

Access to Justice Partnerships State by State

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Access to Justice Support Project

**A Partnership of the American Bar Association and
National Legal Aid and Defender Association**

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The Access to Justice Support Project is a joint project of the American Bar Association and the National Legal Aid & Defender Association. Launched in 1996 as SPAN, the State Planning Assistance Network, the project's mission is to support state-based partnerships among the bar, the courts, legal aid providers, and other stakeholders to expand access to civil justice.

This report was prepared by Project Director Robert Echols, based on information provided by state Access to Justice contacts as of March 2005. It has not been reviewed by the House of Delegates of the American Bar Association and should be construed as representing policy of the ABA.

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State Access to Justice Structures

Overview

State-level partnerships among the bar, the courts, legal services providers, law schools, and other stakeholders to improve and expand access to civil justice have been developing around the country for over a decade. The past few years have seen a rapid expansion of formal state structures dedicated to this goal. In 2005, fewer than a dozen states do not have a formal structure of this type, and most of these states have effective informal networks dedicated to the same goals.

- The most striking development over the past year has been the growing number of states with an Access to Justice commission or similar entity—a formal state-level body dedicated to expanding and improving civil legal assistance in the state, composed of appointed representatives of the bar, the judiciary, providers, and other key stakeholders. The role of Access to Justice commissions is generally to bring together representatives of the key institutions involved in improving and expanding access to civil justice for low-income people. The commission seeks to identify goals and objectives and the steps necessary to achieve them, and to oversee and coordinate the implementation of those steps. Implementation may be the responsibility of participating institutions or task forces of the commission.
- Since April 2004, five states and the District of Columbia have launched new Access to Justice Commissions, and proposals are pending in three more states:
 - ♦ The **New Mexico Access to Justice Commission** was created by the state Supreme Court in May 2004 at the recommendation of the Legal Services and Programs Committee of the New Mexico State Bar.
 - ♦ The **Arkansas Access to Justice Commission**, created by the Arkansas Supreme Court upon the recommendation of the Arkansas Bar Association, has been meeting regularly since the fall of 2004.
 - ♦ In November 2004, the Oklahoma Supreme Court created a new **Oklahoma Access to Justice Commission**, as recommended by the Oklahoma Bar Association. The Commission is charged with expanding access to justice in both the civil and criminal defense areas.
 - ♦ In January 2005, the District of Columbia Court of Appeals ordered the creation of the **District of Columbia Access to Justice Commission**, in response to a request by the D.C. Consortium of Legal Services Providers, D.C. Bar Foundation, and D.C. Bar.
 - ♦ The **New York Equal Justice Commission** met for the first time during the New York State Bar Association's annual meeting in January 2005. Creation of the Commission was supported by the state's unified court system, bar associations, and legal aid providers.

The most striking development over the past year has been the growing number of states with an Access to Justice commission or similar entity

- In March 2005, the Massachusetts Supreme Judicial Court approved a proposal to create a permanent **Massachusetts Access to Justice Commission**, as recommended in the final report of the broadly inclusive State Planning Board for Civil Legal Services, chaired by the state's former chief justice.
- In addition, proposals for the creation of new Access to Justice Commissions are pending before the Supreme Courts of **Georgia**, **Mississippi**, and **West Virginia**. The **West Virginia** proposal was developed by the state's Legal Services Symposium, the existing Access to Justice entity. Several other states are currently considering the development of a more formal Access to Justice structure.
- In 1999, only four states had active state Access to Justice entities of this type: **California**, **Maine**, **Washington** and **West Virginia**. These were joined by **Illinois** and **Montana** in 1999–2000; **Idaho** and **Texas** in 2001; **Colorado** in 2002; and **Alabama** and **Vermont** in 2003. With the addition of the new entities created in 2004–2005 and pending proposals, that number is likely to increase to more than 20 by the end of 2005. For a complete list of state Access to Justice entities, see p.19–20.
- One of the strengths of the Access to Justice Commission model is that it engages the highest levels of the state bar and judiciary in the effort to expand access to civil justice. While there is a strong national trend toward the creation of state Access to Justice commissions, creation of such a body is not the only effective approach. A number of other states use different kinds of structures effectively.
- More than a dozen states have an active committee of the state bar or bar association that is charged with a broad Access to Justice function. These committees include representatives of the judiciary and legal aid providers, in addition to bar leaders, or work collaboratively with them. States in this category have some of the best-established Access to Justice structures in the country, such as those in **Delaware**, **Georgia** (which developed the currently pending proposal for an Access to Justice Commission), **Louisiana**, **Minnesota**, **Nevada** and **Oregon**. Others have been more recently created or have recently revitalized their efforts or undertaken a broader scope of activity, such as those in **Arizona**, **Michigan**, **Mississippi** (which developed the currently pending proposal for an Access to Justice Commission), **Nebraska**, **Pennsylvania**, **Rhode Island**, **South Carolina**, **South Dakota**, and **Tennessee**. In **Alaska**, a court-based committee has responsibility for implementation of Access to Justice efforts.
- In another group of states, including **Florida**, **Maryland**, **New Jersey**, **Ohio**, **Virginia** and **Wyoming**, a state funding entity or bar foundation plays the leading role in planning and coordinating Access to Justice efforts. The boards of these entities include representatives appointed by the same institutions that would appoint the members of an Access to Justice commission, such as the state Supreme Court, the state legislature, and the state bar or bar association. In **Kentucky**, **Pennsylvania** and **Tennessee**, a leading Access to Justice role is played by a staffed program guided by a board with broad stakeholder representation. In **New York**, the statewide court system has created a special office with an Access to Justice mission.

- Many states have formal entities that bring together the bar, the courts, legal aid providers, and other stakeholders to further a particular approach to expanding access to justice, such as pro bono, fundraising for civil legal aid, and support for self-represented litigants. In some states, notably **Indiana** (with its statewide, court-appointed Pro Bono Commission and network of local pro bono committees) and **Utah** (with its well-established statewide fundraising entity, “And Justice for All”), formal entities provide a core Access to Justice structure, with other issues addressed through informal working groups involving the same partners.
- In a small number of states, the Access to Justice function is carried out effectively through an informal structure. This group includes states that have been very successful in obtaining funding for civil legal assistance, such as **Connecticut, Hawaii, and New Hampshire**.

Whether or not a formal Access to Justice structure exists, every state in the nation has initiatives underway involving partnerships among the bar, the courts, legal services providers and others. Many have already achieved major successes in improving and expanding access to civil justice. Others have just been launched. This report highlights major recent accomplishments and promising new initiatives.

State Access to Justice Structures

State by State

Alabama

The **Alabama Commission on Access to Justice** was initially created as a state planning body charged with addressing the configuration of the state's LSC-funded providers. With that task completed, the Commission is preparing to become a functioning Access to Justice entity. The Commission, made up of representatives of the Alabama State Bar and local bar associations, members of the judiciary, including an Alabama Supreme Court justice, and board chairs of the legal aid providers existing at the time of its creation, is chaired by attorney Buck Watson, while attorney LaVeeda Morgan Battle, a former member of the LSC board of directors, is vice-chair. With funding from the Supreme Court, the Alabama Law Foundation is currently staffing the group.

Alaska

The **Supreme Court's Fairness and Access Implementation Committee**, chaired by Supreme Court Justice Robert L. Eastaugh and retired Superior Court Judge Mary E. Greene, has undertaken responsibility for implementing the recommendations of the Access to Civil Justice Task Force, created by the state Supreme Court and comprised of judges, bar leaders, legal services providers, representatives of the client community, and business and community leaders. The Task Force completed its work with the issuance of its report in May 2000.

In addition, the Alaska Bar Association has a **Committee on Pro Bono Service**, which includes representatives of the private bar, legal aid and pro bono providers, social services agencies, and the judiciary.

Arizona

Arizona Access to Justice efforts are now based on a multi-pronged structure. The **Arizona Foundation for Legal Services & Education** and its **Legal Services Committee**, chaired by attorney Joseph Kreamer, work collaboratively with the **Legal Services Committee of the Arizona State Bar**, chaired by Maricopa County Superior Court Commissioner Hugh Hegyi, and an ad hoc steering committee comprised of leaders of the state's legal services programs to address a broad agenda that includes direct representation needs, funding requirements, advocacy and policy issues, education needs, and long-term strategies.

The **Access to Justice Task Force**, created by the board of governors of the State Bar of Arizona, completed its work in 2004, after making its report and recommendations. The Task Force was charged with reviewing the legal needs of low-income people in the state and the services available and making recommendations for improvements in the system. The Task Force included representatives from the state's legal aid providers, the Supreme Court, the State Bar, the Arizona Foundation for Legal Services & Education, the U.S. Attorney's office, the state's law schools, and the private bar.

The **Arkansas Access to Justice Commission**, created by the Arkansas Supreme Court upon the recommendation of the Arkansas Bar Association, has been meeting regularly since the fall of 2004. The Commission consists of fifteen members: five appointed by the state Supreme Court, including one Supreme Court justice and a representative of one of the state's law schools; five appointed by the Arkansas Bar Association, including an advocate for low-income people; three appointed by the governor, including one legal services attorney, a representative from an agency serving low-income people, and a representative of the Chamber of Commerce; and a representative from each House of the Legislature. The directors of the Arkansas IOLTA Foundation, law school clinics and the two legal aid programs in the state serve ex officio. The Commission is chaired by Dean Charles W. Goldner of the Law School of the University of Arkansas Little Rock.

Arkansas

The **California Access to Justice Commission** leads the state's Access to Justice efforts. Appointments are made by the California State Bar, California Judicial Council, California Judges Association, governor, attorney general, president pro tem of the Senate, speaker of the Assembly, Chamber of Commerce, Labor Federation, Council of Churches, League of Women Voters, Consumer Attorneys of California, and Council of California County Law Librarians. The Commission is currently chaired by attorney Tony Richardson and staffed by the State Bar's director for Legal Services Outreach, in close coordination with staff of the Administrative Office of the Courts, the Public Interest Clearinghouse, and the Legal Aid Association of California.

California

The **Legal Services Coordinating Committee**, which includes representatives of the Access to Justice Commission, Judicial Council, State Bar Standing Committee on the Delivery of Legal Services, Legal Services Trust Fund Commission (IOLTA), Legal Aid Association of California, and California Clients Council, sponsors an annual Stakeholder Conference and coordinates justice planning efforts to avoid duplication and identify gaps in service.

The **Colorado Access to Justice Commission** was created in the fall of 2002 with the approval of the Colorado Supreme Court, at the request of the Colorado Bar Association. The Commission consists of 20 members: ten appointed by the Colorado Bar Association, four by the Supreme Court, and one each by the Legal Aid Foundation of Colorado, the Colorado Lawyer Trust Account Foundation, Colorado Legal Services, the speaker of the House, the president of the state Senate, and the governor. The Colorado Bar Association staffs the Commission, which is chaired by Court of Appeals Judge Joann Vogt.

Colorado

Connecticut does not have a formal Access to Justice entity. Its effective informal structure is characterized by a very active network of legal service providers, an active and involved bar foundation, strong partnership between the legal service providers and the state bar association, and good communication among a broad range of organizations that share a commitment to equal justice.

Connecticut

Delaware

The **Delaware State Bar Association's Standing Committee on the Provision of Legal Services to Low-Income People** (the "LIP Committee") was created in 1995 by the president of the Delaware State Bar Association at the urging of the Delaware Supreme Court. Chaired by attorney Mary MaloneyHuss, its membership includes bar leaders, legal service attorneys, private attorneys, in-house counsel, a public defender, a government attorney, a law school professor, and a state legislator; a member of the Delaware Supreme Court serves as liaison. Its purposes are to promote collaboration among service providers; to serve as a liaison between the bar, the courts and providers; and to improve the provision of legal services to low-income people.

The **Pro Se Litigation Assistance Committee** is comprised of members representing all Delaware courts, legal service agencies, disciplinary counsel and bar leaders.

District of Columbia

The **District of Columbia Access to Justice Commission** was created by the D.C. Court of Appeals in January 2005, in response to a request by the D.C. Consortium of Legal Services Providers, D.C. Bar Foundation, and D.C. Bar. The Commission is charged with assuring high-quality access for low- and moderate-income residents and others who suffer disparate barriers to the civil justice system and with raising the profile in the community of the need for equal access to justice. Specifically, the Commission is directed to establish a long-term planning process, facilitate coordination and support for providers, propose and promote rule and systematic changes, and propose and promote strategies to generate increased resources for civil legal assistance. The seventeen members of the Commission have been appointed by the Court of Appeals based on nominations by the Joint Committee on Judicial Administration, D.C. Bar, D.C. Bar Foundation, and D.C. Consortium of Providers. The Commission is chaired by Georgetown University Law Center Professor Peter Edelman.

Florida

The **Florida Bar Foundation Legal Assistance for the Poor Committee** oversees implementation of the recommendations of a broad-based state planning process launched in 1999 by the Bar Foundation and the Florida Project Directors Association. The new chair of the Committee is attorney John W. Thornton, who succeeds long-time chair William H. Davis, now president-elect of the Bar Foundation. Created by Florida lawyers and the Florida Supreme Court, the Bar Foundation has a broad charge to expand and improve representation and advocacy on behalf of the poor in civil legal matters. It is governed by a 29 member board, which includes the president, president-elect, and immediate past president of the Florida Bar, the president of Florida Legal Services, legal educators, representatives of the judiciary, and at-large members selected equally by the Supreme Court, the Florida Bar, and the Bar Foundation.

Georgia

The Supreme Court of Georgia is considering a recommendation by the board of governors of the State Bar of Georgia to create an **Equal Justice Commission** to support civil legal aid in Georgia. The proposal was developed by the **Access to Justice Committee of the Georgia State Bar**, based upon a planning process for civil legal services launched in 2001. The process involved 70 advocates, bar leaders and community representatives organized into "Action Groups" charged with

developing specific recommendations in areas such as resource development, technology, client access, pro se efforts, and legal aid and pro bono services. The planning process also resulted in the creation of a broad-based “Justice Builders Leadership Coalition,” whose role has been to network and build consensus around issues involving the improvement of civil legal services and pro bono. The Justice Builders Coalition and the Access to Justice Committee have been staffed by the director of the Georgia State Bar Pro Bono Project, which receives funding from IOLTA and Georgia Legal Services as well as the State Bar. Co-chairs of the Committee are attorney Gerry Weber and Hulett H. Askew, director of the Georgia Supreme Court Office of Bar Admissions, former member of the LSC board of directors, and member of SCLAID.

Hawaii does not have a formal Access to Justice structure. Legal services providers, the courts, and the Hawaii State Bar Association work together effectively on an informal basis.

Hawaii

The **Delivery of Legal Services Advisory Council** was created in July 2001 by the Idaho State Bar board of commissioners and the Idaho Law Foundation board of directors as a standing committee of the two boards. The mission of the Council is “to facilitate the development and implementation of a comprehensive, long-term plan for the coordination, delivery and funding of legal services to low-income individuals and groups in Idaho.” The Council includes representatives from the Idaho State Bar, Idaho Law Foundation, Idaho Legal Aid Services (the LSC grantee), Idaho Volunteer Lawyers Program (the Law Foundation’s pro bono program), Idaho Supreme Court, Idaho Partners for Justice Project (joint fundraising for legal services and pro bono), Idaho Supreme Court’s Increasing Access to the Courts Committee, court assistance offices, Co-Ad, Inc. (protection and advocacy), Idaho Council on Domestic Violence and Victim Assistance, and members of the Idaho State Legislature, including representatives of both parties and both chambers.

Idaho

The Supreme Court’s **Increasing Access to the Court Committee**, established in 1997 by the Idaho Supreme Court, seeks to increase information and assistance from the courts to the public and to increase coordination of existing legal resources. Its charge is to identify existing problems and resources associated with providing access to the court system for persons of low income or modest means and those who choose to proceed without representation, and to devise strategies and identify technologies with which the courts, the bar and other entities can work together to increase access to the court system.

The Illinois **Coalition for Equal Justice** is a joint project of the Chicago Bar Association, the Illinois State Bar Association and the Chicago Bar Foundation, created to coordinate, support and encourage initiatives to increase access to justice in Illinois. The Coalition’s members include bar leaders, legal aid representatives, judges, executive branch officials, legislators, court clerks, mediation service providers, law school faculty, funders and social service providers. Chaired by attorney Mick Henderson, the Coalition is currently staffed by the associate director of the Chicago Bar Foundation. The Coalition is considering changes in its structure this year in light of the findings and recommendations of the comprehensive statewide legal needs study completed in February 2005.

