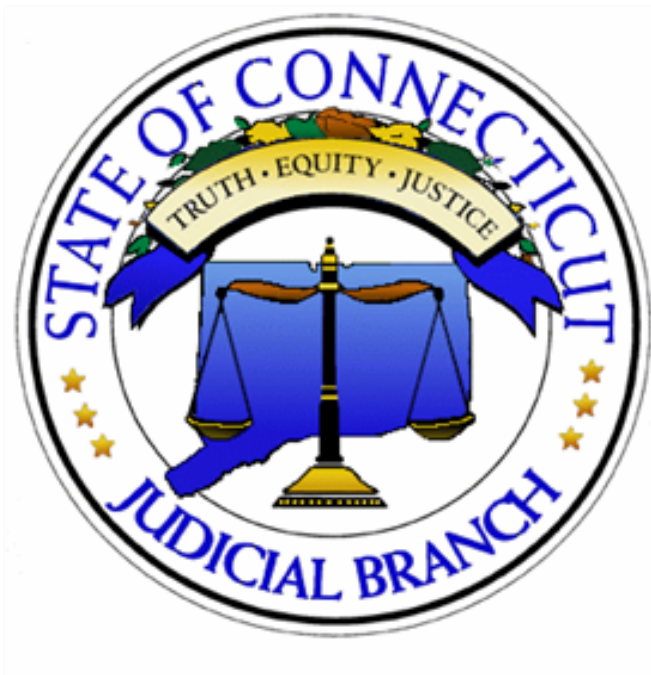


Connecticut Judicial Branch

**Access to Justice
Commission**



Hon. Raymond R. Norko, Chair

*First Annual Report
October 2012*



October 10, 2012

Chief Justice Chase T. Rogers
Connecticut Supreme Court
231 Capitol Avenue
Hartford, Connecticut 06106

Dear Chief Justice Rogers,


As Chair of the Judicial Branch's Access to Justice Commission, I am pleased to present for your consideration the Commission's first annual report, which contains sixteen recommendations for your review, and three recommendations for further study.

The Commission's mix of voices from experienced judicial system users provided the opportunity to examine, from many perspectives, the issues surrounding access to justice. In this forum, Commission members advocated for the common goal of providing equal access to justice for all people.

The comprehensive charge of the Commission was examined in depth and I determined that forming subcommittees would allow the members to mine more deeply specific areas of interest and develop recommendations to address those particular concerns. Each of the four subcommittees was also provided a charge. This report and its recommendations are based on the Commission's work as a whole and on the subcommittees' research and analyses and include, among other things, ongoing support for stable legal aid funding, pro bono recruiting and training, accessible Web pages for people with disabilities, and the streamlining of information to justice partners.

I am proud of the work that the Commission has thus far completed, and I hope that you believe that we have provided to you a solid foundation for the Judicial Branch's meaningful efforts to increase access to justice. If I can be of assistance or you would like to discuss the report and its findings, please do not hesitate to contact me and I will be happy to help.

Respectfully submitted,


Raymond R. Norko



First Annual Report Of
The Connecticut Judicial Branch Access to Justice Commission
October 2012

The liberties of none are safe unless the liberties of all are protected.
-William O. Douglas

It is the rare court system today that does not grapple with the effects of squeezed local and state economies, high unemployment rates, aging populations, and more demands for state and federal services. Connecticut, while among the wealthiest of the United States, is no different; its unemployment rate soaring to over 10 percent at times and its tax revenues declining. Nevertheless, the [Connecticut Judicial Branch](#) has not only managed to meet the demands of the public but has developed new and cost-effective initiatives designed to meet its stated mission of resolving matters in a fair, timely, open, and efficient manner.

