





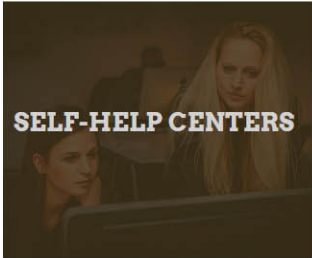




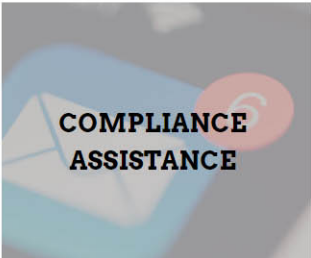
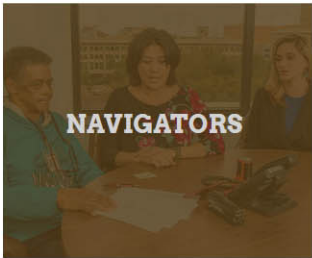




# JUSTICE FOR ALL

## COMPONENTS

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|---|---|--|
|  <p><b>CONSUMER NEEDS &amp; EXPERIENCE</b></p>       |  <p><b>JURISDICTIONAL INFRASTRUCTURE</b></p>         |  <p><b>STAKEHOLDER CAPACITY</b></p>    |
|  <p><b>EMERGING PRACTICES &amp; INNOVATIONS</b></p> |  <p><b>JUDICIAL &amp; COURT STAFF EDUCATION</b></p> |  <p><b>COMMUNITY INTEGRATION</b></p>  |
|  <p><b>SELF-HELP CENTERS</b></p>                   |  <p><b>PLAIN LANGUAGE FORMS</b></p>                |  <p><b>TRIAGE &amp; REFERRAL</b></p> |
|  <p><b>ALTERNATIVE DISPUTE RESOLUTION</b></p>      |  <p><b>COURTROOM ASSISTANCE SERVICES</b></p>       |  <p><b>COMPLIANCE ASSISTANCE</b></p> |
|  <p><b>NAVIGATORS</b></p>                          |  <p><b>LIMITED SCOPE REPRESENTATION</b></p>        |  <p><b>FULL REPRESENTATION</b></p>   |

## Consumer Needs and Experience

This component is designed to help inventory how stakeholders learn about the public's needs and experiences in and outcomes from the civil justice system. One of the unique aspects of the JFA Initiative is the focus on the individual user's experience as part of this systemic strategic planning. The JFA project team is urged to collect data on how various stakeholders incorporate user experience in their own unique work, as well as perhaps taking on the more complicated and challenging task of collecting baseline data of how the public is experiencing the civil justice system before the implementation of JFA reforms. This will provide important baseline data for subsequent evaluation and impact analysis.

### *Key Elements:*

- Strong feedback loops with the public, service providers and other community partners;
- User-focused quantitative and qualitative data measures identified and captured;
- Utilization of publicly available datasets from prominent government, non-profit, and commercial sources to better understand the population characteristics and vulnerabilities in the jurisdiction;
- Geospatial analysis; and
- Mechanisms for integrating user voice in strategic and operational access to justice decisions.

## Jurisdiction Infrastructure

This component prompts inventory of the existing legal and community providers that affect the civil access to justice system in your jurisdiction. State and local profiles of how the courts, legal aid and the bar are structured and interact will help all stakeholders better understand opportunities and limitations. Community assets and challenges—such as broadband capacity, courthouse locations compared with service provider locations, and available transportation options—are also important to inventory. As the inventory is developed, legal and community providers should also document identified potential innovations and reforms that would lead to a more efficient and meaningful infrastructure.

### *Key Elements:*

- The infrastructure should include all civil access to justice stakeholders (traditional and non-traditional);
- The profiles should include state- and local-level information, where possible; and
- The project team should document current technological, social, economic and transportation infrastructure and identify issues for consideration in planning, e.g., rural areas with inadequate broadband to support video or consistent web-based services.

## Stakeholder Capacity and Governance of Traditional Stakeholders

This component provides insights into the capacity and structure of all stakeholders engaging in the JFA process. Understanding more about the capacities and activities of stakeholders can inform what practical roles they can take in access to justice activities. For instance, courts cannot undertake substantive law reform, although community groups can. Likewise, LSC grantees cannot handle class actions, but private attorneys can. As a robust continuum of legal help develops under JFA, the role and capacity of each stakeholder within the continuum will become more clearly defined.