Illinois

Indiana

In 2001, the Indiana Supreme Court created the **Indiana Pro Bono Commission**, consisting of 21 members appointed by the Supreme Court and the Indiana Bar Foundation. The Commission oversees a structure of pro bono committees in each of the state's 14 judicial districts, charged with developing and implementing pro bono plans to help meet the civil legal needs of low-income people in the district. Each district's pro bono effort is led by a trial judge appointed by the Supreme Court. The Commission is staffed by its executive director, funded by IOLTA, employed by the Indiana Bar Foundation, and located at the Indiana State Bar Association, which also supplies additional staff support. Since its inception, the Commission has been chaired by attorney J. Philip Burt, who will step down this year.

The Indiana Supreme Court's **Pro Se Advisory Committee** was created to make recommendations to the Court on how best to respond to the growing phenomenon of self-represented litigants. The Advisory Committee is comprised of judicial officers, county clerks, bar representatives, legal services providers, librarians, and other community members. The Division of State Court Administration houses and administers the project with the assistance of the counsel to the chief justice.

Since 2001, the Indiana Justice Center, with support from the Indiana Supreme Court, Indiana Bar Foundation and the Indiana Pro Bono Commission, has sponsored an annual **Access to Justice Conference**, a statewide meeting of judges, bar leaders, law school representatives, legal aid staff and board members, community leaders, social services workers, court personnel and others, to continue statewide Access to Justice planning.

Iowa

Following a broadly inclusive state planning process that resulted in a merged statewide LSC-funded program in 2003, Access to Justice efforts in Iowa are currently focused on specific initiatives addressing primary areas of need, including legal aid funding, support for self-represented litigants, and creation of an advocate's web site.

Kansas

Kansas has no formal Access to Justice structure, although a number of initiatives involve partnerships among the major entities involved in civil legal aid: Kansas Legal Services; the Access to Justice Fund, administered by the Kansas Supreme Court; the Kansas Bar Association and its Legal Aid and Referral Committee; and the Kansas Bar Foundation, the IOLTA program.

Kentucky

Kentucky's **Access to Justice Foundation** combines some of the traditional functions of a legal services state support program, such as the provision of coordination and support for legal aid and volunteer lawyer programs in the areas of technical assistance, information coordination, and continuing legal education, with a broader Access to Justice charge, including fundraising at the state level and facilitation and evaluation of state planning activities. The Access to Justice Foundation board of directors is composed of private attorneys and human services providers from around the state.

The **Louisiana Access to Justice Committee** is a committee of the Louisiana State Bar Association, created in 1996 by the consolidation of its Legal Services and Volunteers in Public Service Committees. Its mission is to assist in the development of a strong, integrated statewide network for the delivery of legal services to low-income people in Louisiana. The Access to Justice Committee is composed of a diverse group of approximately 50 volunteers, including corporate counsel, legal service attorneys, government attorneys, representatives from the judiciary, legal educators, attorneys from large and small firms, and pro bono directors. It is co-chaired by Sheral C. Kellar, chief judge of the Louisiana Department of Labor's Hearing Section, and Brian Lenard, director of Southeast Louisiana Legal Services. It is staffed by the Louisiana Access to Justice Program, a joint effort of the Louisiana Bar Foundation, the State Bar Association, and the state's legal services providers, which is comprised of four full-time staff members. With the encouragement of funders and providers, the Committee has recently undertaken a greater responsibility for providing leadership in building and strengthening Louisiana's justice community.

Louisiana

Maine's Access to Justice entity is the **Justice Action Group**, created in 1995 to provide leadership and coordination for the planning and delivery of civil legal assistance and to function as a public voice for the legal services community. It is chaired by federal First Circuit Court of Appeals Judge Kermit Lipez, with state Supreme Court Justice Howard Dana as vice-chair. Other members include Maine Chief Justice Leigh Saufley, representatives of the Maine Legislature, the executive branch, the Maine State Bar Association, the Maine Bar Foundation, the Maine Civil Legal Services Commission, the Maine Trial Lawyers Association, the University of Maine School of Law, and the boards of legal services providers. Provider input to the Justice Action Group comes through the Advisory Committee of Providers, consisting of staff representatives of providers, the State Bar Association, and the Bar Foundation.

Maine

Maryland's recent Access to Justice initiatives have grown out of the collaborative efforts of the courts, the Maryland State Bar Association, local and specialty bars, the **Maryland Legal Services Corporation**, and legal aid providers, under the strong leadership of Chief Judge Robert M. Bell of the Court of Appeals. In October 2002, the Court of Appeals created a new statewide **Standing Committee on Pro Bono Legal Service**. Also playing a major role in expanding access to justice is the newly-constituted **Advisory Committee of the Maryland Legal Assistance Network (MLAN)**. Members were appointed by Chief Judge Bell and include representatives of the judiciary, the bar, law schools, state agencies, legal services providers, and other stakeholders.

Maryland

The Massachusetts Supreme Judicial Court has approved a proposal to create a permanent state **Access to Justice Commission**, as recommended in the final report of the **State Planning Board for Civil Legal Services**, a broadly inclusive body chaired by former Chief Justice Herbert Wilkins that engaged in a comprehensive study of the state's delivery system.

Massachusetts

Other entities currently involved in expanding access to justice include the **Massachusetts Legal Assistance Corporation**, which receives and distributes state and a portion of IOLTA funding and

coordinates planning efforts; the **Massachusetts** and **Boston Bar Foundations** which fund civil legal aid programs with IOLTA income and private contributions; the **Massachusetts Equal Justice Coalition**, which supports state funding for legal aid; the **Supreme Judicial Court Standing Committee on Pro Bono Legal Services**, charged with recommending ways to increase the level of pro bono participation in the state; and the **Supreme Judicial Court Steering Committee on Self-Represented Litigants**, charged with coordinating the judicial branch's response to the growing number of pro se litigants.

Michigan

The State Bar of Michigan's seventeen member **Standing Committee on Justice Initiatives** is charged with promoting the fair and effective delivery of civil and criminal legal services to the poor. Co-chaired by Judge Cynthia Stephens and attorney Richard McLellan, the Committee includes representatives from the courts, legislative branch, governor's office, large law firms, law schools, corporate counsel, legal aid programs, and the Michigan Bar Foundation, among others. The State Bar's seven member Justice Initiatives Division staff supports the Standing Committee, which oversees pro bono, legal aid, equal access, and resource development initiatives. In addition, a one year Planning Workgroup is developing a three- to five-year strategic plan to guide the activities of the Standing Committee and its initiatives and to look at how the structure, mission and work of the Standing Committee should evolve to maximize the positive impact on the quality of justice within the state.

Minnesota

The **Legal Assistance to the Disadvantaged Committee** of the Minnesota State Bar Association has 50 members representing a broad spectrum of the bar and bench, including the State Bar Association's president-elect. It reports to the State Bar Association's assembly, an 80 member group that includes representatives of 21 bar districts statewide, the four Minnesota law schools, minority and other specialized bar associations, public attorneys, and all levels of Minnesota's courts. The Legal Assistance to the Disadvantaged Committee is co-chaired by attorney Thomas Conlin and Katie Trotzky, executive director of Legal Assistance of Dakota County, and staffed by the State Bar Association's Access to Justice director and pro bono development director. It works closely with the **Minnesota Legal Services Coalition**, which is comprised of the state's regional civil legal aid programs and other specialized providers.

The 45 member, Supreme Court appointed **Minnesota Legal Services Planning Commission**, created in July 2003 to develop an updated state plan for a comprehensive, integrated civil legal services delivery system, concluded its work in early 2005. The Commission's final report recommended creation of a new, permanent planning entity to follow up on the Commission's recommendations.

Mississippi

The Supreme Court of Mississippi is considering creation of a permanent state **Access to Justice Commission**, as recommended by the Mississippi Bar. The recommendation grew out of a process launched by the **State Bar's Delivery of Legal Services Committee**, under the leadership of longtime Chair Ben Piazza and Judge Denise Owens, with the participation of the Mississippi

Supreme Court, the state's legal assistance providers, and other key stakeholders. Mississippi Bar President-Elect Joy Phillips has identified launch of the Access to Justice Commission as her presidential priority. Justice Jess Dickinson has served as the Supreme Court's liaison for the process.

Missouri does not currently have an active, formal Access to Justice structure. The Missouri Statewide Legal Services Commission, constituted jointly by the Missouri Supreme Court and the Missouri Bar in early 2000, dealt primarily with a proposed program reconfiguration plan, since withdrawn, and is no longer active. The Missouri Bar, through its **Delivery of Legal Services Committee** and other structures, continues to be actively engaged in efforts to expand access to civil justice.

Missouri

The **Montana Equal Justice Task Force** was created by order of the Montana Supreme Court in August 2000 at the request of the **State Bar of Montana Access to Justice Committee**. The mandate from the Court includes conducting a legal needs study of low- and moderate-income Montanans, providing long-range integrated planning among the state's legal assistance providers, coordinating civil access to justice, and working to secure adequate funding for civil access to justice. Chief Justice Karla M. Gray serves as one of the Task Force's sixteen members and has been a leader in other efforts to expand access to justice in the state. The Equal Justice Task Force is co-chaired by attorney Pam Bucy of the Office of the Attorney General and District Court Clerk Nancy Sweeney; the State Bar Access to Justice Committee is chaired by attorney Beth Baker. Both are staffed by the State Bar's equal justice coordinator.

Montana

The Montana Bar Association, Access to Justice Committee, and Equal Justice Task Force annually convene a state **Equal Justice Conference**. In 2004 the Montana State Bar board of trustees amended its long-range plan to identify the State Bar's highest priority as to "increase access to justice for all Montanans by promoting and providing support for equal justice initiatives throughout the state."

The **Commission on Self-Represented Litigants** was appointed by the Montana Supreme Court in April 2000 and charged with recommending an action plan to the Court, considering and recommending rule and statutory changes, coordinating with existing programs, developing new pilot programs, and seeking grants to fund these activities. Its membership includes a judge, a clerk of court, a law librarian, a legal services provider, a private practitioner, and a State Bar representative.

The **Nebraska Equal Access to Justice Committee** was created in 2002, reconstituting the Nebraska State Planning Group, a collaborative effort of the Nebraska State Bar Association and the five providers of civil legal aid in the state: Nebraska Legal Services, the Bar Association's Volunteer Lawyers Project, the Nebraska Appleseed Foundation, the Milton R. Abrahams Legal Clinic at Creighton University, and the Civil Legal Clinic at the University of Nebraska Law College. Almost 50 stakeholders, including members of client community organizations, the state and federal judiciary, and the legislative branch, have also been involved. The Committee is chaired by attorney Woody Bradford.

Nebraska

The **Nebraska Supreme Court Committee on Pro Se Litigation**, made up of judges, lawyers and legal advocates, was appointed by the Nebraska Supreme Court in September 2000 to study the extent and nature of self-representation in Nebraska's courts, identify challenges created by self-represented litigants, and propose solutions to the Supreme Court to address identified problems.

Nevada

Acting on a petition by the State Bar of Nevada, the Nevada Supreme Court has created a permanent State Bar section from the former Access to Justice Committee. The new **Access to Justice Section** will institutionalize the commitment of the organized bar to equal justice issues and influence bar policy more directly. In early 2005, the Access to Justice Section began to meet and plan an active agenda to bring its work to a new level. The Section is chaired by Judge Connie J. Steinheimer, who previously chaired the Access to Justice Committee.

The Nevada Supreme Court has also established the **Nevada Supreme Court Council on Pro Se Assistance** to assess the problems associated with self-help litigants and to propose solutions. Nevada Legal Services and Clark County Legal Services both participate on the Council.

Nevada has three pro bono foundations dedicated to raising money and attorney volunteer hours for pro bono and legal services, one each for Clark County (Las Vegas) and Washoe County (Reno) and a third for the fifteen rural counties. Each foundation has a board of trustees comprised of judges, private attorneys, legal services representatives, and social service providers.

New Hampshire

New Hampshire does not currently have a formal structure for collaborative efforts among the courts, the bar, and legal services providers. However, the delivery structure in the state has grown out of a state planning process that included all three institutional components, as well as other stakeholders. In addition, the **New Hampshire Bar Association's Delivery of Legal Services Committee** provides a forum to address a variety of issues, from court scheduling to access for the working poor.

The New Hampshire Supreme Court's **Task Force on Self-Represented Litigants**, which included representation from all three legal aid programs, judges and court personnel, and private attorneys, issued its report in 2004.

New Jersey

New Jersey has no formal Access to Justice entity. Access to Justice functions have been performed effectively over the years through a coordinated effort between the New Jersey State Bar Association and **Legal Services of New Jersey**, which serves as a funder/fundraiser and provides state coordination and support, as well as direct representation and advocacy.

New Mexico

The **New Mexico Access to Justice Commission** was created by the state's Supreme Court in May 2004 upon the recommendation of the **Legal Services and Programs Committee of the New Mexico State Bar**. The eighteen member Commission, which consists of representatives from the bar, the judiciary, legal aid providers, legislators, and members of the public, has identified its goals and created working groups. The working groups, which include both commissioners and other inter-

ested people, are dedicated to the following areas: resource development; legislation and rule change; systemic planning; strategic plan; and communications and outreach. Supreme Court Justice Petra Jimenez Maes and former SCLAID member Sarah Singleton serve as co-chairs of the Commission.

The New York **Equal Justice Commission**, which met for the first time during the New York State Bar Association’s annual meeting in January 2005, evolved from the State Planning Committee, which had focused on state planning efforts required by LSC. The 21 member Commission, chaired by Anne Erickson, executive director of the Greater Upstate Law Project, is broadly representative of the provider community (LSC and non-LSC), state, local and minority bar associations, the judiciary, program staff and community leaders. Its immediate mission is to “raise the visibility of legal services, highlight the need for these vital services, and secure state funding for the system as a whole.”

The Commission will coordinate its work with the efforts of the **Office of the Deputy Chief Administrative Judge for Justice Initiatives**, which was created in 1999 with a mandate of expanding legal representation and making the courts more accessible. Judge Juanita Bing Newton has held the appointment since the office was created. In 2001, the judiciary established the **Access to Justice Center** to lead and coordinate its efforts.

The **New York State Bar Association President’s Committee on Access to Justice**, co-chaired by Bar Association President-Elect A. Vincent Buzard and attorney Matthew J. Kelly, and the **Committee on Legal Aid** provide forums where statewide leaders can develop strategies to address Access to Justice issues.

New York

North Carolina currently has no formal structure bringing together the organized bar, the judiciary, and legal aid programs to promote access to civil justice. The **Legal Services Planning Council**, which has been meeting regularly since early 1999, includes representatives from all the major providers of legal services in the state, as well as client representatives, the Bar Association’s director of Public Services and Pro Bono Activities, and the director of the North Carolina State Bar Plan for IOLTA program. The mission of the Planning Council is defined as central coordination of a sustained, comprehensive, integrated, statewide system to provide the most effective legal services to people in poverty in North Carolina. Since its inception, the Planning Council has worked extensively with North Carolina bar leaders on issues relating to program configuration and delivery.

The North Carolina Bar Association has created a new **Committee on Modest Means Access** to focus on the needs of self-represented litigants, following up on one of the recommendations of the 2004 report of North Carolina Pro Se Task Force. The Task Force was comprised of representatives from the Administrative Office of Courts, trial court judges and administrators, family law practitioners, private practitioners, and legal aid providers.

North Carolina

The **Joint Committee on Legal Services to the Poor** of the State Bar Association of North Dakota and the North Dakota Supreme Court assesses and provides information concerning the need for civil legal services for the poor. The State Bar Association also has a Volunteer Lawyer and Lawyer Referral Committee.

North Dakota

Ohio The **Ohio Legal Assistance Foundation** serves as the state's funder and performs a broad Access to Justice function. Created in 1994 by state statute, the Foundation's board of trustees brings together representatives appointed by the state Supreme Court, state attorney general, state treasurer's office, state public defender, speaker of the House of Representatives and Senate president. Other bar leaders and citizens concerned about equal justice also serve as trustees.

