. The NCSC website also has a page dedicated to <u>funding of access to justice efforts</u> focused on federal funding case studies. NLADA has a helpful <u>toolkit on funding civil legal aid</u>.

#### Coordinated Communications

Although no longer active as a staffed organization, <u>Voices for Civil Justice</u> maintains a library of valuable research, tips, and tools on communicating effectively about civil legal aid and access to justice, including the <u>All Rise for Civil Justice Toolkit</u>. The ABA also has a library of <u>Communications and ATJ Messaging Resources</u>, including examples of effective messaging and videos.

# **Legal Resources & Services Components**

#### **Self-Help Information & Forms**

#### Examples of Comprehensive and Centralized Libraries

For an example of a comprehensive and centralized library of forms <u>with extensive</u> <u>supporting materials and programs</u>, see the <u>forms of the California Judicial Branch</u>. For examples from a state court that serves far fewer litigants and has less dedicated funding, see the <u>Alaska Court System's self-help forms</u>.

#### Accessibility, Usability, and Plain Language

NCSC has a library of <u>webinars and supporting materials</u>. Topics covered include: <u>Accessibility for litigants with limited English proficiency, low literacy and people with disabilities; form design; and plain language</u>.

NCSC has <u>additional plain language resources</u>, including an interactive plain language legal glossary.

See also NCAJ's <u>Language Access Resources</u> and the Institute for the Advancement of the American Legal System's <u>Guidelines for Creating Effective Self-Help Information</u>.

#### **Automation**

NCSC has an informative webinar on document assembly and automation.

Many states now have examples of effective automated forms. For a few examples see:

- <u>Document Assembly: Replicable TIG Projects.</u>
- Forms created by Suffolk Law's Legal Innovation and Technology Lab in cooperation with the Massachusetts Access to Justice Commission.
- The California Judicial Branch has automated forms for many of its standardized forms. For an example see, "Fill Out Forms to Start a Small Claims Case".
- The automated forms entered into the Self-Represented Litigation Network's 2021 form competition (not all links are active).

#### User Feedback

For information about efforts to incorporate user feedback into the form design and review process, see:

- <u>User-Informed Legal Design: A Practical Guide</u>, by the Legal Services National Technology Assistance Project.
- NCSC's webinars on <u>Forms Review and Revision</u> and <u>User Testing</u>.

#### **Effective & Systemwide Referral**

#### Directories and Inventories

For an example of a comprehensive PDF directory of legal services providers organized by geography and case type see the <u>2023-2024 Referral Director</u>, <u>Legal Services and Other Resources for Low-Income Texans</u>.

For an example of an online directory that includes organizational profiles with information about eligibility and case types, see the <u>Directory of Public Interest</u> <u>Organizations in Philadelphia</u>.

For an example of a relatively simple directory search tool that allows users to search services by county and case type, see the <u>State Bar of Michigan's Legal and Law</u> Related Programs by County.

#### Centralized Referral

For an example of a website that matches user answers with automated and targeted referrals and legal information, see the <u>LawHelp Minnesota Guide</u>. For an example of a centralized intake hotline, see <u>Northwest Justice Project's CLEAR hotline</u>.

Additional background information and tools regarding centralized referral systems include:

- Online Triage and Intake: A Toolkit for Legal Aid Organizations (LSC).
- Online Intake and Triage: Replicable TIG Projects (LSC).

### Community Networks

For an example of training tools for community partners assisting with referrals, see the <u>LawHelpMN Guide: Trusted Intermediaries as Users and Facilitators.</u>

# **Representation from Lawyers**

#### Pro Bono

The <u>American Bar Association's Standing Committee on Pro Bono and Public Service</u> maintains a library of helpful <u>Pro Bono Resources</u> to support efforts to increase pro bono participation. For questions and further information, reach out directly to the Standing Committee using the link at the bottom of their <u>home page</u>.