This has been accomplished over the last half-decade because of the innovative leadership of [Chief Justice Chase T. Rogers](#) who, upon her swearing in as the state's top Judicial Officer in 2007, pledged to increase the public's trust through improved delivery of services.¹

Increasing access to justice for all people has been a cornerstone of Chief Justice Rogers' tenure. She formed the [Public Service and Trust Commission](#) (PSTC) in 2007, appointed [Chief Appellate Judge Alexandria D. DiPentima](#) as its chair, and charged the 42 members with developing the Branch's first, long-term Strategic Plan.² The [Strategic Plan](#) has served as the Branch's blueprint. Its five outcome goals of improving access to justice, responding to changing demographics, improving the delivery of services, collaborating with internal and external stakeholders, and accountability to all are supported by more than three dozen separate initiatives designed to assess the myriad of issues facing today's modern judiciary.

The Public Service and Trust Commission's legacy has been the workgroups and committees established to develop and oversee implementation of more than 100 activities that support the plan's five goals, our mission, and our core values of fairness, respect, integrity and professionalism.

In 2011, Chief Justice Rogers established the Connecticut Judicial Branch [Access to Justice Commission](#), the successor to the PSTC, to oversee the continuing development and implementation of activities that ensure that access to justice is a reality for all. The Chief Justice asked longtime jurist the

¹ Chief Justice Rogers was sworn in on June 14, 2007. Her ceremony remarks can be found online at http://www.jud.ct.gov/external/news/Speech/rogers_061407.html.

² The Strategic Plan and its subsequent implementation plans are available at <http://www.jud.ct.gov/Committees/pst/>.

[Honorable Raymond R. Norko](#) to lead the Commission. Judge Norko has been [a pioneer in the judicial system](#), having worked to establish Connecticut's internationally renowned Hartford Community Court. The U.S. Department of Justice in 2010 [declared Hartford Community Court a Mentor Court](#) for its approach to justice by improving the quality of life in Capitol region neighborhoods through programs that address root causes of criminal activity and combine accountability of offenders with community service to bring about neighborhood improvements.³

As with the PSTC, Chief Justice Rogers recognized the importance of constructing the membership of the Access to Justice Commission with members from many backgrounds to ensure the widest possible net of experiences and concerns. Along with Judge Norko, the members include:

- The Honorable William H. Bright Jr., who also chairs the Branch's [Pro Bono Committee](#)
- The Honorable Elliot N. Solomon, who also chairs the Branch's [Standing Committee on Video and Teleconferencing](#)
- Deputy Attorney General [Nora R. Dannehy](#), whose office represents the State in all civil matters
- Attorney Steven D. Eppler-Epstein, Executive Director of [Connecticut Legal Services](#)
- Attorney Susan Nofi-Bendici, Executive Director of [New Haven Legal Assistance](#)
- [Deputy Chief State's Attorney](#) John J. Russotto
- [Chief Public Defender](#) Susan O. Storey
- Attorney Jeremy R. Paul, Dean of the [University of Connecticut School of Law](#)⁴
- Attorney Herman Woodard Jr., solo attorney, Woodard Law Firm, Windsor, Conn.
- Attorney Barry C. Hawkins, President of the [Connecticut Bar Association](#)
- Attorney Mark Nordstrom, [in-house counsel to General Electric](#), Stamford, Conn.
- Attorney Eric George of the [Connecticut Business and Industry Association](#)⁵
- Ms. Aileen Keays, a research specialist at [Central Connecticut State University](#)
- Ms. Yanira Rodriguez, a City of Hartford employee and member of the [Hartford Community Court Social Services Team](#)
- Attorney Faith P. Arkin, Director of the Branch's Judge Support Services⁶

³ Information on the Community Court Session is available online at <http://www.jud.ct.gov/external/super/spsess.htm#CommunityCourt>.

⁴ Dean Paul resigned from the Commission in July 2012 when he left the University of Connecticut School of Law and was appointed to the Dean's position at the Northeastern University School of Law. See Northeastern's announcement here: <http://www.northeastern.edu/news/2012/07/jeremy-paul-school-of-law/>

⁵ Attorney George resigned from the Commission in June 2012 when he left the CBIA to launch a consulting firm.

⁶ Attorney Arkin retired from the Judicial Branch in September 2012.