In early 2004, the Ohio Supreme Court appointed a 24 member task force to recommend how the state can improve access to the justice system. The **Supreme Court Task Force on Pro Se and Indigent Litigants** is composed of judges, lawyers, county commissioners, and representatives from legal aid groups, as well as a former pro se litigant. The Committee is formulating recommendations designed to assist pro se litigants, make pro bono representation more widely available, and provide more adequate funding to organizations that assist indigent clients, such as legal aid and public defender's offices.

Oklahoma In late 2004, the Oklahoma Supreme Court created a new **Access to Justice Commission**, as recommended by the Oklahoma Bar Association. The nine member Commission includes representatives of the judiciary, Oklahoma Bar Association and Bar Foundation, law schools, legislative branch, and governor. Bar officers and legal assistance program representatives serve ex officio. Like the Bar Association's **Access to Justice Committee**, created in 2003 and chaired since then by attorney Rick Bozarth, the Commission will deal with access to justice in both the civil and criminal defense areas.

Oregon Oregon has an active, broad-based Access to Justice structure based upon a number of separate entities that work collaboratively together. The **Oregon State Bar Board of Governors Access to Justice Committee**, chaired by attorney Linda Eyeran, oversees advisory committees on pro bono, modest means, affirmative action, legal services and judicial administration. The informal "Lindauer Group," made up of representatives from the state Legislature, governor's office, attorney general, Supreme Court, Oregon State Bar, Campaign for Equal Justice, and legal services providers, works to state funding for legal services from all sources. The **Consortium of Legal Services Programs** is charged with identifying the needs of the client community and developing cooperative and integrated strategies to meet them. The Judicial Department of Access to Justice Committee for All coordinates implementation of recommendations from the **Oregon Supreme Court's Task Forces on Racial/Ethnic Issues in the Judicial System** and the **Task Force on Gender Fairness**.

The Oregon State Bar and legal aid providers expect to launch a new **Oregon Legal Aid Planning Commission** on July 1, 2005, charged with addressing the barriers and protecting the strengths that have been identified in the Oregon legal services system. The thirteen member body will include representatives appointed by the State Bar's board of governors and legal aid programs.

The Pennsylvania Bar Association's **Delivery of Legal Services to the Public Committee**, chaired by attorney Jeffrey Ernico, includes legislators, a representative of the governor, judges, legal services staff, members of large and small law firms, and IOLTA representatives. The Committee has four subcommittees: Local Support, dedicated to increasing the number of lawyers involved in pro bono efforts; Development, charged with seeking additional funding streams for civil legal aid; Pro Bono Conference, responsible for organizing an annual event to highlight the need for pro bono involvement; and Law School, which handles a variety of issues relating to legal education, such as loan forgiveness and student internships. The efforts of the Delivery of Legal Services to the Public Committee build on the work of the Pennsylvania Bar Association's Delivery Of Legal Services to the Needy II Task Force, which issued its final report in May 2003.

Implementation of the comprehensive state plan to create a statewide, integrated service delivery system is overseen by the board of directors of **Pennsylvania Legal Services**, which includes appointments by the Pennsylvania Bar Association, the Pennsylvania Project Directors, and client groups.

Pennsylvania

The **Committee on Legal Services of the Rhode Island Bar Association** is responsible for making recommendations relating to equal access to justice for low-income people. Chaired by Bar Association Past President John M. Roney, the Committee formed subcommittees in 2005 on increasing pro bono representation, increasing agency collaboration, and studying pro se initiatives.

The efforts of the Committee on Legal Services build upon the comprehensive report and recommendations of the Supreme Court's Task Force on Affordable Legal Services, issued in September 2002. The 40 member task force included representatives of the state Legislature, executive branch, attorney general, public defender, Bar Association, each level of the court system, law schools, legal aid providers, and community organizations.

Rhode Island

The **Access to Justice Committee of the South Carolina Bar**, chaired by attorney Valerie Gardner, is charged with proposing and implementing improvements to provide better access to the justice system, especially for indigent citizens; addressing issues affecting legal services programs, including pro se initiatives; and reviewing issues affecting public defenders and their clients and suggesting improvements for the courts, including magistrate's courts.

In addition, the South Carolina Bar has created a new **Pro Bono Committee** as part of a comprehensive plan to revitalize pro bono service in the state.

South Carolina

Access to Justice issues in South Dakota are being addressed by the **Legal Services Committee of the State Bar of South Dakota**. Members include private attorneys from across the state, a state Supreme Court justice, the dean of the state's law school, tribal court judges, and the executive directors of the state's two legal services programs. The Legal Services Committee is focused on promoting and expanding pro bono, supporting efforts to diversify funding for legal services to the poor, and collaborating with the judiciary on issues that affect low-income people. It is chaired by attorney Thomas Fritz.

South Dakota

Tennessee

Access to Justice initiatives in Tennessee are led and coordinated by two entities working together on a collaborative basis. The **Tennessee Alliance for Legal Services** is a statewide non-profit organization that seeks to build partnerships to support the delivery of effective civil legal services for low-income and elderly Tennesseans. Its board includes representatives from Tennessee bar associations, law schools, the Administrative Office of the Courts, the Supreme Court, public defenders, client communities, social services agencies, and legal aid providers.

The **Tennessee Bar Association's Access to Justice Committee** consists of bar leaders from private and government practice, legal aid providers, judges, court administrators, and law schools. The Access to Justice Committee works in collaboration with the Alliance, the courts, legal aid programs, and other organizations to further its mission of increasing pro bono participation, expanding access to the courts, and educating the bar and the public about justice issues. Attorney Andy Branham succeeds attorney John Blankenship as chair this year.

Texas

The **Texas Access to Justice Commission** was created by order of the Supreme Court in April 2001, as recommended by the State Bar of Texas board of directors. The Commission is comprised of sixteen members appointed for three-year terms, including three representatives from the judiciary (one Supreme Court Justice, one judge from an urban area and one from a non-urban area), two members of the State Bar of Texas board of directors and one attorney member, one member of the board of directors of the Texas Equal Access to Justice Foundation, one member of the board of directors of the Texas Bar Foundation, a corporate representative, and four representatives (staff, board members or volunteers) of state or federally-funded legal services programs. The Commission structure also includes a state senator, a state representative, and the general counsel to the governor, as *ex-officio* members. The Commission is staffed by Texas Lawyers Care, the pro bono/legal services support department of the State Bar. Attorney James B. Sales is the Commission's current chair and Supreme Court Justice Harriett O'Neill is vice-chair and liaison to the Supreme Court.

Utah

In 2004, the chief justice of the Utah Supreme Court designated Justice Ronald Nehring to serve as the Supreme Court's point person on Access to Justice issues. An informal working group involving the Utah State Bar, the courts, legal aid providers, and other partners, is developing a mission statement and identifying a proposed scope of work, as first steps toward creating a more formal structure.

Utah's current efforts to expand and improve access to justice for low-income people in the state grow out of a report issued in 1997 by the Utah Access to Justice Task Force, co-chaired by the chief justice of the Supreme Court and the president of the State Bar. The report led to the creation in 1999 of **And Justice For All**, a unified fundraising effort for civil legal services, which has served as the basis for collaborative efforts among providers.

Vermont

The Vermont State Bar Association, Vermont Bar Foundation, Vermont Law School, Vermont Supreme Court and the state's two legal aid providers, Vermont Legal Aid and Legal Services Law Line, have jointly created the **Vermont Access to Justice Coalition**, made up of leaders from each of the stakeholder entities. The Coalition's objectives are: to increase public awareness of the need

for civil legal aid and serve as a voice for the civil legal assistance system with members of the public, government officials, and legislators; to promote coordination among the courts, the private bar, and providers of legal services, and build partnerships with other stakeholders to expand access to justice; to encourage and increase participation by the private bar in the delivery of civil legal assistance; and to develop and implement policies and programs to increase civil legal aid services and funding.

The Access to Justice Coalition builds upon the efforts of the Vermont Committee on Equal Access to Justice for Low-Income Litigants, created in 2001 to identify the civil legal needs of low-income Vermonters and study their access to the courts and legal services. The Committee was co-chaired by Vermont Supreme Court Justice Denise Johnson, who currently serves as the Court's representative to the Equal Justice Coalition, and included members of the Legislature, the dean of Vermont Law School, private attorneys, a client representative, and legal aid providers.

Although Virginia does not have an Access to Justice Commission, Access to Justice functions are performed effectively through a coordinated effort between bar organizations and the **Legal Services Corporation of Virginia**, which provides statewide oversight and coordinates the planning efforts of Virginia's legal aid programs. The Corporation's board of directors is appointed by the Virginia State Bar's governing council and its general revenue and filing fee appropriations are part of the State Bar's budget.

The **Virginia State Bar**, a mandatory bar, promotes support for civil legal assistance and pro bono service through its Special Committee on Access to Legal Services. **The Virginia Bar Association**, a voluntary statewide bar, supports pro bono efforts involving young lawyers and law schools. Many local bar associations, including the **Richmond Bar Association**, the **Virginia Beach Bar Association** and the **Fairfax Bar Foundation**, also have significant Access to Justice initiatives.

Virginia

Washington State's **Access to Justice Board** was created by the state Supreme Court in 1994, with the charge of expanding resources for civil legal services and coordinating their delivery. Its nine members, appointed by the Supreme Court, represent a wide range of civil legal assistance stakeholders, including the bench, the organized bar, the Legal Foundation of Washington (which administers IOLTA funds), legal services programs, private bar volunteer lawyer programs, and others with an interest in and commitment to equal justice. Attorney Christine Crowell serves as chair. The Board makes regular reports to the state Supreme Court and the governing body of the State Bar on the progress of its committees and work groups on implementing the state plan and other initiatives. The Board and its initiatives are staffed by a five employee unit of the Washington State Bar Association.

The **Equal Justice Coalition** is a broad-based, bipartisan coalition of nearly 100 community leaders and 50 organizations across the state, created by the Access to Justice Board to educate legislators and the public about the importance of legal services. The Coalition advocates for resources for legal aid and volunteer lawyer programs. The effort is underwritten by the Legal Foundation of Washington and Legal Aid for Washington Fund.

Washington

Now in its tenth year, the annual **Access to Justice Conference** has become the keystone event for the state's equal justice community. A noteworthy feature of the conference are the skits featuring bar, judicial, and justice system leaders, which many participants believe have played a significant role in building a sense of community among equal justice stakeholders.

West Virginia

The Supreme Court is considering a proposal submitted by the **West Virginia Legal Services Symposium**, created by the West Virginia State Bar in 1995, for the creation of a new **Access to Justice Commission** to carry forward the work of the Symposium. The new Commission would be appointed by the Supreme Court, based on recommendations of the judiciary, the executive and legislative branches, law schools, bar associations, and legal aid programs. It would be charged with “developing a strategic plan for a statewide legal services delivery system; promoting education and responsiveness; serving as a clearinghouse and collaborating with others; and developing long-term funding and other resources.”

Wisconsin

Wisconsin currently has no Access to Justice entity with a broad charge. The **State Bar of Wisconsin's Legal Assistance Committee** promotes the establishment and efficient maintenance of legal aid organizations and individual pro bono efforts to improve delivery of legal services to those unable to pay. In addition, the Legal Assistance Committee reviews the administration of justice as it affects low-income persons and encourages and assists bar members statewide in accomplishing these goals. Members include a representative from legal services programs in the state, attorneys in private practice, government attorneys, law student representatives, and non-attorneys. The Committee is chaired by attorney Daniel Gustafson.

Wyoming

The **Wyoming State Bar Foundation**, led by a board of directors that includes among its members Wyoming State Bar Past President Thomas E. Lubnau, current President Mark W. Harris, President-Elect Warren A. Lauer, and Wyoming Supreme Court Justice Marilyn S. Kite, is playing a leading role in developing Access to Justice initiatives for the state. The board is chaired by attorney Steven R. Cranfill.

The **Wyoming State Bar's Legal Aid Services Committee** is composed of volunteer attorneys whose work is focused on legal aid issues in Wyoming. The Committee is chaired by attorney Jackie Brown.

State Access to Justice Structures

Structures by Type

Access to Justice Commissions or Equivalent

Alabama Commission on Access to Justice	Massachusetts Access to Justice Commission
Arkansas Access to Justice Commission	Montana Equal Justice Task Force
California Access to Justice Commission	New Mexico Access to Justice Commission
Colorado Access to Justice Commission	New York Equal Justice Commission
District of Columbia Access to Justice Commission	Oklahoma Access to Justice Commission
Idaho Delivery of Legal Services Advisory Council	Texas Access to Justice Commission
Illinois Coalition for Equal Justice	Vermont Access to Justice Coalition
Maine Justice Action Group	Washington State Access to Justice Board

States Considering or Planning Creation of Access to Justice Commission

Georgia (Georgia State Bar board of governors proposal pending before Supreme Court)	West Virginia (Legal Services for the Poor Symposium proposal pending before Supreme Court)
Mississippi (Mississippi State Bar board of governors proposal pending before Supreme Court)	

Bar-Based Committees with Broad Access to Justice Leadership Charge

Arizona State Bar Legal Service Committee	State Bar of Georgia Access to Justice Committee (planning ATJ Commission)
Delaware State Bar Committee on Legal Services for Low-Income People	Louisiana State Bar Access to Justice Committee
Florida Bar Foundation Legal Assistance for the Poor Committee	

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State Bar of Michigan Standing Committee on Justice Initiatives

Minnesota State Bar Association Legal Services to the Disadvantaged Committee

Mississippi State Bar Delivery of Legal Services Committee (planning ATJ Commission)

Nebraska Equal Access to Justice Committee

Nevada State Bar Access to Justice Section

New York State Bar Association President's Committee on Access to Justice

North Dakota Joint Committee on Legal Services to the Poor (joint with Supreme Court)

Oregon State Bar Board of Governors Access to Justice Committee

Pennsylvania Bar Association Equal Justice for the Poor Committee

Rhode Island Bar Association Committee on Legal Services

South Carolina State Bar Access to Justice Committee

State Bar of South Dakota Legal Services Committee

Tennessee Bar Association Access to Justice Committee

Other Access to Justice Entities

Alaska Supreme Court Fairness and Access Implementation Committee

Kentucky Access to Justice Foundation

Maryland Legal Services Corporation

New York Unified Court System, Office of the Deputy Chief Administrative Judge for Justice Initiatives; Access to Justice Center

Legal Services of New Jersey

Ohio Task Force on Pro Se and Indigent Litigants; Ohio Legal Assistance Foundation

Pennsylvania Legal Services

Tennessee Alliance for Legal Services

Virginia Legal Services Corporation

Wyoming State Bar Foundation

Informal/Other

Connecticut

Hawaii

Indiana (Pro Bono Commission)

Iowa

Kansas

Missouri

New Hampshire

North Carolina

Utah (in process)

Wisconsin

State Access to Justice Initiatives

Public Awareness: Reports, Hearings and Campaigns

Trends

One of the major challenges to be overcome in expanding access to civil justice is the lack of understanding by the public, legislators, and even members of the legal community about the civil legal needs of low-income people and the importance of civil legal assistance. A number of states are engaged in high-profile efforts to raise public awareness of the need to expand access to justice. Partnerships that bring together state bar leadership, the judiciary at the Supreme Court level, legal aid providers and other stakeholders can be highly effective in conveying this message.

- **Legal needs studies.** Building on the ABA study released in 1994 and a group of state studies completed around the same time, a number of states have completed scientific, comprehensive state studies demonstrating the gap between legal needs and the capacity of legal aid providers and the private bar to meet them.
- **Court and agency data.** New Jersey is exploring an innovative approach to documenting legal needs based on collection of data from courts and administrative agencies.
- **Economic impact.** Nebraska has released a scientific study showing the economic impact of state investment in legal aid.
- **Fixing cost of full funding.** Washington and Illinois have issued reports quantifying the dollar amount that it would take to fund a legal aid system able to meet all the needs of low-income people in the state. Several other states are moving ahead to create court-based or legislative task forces to address this question.
- **Supreme Court hearing.** The Supreme Court of Texas held a hearing on access to civil justice in the state, which received widespread attention in the press. In conjunction with the hearing, the Texas Access to Justice Commission issued a report on the status of civil legal assistance in the state.
- **Evaluation report.** California's Judicial Council released an evaluation report on the effectiveness of state-funded legal assistance, calling for increased funding.
- **Legal aid open houses.** High-profile open houses at legal aid offices were held in New York, Oregon, and Washington.
- **Public awareness campaigns.** Several states are engaged in broad awareness campaigns targeted to the media and the legal community.
- **Administrative fairness.** Maine's Justice Action Group has been in the forefront of developing techniques to increase access to justice at the state agency administrative level.