#### Limited Scope Representation

Resources for jurisdictions looking to build, expand, or improve limited scope representation, include:

- The <u>ABA's resources</u> on the topic, including a list of <u>state rules on unbundling</u> and a <u>Handbook on Limited Scope Legal Assistance</u>.
- The Institute for the Advancement of the American Legal System's <u>Unbundled Legal</u> Services Resources.

Examples of local efforts to support limited scope representation include:

- A Limited Scope Representation Toolkit created by the Illinois Supreme Court Commission on Access to Justice, the Chicago Bar Foundation, Justice. Entrepreneurs Project, The Lawyers Trust Fund of Illinois, and The Chicago Bar Association.
- Comprehensive <u>Limited Scope Representation Resources</u> created by the Louisiana State Bar Association Access to Justice Commission.

Additional resources and examples can be found on the <u>Self-Represented Litigation</u> Network's Unbundling Page.

#### Ongoing Innovation and Reform

Access to justice commissions should encourage commission members to stay engaged with relevant national forums, committees, and conferences and to report back on promising new projects and practices. National resources include:

- The ABA/NLADA <u>Annual Equal Justice Conference</u>.
- The <u>ABA's Standing Committee on Legal Aid and Indigent Defense</u> and the ABA's Standing Committee on Pro Bono & Public Service.
- The ABA's Pro Bono News and Information Page.
- LSC's Model Practices and Innovations Page.
- <u>LSC's Events Page</u>, which includes information about upcoming conferences like the Innovations in Technology Conference.

#### Impact Litigation

For an example of an insightful discussion about impact litigation (and other systemic advocacy), see the D.C. Access to Justice Commission's "Systemic Advocacy" chapter in <u>Delivering Justice: Addressing Civil Legal Needs in the District of Columbia</u> (pp. 58-63). For examples of one provider's robust impact litigation efforts, see <u>Columbia Legal Services</u>' Resource Library.

Other resources on impact litigation include:

- The Legal Impact Network (Shriver Center on Poverty Law).
- NLADA's Strategic Advocacy Initiative.

#### Right to Counsel

To learn more about state and national efforts to secure a civil right to counsel, see the ABA's <u>Civil Right to Counsel Resources</u> and the <u>National Coalition for a Civil Right to Counsel.</u>

### Assistance from Navigators & Professionals Who Are Not Lawyers

#### Self-Help Centers

There are many valuable resources for jurisdictions considering building or expanding self-help centers, including NCSC's 2023 report, <a href="Court-Based Self Help Centers: National Survey Findings, Recommendations, and Best Practices">Center Findings, Recommendations, and Best Practices</a> (with Massachusetts Appleseed Center for Law & Justice). For state-specific examples of self-help center resources and best practices, see:

- The California Judicial Branch's <u>Self-Help Program Operations Resources</u>, including staff training materials.
- The New York State Court's Best Practices for Court Help Centers: A Guide for Court Administrators and Help Center Staff Inside and Outside New York State.

Additional information and resources can be found under the <u>Self-Help Centers Topic</u> on the Self-Represented Litigation Network website.

### Navigator Services

Resources for jurisdictions looking to expand or improve services by navigators and other professionals who are not lawyers include:

- The Justice Lab's (Georgetown Law Center) <u>Nonlawyer Navigators in State Courts: An Emerging Consensus</u> and <u>Update</u>.
- The Institute for the Advancement of the American Legal System's <u>Allied Legal Professional Resources</u> (IAALS, University of Denver).
  - <u>An Evaluation Framework for Allied Legal Professionals: Assessing Improvements in Access to Justice</u> (NCSC, State Justice Institute).

For an example of a court-based navigator program see <u>New York City Housing Court's program</u> page. For an example of community partnerships using trained non-lawyer services, see Alaska Legal Services Corporation's <u>Community Justice Worker Program</u>.