- Ms. Ann Doherty, Deputy Director of [Judicial Branch Law Library Services](#)
- Attorney Jeffrey J. Dowd, Judicial Branch Supervising Law Librarian
- Attorney Johanna Greenfield, Judicial Branch Caseflow Management Specialist
- Ms. Krista Hess, Manager of [Court Service Centers](#) and Public Information Desks
- Ms. Roberta Palmer, Manager of the Branch's [Foreclosure Mediation Program](#)
- Ms. Rhonda Stearley-Hebert of the Judicial Branch External Affairs Division
- Ms. Jennifer Ensign of the Judicial Branch Information Technology Division
- Ms. Sandra Lugo-Gines, Superior Court Operations Division Coordinator for the [Americans with Disabilities Act](#)
- Ms. Heather N. Collins of Superior Court Operations

The Commission's legal adviser and researcher is Attorney Daniel Horwitch of the Judicial Branch Legal Services Unit.

Many Commission members also serve on other committees and workgroups established under the Strategic Plan's initiatives, and several served on the Public Service and Trust Commission. Most participated in one of the more than [100 focus groups](#), two [public hearings](#), and or one of two [public surveys](#) conducted in support of the development of the Strategic Plan.⁷ Still others are active in local bar associations, professional organizations, business interests, and community advocacy groups, working to enhance access to justice for people whose voices can unintentionally be muted in a judicial system increasingly faced with meeting greater demands with fewer resources.

The Access to Justice Commission was [charged by the Chief Justice](#) with developing recommendations to help ensure equal access for all people, regardless of income; ethnic, cultural, or racial backgrounds; physical, intellectual, or psychological abilities; or English-speaking ability.⁸ The members were strongly encouraged to build upon the work of the Public Service and Trust Commission and its three dozen [implementation committees and workgroups](#), and they have done so. The recommendations detailed below have been designed to fulfill the Access to Justice Commission's charge and are based upon extensive information gathering and sharing by and among the members in the spirit of collaboration in pursuit of removing justice access barriers.

⁷ The focus group findings and survey results are available on the Strategic Plan Web page, <http://www.jud.ct.gov/Committees/pst/>.

⁸ The Charge of the Access to Justice Commission is included as Attachment A and can also be found online at http://www.jud.ct.gov/Committees/access/April_2011_Charge.pdf.

Commission Background

The Commission held its first [meeting](#) in June 2011 and met six additional times through September 2012. Based upon a review of the Commission's charge and recommended activities, Judge Norko established four separate subcommittees: [Criminal Issues and Child Protection](#), chaired by Attorney Storey; [Legal Aid/Civil Representation](#), co-chaired by Judge Bright and Attorney Eppler-Epstein; [Self-represented Parties](#), chaired by Judge Norko; and the [American Bar Association and Technology & Access to Justice](#), chaired by Attorney Woodard. Separately, the subcommittees met a combined 13 times from November 2011 through April 2012; each was charged with reviewing processes, procedures, and best practices and developing recommendations to help fulfill their charges.⁹

In addition to the Commission and subcommittee meetings, the members are kept current on [developments and trends](#) from the nation's larger access to justice community in regular e-mails from Judge Norko and Commission support staff. Judge Norko, who is also a member of the American Bar Association's Access to Justice Chairs Commission, participates in monthly conference calls with other [judges and ATJ innovators](#) from across the United States and provides those updates to the Commission.¹⁰ Commission members also utilize common interest listservs to inquire about access trends, promote discussion, and share resources so as to make the best use of limited resources. Those listservs include the ABA's Access to Justice Staff listserv and [another](#) organized by the [National Center for State Courts](#).¹¹

Additionally, some members have attended conferences including the Fifteenth Annual [Liman Colloquium at Yale Law School](#) in March 2012 on *Accessing Justice, Rationing Law*, at which Chief Justice Rogers was part of a panel of jurists from across the country discussing challenges facing the courts and, in particular, civil access to justice.¹² In April 2012, Judge Norko was the keynote speaker at

⁹ The subcommittee charges are included as Attachments B, C, D, and E. Additional information, including meeting minutes, can be found on the individual Webpages of the subcommittees, which can be accessed from the Commission's home Web page, <http://www.jud.ct.gov/Committees/access/>.