Links to the reports described in this section are available in the Access to Justice Document Library at www.ATJsupport.org.

A number of states are engaged in high-profile efforts to raise public awareness of the need to expand access to justice

Studies and Reports

- **California.** In March 2005, the California Judicial Council issued its report to the Legislature on the effectiveness of the Equal Access Fund, which has provided \$10 million annually for five years to fund legal aid programs and court-based, self-help projects run by legal aid providers in conjunction with the courts. The report, based on evaluations of the 99 recipients of the fund, concluded that it has been effective in providing assistance to some of the neediest Californians, but that a high proportion of legal needs go unmet. Recommendations to the Legislature include increased funding for legal services, increased funding for self-help centers, and continuation and expansion of evaluation efforts.
- **Illinois.** In Illinois, “The Legal Aid Safety Net,” a report released in February 2005, sponsored by the Chicago Bar Association, Illinois State Bar Association, Lawyers Trust Fund of Illinois and others, found that low-income people in the state obtained help for only one out of six legal problems that they faced in 2003. The report quantifies the cost of providing services to those who sought legal assistance but were unable to obtain it at \$49 million per year.
- **Montana.** Montana’s comprehensive state legal needs study, sponsored by the Equal Justice Task Force and the Montana State Bar, will be completed in time for dissemination at the state’s fifth annual Access to Justice Conference in June 2005. In anticipation of the report’s release, the Montana Department of Justice is supporting a joint resolution in the Montana Senate that would establish an interim commission to study the civil legal needs of low-income Montanans and identify new ways in which the state can help finance Montana’s civil legal aid programs. In 2004, the Montana State Bar board of trustees amended its long-range plan to identify the State Bar’s highest priority as “increasing access to justice for all Montanans by promoting and providing support for equal justice initiatives throughout the state.” The plan also includes a group of specific related goals and objectives.
- **New Jersey.** Legal Services of New Jersey has launched an effort to document key “indicators of legal need” in the state, primarily caseload data from court and agency dockets regarding particular legal problems facing low-income people. The data is being collected according to a matrix of case types that could serve as a prototype for similar efforts in other states. Once compiled, the data will be used in conjunction with New Jersey’s comprehensive legal needs study, case acceptance and rejection statistics, and other sources of information to document the level of unmet legal need in the state.
- **Nebraska.** A scientific study by the Center for Public Affairs Research at the University of Nebraska at Omaha, in collaboration with Legal Aid of Nebraska, shows that for every dollar invested in civil legal assistance by Nebraskans in 2004, five dollars is returned to the state’s economy. The study considers the monetary benefits received by families and individuals as a result of the legal services they receive, the estimated economic impact on the state, and the portion of the cost of operating Legal Aid funded by sources in Nebraska.
- **North Carolina.** The North Carolina Legal Services Planning Council is in the initial stages of planning a statistically valid survey of the legal needs of low-income North Carolinians. Dean Gene Nichol of University of North Carolina Law School and the North Carolina Bar

Association are offering support for the project. The survey would supplement the “North Carolina Legal Needs Assessment Study” released by the Planning Council in 2003.

- **Tennessee.** In March 2004, at a press conference at the Tennessee General Assembly, the Tennessee Alliance for Legal Services released the “Tennessee Civil Legal Needs Analysis,” conducted by the University of Tennessee College of Social Work, Office of Research and Public Service.
- **Washington.** In May 2004, the Washington State Supreme Court’s Task Force on Civil Equal Justice Funding issued its report, “Quantifying the Additional Revenue Needed to Address the Unmet Civil Legal Needs of Poor and Vulnerable People in Washington State.” The report quantified the unmet legal need in the state at \$28,256,000 annually and called for an additional \$18,250,000 in state funding for civil legal aid. Appointed by Chief Justice Gerry Alexander in 2001, the Task Force was charged with undertaking a comprehensive study of civil legal needs of low-income people and developing recommendations for long-term and sustained funding for legal assistance. It was chaired by state Supreme Court Justice Charles W. Johnson and included representatives of the judiciary, the executive branch, the legislature, legal aid programs, prosecutors and other equal justice stakeholders.
- **Wisconsin.** The Supreme Court of Wisconsin has ordered the State Bar of Wisconsin to conduct a study of the legal needs of low-income residents of the state and identify funding solutions for civil legal services.

Campaigns and Events

- **Iowa.** In Iowa, a pilot statewide communications effort, funded in part by LSC and the Project for the Future of Equal Justice, brought the resources and skills of a public relations consultant to the state to assist in “branding” Iowa Legal Aid and increasing awareness on the part of state opinion leaders about the importance of civil legal aid.
- **New York.** In March 2004, the New York State Unified Court System, through its Access to Justice Center, co-sponsored statewide open house events with civil legal services providers to raise awareness of the need for and the benefits of civil legal services. Future open houses and similar events are being planned in conjunction with the newly formed Equal Justice Commission.
- **Oregon.** In Oregon, the fourth series of biennial legal aid open houses took place in the fall of 2004 at legal aid offices and courthouses throughout the state. Speakers included federal judges, members of Congress, Oregon Supreme Court justices, state legislators, and other prominent officials.
- **Texas.** On September 8, 2004, the Supreme Court of Texas held a hearing on the status of legal aid in Texas to determine what has been accomplished and what still needs to be done to ensure equal access to the justice system for the poor. The Court has held this type of hearing only once before, in 2000. Based on that hearing, the Court created the Texas Access to Justice Commission to coordinate the delivery of legal services at a statewide level. In conjunction with this year’s hearing, the Court received a report from the Commission on the status of civil legal services to the poor in Texas. The 2004 hearing was broadly covered in the

press and resulted in editorials supporting civil legal assistance. In February 2005, in his first “state of the judiciary” address, delivered to a joint meeting of the Texas House and Senate, new Chief Justice Wallace Jefferson spoke eloquently about the need for improved access to the courts for low-income people, specifically lauding the work of the Texas Access to Justice Commission.

- **Texas.** The Texas Equal Access to Justice Foundation and the Texas Access to Justice Commission are continuing the “Justice for All Texans” campaign, launched in 2003, to increase awareness of the need for civil legal aid. Materials to date have included an op-ed piece by Texas First Lady Anita Perry and a videotape narrated by Bill Moyers, with a special lead-in by Texas Supreme Court Justice Harriet O’Neill for showings at bar events.
- **Washington.** In October 2004, Washington State civil legal aid providers held open houses at nineteen civil legal aid offices throughout the state to raise public awareness about civil legal aid. More than 1,000 people participated, including legislators, judges and justices, bar leaders and members of the media.

State Access to Justice Initiatives

Funding for Civil Legal Assistance

Trends

Increasing funding for civil legal assistance is the bottom line for expanding access to civil justice. With a major increase in federal funding unlikely in the short term, increasing state-level funding—whether through appropriations, court fee or fine surcharges, voluntary or mandatory bar dues contributions, statewide fundraising campaigns, improvements in IOLTA, or other devices—has been the major focus of most state Access to Justice commissions.

- **Legislative Campaigns 2005.** As this report goes to press, Access to Justice leaders in a number of states, with support from the courts and the bar, are launching legislative campaigns for new or additional state funding for civil legal assistance, from appropriations, court fee or fine surcharges, or a combination of those sources.
- **Legislative successes 2004.** There was mixed news on state funding for 2004. Maryland, New Jersey, North Carolina, Virginia and Washington won major victories in the state legislature. However, one factor in these successes was the need to offset reductions in IOLTA funding due to low interest rates. In addition, as a result of state budget problems, state funding in several other states was reduced and three states that had previously received state funding (Alaska, Colorado, and Wisconsin) did not receive an appropriation for 2005. There are currently ten states with no state funding for civil legal assistance. (The other seven are Alabama, Arkansas, Connecticut, Idaho, Mississippi, South Dakota, and Wyoming. In early 2005, the Arkansas Legislature enacted the state's first funding measure.)
- **Court and bar successes.** Sources of funding controlled by the courts and the bar, including attorney registration fee surcharges or dues assessments, bar dues check-offs or add-ons, and *pro hac vice* (practice by out-of state attorneys) fees, provided significant new legal aid funding in several states in 2004. Several states received significant funding under the *cy pres* doctrine from class action settlements or judgments and other states are exploring ways to increase this source of funding through educational efforts and legislation.
- **Civil right to counsel.** Advocates in a number of states are exploring constitutional and legislative recognition of a civil right to counsel (“Civil Gideon”) under certain circumstances as a step toward expanding access to civil justice.
- **Private fundraising.** A growing number of states have focused on expanding resources and building support for legal aid through statewide fundraising campaigns that mobilize the private bar with lawyer-to-lawyer solicitations. Frequently they are led by major public figures or prominent bar leaders. In addition to raising new revenues, such high-visibility fundraising campaigns can increase buy-in from volunteers and contributors and provide a base of support for other initiatives.
- **Support for LSC.** Increasingly, state Access to Justice leaders are using their experience and connections to educate federal legislators about the need to increase LSC funding.

Increasing funding for civil legal assistance is the bottom line for expanding access to civil justice.

State Legislative Campaigns Underway in 2005

- **Arkansas.** Arkansas had a major victory in April 2005 when the state Legislature passed legislation adding \$20 to the civil court case “reopening” fee to support civil legal aid. The new fee is expected to generate between \$200,000 and \$400,000 per year for civil legal aid. To date, Arkansas has had no state funding for legal aid.
- **Arizona.** The Arizona Bar and the Arizona Foundation for Legal Services & Education are supporting a \$5 increase in the court filing fee surcharge to benefit legal aid programs, which do not currently receive funding from this source.
- **California.** The Judicial Council of California has approved a legislative proposal for revision of the civil filing fee structure, to include the first-ever funding for legal services from court fees. The initial proposal to the legislature calls for \$2 per filing to go to the Equal Access Fund. This amount may be increased before the process is finalized. If enacted, the surcharge could generate \$2 million or more each year.
- **Connecticut.** In Connecticut, the Access to Justice Coalition, a group of distinguished bar leaders and other prominent figures, has been formed to seek state legislative funding for legal assistance.
- **Delaware.** Access to Justice leaders in Delaware are seeking an increase in the \$200,000 general appropriation for legal assistance, new in 2003.
- **Illinois.** The Equal Justice Illinois Campaign, a grassroots educational effort aimed at building a stronger, more stable base of funding for Illinois’ legal aid system, is seeking a \$2 million increase in state funding this legislative session, with a long-term goal of a \$5 million increase. The campaign is led by a blue ribbon committee chaired by former Governor James Thompson and former State Senator Phil Rock.
- **Kentucky.** In Kentucky, early in 2005, during the legislative budget process, Access to Justice leaders scored an important victory when the Legislature adopted a provision restoring funding for legal aid to \$1.5 million in the current fiscal year and providing for \$1.5 million for next fiscal year. In 2004, the Legislature had adjourned without a budget, prompting the governor to adopt a spending plan that contained a 27 percent reduction in funds for civil legal aid programs. In 2003, the Legislature doubled the state’s existing filing fee surcharge to fund legal aid.
- **Louisiana.** The Louisiana Access to Justice Committee and the Louisiana State Bar are supporting legislation to obtain a \$1.2 million appropriation for legal assistance in 2006, up from \$300,000 for 2004 and 2005. The 2004 appropriation was the first ever.
- **Iowa.** In Iowa, Access to Justice leaders are seeking to double state legislative funding from \$600,000 to \$1.2 million. The Iowa State Bar Association and the Iowa Trial Lawyers are strong proponents of the increase.
- **Maine.** Maine’s Justice Action Group has launched an effort to increase funding to the state’s Civil Legal Services Fund. The legislative proposal includes both a new appropriation of \$400,000 annually and an increase of \$10 in the surcharge on civil fines and penalties currently directed to the Fund.

- **Ohio.** Ohio is seeking an additional \$6.3 million for its legal aid delivery system from a proposed increase in the filing fee surcharge. The proposal would increase the current legal aid surcharge of \$15 in civil filings by an additional \$10. It would also apply a \$25 surcharge to decedent estate filings, which the current surcharge now excludes. Last year, Ohio generated over \$7.8 million in filing fee revenue. The proposal has been included in the governor's budget submission to the Ohio Legislature and endorsed by the Ohio State Bar Association and all seven metropolitan bar associations in the state.
- **Washington.** This year, for the first time, the Washington State Bar Association, the courts, public defenders and the legal aid community have come together under the banner of "Justice in Jeopardy" to urge the Legislature to address a set of important justice system funding needs. The civil legal aid portion of the proposal is \$7 million, which represents an initial request toward meeting the finding of the Supreme Court's Task Force on Civil Equal Justice Funding that \$18 million in additional state funding is needed to address unmet needs identified in its 2003 Civil Legal Needs Study. The Task Force also recommended the establishment of an Office of Civil Legal Aid to administer these funds, to be located in the judicial branch of government.
- **Wisconsin.** In his February 2005 budget submission to the legislature, Wisconsin Governor Jim Doyle requested \$500,000 in new state funding to be distributed by the Wisconsin Trust Account Foundation to meet certain targeted legal needs. In 2004 Wisconsin received no state funding for civil legal assistance.

State Legislative Successes in 2004

- **Maryland.** In Maryland, the Legislature authorized an increase in court filing fee surcharges that is generating an additional \$5 million a year for the state's legal services organizations. Before the increase, court filing fees generated \$2.2 million a year. The increase was strongly supported by Chief Judge Robert Bell and other justice community leaders, in response to a reduction in IOLTA revenues.
- **New Jersey.** New Jersey increased state funding for civil legal assistance for 2005 by \$4.4 million to offset a major reduction in IOLTA income. The increase was strongly supported by the New Jersey State Bar Association.
- **North Carolina.** In North Carolina, new legislation enacted in 2004 will provide an estimated \$1.3 million in state funds for legal representation to victims of domestic violence by the three civil legal services programs in the state. The new legislation adds \$0.95 to the state filing fee. The new funding is in addition to the existing dedicated funding from the filing fee for general legal services, which is expected to provide \$1.56 million statewide in 2005.
- **Virginia.** To offset IOLTA losses, the Legal Services Corporation of Virginia was successful in convincing the Virginia Legislature to increase its filing fee surcharge by \$1 for the second year in a row. The filing fee add-on for legal aid is now \$4 and provides a total of \$3.4 million.
- **Washington.** The Washington State Legislature increased funding for civil legal aid in its 2004 supplemental budget by \$1.9 million over the amount allocated in the previous year;

bringing total state funding for FY 2004 to \$6.8 million. Bar leaders and the state's chief justice and governor were strong advocates for the increase.

Court and Bar Funding Successes

- **Oklahoma. Indiana. South Carolina.** In July 2004, Oklahoma shifted to mandatory IOLTA, followed by Indiana and South Carolina early January 2005. In all three states the shift took place by order of the state Supreme Court with the support of the respective state bar associations. There are now 30 state IOLTA programs that are mandatory and 20 that are opt-out. Only South Dakota's program remains voluntary.
- **Arizona.** The Arizona Bar has implemented a \$50 opt-out contribution for legal services with bar dues. This optional contribution has raised at least \$100,000 in its first year. In addition, to increase the yield from the state's IOLTA program, the Arizona Bar and the Arizona Foundation for Legal Services & Education worked with the Supreme Court to revise IOLTA rules by ending negative netting of accounts and giving authority to the Bar and the Foundation to define 'reasonable charges' in an annual agreement with the participating financial institutions. These changes will take effect June 1, 2005.
- **Georgia.** In April 2005, the board of governors of the State Bar of Georgia approved a \$150 opt-out contribution for the Georgia Legal Services Program on annual State Bar dues statements. The contribution will appear on 2005 dues statements.
- **New Mexico. Texas. Mississippi.** At the request of the New Mexico State Bar's Legal Services and Programs Committee, the state Supreme Court adopted a *pro hac vice* fee (paid by out-of-state lawyers to practice in state courts) applying to all cases filed after January 20, 2005. Funds raised will be used for legal aid. In 2004, new *pro hac vice fees* in Texas and Mississippi generated \$400,000 and \$175,000, respectively, for legal aid in their first year. Other states with *pro hac vice* fees benefiting legal aid are Oregon and Missouri.
- **Texas.** Voluntary Access to Justice contributions from the State Bar of Texas dues statement generated \$650,000 in 2004, in addition to the \$1.7 million for civil legal services generated by the mandatory fee of \$65 imposed by the Legislature in 2003.
- **Texas.** In June 2004, the State Bar of Texas board of directors voted a one-time increase in the budget of Texas Lawyers Care of \$300,000 for several legal services initiatives, including increased coverage for the malpractice insurance provided for legal aid and pro bono programs; in January 2005, the board voted to raise the increase to \$365,000.
- **Wisconsin.** In January 2005, the Wisconsin Supreme Court ordered a mandatory \$50 annual fee for Wisconsin lawyers that will generate approximately \$850,000 per year for the state's civil legal aid programs. The court called upon the Wisconsin State Bar and the Wisconsin Trust Account Foundation to find a long-term solution for financing civil legal aid.