### *Key Elements:*

- Established forum and process for collaboration among stakeholder groups;
- Clear understanding of access to justice roles and responsibilities within and among stakeholder groups; and
- Dedicated attention to funding, resources and partnerships to support growing stakeholder and ecosystem capacity.

## Emerging Practices and Innovations

This component asks the project team to mark the frontier of innovation today. It is an ever-developing and changing list and will differ depending on the jurisdiction and stakeholder. However, a JFA best practice is to be prepared to learn about the leading edge of change, especially with the massive transformation technology is causing in our society.

### *Key Elements:*

- Process simplification;
- Upstream interventions;
- Regulatory reform;
- Online Dispute Resolution (ODR);
- Legal portals;
- Artificial intelligence and machine learning;
- Data privacy and confidentiality;
- Electronic filing and online access to court records; and
- Cybersecurity.

## Judicial & Court Staff Education

This component focuses on the investment state and local courts make in educating judges and court staff about how to engage with SRLs ethically and effectively. For judges, education will naturally focus on the procedural and substantive framework that governs

their work, while court staff education can be framed in terms of offering the highest level of customer service possible as neutral and impartial public servants.

**Key Elements.** Education programs should follow adult learning principles, be dynamic and interactive, and address the following topics:

- Engagement with SRLs;
- Availability of court-based SRL resources, community resources and referral systems;
- Variability of approaches depending on case type;
- Cultivating access to justice leadership within the bench and leadership related to change on the bench;
- The role of judges and court staff in process simplification initiatives;
- The distinction between legal information and legal advice;
- Procedural fairness;
- Language access requirements and procedures;
- Disability access requirements and procedures; and
- Diversity, equity and inclusion.

## Community Integration & Prevention

This component contemplates integrating access to the justice system through community stakeholders and trusted intermediaries and increasing the effectiveness of their responses to users' legal issues.

Key Elements:

- There should be a robust information exchange, including cross-training;
- Community resources should be integrated into provider services;
- Information on user experience should be collected and shared across providers;
- Collaborative partnerships should be formed involving both legal and social services providers;
- Community outreach should be enabled by a robust communication strategy;
- Cross-training among organizations should take place;
- Ensure early issue identification and proactive referrals in a range of areas and between partners; and
- Educate community stakeholders and litigants about dispute resolution without legal action.

## Self-Help Centers

This component focuses on the delivery of both assisted and unassisted legal self-help to the public. These self-help services can be provided in-person or remotely; however, local access to a physical place to go for help is an important component for successful self-help.

Remote self-help centers can partner with non-legal community partners to provide local access points.

***Key Elements:***

- Provide concierge/non-lawyer navigator services;
- All information should be provided in plain language;
- Prepare instructions and flow charts on legal processes, applicable law and how to prepare for and present a case;
- Provide links to information and forms on other specific subject matters, including out-of-court resolution;
- Ensure materials are optimized for mobile viewing;
- Provide information on which courts hear what kinds of cases as well as court access (e.g., transportation logistics and parking);
- Ensure there are staffed self-help centers in or near the courthouse or otherwise accessible in the community; and
- Ensure there are multiple channels of providing information (e.g., one-on-one, workshops, online).

## Plain Language Forms

This component focuses on the implementation and maintenance of standardized, plain language forms that are available both in printed and automated formats. It is worth noting that the process around the development of plain language forms often gives rise to opportunities for procedural simplification.

***Key Elements:***

- Create a user-centered design that is grounded in process-mapping by case type;
- Ensure there are embedded plain language instructions;
- Ensure there is universal implementation and adoption of standardized plain language forms;
- Provide field testing for comprehensibility and usability;
- Ensure integration and alignment of data elements and process between forms, court and legal aid case management systems, and e-filing systems;
- Create protocols for ongoing assessment and updating of forms and related materials;
- Provide a statewide standardized plain language glossary of legal terms; and
- Provide both printed and automated versions.

## Triage & Referral

This component focuses on how providers (including courts, civil legal aid and pro bono providers and trusted intermediaries) assess and sort inquiries to best allocate resources and get people the legal help they need, when they need it and in a format they can use. By paying close attention to the triage and referral systems in place both within and among providers, it is possible to create the “no wrong door” entry to the legal system. A robust and continued triage assesses what services each individual and situation needs, and is followed by appropriate, connected and verified referrals.

### *Key Elements:*

- Create intake systems that contemplate assessment, sorting and referral needs;
- Prepare identified, consistent and transparent triage and referral protocols and practices;
- Ensure triage is supported by automation (i.e., portal);
- Make sure all stakeholders, including non-traditional ones, are aware of referral information;
- Ensure effective referrals (i.e., entity can take the matter without time, income or subject-matter restrictions precluding service); and
- Create central court and legal aid telephone hotlines and e-mail or live chat services, as well as market-based equivalents to diagnose legal issues/potential solutions and resolve less complex issues at an early stage.

