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**Component Assessment: Full Representation**

Key Elements

The responses to this assessment provide a snapshot of full civil legal representation in your state. All responses are meant solely to inform assessment of this component.

Key elements of **Full Representation** include:

* Assessment of existing service capacity in the state, factoring in geographic differences;
* Identification of effective pro bono, civil legal aid and market-based delivery strategies with potential for replication/scaling;
* Training and mentoring pro bono volunteers, both on substantive issues and on how to work with low-income clients;
* Building triage and referral systems to identify when full representation is needed or required and ensuring traditional and non-traditional stakeholders know how to make referrals for full representation;
* Advancing right-to-counsel initiatives, coupled with self-help, in cases involving basic human needs;
* Training and assistance with implementation of best practices for improving internal office automation and efficiencies, as well as client and court-facing interactions; and
* Incorporation of litigation strategies that have the potential to impact many people and decrease the need for full representation in the future.

Need

1. Is full representation available in your state?

[ ]  Yes [ ]  No [ ]  Unsure

Additional information:

Remarks on strengths and gaps:

1. To what degree is full representation available at the county level?

*Tips:* Suggested sources of information include reported service areas, attorney density data and court records.

[ ]  No counties [ ]  Few counties [ ]  Half of counties [ ]  Most counties [ ]  All counties

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. What is your best estimate of the demand for full civil legal representation?

*Tips:* Suggested sources of information include legal aid referrals and other intake, full service pro bono referrals/intake, private bar full representation case numbers (not pro bono or legal aid).
Please provide a brief explanation of your calculation in the notes below.

Number or % of households in need of full civil legal representation:

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Response

1. What is your best estimate of how much of the demand has been met?

*Tips:* Suggested sources of information include legal aid cases accepted, full service pro bono cases accepted, private bar cases (note: it will likely be difficult to get accurate private bar numbers).

Number or % of households with full civil legal representation:

*Percentage*:

To calculate the percentage below =

Number or % of households with full civil legal representation *divided by*

Number or % of households in need of full civil legal representation (Question 3).

Please provide a brief explanation of your calculation below under “Additional information”.

Percentage:

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. What case types have full representation available? (select all that apply)

*Tips:* Asuggested source of information is court statistics and caseloads. Please indicate any distinctions within contract cases below under “Additional information”.

[ ]  Contract (includes landlord/tenant, debt collection & mortgage foreclosure)

[ ]  Small Claims

[ ]  Tort

[ ]  Probate

[ ]  Real Property

[ ]  Mental Health (includes civil commitment, guardianship)

[ ]  Family (includes divorce, protection orders)

[ ]  Other

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Technology Integration

1. Is full representation available remotely (via video or telephone)?

*Tips:* Suggested sources of information include court rules allowing remote appearances and private attorney surveys. Please identify any barriers below under “Additional information”.

[ ]  No counties [ ]  Few counties [ ]  Half of counties [ ]  Most counties [ ]  All counties

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. Is technology being optimized (e.g., technology utilized to the extent possible where practicable and feasible)?

*Tips:* Suggested sources of information include opinion surveys from private bar, legal aid, court staff and judges as well as client focus groups or interviews. States might also identify additional examples of technologies. Please discuss any limitations in broadband access and infrastructure challenges below under “Additional information”.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Never** | **Rarely** | **Sometimes** | **Often** | **Always** |
| ***Administration***  |  |  |  |  |  |
| Case management tools | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Litigation e-tools (discovery, filing) | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Work & data-sharing tools | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Other:       | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| ***General Education/Information***  |  |  |  |  |  |
| Communication tools (email/text notices) | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Information-sharing tools (websites) | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Other:       | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| ***Service Delivery***  |  |  |  |  |  |
| Remote communication tools (video conference) | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Case resolution tools (online dispute resolution) | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Other:       | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Language

1. Are language access supports and services provided?

*Tips:* Respondent might replicate this question for “in court” and “out of court” or discuss any distinctions in the notes below under “Additional information”. Suggested sources for “in court” information include a language access plan, policies and protocols and language services available. “Out of court” sources may include law office policies and protocols, language services and state-level language coalitions/access to justice commissions. The Justice Index: Language Access Index might also inform responses to this question.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| ***Services & Supports*** | **Never** | **Rarely** | **Sometimes** | **Often** | **Always** |
| Interpretation (in-person, certified) | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Translated materials (signage, orders, general information) | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Bilingual employee support | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Training | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Outreach | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Other:       | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. Does full representation reflect plain language principles and practices?

*Tips:* Example: Communications are concise.

Visit [plainlanguage.gov](https://plainlanguage.gov/) for additional examples of plain language principles and practices. Respondent might replicate this question for “in court” and “out of court” or discuss any distinctions below under “Additional information”.

Suggested sources for “in court” information may include policies and protocols around plain language and a survey on the existence and use of plain language tools and resources. “Out of court” may include law office policies and protocols, plain language services/tools/resources, surveys on the existence and use of plain language tools and resources.

[ ]  Never [ ]  Rarely [ ]  Sometimes [ ]  Often [ ]  Always

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Special Populations

1. Does full representation comply with disability access requirements?

*Tips:* Respondent might replicate this question for “in court” and “out of court” or discuss any distinctions in the notes below.

Suggested sources for information include state accommodations compliance and rules, evaluations and reports on compliance status. The Justice Index: Disability Access Index might also inform responses to this question.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| ***Access Requirements*** | **Never** | **Rarely** | **Sometimes** | **Often** | **Always** |
| ADA[[1]](#footnote-1) Title 1: Employment | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| ADA Title 2: State and Local Government Services | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| ADA Title 3: Public Accommodations | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| ADA Title 4: Telecommunications | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| ADA Title 5: Miscellaneous | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Rehabilitation Act, Section 504 | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. Are safeguards in place for vulnerable populations? (For example, individuals with trauma, cognitive impairment, learning disabilities, homebound, etc.)