Right to Counsel in Civil Cases – “Civil Gideon”

- **Maryland.** In December 2003, the Maryland Court of Appeals declined by a 4-3 vote to rule on a claim for a “Civil Gideon” right to counsel for low-income persons in civil matters, despite an impassioned dissent arguing that the claim “goes to the very center of the American constitutional and extra-constitutional promises of equality under the law.”
- **California.** In California, a task force of the California Access to Justice Commission is developing model legislation creating and defining a statutory right to counsel in civil cases under particular circumstances.
- **Texas.** The State Bar of Texas has introduced legislation providing for a civil right to counsel for low-income tenants in certain eviction appeals.

Cy Pres Awards

- **Minnesota.** In early 2005, the Minnesota Community Foundation received \$2.5 million for its endowment fund for civil legal assistance from a \$182 million settlement of a class action claiming that Microsoft overcharged Minnesota consumers and business for its products. The Foundation, established in 1998, aims to stabilize funding for Minnesota’s civil legal aid organizations.
- **Montana.** The Montana Justice Foundation will receive its first *cy pres* award, the exact amount of which has not yet been determined, from a class action judgment.
- **New York.** The New York State Bar Association has created the Special Committee on Funding for Civil Legal Services to explore strategies to obtain *cy pres* awards and develop other new and innovative funding sources for civil legal services.
- **Pennsylvania.** The Pennsylvania Bar Association Delivery of Legal Services to the Public Committee has launched an initiative to secure *cy pres* funding for civil legal aid. Educational materials, including a comprehensive manual on the doctrine, are being provided to judges and attorneys involved in cases with potential *cy pres* settlements.
- **Washington.** The Washington State Bar Association, Access to Justice Board and Legal Foundation of Washington have sent a proposed rule to the Supreme Court that would award 25 percent of unclaimed residuals in class actions to the Legal Foundation of Washington. The proposal was adopted unanimously by the Washington State Bar Association board of governors in February 2004. In 2004, Washington’s LAW Fund and the Campaign for Equal Justice received over \$239,000 in *cy pres* awards for civil legal aid

Private Fundraising Campaigns

- **Maine.** Maine is the latest state to launch a combined, statewide private fundraising campaign. A resource development retreat sponsored by the Justice Action Group in May 2003 led to the creation of the Campaign for Justice, a combined private bar fundraising campaign for Maine’s six legal aid providers based upon personal lawyer-to-lawyer solicitations, kicked off in January 2004. In its first year, the Campaign for Justice received

A growing number of states have focused on expanding resources and building support for legal aid through statewide fundraising campaigns

commitments from some 900 attorneys and judges totaling over \$270,000. The campaign replaced six separate fundraising programs that collectively raised about \$65,000 in 2003.

- **Arizona.** The Arizona Equal Justice Campaign, which completed its first three-year cycle in 2004, has raised more than \$2 million from law firms and individual attorneys for the state's three LSC-funded civil legal aid programs. The board of directors of the Arizona Equal Justice Foundation has voted to continue the Campaign for an additional three-year cycle. The board also has announced the creation of the Arizona Equal Justice Endowment Fund, managed by the Arizona Community Foundation.
- **Colorado.** The Legal Aid Foundation of Colorado, the statewide campaign for legal services, raised a total of \$956,000 in its 2004 fiscal year and distributed \$795,000 to Colorado Legal Services, the statewide legal aid provider. The Foundation began an endowment campaign in late 2003. Approximately \$250,000 has been committed to date.
- **Delaware.** In 2004, its sixth year, Delaware's Combined Campaign for Justice raised \$565,000. Funds from the campaign are divided among the three legal services providers in the state: Community Legal Aid Society, Inc., (unrestricted); Legal Services of Delaware (LSC-funded); and Delaware Volunteer Legal Services (pro bono).
- **Iowa.** Iowa Legal Aid has instituted an Annual Campaign for Equal Justice, chaired by former Governor Robert D. Ray, former Congressman Neal Smith and Des Moines attorney Elizabeth S. Kruidenier. Local leadership committees have formed in most regional office service areas to facilitate local fundraising. An annual event, "Equal Justice After Hours," will provide the finale to each year's campaign, recognizing donors and creating greater awareness of the work of Iowa Legal Aid and the needs of low-income Iowans.
- **Michigan.** The State Bar of Michigan's Access to Justice Campaign completed its seventh year of a combined, statewide private fundraising campaign, raising \$731,000 in new cash and pledge commitments in 2004, and passing the \$5 million cumulative mark. The Michigan State Bar Foundation has issued the first distributions from endowment funds designated for three programs; in addition, as of December 31, 2004, a fourth program achieved the \$25,000 threshold to establish its endowment fund.
- **New Hampshire.** The New Hampshire Bar Foundation's Campaign for Legal Services, launched in 2002 on behalf of the state's three legal aid programs, has raised over \$900,000 in gifts and pledges. The three-year campaign is now in the process of converting to an annual campaign.
- **Oklahoma.** Legal Aid Services of Oklahoma is conducting a statewide fundraising campaign with a three-year goal of \$1.5 million. Past ABA President William Paul is chairing the campaign. The fund drive has raised \$1.15 million, leaving \$350,000 to raise in 2005 to achieve the goal.
- **Oregon.** Oregon's annual Campaign for Equal Justice raised over \$800,000 for legal aid in 2004. The 2004 fundraising campaign was kicked off in September with the first annual LAF-OFF Comedy Competition, featuring ten Oregon attorneys in a head-to-head, stand-up comedy competition judged by a panel of real judges. The event was designed both to raise funds and to promote awareness of the importance of civil legal assistance.

- **Utah.** Since 1999, Utah's "And Justice for All" combined campaign has raised a total of more than \$2.7 million to fund direct legal services. In 2003, the campaign raised over \$425,000. In addition, a capital campaign to build the Community Legal Center raised \$3.55 million. The Center houses the Disability Law Center, Legal Aid Society of Salt Lake, Multi-Cultural Legal Center, and Utah Legal Services, and has led to annual cost savings of over \$440,000 for these agencies.
- **Virginia.** The Virginia State Bar conducted a statewide letter campaign to all registered lawyers that raised \$30,000 for legal aid in 2004. This was in addition to the many successful local fundraising campaigns conducted by local and regional legal aid programs and bar associations that raised close to \$600,000.
- **Washington.** LAW Fund, Washington's statewide fundraising organization, is launching the Campaign for Equal Justice, a collaborative, statewide, annual fundraising campaign that will unite the efforts of groups all across the state that raise funds for civil legal aid, allowing donors to make one philanthropic decision for equal justice funding. The Campaign is being introduced in stages. In 2004, LAW Fund, the Eastside Legal Assistance Program and the King County Bar Foundation consolidated their fundraising appeals to King County law firms. During the same period, the concept of the Campaign for Equal Justice was introduced to the bar in all 39 counties through direct mail appeals, bar publications and other media. Groups outside of King County will continue their stand-alone fundraising efforts until LAW Fund forges the additional partnerships necessary to expand the collaboration. By 2006, LAW Fund envisions a fully integrated, statewide campaign that employs a truly unified "ask" to law firms, individuals, corporations and foundations for civil legal aid support. In 2004, LAW Fund and the Campaign for Equal Justice raised \$1,211,715, a record level.
- **West Virginia.** Legal Aid of West Virginia's private bar fundraising campaign, early in its third year, has raised over \$710,000 in single-year gifts and three-year pledges toward a three-year goal of \$1.2 million.
- **Wisconsin.** The Wisconsin Equal Justice Fund, a statewide fundraising campaign for civil legal assistance aimed primarily at the private bar, raised \$252,066.60 in 2004.
- **Indiana.** In Indiana, the J. Philip and Barbara Burt Access to Justice Fund was created in 2004 by the Indiana Bar Foundation. The fund is named in honor of attorneys Phil and Barbara Burt, who donated \$140,000 to the Indiana Pro Bono Commission to maintain the state's district pro bono programs and successfully solicited other substantial donations to the Pro Bono Commission. The \$140,000 figure represents the difference between the amount that the Pro Bono Commission distributed in IOLTA funds last year and the amount that was available for distribution for this year due to low interest rates. Phil Burt will complete his term as chair of the Indiana Pro Bono Commission this year; he has served since it was created in 2001.

In addition, successful private bar campaigns by local or regional programs are underway in many states (not discussed here because the focus of this report is on efforts associated with state-level Access to Justice structures). For examples and additional information, see the manual *Innovative Fundraising Ideas for Legal Services (2004 Edition)*, produced by the Project to Expand Resources for Legal Services (PERLS), available at www.abalegalservices.org.

State Access to Justice Initiatives

Pro Bono

Trends

Access to Justice entities usually work on statewide pro bono initiatives in conjunction with the state bar or bar association. Recent pro bono successes in a number of states demonstrate that, together with a strong commitment from the bar, judicial involvement and leadership, especially at the state Supreme Court level, are critical and can have a major impact on the level of involvement of private attorneys in serving low-income people.

- **Mandatory reporting.** Four state Supreme Courts have now adopted rules requiring mandatory pro bono reporting: Mississippi (March 2005); Nevada (2003); Maryland (2002); and Florida (1993). Several other states are considering changing their professional responsibility rules to require mandatory reporting.
- **Comprehensive statewide structures.** Formal statewide pro bono systems, with a state-level commission and local committees, with judicial or joint bar-judicial leadership, have been created by Supreme Court rule in Indiana, Maryland, Nevada, and Florida. A number of other states are developing or exploring creation of a formal or informal pro bono structure featuring state and local committees.
- **Rule changes.** Several states have recently adopted new rules based upon revised ABA Model Rule 6.1 setting an aspirational standard for pro bono service. Other recent rule changes designed to promote pro bono services include allowing attorneys to receive continuing legal education credit for performing pro bono services or mentoring, waiving fees or continuing legal education requirements for “emeritus” retired attorneys providing pro bono work, and authorizing the “unbundling” of legal services (limited representation).
- **Campaigns and targeted initiatives.** Several states have recently launched major statewide pro bono recruitment campaigns led by the chief justice and bar president or have initiated other efforts to revitalize or expand pro bono service in the state. Other states have developed targeted initiatives to increase pro bono for certain types of cases.
- **Web sites.** A large majority of the states now have extensive web-based resources to support pro bono attorneys.
- **Conferences.** Annual bench/bar conferences in a number of states focus on expanding pro bono initiatives.
- **Data collection.** Several states engaged in statewide data collection efforts to ascertain levels of pro bono activity and identify ideas for encouraging more volunteer attorney participation.

Mandatory Pro Bono Reporting and Comprehensive Statewide Pro Bono Structures

- **Mississippi.** In March 2005, Mississippi became the fourth state in the nation to adopt a professional responsibility rule requiring mandatory pro bono reporting. The Mississippi Supreme Court's new Rule 6.1 adds a requirement that lawyers report their hours of pro bono work to the Mississippi Bar, while lowering the previous aspirational goal of 50 hours per year of pro bono work for the poor to 20 hours. The revised rule allows lawyers to pay \$200 per year in lieu of hours of work to satisfy the suggested pro bono obligation.
- **Nevada.** Nevada's Supreme Court adopted a mandatory pro bono reporting requirement in 2003. The new rule also asks attorneys to provide a minimum of 20 hours of free pro bono services or to contribute a minimum of \$500 to a legal assistance program. The mandatory reporting requirement is now in its second year. Already in place pursuant to Supreme Court rule was the State Bar of Nevada Access to Justice Committee, now reconstituted as a section of the State Bar, and regional three Pro Bono Foundations. The Pro Bono Foundations are using the framework of the new rule to solicit bar members for contributions, creating a new source of income for legal services and heightened awareness of equal justice in the legal community.
- **Maryland.** Maryland's pro bono rules, adopted by the Court of Appeals effective July 2002, require annual reporting of pro bono service by attorneys and establish state and local structures for pro bono service delivery. The statewide Standing Committee on Pro Bono Legal Service is charged with studying long-range pro bono issues, serving as a clearinghouse for materials, and developing a State Pro Bono Action Plan to be presented to the Court of Appeals by July 2005. Each county is required to create a local pro bono committee to assess the legal needs of the community and develop a strategic action plan for addressing those needs. The Standing Committee assists the local committees and will evaluate their plans. Maryland has now completed three years of required reporting. The results of the first two reporting years reveal that close to 50 percent of Maryland lawyers were engaged in some type of pro bono activity.
- **Indiana.** In Indiana, the J. Philip and Barbara Burt Access to Justice Fund was created in 2004 by the Indiana Bar Foundation to maintain the state's district pro bono programs, which develop and implement pro bono plans to help meet the civil legal needs of low-income people in each judicial district. Each district's pro bono committee is led by a trial judge appointed by the Supreme Court. The new fund is named in honor of Phil Burt, the chair of the Indiana Pro Bono Commission since it was created in 2001, and attorney Barbara Burt. The Burts donated \$140,000 to the Commission and successfully solicited other substantial donations. The \$140,000 figure represents the difference between the amount that the Pro Bono Commission distributed in IOLTA funds last year and the amount that was available for distribution for this year due to low interest rates.
- **Illinois.** The Illinois Supreme Court Special Committee on Pro Bono Service, created in 2001 to evaluate the role that the Supreme Court should play in pro bono efforts in the state, issued its report and recommendations in 2004. The Special Committee recommended mandatory pro bono reporting and development of a comprehensive pro bono system similar

to those in Florida, Maryland and Nevada, including creation of a statewide pro bono committee and judicial circuit pro bono committees. The Supreme Court's Rules Committee is currently considering the proposed rule.

- **Ohio.** As part of Ohio's new state plan, which identifies an ambitious set of strategies for increasing the engagement of pro bono attorneys, the Ohio Legal Assistance Foundation's Pro Bono Committee has been working since mid-2004 to draft a version of ABA Model Rule 6.1 to recommend to the state Supreme Court. The proposed draft includes a provision that would require reporting of pro bono activity and financial contributions to legal aid programs as part of every attorney's biennial registration process.
- **Wisconsin.** As part of the reforms proposed by the Wisconsin Supreme Court's Ethics 2000 Commission report, the state's Rule 6.1 would be narrowed to focus a lawyer's pro bono efforts on low-income residents, set a 50 hour aspirational goal, and require an annual report from each lawyer on whether the lawyer met this goal. The proposed revision is pending before the state Supreme Court.

Other Rule Changes

- **Idaho.** Effective July 1, 2004, the Idaho Supreme Court adopted a new Rule 6.1 on pro bono service that substantially follows the ABA Model Rule, including its suggested guideline that a lawyer voluntarily provide 50 hours of pro bono service per year. The Idaho State Bar proposed and supported the changes.
- **Louisiana.** Effective March 1, 2004, the Louisiana State Bar Association's House of Delegates adopted a revised Rule 6.1 based on the ABA model rule, setting an aspirational standard of 50 hours of pro bono work per year. The Access to Justice Program collects annual data on pro bono participation, gathered through the state's voluntary pro bono reporting mechanism.
- **Montana.** Montana's new Rule 6.1, adopted by the state Supreme Court as of April 1, 2004, generally follows the ABA model rule, but strengthens the standard by omitting the word "voluntary" from the title and deleting the word "aspire" with respect to rendering 50 hours of service.
- **Colorado. Delaware. Wyoming.** Colorado, Delaware and Wyoming have changed their continuing legal education rules to allow attorneys to receive credit for performing pro bono services.
- **Montana.** The Montana Supreme Court has amended its continuing legal education rules to establish an emeritus requirement with reduced hours and waiver of continuing legal education fees. The educational sessions must be in areas of law in which the attorney will provide pro bono services. Annual dues are also waived for emeritus attorneys.
- **Massachusetts.** A revised rule of the Massachusetts Supreme Judicial Court allows lawyers to be admitted solely for the purpose of doing pro bono work. It is aimed at retired attorneys and waives their bar admission dues.