### Community Partnerships, Education, & Prevention

#### Understanding the Community Landscape

For examples of work to better understand community resources and relationships, see:

- The Self-Represented Litigation Network's list of <u>Mapping and GIS Resources</u>, including <u>Alaska's Justice Ecosystem Story Map</u> and <u>Louisiana's Justice for All Story Map</u>.
- The DC Consortium of Legal Services Providers' Community Listening Project.
- Columbia Pubic Health's <u>Social Network Analysis Resources</u>.

For general information about building community relationships, see:

- The University of Kansas' <u>Community Toolkit</u>.
- The Urban Institute's <u>Community Engagement Methods: Fostering Partnerships for Community Engagement</u>, Community Voice and Power Sharing Guidebook.

#### Community Partnerships

For examples of programs and tools created to assist community partners in identifying, preventing, and assisting people with legal issues see:

- The Minnesota Justice for All Project's Report, <u>Minnesota's LawHelpMN Guide: Trusted Intermediaries as Users and Facilitators</u> (also an example of coordinated referral).
- Alaska Legal Services Corporation's <u>Community Justice Worker Program</u> (also an example of a non-lawyer navigator program).
- The Massachusetts Access to Justice Commission's <u>Community Partners Eviction</u> Training.
- The Alliance for Equal Justice's COVID-19 Legal Issues Checklist.
- Legal Link's <u>Legal First Aid Training</u>.

<u>Medical legal partnerships</u> are one example of a well-developed and replicable community-legal collaboration. Additionally, in many jurisdictions, domestic violence shelters, advocates, and lawyers have decades of experience working in partnership to effectively assist survivors. These models can be used as a basis for learning and building collaborations in additional communities and areas of the law.

# **Appropriate Alternative Dispute Resolution Options**

Both the <u>ABA</u> and the <u>NLADA</u> have research and tools worth considering when designing ADR programs. For an example of one jurisdiction exploring best practices in ADR, see Lubbock County's <u>Mediation and Mental Health Best Practices Handbook</u>. For an example of a diversion program, see <u>Alaska's Early Resolution Triage Program</u>.

# **Courts Component**

#### **User-Friendly & Accessible Courts**

#### Judicial and Court Staff Education

The following resources are available for jurisdictions looking to develop or improve education for judges and staff:

- NCSC's Procedural Fairness Resources.
- SRLN & NCSC Judicial Curriculum for Cases Involving Self-Represented Litigants.
- Institute for the Advancement of the American Legal System's <u>Ensuring the Right to</u>
   <u>Be Heard: A Guidebook for Trial Judges in Cases Involving Self-Represented</u>
   <u>Litigants</u>.

In addition, the Judicial Branch of California has created many resources to support judges and staff in working effectively with self-represented litigants, including <a href="Handling Cases">Handling Cases</a> <a href="Involving Self-Represented Litigants: A Benchguide for Judicial Officers">Involving Self-Represented Litigants: A Benchguide for Judicial Officers</a> and <a href="Procedural Fairness Report and Assessment Tool">Procedural Fairness Report and Assessment Tool</a>, both of which have been adapted for use in other jurisdictions.

#### Process and Rule Simplification

Examples of simplification efforts and resources include:

- Improving appearance rates by adopting best practices for remote hearings (see NCSC's <u>Remote Proceeding Toolkit</u>), offering alternative court hours (see NCSC's <u>Alternative Court Hours Toolkit</u>), and other efforts that ease barriers to appearance (see NCSC's Appearance Rate Resources).
- Simplifying and modernizing service of process rules and forms (see <a href="NCSC's Service Modernization Brief">NCSC's Service Modernization Brief</a>).
- Simplifying hearings in high-volume courts, for example through <u>Informal domestic</u> <u>relations trials</u> and other <u>family law simplification</u> efforts.
- Creating user-friendly options for e-filing by self-represented litigants (see NCSC's report, Self-Represented E-Filing: Surveying the Accessible Implementations).
- SJI's Family and Civil Justice Reforms.
- NCSC recommendations for Kansas, Nebraska, and Vermont.