¹⁰ The American Bar Association's Standing Committee on Legal Aid & Indigent Defendants has established a Resource Center for Access to Justice Initiatives, which includes materials from the ATJ Chairs meeting. The Resource Center can be found online at http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice.html.

¹¹ The National Center for State Courts (NCSC) has established a Web site, the *Center on Court Access to Justice For All*, which can be found online at <http://www.ncsc.org/microsites/access-to-justice/home>.

¹² The Liman Conference materials are available online at <http://www.nlada.org/DMS/Documents/1331929505.21/Liman%20Colloquium%20Accessing%20Justice%20Rationing%20Law%20Feb%202014%202012%20distribution.pdf>.

the [Hartford County Bar Association](#)'s Law Day commemoration and spoke about access issues in the context of the [No Courts, No Justice, No Freedom](#) theme of Law Day.

Other Commission members perform outreach directly to the bar about access issues and trends impacting the judicial system, such as the need for volunteer lawyers for Judicial Branch-sponsored Volunteer Attorney programs that are currently operating in five judicial districts. There have been informational sessions on a proposal to establish limited scope representation, including an October 2011 [symposium at Quinnipiac Law School](#) on limited scope feasibility that was attended by the bar and members of the bench. Several members attended Connecticut's first-ever [Pro Bono Summit](#) in October 2011, developed and sponsored by the Pro Bono Committee, led by Judge Bright and Attorney Eppler-Epstein, along with critical assistance from Attorney Nofi-Bendici, Ms. Hess and Ms. Stearley-Hebert. The Summit saw the debut of the [Catalog of Pro Bono Programs and Opportunities](#) and the launch of the online pro bono portal, www.probono.ctlawhelp.org ¹³

Collaboration: Critical to Success

The make-up of the Commission and the shared interest in increasing access to justice for Connecticut residents has sparked collaboration that is not often seen. Judge Noroko, on behalf of the Commission, signed a letter of endorsement for grant applications to the Legal Service Corporation (LSC) made by Statewide Legal Services for the development of two projects for its Statewide's Website, [CtLawHelp.org](#).¹⁴ The projects, an Online Classroom Template and a Fotonovela Video Series for Web videos in English and Spanish, [were selected in August 2012 for funding](#) by the LSC in part, legal aid providers said, because of "the strong relationships between the legal service providers, the Judicial Branch and the bar."

Those relationships have been vitally important as the Branch confronts the challenges of increasing numbers of self-represented parties that have the potential to overwhelm the court system and slow some processes to a crawl. Fewer people can afford the services of attorneys and are forced to go it alone in large numbers in civil cases, particularly those in Family Court, housing, small claims and foreclosure. Chief Justice Rogers, in her June 2012 keynote speech to the Connecticut Bar Association, said her "number one concern" is [the increasing number of self-represented parties](#).¹⁵

¹³The Pro Bono Catalog can be found online at <http://www.jud.ct.gov/Publications/ES281.pdf>.

¹⁴ The letters are included as Attachment G and H.

¹⁵ Chief Justice Rogers' speech can be found online at <http://www.jud.ct.gov/external/news/Speech/JusticeRogersRemarks.pdf>.

The upward trend began several years ago in tandem with the declining economy. A painful domino effect ensued: more people were being sued for past due debts and facing foreclosure as the housing market began a plunge that led to an unprecedented decline in available legal aid funding generated by [Interest On Lawyers' Trust Accounts](#) (IOLTA). Nationally, LSC funding was also cut, forcing layoffs of legal aid attorneys around the country.¹⁶

In 2009, the Branch successfully sought [modest increases](#) in certain court fees to boost the sagging IOLTA fund, but the need for additional funding to simply sustain funding levels continued unabated. Earlier this year the Branch, legal aid providers, and the Connecticut Bar Foundation successfully advocated for increased state funding for legal aid with [increases in certain court fees](#) expected to generate approximately \$4.8 million annually through 2015.¹⁷ Although the fee increases are scheduled to end in three years, the Access to Justice Commission, as discussed in the recommendations, supports the need for a steady funding stream to help ensure consistent access to justice for people of limited financial means.