- **Michigan.** A proposed Michigan rule would allow emeritus attorneys to practice pro bono in legal aid and certain government offices.
- **Montana.** The new Montana rules also track ABA Model Rule 6.5, providing for the “unbundling” of legal services. Florida, Maine, Washington, and Wyoming have also adopted new ethical rules allowing for limited representation, while proposals are under consideration in a number of other states.
- **North Dakota.** The North Dakota Supreme Court amended its conflict of interest rules to allow government attorneys to participate in telephone hotline projects sponsored by the bar and legal aid programs.
- **Wisconsin.** The Wisconsin State Bar and the Supreme Court’s Ethics 2000 Commission are recommending changes in the rules to authorize the unbundling of legal services and to lessen the conflict of interest standard that applies when lawyers are volunteering out of the office with legal clinics. The proposed revision is pending before the state Supreme Court.

Judicial involvement and leadership, especially at the state Supreme Court level, are critical.

Local Pro Bono Structures

- **Colorado.** In Colorado, pursuant to the plan creating the new Access to Justice Commission in 2002, each judicial district is developing a committee to address Access to Justice issues, with a primary focus on pro bono representation. Of the eighteen possible local Access to Justice Committees, ten are moving forward. The Colorado Supreme Court is encouraging local judges to participate on the district committees. Projects of the various committees include clinics, creation of a family law court, and hiring a pro bono coordinator.
- **Minnesota.** In Minnesota, the Legal Assistance to the Disadvantaged Committee continues to develop and implement a 10-point plan to expand pro bono participation across the state. As part of this effort, pro bono committees have been developed in each judicial district.
- **New York.** In January 2004, the New York court system released a two-volume report on “The Future of Pro Bono in New York,” calling for creation of local pro bono action committees with joint judicial-bar leadership, supported by a statewide Standing Committee on Pro Bono. The deputy chief administrative judge for Justice Initiatives has been working with top court administrators and bar leaders to implement the recommendations. Local pro bono action committees have been formed statewide.
- **Wisconsin.** The Wisconsin State Bar Legal Assistance Committee has developed a plan for creation of a state-level Pro Bono Commission and local pro bono committees in each of the ten state circuit court districts, each to include a circuit court judge. The State Bar board of governors has approved the initial phase of the plan and provided funding for its implementation in pilot project areas. The State Bar is shifting its grantmaking focus to new or expanded projects that have the support of their local bar, judges, community groups and legal services providers.

Pro Bono Planning and Campaigns

- **Alaska.** To elevate the profile of pro bono service on a statewide level, the Alaska Bar Association added a pro bono director in May 2004. With her support, the Bar Association is implementing an annual strategic plan to expand volunteer recruitment and recognition, bench and bar leadership, outreach and education, coordination among existing legal service agencies, and partnerships with the educational and business communities. Specific new initiatives include a series of law firm partner lunches to strengthen relationships among firms, legal services providers and the greater legal community, and a new pro bono recognition program called “Good Deeds, Good Feeds,” that provides baked goods and beverages donated by local businesses to a firm where secretaries, paralegals and other staff assist in pro bono case representation. The Bar Association’s board of governors has adopted four aspirational goals for board members relating to pro bono involvement, visibility, recruitment and new attorney outreach.
- **Arkansas.** The Arkansas Bar Association has approved the core components of the “Blueprint to Expand Volunteerism among Arkansas Lawyers” developed by the Arkansas Legal Services Partnership. As a part of that effort, pro bono attorneys and program financial supporters across Arkansas were recognized at the Bar Association’s annual conference and in the winter 2005 edition of the *Arkansas Lawyer*.
- **Idaho.** The Committee to Increase Access to the Courts of the Idaho Supreme Court has approved the establishment of a Subcommittee on Pro Bono Initiatives with the following goals: to educate judges and members of the bar about the importance of pro bono services, to encourage the judiciary to take an active role in promoting participation in the Idaho Volunteer Lawyers Program, and to recognize volunteer attorneys for their work. The Subcommittee is planning a pilot project in the Fourth Judicial District (the largest in Idaho) to test implementation of these initiatives.
- **Kentucky.** The Kentucky Bar Association, with the approval of the Kentucky Supreme Court, will provide \$200,000 in pro bono development funds to the Access to Justice Foundation to support a statewide pro bono development director. The new director will collaborate with local pro bono coordinators on strategies for increasing pro bono participation, including a statewide recruitment campaign. The initiative also has financial support from Kentucky’s legal aid programs.
- **Louisiana.** Building on the Louisiana Supreme Court’s adoption of a new Rule 6.1, the Louisiana State Bar Association’s Access to Justice Program is working with pro bono coordinators throughout the state on a campaign called “Pro Bono Attorneys Hold the Key to Justice.” The campaign will include an article in each issue of the *Louisiana Bar Journal* in 2005, concluding with the December issue, which will be devoted to pro bono. Along with the publicity and marketing materials, the group will develop a continuing legal education training on Rule 6.1 and talking points for distribution to bar officers. The group hopes to involve the Louisiana Supreme Court in these efforts.
- **Rhode Island.** In 2004, Rhode Island Supreme Court Chief Justice Frank Williams, in conjunction with Rhode Island Bar Association’s President Jametia O. Alston and Past President John

M. Roney, led an extremely successful campaign to increase the number of attorneys providing pro bono services, with a particular focus on largest law firms in the state.

- **South Carolina.** The South Carolina Bar has created a new Pro Bono Committee and a new position of pro bono director as part of a comprehensive plan to revitalize pro bono service in the state. The goals of the new committee include increased volunteer recruitment and recognition, accurate reporting of pro bono efforts, and creation of active pro bono programs within local bars. The measures grew out of the recommendations of the South Carolina Bar's Pro Bono Task Force, comprised of members with a history of pro bono service, which evaluated the Bar's pro bono structure and discussed ways to deliver legal services through the program more effectively.
- **Tennessee.** In early 2003, the Tennessee Bar Association initiated "Lawyers Care," a statewide pro bono recruitment drive, with a challenge to all Tennessee attorneys from the state's chief justice and the Bar Association's president to render and report pro bono legal services. The chief justice also issued a specific challenge to the large law firms in the state to adopt formal pro bono policies. To follow up, the Tennessee Bar Association has instituted voluntary reporting of pro bono and other volunteer service on the annual dues. The Bar Association is also sponsoring regional luncheons for law firms, hosted by a member of the Supreme Court and local legal aid programs, focused on the need to adopt formal pro bono policies and specific opportunities for pro bono work in the region.
- **Wisconsin.** The Wisconsin State Bar's Legal Assistance Committee has launched a "Just Take Two" campaign to encourage all active Wisconsin lawyers to make a commitment to take two new pro bono cases each year.

Targeted Initiatives

- **Alaska.** The Alaska Bar Association has created a new ad hoc committee of its Pro Bono Services Committee to focus on family law pro bono issues.
- **California.** The California State Bar's Standing Committee on the Delivery of Legal Services and the Legal Aid Association of California are conducting education and outreach concerning legislation enacted in 2002 requiring the state to take the pro bono work of lawyers into account when awarding some contracts for legal work.
- **Louisiana.** The Louisiana Attorney General's office has developed a project to involve its attorneys in pro bono work, opening the door for participation by more than 200 government attorneys who have heretofore been prohibited from such efforts. Attorney General Charles Foti, who has a longstanding commitment to community involvement, has announced that the office will consider pro bono activities as a factor in evaluation of employees. The Access to Justice Committee is hoping to work with other governmental agencies to expand this practice.
- **Michigan.** The State Bar of Michigan is planning its third biannual domestic violence pro bono statewide training for August of 2005. The goal is to recruit 200 additional lawyers to represent survivors with their legal needs.

- **Michigan.** The State Bar of Michigan has developed a “pro bono menu” to present to lawyers in regions throughout the state. The menu includes all pro bono opportunities in the given area, some statewide opportunities, and an option to contribute to the Access to Justice Fund in lieu of contributing services.
- **Michigan.** The State Bar of Michigan presented its 23rd annual Cummiskey Award recognizing exemplary pro bono work by an individual attorney. The award is accompanied by a \$2,000 gift to be presented to a legal services program of the recipient’s choice. Michigan also continues to publish a “Circle of Excellence” list of law firms and corporations that have achieved 100 percent compliance with the voluntary pro bono standard.
- **Rhode Island.** In Rhode Island, the Roger Williams University Ralph R. Papitto School of Law has created a Racial Justice Task Force to increase options for pro bono service for attorneys with relevant areas of expertise.
- **Virginia.** The chief justice of the Virginia Supreme Court has appointed a statewide committee to develop a plan to increase pro bono assistance in custody cases.

Pro Bono Data Collection

- **Delaware. Maryland. Missouri. Texas. New York.** These five states have completed data collection studies of pro bono participation by attorneys in their respective states to aid in planning new approaches to pro bono recruitment and retention.
- **Alaska.** The Alaska Bar Association has developed a statewide electronic membership survey to gather both quantitative and attitudinal data on pro bono involvement.
- **Ohio.** The Ohio Supreme Court Task Force on Pro Se and Indigent Litigants is conducting the state’s first statewide pro bono survey, to be completed in March 2005, under the joint sponsorship of the Supreme Court of Ohio, the Ohio Legal Assistance Foundation, the Ohio State Bar Association, and Ohio’s association of metropolitan bar associations.
- **Rhode Island.** Rhode Island’s Roger Williams University Ralph R. Papitto School of Law is conducting a survey on the pro bono activity of Rhode Island attorneys.

State Access to Justice Initiatives

Loan Repayment Assistance Programs

Trends

Young attorneys interested in careers in legal assistance frequently face crippling law school debts. Loan repayment assistance initiatives aimed at assisting the new generation of public service attorneys are underway in a number of states.

- **Bar-based loan repayment programs.** Access to Justice commissions, state bars and bar foundations have developed loan repayment assistance programs.
- **State-funded programs.** In several states, efforts to obtain state appropriations to fund loan repayment assistance programs are underway.
- **Campaigns.** Several states have launched campaigns to encourage law schools and legal aid providers to develop new programs.
- **Studies.** The Illinois Coalition for Equal Justice has initiated a study to document the extent and effects of law school debt on legal aid programs and other public service institutions.

Programs

- **Missouri.** The Missouri Bar and Bar Foundation have established a loan repayment assistance fund that seeks to make it possible for more lawyers to pursue public service careers. The Bar is asking attorneys and their law firms to make contributions to the Bar Foundation, which will dispense the funds to help defray the costs of law school loans for qualifying public interest lawyers. The law firm of Armstrong Teasdale donated the first \$10,000 to launch the fund. Other states with programs sponsored by a bar foundation include Arizona, Maine, and New Hampshire.
- **New York.** In 2004, the New York State Bar Association launched a loan repayment assistance program with awards of \$5,000 each to five public interest attorneys, funded by an inaugural grant from the New York Bar Foundation. In 2005, the Bar Foundation will again provide \$25,000 and the Association will continue to support the five initial recipients. Fundraising is underway to expand the program.
- **Texas.** The State Bar of Texas committed \$80,000 for 2004 to help fund the Texas Student Loan Repayment Assistance Program, created by the Access to Justice Commission in 2002 with private donations. The Texas Bar Foundation administers the program with continued support from the Commission's staff. The State Bar is contributing an equal amount for 2005.
- **Washington.** In July 2004, the Washington State Bar Foundation established a loan repayment assistance program. The programs will provide \$5,000 per year to each participant for a maximum of five consecutive years.

Young attorneys interested in careers in legal assistance frequently face crippling law school debts.

Campaigns, Studies, Task Forces and Legislation

- **California.** The Legal Aid Association of California has organized a Loan Repayment Assistance Committee, charged with initiating a campaign to persuade California law schools to launch loan repayment assistance programs and creating incentives for legal services programs to create their own programs. The California State Bar, Legal Aid Association, and Bay Area Legal Aid have allocated funds to enable the Committee to hire a consultant to develop a proposal for creation of a statewide program with tax benefits for participating programs and their employees. In tandem with this effort, the non-profit organization Uncommon Good is advocating for loan repayment assistance programs with Southern California law schools and their alumni.
- **Illinois.** The Illinois Coalition for Equal Justice is undertaking a recruitment and retention study to explore the following issues: turnover rates in legal aid and public service organizations; reasons that legal aid and public service attorneys leave their positions; the level of compensation and benefits offered by Illinois legal aid providers as compared to those offered by local and state government and firms; the cost of turnover to legal aid organizations; and the impact of turnover long-term. The Chicago Bar Foundation is funding the study.
- **Kentucky. Nebraska.** In Kentucky and Nebraska, proposals to establish a state-funded program are pending.
- **Pennsylvania.** The Pennsylvania Bar Association has created a Task Force on Loan Forgiveness and Repayment Assistance, which includes representatives of the bar, the courts, the Legislature, legal services, and student loan administrators.
- **Texas.** Through the leadership of the Access to Justice Commission, two Texas law schools will provide scholarships for students who make a commitment to practice law with recognized legal aid organizations. Baylor University School of Law and the William Wayne Justice Center for Public Interest Law at the University of Texas School of Law have established Equal Justice Scholarships, which will be awarded to students with strong academic credentials and demonstrated commitment to public service. Upon graduation from law school, the scholarship recipients, in accordance with their commitment, will practice law at legal aid organizations for at least three years.

State Access to Justice Initiatives

Access to Courts and Support for Self-Represented Litigants

Trends

A majority of states have created some kind of formal structure to bring together the bar, the courts, legal aid providers, and others to make the courts more accessible and user-friendly and in particular to address the challenges posed by the growing number of self-represented litigants. Some of these structures are part of a state Access to Justice entity with a broad charge. Others are on a separate, parallel track, such as a court or bar-based task force or standing committee. While some state groups are still at the planning stage, others have already developed comprehensive plans and begun major initiatives.

- **Comprehensive state plans.** A number of states have developed comprehensive statewide plans to make the courts more accessible to self-represented litigants, identifying measures to be taken by the courts, the bar, legal aid providers and other key players.
- **Evaluation.** California has been in the forefront of evaluating projects that provide support for self-represented litigants to determine their effectiveness and develop data to guide plans to address the problem.
- **Training and education.** Many states are developing protocols, training programs, manuals, notices, and other measures to provide guidance to judges and court personnel in responding to self-represented litigants.
- **Simplification of rules and forms.** Many states have developed new procedural rules and simplified statewide forms and pleadings to reduce barriers for self-represented litigants.
- **Courthouse support.** Many states have implemented courthouse-based support systems for self-represented litigants, such as court assistance offices.
- **Web sites and technology based tools.** Web sites with self-help information, downloadable court forms, online document assembly systems, and a variety of other innovative technology based tools to help self-represented litigants have been launched or are under development through court-legal services provider collaborations in many states.
- **Unbundling.** Several states have adopted or are considering new rules to permit “unbundling” of legal services (limited representation).
- **Limited English proficiency.** A growing number of states are developing plans to make the courts more accessible to people with limited English proficiency and hearing impairments.
- **Administrative fairness.** Maine’s Justice Action Group has been in the forefront of developing techniques to increase access to justice at the state agency administrative level.