*Tips:* Suggested sources of information include opinion surveys from private bar, legal aid, court staff, judicial officers, client focus groups and interviews and community and social service provider interviews or focus groups.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| ***Safeguard*** | **Never** | **Rarely** | **Sometimes** | **Often** | **Always** |
| Trauma-informed responses | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Accommodations for remote appearances | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Appropriate modalities to support user comprehension and participation | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Additional time for client review | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Confidentiality practices | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Other:       | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Ecosystem Ties & Voice

1. Are principles of diversity, equity, and inclusion being applied to content development and/or service delivery? (e.g., Does representation reflect cultural sensitivity? Is language gender-neutral? Is the impact of bias being considered?)

*Tips:* Suggested sources of information include opinion surveys from private bar, legal aid, court staff, judicial officers, client focus groups and interviews and community and social service provider interviews or focus groups.

Respondents may discuss content development and service delivery separately.

[ ]  Never [ ]  Rarely [ ]  Sometimes [ ]  Often [ ]  Always

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. What financing structures are in place to support full representation? (select all that apply)

*Tips:* Suggested sources of information include interviews with private bar, legal aid and pro bono program representatives.

[ ]  Budget line items

[ ]  Fees

[ ]  Private funding

[ ]  Grants

[ ]  Endowment

[ ]  None

[ ]  Other

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. Is financing for full representation sustainable (able to be maintained at a certain level)?

*Tips:* Suggested sources of information include interviews with private bar, legal aid and pro bono program leadership representatives.

[ ]  Yes [ ]  No [ ]  Unsure

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. How does the access to justice governance/leadership support full representation? (select all that apply)

*Tips:* Suggested sources of information include opinion surveys from private bar, legal aid, court staff and judges; strategic plans; bar association/law school information on incubators and other incentive programs (e.g., rural fellowships) developed to support representation.

[ ]  Promoting full representation programs

[ ]  Funding

[ ]  Marketing

[ ]  Support legal aid initiatives

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Measurement

1. What data do you collect on full representation? (select all that apply)

*Tips:* Suggested sources of information include legal aid, bar and court collection manuals.

[ ]  Number of attorneys

[ ]  Number of referrals

[ ]  Cases with representation

[ ]  Case type use

[ ]  Number of pro bono cases

[ ]  No data is collected

[ ]  Other (can add multiple options):

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

16 .i. How is the data used to inform access to justice strategy/policy?

16.ii. Who sees the data?

1. Are there accepted practices for documenting full representation?

*Tips:* Examples of accepted practices include uniform data definitions, collection techniques and collection frequency.

Suggested sources of information include legal aid, bar, court and collection manuals.

If yes, please explain practices below under “Additional information”.

[ ]  Yes [ ]  No [ ]  Unsure

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Cumulative Component Assessment

Please score your overall progress on Full Representation based on the compiled information and additional data used to inform this assessment. The scoring should use the following scale:

**None:** In this category, component key elements, content or services are not available; no data is being collected; there is no sustained funding and there are many gaps to providing this service or content.

**Minimal levels:** In this category, very little demand for component key elements, content, or services is estimated to be met, potentially only in a few counties. There may be only a few (1-2) case types or litigation stages in which component key elements, content, or services are available. The majority of responses focusing on technology, language supports, access requirements, and safeguards, are ‘Rarely’ with a few ‘Sometimes’ selections. There are limited examples of diversity, equity, and inclusion as well as weak, unsustainable financing structures and data collection practices.

**Partial:** In this category, it is estimated that between a quarter and half of the demand for component key elements, content, or services is estimated to be met. Component key elements, content or services may not be statewide and in less than half of all counties. There may be only three to four case types and few litigation stages in which component key elements, content or services are available. The majority of responses focusing on technology, language services, access requirements and safeguards are ‘Sometimes’ with a few ‘Rarely’ or ‘Often’ selections. Additionally, only a few examples of diversity, equity and inclusion are present. Financing structures are somewhat stable while data collection is sporadic and rarely informs strategy or policy.

**Sufficient:** In this category, it is estimated that more than half of the demand for component key elements, content or services is being met. The component key elements, content or services may exist statewide and if not statewide, in many of the counties. Component key elements, content or services are provided to most case types and at multiple stages in the case. The majority of responses focusing on technology, language supports, access requirements, and safeguards are ‘Often’ with a few ‘Always’ or ‘Sometimes’ selections. Additionally, there are more than 2-3 examples of diversity, equity, and inclusion present. Stable and sustainable financing structures are listed; data collection may be established and occurring but there is room for advancement in how it informs the design, delivery and sustainability of the component.

**Advanced:** In this category, greater than 75% of the demand for component key elements, content or services is being met. The component key elements, content or services are statewide and are provided to almost all cases and at every feasible stage in the case. The majority of responses focusing on technology, language services, access requirements and safeguards are ‘Always’ with a few ‘Often’ or ‘Sometimes’ selections. Additionally, there are numerous examples of diversity, equity, and inclusion. Financing structures are described as robust and sustainable. Data collection and sharing occur regularly to inform component design and delivery with strong feedback loops in place to guide future development.

*Overall progress on Full Representation:*

[ ]  None [ ]  Minimal levels [ ]  Partial [ ]  Sufficient [ ]  Advanced

1. Americans with Disabilities Act. For more information on ADA access requirements see, <https://www.ada.gov/>. [↑](#footnote-ref-1)