

State Supreme Courts as Leaders in Expanding Access to Justice

PRESENTERS:

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BRIEF DESCRIPTION: State Supreme Courts are emerging as powerful forces in expanding access to civil justice. In addition to the creation of Court-created Access to Justice commissions (considered in another session), efforts currently underway include Access to Justice campaigns, Supreme Court and/or regional hearings, pro bono recognition awards and recruitment campaigns, new rules and policies to promote pro bono service, initiatives to make courtrooms more friendly to self-represented litigants, and support for civil legal assistance funding. Panelists will describe initiatives in their states, discuss how their courts became involved, and provide tips on involving courts not currently engaged.

TOPICAL OUTLINE:

I. Introduction to the panel by Deborah Hankinson (5 minutes).

II. Justice Duggan answers the following question on the role of state supreme court justices on New Hampshire's Access to Justice efforts (10 Minutes):

You chair New Hampshire's Access to Justice Commission, and your state Chief Justice, John Broderick, has been very active in the areas of pro bono and support for self-represented litigants. Tell us about the personal outreach that Justice Broderick has made to increase pro bono participation, and also about the other steps that the Court and your Commission are taking to expand access to justice in New Hampshire.

- a. Mission and structure of the Commission; its relationship to the New Hampshire Supreme Court
- b. Chief Justice Broderick's and Justice Duggan's pro bono initiatives and support for self-represented litigants
- c. Impact of legal need on the courts; importance of court leadership

III. Chief Justice Holder answers the following question on Tennessee's Access to Justice campaign (10 Minutes):

The Tennessee Supreme Court has recently launched an access to justice campaign. Tell us about it and how it came to be. Also, what does the campaign hope to accomplish and how will these goals continue to be addressed once the campaign ends?

- a. Background on the campaign; role of the Access to Justice Coordinator
- b. Public hearings, website and other initiatives
- c. Expected role of ATJ Commission
- d. Pro bono and class action residuals rules changes

- e. Hopes for long-term impact of the campaign

IV. Judge Newton answers the following question on her former role as Deputy Chief Administrative Judge for Justice Initiatives, and the office within the New York State Court of Appeals which has statewide responsibility for access to justice programs (10 Minutes):

You headed an office created by the New York State Court of Appeals devoted to expanding civil justice. Tell us about how this office was created and what some of its principal initiatives have been. Also, what has been accomplished to date and what has yet to be accomplished? How has this office been an innovative model for supporting and encouraging pro bono and expanding access to justice? (Follow-up: in a recent restructuring of the NY court system, these programs have recently been restructured. Does the Court system remain committed to its ATJ programs?)

- a. Justice initiatives: ProBono NY; support for legal services; other
- b. Achievements and New York's Access to Justice programs as a model
- c. Continued commitment to ATJ programs in restructuring

V. Justice Dickinson answers the following question on his role as a national leader in access to justice efforts, and the role of the Mississippi Supreme Court in Mississippi's access to justice efforts (10 Minutes):

Over the past six years you have earned a national reputation as an inspiring speaker about access to justice and you have helped to turn Mississippi into a model of what can be accomplished in a very conservative state. Here's a short list of what the Mississippi Supreme Court has done since 2003:

- 2003, adopted new pro hac vice fee benefiting legal aid.
- 2005, adopted mandatory pro bono/contribution reporting rule.
- 2006, supported filing fee surcharge benefiting legal aid, enacted by the legislature.
- 2006, created the Mississippi Access to Justice Commission.
- 2007, adopted IOLTA rule changing from opt-out to mandatory with comparable rate requirement.
- 2007, adopted a pro bono publicus rule allowing inactive Mississippi attorneys and attorneys licensed out of state to practice in a legal services setting.
- 2007, ordered a series of hearings on access to civil justice to be held around the state, 3 of 4 complete.

How did the Mississippi Supreme Court become so committed to these issues, and how did you become so personally passionate about them? Also, what would your advice be to states that do not have a strong culture of supporting pro bono and legal aid? How can state advocates reach out to potentially unsympathetic Supreme Courts for support? Can

you tell us about your proposal for a pilot project to increase pro bono legal services in Mississippi?

- a. Justice Dickinson's personal commitment to access to justice
- b. Engendering an access to justice culture in your state
- c. Outreach to Supreme Courts
- d. Pro bono pilot project proposal

VI. Discussion (45 Minutes)

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