Reports and Plans

- **California.** The California Judicial Council's March 2005 report to the legislature on the effectiveness of the Equal Access Fund included evaluation findings and recommendations on the court-based self-help projects run by legal aid providers in conjunction with the courts and funded by the Equal Access Fund. The report found the centers to be effective and recommended increased funding and expanded evaluation.
- **California.** In 2004, California's Judicial Council approved the "Statewide Action Plan for Serving Self-Represented Litigants" developed by the Task Force on Self-Represented Litigants. The plan includes recommendations to the Judicial Council, the state bar and other institutions about additional measures that should be considered to improve the way in which the legal system functions for self-represented litigants. Recommendations include creation of an attorney-supervised, staffed self-help center at every court, provision of technological and other support for those centers on a statewide basis, and training for judicial officers on working with self-represented litigants.
- **New Hampshire.** The New Hampshire Supreme Court Task Force on Self-Represented Litigants issued its report in January 2004, recommending a series of reforms, the first of which is that more resources be devoted to civil legal services. Others include revision of ethical rules to permit limited representation, creation of case managers in every major court to evaluate cases for possible referral and meet with pro se litigants before trial, creation of an online self-help center and a "computer in every courthouse" project, designation of a statewide coordinator to oversee court alternative dispute resolution systems, simplification of court rules and procedures, and written protocols for judges and court staff for managing pro se litigation.
- **New York.** In New York, a team of judges, bar leaders and court managers has developed a statewide plan that includes a variety of initiatives to make the courts more user-friendly and supportive of self-represented litigants. The court system, through the deputy chief administrative judge for justice initiatives, has spearheaded implementation of the initiatives, including designing and launching a web site for the self-represented (www.nycourthelp.gov); expanding courthouse-based assistance programs; and developing court employee training on how best to provide information to the public.
- **North Carolina.** The second North Carolina Equal Justice Conference, held in November 2004 and hosted by the North Carolina Bar Association, highlighted the report "Caught in the Middle" issued by the North Carolina Bar Association Pro Se Task Force earlier in the year. Bar Association President Gray Wilson has identified the establishment of a statewide domestic relations self-help system as one of his presidential goals. Following up on one of the recommendations of the report, the Bar Association has created a new Committee on Modest Means Access.
- **Iowa.** In 2004, the Iowa Judges Association and the Iowa State Bar Association appointed a Pro Se Litigants Task Force, charged with reviewing the issues raised by self-represented litigants in the courts and making recommendations to respond to them. The Task Force will report in mid-2005.

Training and Awareness

- **California.** The Judicial Council of California, the policy-making body for the California state courts, has established “access to justice” as the first of six priorities of its strategic planning efforts. With the support of the California Access to Justice Commission, the Judicial Council has adopted an “access protocol” under which the courts will seek comment from the legal services community before implementing any new initiatives to ensure that they have no undue impact on access to justice. The Judicial Council is working with the Legal Aid Association of California on outreach to the legal services community to ensure its input on proposed rules, standards, and forms that could have a significant impact on low-income people. The Council has resolved to identify and address existing barriers to access and avoid any measures that could create additional barriers.
- **California.** The successful media launch of *www.LawHelpCalifornia.org*, at which Chief Justice Ronald George praised the collaborative efforts of the Administrative Office of the Courts and legal services providers in developing the web site, dramatically increased site usage. An animated public service announcement has also been developed and will be distributed to 86 television stations throughout the state.
- **California.** Each year, the California Access to Justice Commission recommends a judge to be honored jointly by the state bar, Judicial Council, and California Judges Association for his or her dedication to improving access to the judicial system. The award has become one of the most prestigious honors in the state and helps to focus the attention of court and bar leaders on the issue. This year, in recognition of the key role played by court staff in assisting self-represented litigants, the Commission will create a new award for court staff.
- **Indiana.** The Indiana Supreme Court’s Pro Se and Self Service Center Project has worked to educate trial courts and clerks about the best ways to assist self-represented clients and has initiated cooperation between the state’s public libraries and county clerks.
- **Louisiana.** The Louisiana Supreme Court Pro Se Committee has completed its “Guidelines for Best Practices in Pro Se Assistance,” which provides guidance for the judiciary in working with pro se litigants.
- **Michigan.** Michigan’s Equal Access Initiative distributed a framed “Commitment to Service” poster to chief judges in all of Michigan’s courts. The Commitment, approved by order of the Michigan Supreme Court, provides notice to courthouse users of their right to equal and fair treatment and a pledge to provide efficient access to justice to all people.
- **North Carolina.** The North Carolina Bar Association’s new Committee on Modest Means Access is developing outreach materials aimed at the legal community, including a video presentation with accompanying checklists, forms and resources, to promote awareness of the need for support of pro se litigants. The Committee received funding for the video and accompanying materials from the Bar Association’s Foundation Endowment.
- **Washington.** In December, the Washington State Supreme Court adopted the “Washington State Access to Justice Technology Principles,” published with the Washington Court Rules, the

first such principles in the nation. Their goal is to ensure that technology promotes and is not a barrier to the effective utilization of the justice system. The order adopting the principles provides that they are to be considered in deciding the appropriate use of technology in the administration of the courts and the cases that come before them. The principles were developed over a three-year period through a broadly inclusive process that took full advantage of the availability of legal, technological and other expertise in the state and nationally.

Current Projects and Initiatives

- **Delaware.** In Delaware, the Pro Se Litigation Assistance Committee has developed a system to make attorneys available at the Self-Help Resource Center in the New Castle County Courthouse for 15-minute consultations with self-represented litigants prior to the filing of court documents. The attorneys, who volunteer for two-hour timeslots, answer questions regarding filing fees and court procedures and provide brief consultations. Panels of volunteer attorneys are currently working in the areas of family and landlord-tenant law. Free continuing legal education is offered to enable attorneys who have less experience in the area to participate. Other services available at the Self-Help Center, which serves litigants in all of Delaware's courts, include an information desk, court forms, instructions, educational materials, legal self-help books, books addressing the emotional aspects of people's cases, a list of attorneys (indicating specific practice areas, fees and other information), notary services, computers and printers, a photocopy machine, a VCR for viewing of court-related videos, and a fax machine. The Family Court operates additional Self-Help Resource Centers in two counties. The courts have also developed a web site with an "Online How-To Center" providing extensive legal information.
- **Idaho.** Idaho Legal Aid Services and the Idaho Supreme Court's Court Assistance Office Project are collaborating on a two-year statewide Idaho Pro Se Project to develop over 300 civil legal forms, utilizing "HotDocs" software technology. The Project hopes to have most of the family law forms available by mid-summer 2005. A particular goal of the effort is to increase access to the judicial system for underserved populations, including rural Idahoans, Spanish-speaking people, and Native Americans.
- **Indiana.** The Indiana Supreme Court's Pro Se and Self Service Center Project has developed uniform, statewide pro se forms, some of which are available in Spanish, and has posted them on a web-based Self-Service Legal Center. The pro se forms are also used at pro se clinics sponsored by Indiana Legal Services and local pro bono committees. The web site also includes a variety of other informational material and links to assist self-represented litigants. The Supreme Court's Pro Se Advisory Committee is preparing an opinion on limited scope representation and the specific issue of ghostwritten pleadings.
- **Michigan.** Michigan's Equal Access Initiative has published three juvenile justice brochures with substantive information on the following topics: the criminal process; juvenile rights in the areas of health care, mental health, adoption, guardianship, emancipation, abortion and name changes; and a guide for parents.

- **Montana.** The Eastern Montana Self-Help Law Project has opened computer workstations in three eastern Montana locations, at which pro se litigants can obtain legal information and forms, complete and print legal documents, and copy and fax as needed. Private attorneys in some of Montana's larger cities are handling pro bono cases in remote areas via videoconferencing. The Montana Legal Services Association has received a grant to develop pro se forms using the "HotDocs" format, set to be made available to the public in June 2005. A new feature being tested on www.montanalawhelp.org, the web site developed by the Legal Services Association, State Bar and Equal Justice Task Force, is "LiveHelp," which permits users with problems navigating the site to enter their phone number and receive a call back from a trained volunteer.
- **Nebraska.** The Nebraska Supreme Court Committee on Pro Se Litigation has developed pro se forms for uncontested divorces with no issues, posted on the Supreme Court's web site in August 2004.
- **Nevada.** The Nevada Council on Pro Se Assistance and the Supreme Court Library Commission have developed a set of standardized divorce pleadings with instructions and definitions, which must now be accepted by all state courts. Individual state courts at the county level are adapting the pleadings for use by self-help litigants as well as practitioners. The Council is currently undertaking a similar set of standardized forms, instructions, and definitions for housing cases involving apartments and mobile homes. Private lawyers representing landlords, legal services attorneys, and court personnel are involved in the new effort.
- **North Carolina.** In North Carolina, the report of the North Carolina Pro Se Task Force provided impetus for the development of a self-help clinic in Buncombe County (Asheville), which will be operational soon.
- **Texas.** The Protective Order Task Force created by Supreme Court of Texas at the request of the Texas Access to Justice Commission and the State Bar of Texas Family Law Section has finalized a domestic violence pro se protective order kit, which includes forms and instructions for their use, as well as a plan for the statewide implementation and distribution. Texas First Lady Anita Perry and Attorney General Greg Abbott joined Justice Harriet O'Neill and the Task Force in launching the kit in April 2005, during National Crime Victims' Rights Awareness week. The Task Force was staffed and funded by the Access to Justice Commission. The Texas Foundation granted \$26,000 for translation of the instructions into low-level literacy and into Spanish, as well as for production and broad dissemination of the kit. The complexity of Texas law and variations in the protective order application process among the 254 Texas counties posed a particular challenge to the creation of usable forms.
- **Virginia.** Following a year of study and the issuance last year of a report and plan to address the needs of pro se litigants, the Virginia Supreme Court implemented a pilot domestic violence self-help kiosk using California's I-CAN technology.
- **Wisconsin.** The Wisconsin Supreme Court's Pro Se Working Group has developed new, standardized and web-accessible family law forms that can be completed online, printed and filed in any state circuit court to initiate a new case. The system, expected to be ready this spring, will use an interview format to generate the completed forms, along with checklists providing instructions for printing, filing and service.

“Unbundling”

- **Florida. Maine. Montana. Washington. Wyoming.** These five states have adopted new ethical rules allowing for limited representation or “unbundling” of legal services, while proposals are under consideration in a number of other states.
- **California.** In California, the Access to Justice Commission’s Limited Representation Committee released a “risk management” packet, containing instructional materials for clients and attorneys, sample fee agreements, checklists, and forms.

Court Access for People with Limited English Proficiency and Hearing Impairments

- **Maine.** In Maine, Justice Action Group’s Subcommittee on Individuals with Limited English Proficiency, which included representatives of the judiciary, state court administration, legal aid providers, interpreters, and social services providers, released its report in January 2005. The report calls for development of system-wide policies, outreach and training, translation of key forms, increases in the quality and quantity of interpretation services available, and creation of an advisory committee to oversee implementation of the recommendations and to continue to monitor needs.
- **California.** In early 2005, the California Commission on Access to Justice released its policy paper on “Language Barriers to Justice in California.” The report calls for adoption of a comprehensive language access policy for the courts, expansion of training and development of model protocols for court personnel, reevaluation of the system for training and certifying interpreters, evaluation of the role of lawyers, legal services programs, law schools, and law libraries, and increased research on the problem.
- **Indiana.** In an effort to make certain that Spanish-speaking litigants have access to the state’s courtrooms, the Indiana Supreme Court has created a Court Interpreter Program to certify qualified Spanish-language interpreters. Five interpreters have been certified and sworn in by Chief Justice Randall T. Shepard, who delivered the oath in Spanish.
- **Michigan.** Michigan’s Equal Access Initiative has begun a quarterly electronic newsletter on disabilities issues. The first issue addressed issues relating to use of the court system by people with hearing impairments, and included links to related articles and court forms requesting accommodation. Future issues will address wheelchairs in the courtroom; non-lawyer advocates for people with cognitive disabilities, and low-cost tips to make courthouses user-friendly for people with disabilities.

Administrative Justice

- **Maine.** In the spring of 2005, the Administrative Law Task Force of Maine’s Justice Action Group, which includes representatives of the private bar, the Attorney General’s office and legal aid providers, sponsored an Administrative Law Conference for state agency hearing officers and other administrative staff. The conference reviewed current laws and procedures and suggested best practices for customer service. The training builds on a report by the task force identifying potential barriers to justice in the state at the administrative level.

State Access to Justice Initiatives

New Programs and Statewide Collaborations

Trends

State Access to Justice structures provide a context for examining the state's civil legal aid delivery system as a whole and developing plans for new programs and collaborations to ensure that it meets the full range of the civil legal needs of its low-income population.

- **Systemic advocacy and services to immigrants and prisoners.** Access to Justice leaders are increasingly placing a priority on developing statewide capacities to provide a full range of services to a full range of clients, including advocacy that cannot be funded by the Legal Services Corporation.
- **Collaboration and coordination.** Many states have implemented or expanded partnerships to support and promote coordination and collaboration among providers, including pro bono attorneys, in order to improve services and ensure that the broad range of issues facing low-income people is addressed. These include substantive task forces, creation of statewide coordinator positions, training, internet-based support, Access to Justice conferences, and workshops at bar conferences.
- **Technology based tools.** Providers are working with other partners to implement innovative technology-based systems for delivering legal services, state web sites serving advocates and clients, coordinated regional or statewide intake and advice systems, and statewide technology plans.

Systemic Advocacy and Services for Immigrants and Prisoners

- **Maine.** In Maine, the Justice Action Group successfully promoted the development of a two-year pilot project to provide civil legal services to prisoners through the University of Maine Law School's legal aid clinic, funded by a contract with the state Department of Corrections.
- **New Mexico.** New Mexico's Law Access, a new statewide telephone intake, advice and referral program launched in 2003, is funded exclusively with state funds, to permit it to serve recent immigrants and others not eligible for assistance from LSC-funded programs.
- **Minnesota.** In Minnesota, a coalition of legal aid providers serving immigrants and refugees is collaborating to develop a statewide plan to improve and expand services in immigration law and immigration-related civil legal services. The group is currently seeking funding to implement the plan.
- **Mississippi.** In its third year, Mississippi's new state legal advocacy entity, the Mississippi Center for Justice, has already won major victories for low-income people in the areas of Medicaid, juvenile justice, and voting rights. The Center is working with local volunteer

attorneys, community groups, and civil rights and legal services organizations to provide systemic advocacy on behalf of low-income residents of the state. The Center is funded by contributions from 250 individual donors and fifteen law firms, as well as grants and fellowships from the Skadden Fellowship Foundation, the Southern Poverty Law Center, the National Consumer Law Center, and Equal Justice Works, among others. In November 2004, the Center's annual "Champions of Justice" dinner, emceed by Mississippi Supreme Court Justice James Graves, raised \$110,000. The Center's success is providing a model for Access to Justice leaders in other states to recreate a capacity for systemic advocacy.

- **Arizona.** In Arizona, the William E. Morris Institute for Justice provides legislative advocacy for low-income people and coordination for the substantive work of legal aid programs. The Institute solicits input from legal aid advocates concerning legislation and regularly reports on legislative activities of concern to legal services clients. The Institute also coordinates family law, housing and public benefits task force meetings for the three legal services programs, which often focus on legislative activities. For example, in 2004, legislation was passed amending Arizona's child support statute to allow married parents to seek child support back to the date of separation, for up to a three year period, the same as allowed for unmarried parents. The idea for this legislation was proposed by a legal services attorney.
- **Tennessee.** The Southern Poverty Law Center, Montgomery, Alabama, one of the nation's leading civil rights organizations, is funding the services of an attorney for almost one year to assist the Tennessee Justice Center in representing the more than 1.3 million people participating in the TennCare health insurance program, which is threatened with major cutbacks.

Collaboration and Coordination

- **Texas.** Finding that low-income people in rural areas of Texas have special problems obtaining legal assistance, the Texas Supreme Court created the Task Force to Expand Legal Services Delivery, charged with developing recommendations to promote collaboration among the state's civil legal assistance providers and increase pro bono services in underserved areas.
- **Louisiana.** In Louisiana, new statewide coordinator positions in the areas of training and technology have been created and filled. The statewide technology coordinator provides support to the state's legal services programs and the Access to Justice Technology Committee, which is developing a comprehensive technology plan for all participating providers. The statewide training coordinator works with statewide substantive task forces and others to develop training opportunities for legal aid staff members, pro bono attorneys, and clients. In October 2003, the training coordinator helped plan and present a two-day State Justice Community Retreat offering networking and education opportunities.
- **New York.** In June 2004, the New York State Bar Association convened its seventh Legal Assistance Partnership Conference, a biannual, three-day event attended by more than 400 advocates. The conference included strategic planning sessions, substantive continuing legal education, workshops and plenary luncheons featuring speeches by state legislators and

LSC President Helaine Barnett. The Bar Association charges only a nominal fee and makes a substantial investment in resources in the conference.