## Courtroom Assistance Services

This component involves the assistance given in a courtroom at the time of a proceeding. These services can be provided by almost any of the many trusted justice system professionals, including self-help center staff, court clerks or case managers, judicial staff, non-attorney navigators, community volunteers, mediators, executive agency staff or pro bono attorneys.

### *Key Elements:*

- Adopt attorney-for-the-day services;
- Ensure there are in-person assistants, facilitators or navigators to help with the preparation of necessary documentation or information;
- Develop technology tools to support the work of assistants, such as automated forms and triage tools;
- Develop technology tools for the judges to prepare and explain final orders in the courtroom;
- Provide information and resources to explain next steps in the case and answer questions about orders entered; and

- Ensure there are referrals to additional help or services, including limited-scope legal services and social services.

## Compliance Assistance

This component addresses strategies for increasing comprehension of and compliance with legal processes and court orders. In addition, it is intended to draw attention to the importance of having adequate resources and information about post-judgment matters, such as collection, claims of exemption, ability to pay determinations, custody and support modifications, no-contact-order violations, appellate deadlines, and the like.

### *Key Elements:*

- Make written orders and compliance information available immediately after hearings;
- Ensure plain language is used in orders and judgments;
- Make translation of plain language orders and judgments available;
- Explanations should be provided by judges, court staff or other professional helpers;
- Send reminders prior to deadlines;
- Provide online tools to assist with compliance and enforcement;
- Provide FAQs on post-judgment issues; and
- Collaborate with stakeholders and users to identify common problems and ways to address them.

## Alternative Dispute Resolution

This component focuses on Alternative Dispute Resolution (ADR) and how it is integrated into the JFA case types. ADR encompasses many different activities, including mediation, arbitration, neutral evaluation and settlement conferences. It can be mandatory or voluntary. Within the context of the JFA initiative, the goal is not to deploy as much ADR as possible, but rather to examine the current use of ADR and develop safe, user-friendly off-ramps for ADR when it may be helpful in case resolution.

### *Key Elements:*

- Provide plain language information by case type about ADR modes and processes;
- Provide information about the impact of power imbalances on the success of resolutions through ADR and strategies to address these concerns;
- Make available clear codes of ethics for the non-judicial neutrals;
- Ensure access to ADR modes provided within procedural context, possibly through self-help; and



- Ensure ethically appropriate collaborations between access to justice stakeholders and ADR providers.

## Navigator (non-lawyer) services

This component assesses the development of non-lawyer navigator services, as well as the formalization of new tiers of legal providers.

### *Key Elements:*

- Navigational direction/information;
- Provide referrals;
- Assist litigants with legal and procedural information;
- Assist litigants in selecting and filling out forms;
- Court accompaniment, especially in complying with legal processes for case actions with large numbers of SRLs; and
- Feedback for service providers.

## Limited Scope Representation (LSR)

This component contemplates achieving sufficient levels of limited scope representation (also called unbundled or discrete task legal assistance) deployed at strategic points for the highest possible impact for users. Nearly every jurisdiction has amended its rules of ethics and procedure to allow for LSR in the high volume, high SRL case types. However, systematic adoption has been slow and inconsistent, and has rarely focused on building self-sustaining pipelines. See the [American Bar Association's Unbundled Resource Center](#) for comprehensive resources and guidance.

### *Key Elements:*

- Adoption of rules that support LSR;
- Full acceptance by the judiciary of the practice, and court rules and procedures to ease attorney entry and withdrawal;
- Education and advertising to recruit lawyers;
- Training and resources to support participating lawyers, including templates for representation agreements and contemporaneous record keeping;
- Community of practice for LSR attorneys to share best practices and problem-solve;
- Screening, triage and referral pipelines from self-help centers, legal aid organizations, and community partners to LSR attorneys to connect SRLs with LSR attorneys; and
- Online education and advertising connected to lawyer referral services.



## Full Representation

This component addresses how full representation fits into the JFA access to justice ecosystem. As is now well understood, tens of millions of people face an overwhelming number of civil legal problems annually, and for the most part they resolve these issues without the help of attorneys. Under these conditions, full representation must be reserved for people with circumstances that are so complex, or for which a negative outcome is so devastating, that only full representation is just.

### *Key Elements:*

- 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.