Many other state Access to Justice entities are bar association programs or establishments of court administrations and often rely on special and extra funding to staff their efforts. Connecticut's ATJ Commission is a Judicial Branch entity that takes into account the varied needs of all court users — not only the legal aid community, but the private bar and the business community that rely on stable and adequately funded judicial systems to effectuate commerce in a fair, accessible, and efficient manner — without creating an additional financial burden on the state.

The Commission members are acutely aware of the Branch's budget limitations and the impact of bare-bones funding on the ability to develop new programs.¹⁸ Commission members gave great thought to their assessment of the Commission charge, their Subcommittee charges, and the climate in which the Branch operates before making new recommendations. Many of the recommendations of the initial charges are repeated, albeit in some cases modified to reflect the actions taken by the Branch since the Commission's founding. Other recommendations are made for further study or for referral to other Branch workgroups or outside entities.

¹⁶ Legal Service Corp. reported in August 2012 that up to 8 percent of legal aid attorneys from around the country will be laid off in 2012. See the press release here: <http://lsc.gov/media/press-releases/funding-cuts-expected-result-nearly-750-fewer-staff-positions-lsc-funded>.

¹⁷ Public Act 12-89 was signed by Gov. Dannel P. Malloy and took effect on July 1, 2012. The Act can be read online at <http://www.cga.ct.gov/2012/act/pa/pdf/2012PA-00089-R00HB-05388-PA.pdf>.

¹⁸ Chief Justice Rogers' 2011 State of the Judiciary address to the General Assembly can be found online at http://www.jud.ct.gov/external/news/Speech/rogers_041311_judiciary.htm.

This first annual report reflects the Commission's work in its inaugural year. Each subcommittee's full report is included in the Attachment section of this report.¹⁹ Going forward, it is anticipated that new members will be added as community needs evolve and as Judicial Branch operations are re-engineered in step with technological advances and human capital developments. The Commission appreciates the Branch's willingness to include not only voices from within the Judicial Branch, but those representing the concerns of Connecticut's diverse judicial stakeholders.²⁰

The Commission respectfully submits the following recommendations:

- 1.) The Judicial Branch should continue working with others to support improvements in legal aid funding to maximize the service capacity of the legal aid programs. Further, the Commission and the Judicial Branch should consider supporting an extension of the fee increases beyond its proposed sunset date of 2015.
- 2.) The Judicial Branch should continue to work with bar groups on [limited scope representation](#) proposals, which would both make lawyers more affordable to litigants currently unable to afford any legal representation and increase the number of lawyers volunteering for pro bono service in key aspects of cases.
- 3.) The Judicial Branch should make a concerted and ongoing effort to directly communicate with the bar about the need for volunteer attorneys. The Commission's Legal Aid/Civil Representation Subcommittee and the Subcommittee on the American Bar Association and Technology & Access to Justice may be particularly useful to the Branch, and should share ideas and develop outreach objectives to communicate to bar associations across the state about specific legal needs. Further, there is a need to continue to grow and expand the Judicial Branch's Volunteer Attorney programs and the Volunteer Information Officer program.
- 4.) The Commission should undertake an examination of pro bono program recruitment and training from judicial systems across the country and provide specific recommendations to the Chief Justice and the Office of the Chief Court Administrator by January 2013.

¹⁹ The Subcommittee reports are included as Attachment H, I, J, and K.

²⁰ A representative compilation of resources considered by the Commission over the last 18 months is included as Attachment L.