- **Tennessee.** The Tennessee Alliance for Legal Services, in conjunction with the Tennessee Department of Children's Services and the National Association of Social Workers, Tennessee Chapter, has launched *www.tennbelp.com*, a web site providing access to over 3,000 family and children's social service organizations throughout Tennessee.
- **Illinois.** Illinois' statewide web-based Access to Justice initiative, formerly known as the Illinois Technology Center for Law & the Public Interest, is now Illinois Legal Aid Online. The project, a statewide collaboration between Illinois legal aid organizations, funders, the private bar, and law school communities, hosted by the Chicago-Kent College of Law, maintains two web sites: *www.IllinoisLegalAid.org* provides lower-income and vulnerable Illinois residents with information about their legal rights and responsibilities, referrals to free and low-cost legal aid offices, multimedia training and education, and forms and resources for representing themselves; *www.IllinoisLegalAdvocate.org* provides practice support and training for legal aid and volunteer advocates. The majority of the states now have or are developing similar web sites for clients and advocates, created through collaborations among legal aid programs, bar associations, law schools, the courts, and other state and national partners.

State Access to Justice Tools

Access to Justice Checklist

The following are some initiatives undertaken by state Access to Justice entities. The list is not meant to be exhaustive or to apply to every state. Use it to develop ideas for your state.

Education, Research, Awareness

- Supreme Court hearing regional hearings
- Statewide Access to Justice report and recommendations
- Legal needs study
- Legal aid open houses
- Annual Access to Justice conference
- Bar/court education campaign—speakers, materials, track or sessions at bar conference, newsletters
- Media campaign—op-eds, editorial board meetings, press releases, public services announcement, video

Funding for Civil Legal Assistance

- State appropriation
- Court filing fee/fine surcharge
- Attorney registration fee surcharge or dues assessment
- Bar dues check-off or add-on
- Pro hac vice* (practice by out-of state attorneys) fee
- Statewide private bar fundraising campaign
- Cy pres* awards and structured class action settlements—education and development
- Modification of IOLTA rules/structure to increase yield
- Statewide resource development plan—by consultant or task force
- Court or legislative task force on civil legal aid funding
- Civil right to counsel—legislation and research
- National—support for LSC funding with state congressional delegation

Pro Bono

- Court-based statewide and/or regional pro bono structure
- Pro bono reporting, mandatory or voluntary
- Rule setting aspirational pro bono standards
- Continuing legal education credit for pro bono and/or related mentoring
- Recruitment campaign, led by state bar and Supreme Court
- Pro bono case priority on court docket
- Emeritus rule—waiver of bar dues/fees for retired attorneys engaged in pro bono work
- Creation of web-based and other resources to support pro bono attorneys.
- Annual bench/bar conferences focused on pro bono
- Statewide data collection on current pro bono to develop ideas for expanding

Student Loan Repayment Assistance

- State appropriation
- Campaign to develop law school based programs/scholarships
- Privately funded program
- Bar or bar foundation funded or sponsored program

Court Access and Pro Se

- Statewide action plan on self-represented litigants
- Statewide action plan on litigants with limited English proficiency
- Court assistance offices, self-help centers
- Web sites with court information and forms
- Simplification and standardization of forms and pleadings
- Revision of rules to allow “unbundling” of legal services
- Training for court personnel
- Review of new rules, forms, and legislation affecting access to courts for low-income people
- Access to Justice award for judges and court staff
- Evaluation and data collection

State Agency Administrative Fairness

- Analysis and report on state agency procedures
- Awards and identification of best practices
- Training for hearing officers and agency personnel

Program/Delivery/Collaboration

- Development/expansion of capacity to serve clients who cannot be served with LSC funds
- Development/expansion of capacity to serve clients with limited English proficiency
- Development/expansion of capacity for systemic advocacy
- Substantive task forces, conferences, training and support for legal aid and volunteer advocates
- Statewide plans and staffing for coordination of advocacy, training, technology

State Access to Justice Tools

Best Practices: Twelve Lessons from Successful State Access to Justice Efforts

While no two states are alike, and every state's Access to Justice effort must be addressed to local circumstances, some basic lessons can be discerned in the Access to Justice efforts that have been most successful around the country over the past decade.

- 1. Successful Access to Justice efforts are founded upon a strong partnership among the bar, the judiciary, and legal aid providers. Law schools can also be key partners, while representatives from outside the legal community can bring new perspectives and help broaden support.**

Each of the key institutional partners – the bar, the courts, and legal aid providers – brings a particular set of strengths to the table. The bar brings its volunteer base and professional structure, including the potential for staffing Access to Justice efforts. Providers bring their direct experience with the civil legal needs of low-income people, their expertise in developing and implementing effective delivery models, and their links to low-income communities. The judiciary brings its unique credibility and rule-making authority, as well as direct experience in responding to the growing number of self-represented litigants. The full range of legal aid providers should be represented, including LSC-funded and non-LSC-funded programs and pro bono programs.

Law schools are key Access to Justice partners in a number of states. Professors and students can serve as valuable resources. Many law schools are in fact civil legal assistance providers, through their clinical programs. Building support for equal justice in the next generation of attorneys should be a part of the Access to Justice effort.

A few states with well-established structures have been very successful in bringing in more diverse partners, including legislators, government executives, and representatives of the business, labor, education, and religious communities. By successfully making the case that equal justice should not be the concern or responsibility of the legal profession alone, they have obtained access to new resources, new ideas and perspectives, and broader support for their goals. Several newer Access to Justice efforts are also involving a broad range of partners. Other states should consider broadening their membership as a long-term goal as well.

- 2. Formal structures that are accountable to more than one partner can be more secure than informal structures or structures accountable to only one partner.**

Informal structures or structures that are supported solely or primarily by one partner alone may lack the ability to survive in times of adversity. A state Access to Justice commission that is staffed by the bar but created by Supreme Court rule and made up of representatives appointed by different institutional constituencies is less likely to be vulnerable to funding or staffing cuts as the results of a change in bar leadership than is a bar Access to Justice

committee. While it may be possible to achieve a similar result by including a broad and diverse membership on a bar-based committee, entities that are accountable to a single institution are inherently more vulnerable. A bar-based effort is more likely to be secure if it receives contributions from other partners for staffing and expenses. Similarly, a provider-dominated group is less likely to win credibility and long-term support with the other partners.

3. Judicial leadership – especially at the state Supreme Court level – greatly increases the effectiveness of Access to Justice initiatives.

In a number of states, the chief justice or another state Supreme Court justice is an active leader in state Access to Justice initiatives. In several states, a justice is the co-chair or vice-chair of the state Access to Justice entity. The impact of Supreme Court leadership cannot be overstated. In addition to raising the visibility and credibility of the Access to Justice mission as a whole, Supreme Court leadership can greatly enhance the effectiveness of efforts to increase state funding for civil legal assistance, to increase pro bono activity, and to make the courts more accessible to low-income people. Federal District Court and Court of Appeals judges, who play a leading role in several states, can be similarly effective. More broadly, the involvement of the judiciary at all levels will enhance the effectiveness of Access to Justice efforts.

4. Individual leadership is critically important for a successful Access to Justice effort.

Building an effective structure is not enough. Strong leadership on the part of individuals will always be necessary for an Access to Justice effort to succeed.

One person can make a difference. In many states, the leadership of a single individual has been the catalyst for the successful launch, progress, or revitalization of an Access to Justice effort.

Leaders have emerged from a variety of different institutional roles – judges, bar officers, program directors, bar or bar foundation staff, and others. But many of the most effective leaders have been volunteers with no formal responsibility in this area, who simply developed an Access to Justice vision and brought others along. An individual's institutional role is far less important than the willingness to make a commitment to do what is necessary to further Access to Justice goals.

5. New and emerging Access to Justice leaders should be cultivated.

Building leadership within the Access to Justice structure itself is critically important. An Access to Justice effort that initially includes all the strongest supporters of the mission may find that three or four years later, when the original leaders are ready to move on, there is no one ready to take their place. This may occur when the sense of crisis or initial excitement associated with launching the effort is waning. The result can be a moribund Access to Justice effort.

Creating clear terms of office, with rotating leadership, can help to avoid this problem, while promoting activity and accomplishment – leaders will want to ensure that there are concrete achievements during their terms of office. On the other hand, terms need to be long enough to build expertise and relationships. Three-year terms for officers have generally worked well. Longer terms are appropriate for committee members. A good mix of long-term supporters and new blood can be ideal.

As part of an Access to Justice initiative, it can be valuable to create structures and contexts in which new leaders can emerge – for example, committees and work groups, open meetings, convocations, public hearings, and the like. People who have not previously been involved in a prominent role may respond to the Access to Justice vision and come forward as leaders.

6. Institutional commitment is necessary on the part of each of the key partners. Each partner must work to build support within its own institutional base.

As important as individual leadership is, development of strong institutional commitments is equally important. When bar presidents or executive directors, Supreme Court justices, or legal aid program directors are providing strong leadership, depth of institutional support may not seem to be of particular importance. But when those individuals move on, the failure to have invested energy in building strong and enduring support can put the effort at risk. Especially at state and local bar associations, the foundation of most successful efforts, building a culture and history of commitment to the Access to Justice mission is an important goal.

To ensure a successful, ongoing effort, each Access to Justice partner needs to take steps to build or maintain support for the effort within its institutional base. Bar leaders need to build support within the membership of their organizations; directors of legal aid programs, within their boards and staffs; jurists, among the judiciary and court personnel.

Individual leaders need to make clear what they are doing and why it is important. They should take as much care in crafting the message that they are sending to their own institutional base as the one they are sending to the state legislature, key decision-makers, and the public.

This challenge is especially important when an institutional partner is devoting institutional resources to Access to Justice – for example, when a bar entity takes on the burden of paying for Access to Justice staff. Making too big a commitment all at once can be risky. Leaders should be clear exactly what the resources are being used for and what they can reasonably be expected to achieve.

7. Assessing and publicizing accomplishments is a key task.

Assessing results and charting accomplishments is important to building support within the Access to Justice structure and the institutions that support it. Especially in a large state, it will be valuable to develop an annual plan and issue an annual assessment report.

Publicizing Access to Justice activities and accomplishments can too easily be overlooked. It's easy to assume that everyone knows everything that has been accomplished – but too often that is not the case, even within the membership of the Access to Justice group itself.

8. Access to Justice leaders should chart a compelling vision but avoid creating unreasonable expectations.

Setting a boldly ambitious goal can be an effective way to motivate participants in a campaign. Failure to articulate a compelling vision at the outset can result in failure of buy-in, energy and commitment on the part of potential partners. At the same time, creating unreasonable

expectations can be dangerous, leading to discouragement and a sense of failure when they are not fulfilled. In the messages they send to their constituents, Access to Justice leaders need to find a balance between these two competing concerns. This can be accomplished by setting reasonable interim goals while charting a bold long-term vision.

9. An effective staff capacity is essential for a successful Access to Justice effort.

While leadership roles can be filled by volunteers, staffing is necessary for adequate support, continuity, communications, and continued momentum.

Ideally, the staff person(s) should have Access to Justice as a sole, or at least primary, job responsibility and should report directly to the Access to Justice leadership. In practice, this will not always be possible, especially in a smaller state with few resources. Under these circumstances, it may be necessary for someone in an existing staff position to assume the Access to Justice responsibility. However, simply adding this responsibility to a staff person's existing duties is unlikely to be successful. Access to Justice groups should do whatever they can to find the resources to ensure that their efforts are staffed effectively.

Finding the right staff person can be difficult – the job requires significant interpersonal, communications, and political skills, the capacity to work effectively with a diverse group of volunteers, knowledge of the legal system and an understanding of the legal needs of low-income people. The skills, abilities, and energy level of the staff person are essential to the success of the Access to Justice effort. Above all, it is essential that the staff person have the full trust of all the institutional partners. A staff person who is viewed as primarily loyal to one institution – for example, the bar or the provider community – rather than the partnership as a whole, may not be effective.

10. Access to Justice structures should carefully consider how best to obtain meaningful input from client communities.

Every Access to Justice structure should find a way to obtain meaningful input from client communities. There is no single model or easy method for accomplishing this goal. While some client representatives and groups have called for individual client representation on Access to Justice entities, many experienced Access to Justice leaders believe individual representation is not an effective way to obtain client input, especially in light of the increasing diversity of client communities. In their view, legal aid providers can effectively bring to the table the insights of their client board members and the findings of their periodic needs assessment processes. In addition, leaders of social service agencies or organizations working in client communities, particularly when they come from those communities themselves, can offer particularly valuable perspectives and support. Each state Access to Justice entity should carefully consider how it will ensure that client points of view are heard and considered.

11. Access to Justice structures should be open and inclusive and place a priority on developing trust among the partners.

Just as each institutional partner has its strengths, each has its own particular institutional concerns, perspectives, and culture. Dedication to the shared goal of Equal Justice may not be

enough to prevent misunderstandings from arising among the partners. There is always a danger that a “them and us” attitude may develop, which can lead to serious divisions in a state’s justice community and do lasting damage to the Access to Justice cause. Processes that are perceived as closed or exclusive can exacerbate the danger.

All the partners in a state Access to Justice effort should be aware of this potential problem and work to overcome it. To move forward effectively, all the partners need to work hard to build relationships of trust with one another. No one partner should dominate the structure or the other partners.

Ideally, all the key institutional players should be at the table when plans and decisions are made. This will ensure that all the relevant information is available and that the judgments that are made are sound. It will promote buy-in from all the parties and minimize the potential for misunderstandings or feelings of exclusion.

Particularly in larger states, it may not be possible to function effectively without creating a formal structure based on representation – the table will simply not be big enough to include all the players. Leaders should work hard to ensure that the structure is truly representative and to solicit buy-in from all the parties. Meetings should be open to all, at least as observers. While operating in this manner may create logistical difficulties, avoiding the dangers associated with a process that is perceived as exclusive or closed will be worth the extra effort involved.

12. Partners should place a priority on promoting cooperation and consensus within their own community and strive to speak with one voice in public.

Disputes, lack of adequate communication, and failures of cooperation within partner communities can seriously damage Access to Justice efforts. Leaders must work within their own communities to avoid the negative consequences that can flow from such circumstances. In particular, diverse providers should place a priority on promoting cooperation and consensus. While debate and dissent may be inevitable – even helpful – within a community, turf, jealousy, and unnecessary competition will divert energy and undermine the cause. Leaders should try to keep the ‘big picture’ of Access to Justice as a whole front and center at all times. In their public statements, they should strive to speak with one voice.

State Access to Justice Tools

Other Access to Justice Resources

Access to Justice Support Project Web Site

www.ATJsupport.org

Includes:

- Access to Justice news, including the latest information about the initiatives reported in this report, other news, and new resources.
- Downloadable version of this report.
- Archived 2004 edition, including individual state-by-state reports.
- Downloadable version of *Twelve Lessons from Successful State Access to Justice Efforts*.
- Downloadable version of Access to Justice Checklist.
- Access to Justice Resource Library, which includes many of the documents referred to in this report, including state reports and legal needs studies.
- State contacts, resource information, and documents.
- Links to technical assistance and other resources.

ABA Project to Expand Resources for Legal Services

www.abalegalservices.org

Includes the manual *Innovative Fundraising Ideas for Legal Services (2004 Edition)* and link to obtain technical assistance.

ABA Standing Committee on Pro Bono and Public Service ABA

Center for Pro Bono

www.abaprobono.org

Includes extensive resources on pro bono, including reports, model rules, clearinghouse library, link to technical assistance.

ABA Standing Committee on Legal Aid and Indigent Defendants ABA Legal Services Division

www.abalegalservices.org

Includes topical index and links to all ABA committees and projects relating to civil legal aid and pro bono, with extensive resources.

ABA Standing Committee on the Delivery of Legal Services Pro Se and Unbundling Resource Center

www.abalegalservices.org/delivery

Includes extensive resources on courthouse assistance, limited representation (“unbundling”), supported pro se, hotlines, and link to technical assistance.

Other pro se links

www.pro-selaw.org

www.selfhelpsupport.org

www.unbundledlaw.org

LSC Resource Library

www.lri.lsc.gov