5.) If economically feasible, the Branch should establish a toll-free telephone number that self-represented parties can use to contact identified Court Service Center staff to ask questions and receive assistance. Many self-represented parties may not be able to physically go to a court location or may be unable to afford the cost of a long-distance call. A toll-free number would enable parties to obtain the necessary assistance without incurring costs or creating any hardship.

6.) The Commission should continue to explore and recommend training avenues, including on-site training and utilization of videoconferencing training, for attorneys interested in providing pro bono services. This could be accomplished if the Commission conducts an in-depth examination of how the Branch currently uses its videoconferencing capabilities and then study how such technology could be used to facilitate access for justice. The examination and recommendations should consider the bar/pro bono programs, people with disabilities, law libraries, and public libraries, and be presented to the Chief Justice in the spring of 2013.

7.) Judicial Branch law librarians conduct outreach with public library staff on available Branch resources. The Branch should consider expanding this effort as time and resources allow. Public libraries often serve as the sole resource for Internet access for people without computers or those with limited computer experience and, unlike law libraries, are usually open in the evenings and on weekends. Therefore, a public librarian should be added to the Commission in an effort to facilitate resource sharing and greater access to justice.

8.) The Branch should consider adopting the recommendations of the Subcommittee on the ABA & Technology and Access to Justice with respect to the development of a single 'Access to Justice' Internet page. The page was designed to be a one-stop shop for people interested in access to the judicial system, including those with [limited English proficiency](#), people with disabilities, the elderly, the self-represented, and attorneys interested in helping to increase access to justice through pro bono work.

9.) To facilitate information exchanges between the Branch's [Committee on Limited English Proficiency](#) (LEP) and statewide legal aid providers who work extensively with limited English proficient populations, the Commission recommends that the LEP Committee seek input from legal aid providers including those represented on the Commission that may have additional LEP resources such as [videos and written information](#).

10.) The Commission believes that the Judicial Branch should now, while redesigning its Web pages and site, develop accessible pages for people with varying abilities by adhering to [Section 508 of the Rehabilitation Act](#) (29 U.S.C. 794d). While these federal standards currently only apply to federal government entities, the Judicial Branch should work now to increase access to justice for all people by adopting similar if not identical accessibility standards for its online offerings, including but not limited to [electronic filing](#), [forms](#), fillable forms, [publications](#), and [videos](#). This will not only increase access, but make the best use of limited Branch resources.

11.) The Commission should conduct an assessment of available resources, including technology, to assist people with low or no literacy skills in navigating the judicial system, such as the use of visual and audio aids. The Branch should also consider installing a “hearing loop” in a busy arraignment courtroom that will provide clearer and more enhanced audio to users of certain types of hearing aids.

12.) The Commission should continue to research and develop additional recommendations that will increase access to justice and attorneys for people of various economic means. The Commission should in particular conduct assessments of so-called “moderate means” programs, like those implemented in [Washington State](#) by its bar associations and law schools, in which attorneys provide legal representation to clients of varying means at discounts of between 25 and 75 percent, depending upon income relative to federal poverty standards.

13.) A guide should be developed for Judicial Branch staff to assist them to understand and work with self-represented parties. A separate chapter in the Judges’ Electronic Bench Book should be created to address self-represented parties. A small workgroup of judges should be appointed by the Office of the Chief Court Administrator to write and create the chapter.

14.) The Branch should create additional [resources and tools for self-represented parties](#) including videos on topics such as filing a divorce, filing for a temporary restraining order, the uncontested divorce, filing an annulment, how to file in [small claims court](#), and how to modify a [child support](#) order. These videos should be created in English and other languages and posted on the [Judicial Branch’s Website](#).

15.) The External Affairs Division, through its ongoing and daily contact with the news media, should continue seeking ways to promote stories regarding access to justice initiatives of the Judicial Branch.

16.) The Commission and Branch should continue to monitor trends from other states and actively seek resources and potential partnerships from judicial branches, legal aid providers, social service providers, public service attorneys, legal professionals, and associations working to increase access to justice.

Additionally, the Subcommittee on Criminal Issues and Child Protection, which is led by Chief Public Defender Susan Storey, recommends for further investigation:

- 1) An information sheet and/or Internet posting with regard to potential collateral consequences of conviction should be posted in lockups and available at court information sites in order to apprise self-represented defendants and families about the collateral consequences that a plea, program, or felony conviction program could have on other aspects of their lives. This could be accomplished at low/no cost and is recommended for implementation as soon as possible.
- 2) Provide for confidential attorney/client discussion and case information review in lockup.
- 3) Training programs to educate all related justice system agency staff in:
 - Barriers for incarcerated parents to participate in their child's delinquency proceedings.
 - Barriers for incarcerated parents involved in termination of parental rights proceedings.
 - Barriers for employment, immigration, education, benefits, subsidized housing, and licensure that are created by collateral consequences of conviction. In furtherance of this, training on collateral consequences is scheduled for October 17, 2012 at Central Connecticut State University (CCSU). Sponsored by the Division of Public Defender Services, CCSU, and the Connecticut Criminal Defense Lawyers Association, the training forum is open to all justice system members.

Next Steps

A vibrant Access to Justice Commission that is responsive to current trends and actively engaged in developing solutions for anticipated challenges is an essential part of helping to ensure a level playing field for all judicial comers. Judge Norko acknowledges the exemplary cooperation of the individual members of the Commission, many of whom come from competing professional backgrounds. The ability of the members to willingly embrace what might be seen as a opaque concept — the borders of access to justice vary for many people — and work together to develop ideas and workable solutions for challenges faced by the court system bodes well for the future.

The Commission's make-up has already changed since its establishment in 2011, with the departure of three members, and it is likely to change again as new members from different backgrounds are added. These initial recommendations reflect what the members at this time believe are important and feasible for the Judicial Branch to consider and implement in the coming months and possibly years.

Certainly, some of the recommendations will be ongoing as it is nearly impossible to imagine a day when legal aid is fully funded and courthouses are entirely accessible and fully staffed; and changing Practice Book Rules or developing palatable legislation takes time and consensus building.

Looking forward, technology will play an important role in improving access to the court system, not only for parties to cases but for attorneys, judges, the public, and the media. But as technology is developed, it must be implemented by people *for* people, who are ultimately the most important part of the bridge in closing the justice gap. From pro bono lawyers who take seriously their ethical obligation to assist people in need, to law school students who can help by providing legal information or volunteering in legal aid offices, to court staff who are trained to provide assistance to people with disabilities, to volunteers who advocate on behalf of neglected and abused children — people who are dedicated to improving the lives of others are what will sustain the momentum that is building to improve access to justice.

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Attachments

- A. Charge of the Access to Justice Commission
- B. Charge of the Subcommittee on the American Bar Association and Technology & Access to Justice
- C. Charge of the Subcommittee on Criminal Issues and Child Protection
- D. Charge of the Subcommittee on Legal Aid/Civil Representation
- E. Charge of the Subcommittee on Self-represented Parties
- F. Letter of Support to the Legal Services Corp. in support of Technology Initiative Grant for Online Classroom
- G. Letter of Support to the Legal Services Corp. in support of Technology Initiative Grant for *Fotonovela* Video Project
- H. Report and recommendations of the Subcommittee on the American Bar Association and Technology & Access to Justice
- I. Report and recommendations of the Subcommittee on Criminal Issues and Child Protection
- J. Report and recommendations of the Subcommittee on Legal Aid/Civil Representation
- K. Report and recommendations of the Subcommittee on Self-represented Parties
- L. Resources: A Representative Compilation of Resources Considered by the Commission (2011-2012)

Charge of

The Connecticut Judicial Branch Access to Justice Commission

In what was the early stage of the worst national recession in modern-day history, Chief Justice Chase T. Rogers in June 2007 formed the Judicial Branch's Public Service and Trust Commission to develop a long-term Strategic Plan. Recognizing that access to justice is a fundamental right, the Commission developed the Plan with input from more than 1,500 people including those who represent the poor and people of moderate means as well as community advocates for disenfranchised or underrepresented populations.

Since 2008, the Plan has provided a framework for the Branch's operations based on its five broad outcome goals of increasing access to justice, responding to changing demographics, improving the delivery of services, collaboration with all stakeholders, and accountability to the public it serves. These goals are the basis for hundreds of new and successful initiatives, including the establishment by Chief Justice Rogers of this, the standing Access to Justice Commission. As the work of the Strategic Plan continues to evolve, the Access to Justice Commission will work in tandem with the Strategic Plan and will become an integral part of the Plan's evolution now and into the future.

The mission of the Access to Justice Commission is to develop recommendations to help ensure equal access for all people, including low- and moderate-income individuals, people with different physical or developmental abilities, the elderly, limited English proficient and ethnic, cultural and racial minorities.

Despite Connecticut's status as one of the wealthiest enclaves in the nation, the Nutmeg State has not been immune from the results of the severe downturn in the job market, housing values, and the stock market. When the Public Service and Trust Commission was formed, Connecticut's unemployment rate was 4.6 percent and 15,773 foreclosure cases had been added to the court's civil docket. By July 2010, Connecticut's unemployment rate hovered at 8.9 percent; 26,728 foreclosure cases had been filed over the previous year, and another 25,930 collections cases had been added to the civil docket. By the end of 2010 fiscal year, nearly 80,000 Small Claims cases had been added statewide.

The numbers, of course, offer only statistical snapshots of a period of time and not the stories behind the snapshots. Every small claims case, foreclosure, civil case and unemployment number represents a person. The out-of-work, overwhelmed, and under-represented: these are the real docket numbers and small claims filings, people who must balance paying rent or a mortgage with feeding their children.

Each day, the recommendations of the Strategic Plan's committees and workgroups are being implemented to assist low- and moderate-income people, self-represented parties, limited-English proficient individuals, and those with differing abilities, to actively participate in the judicial system.

For example, collaboration with local bar associations resulted in the creation of Volunteer Attorney programs in the Hartford and Waterbury family courts that, in little more than a year, have served nearly 640 self-represented parties. The program has been so successful it is being established with the assistance of the New Haven Bar Association to assist self-represented parties with foreclosure cases in the New Haven Judicial District. This program will dovetail with the Branch's foreclosure mediation program, which since July 2008 has resolved more than 8,300 foreclosure cases.

Nearly two-thirds of the funds that support pro bono lawyers in civil cases come from the revenue generated by Interest On Lawyers' Trust Accounts (IOLTA). Without adequate funding, the legal aid community would be unable to assist Connecticut's indigent self-represented parties who rely on them for access to justice and a chance to be heard. In 2009, the state's failing housing market resulted in an 80 percent reduction in available IOLTA funds. The Judicial Branch partnered with the Connecticut Bar Foundation and legal aid providers to promote and support new legislation to help stabilize funding for legal aid programs through the statutory increase of certain court fees. As a result of this collaborative effort, the Connecticut Bar Foundation received approximately \$9 million in funding for legal aid service providers in 2010.

The Strategic Plan also led to the creation in January 2010 of the Volunteer Information Officer program. More than 7,300 stakeholders, in four courthouses, have been served by the Information Officers who not only provide directions and general guidance, but serve as a reassuring presence while allowing Judicial Marshals to concentrate on the security of our facilities and all who enter.

Improving access for people with limited English proficiency has driven many initiatives such as the installation of Language Lines in all clerk's offices and Court Service Centers. This telephonic service provides near-instant translation in more than 170 languages and, since its installation, has served tens of thousands of people who otherwise may have not been heard or understood.

Indeed, technology has played an important role in advancing the public's trust and understanding of the court system by increasing access to justice, as forms and publications explaining certain court protocols and processes have been created in plain language and posted not only in courthouses but on the Branch's Internet page. The website is a rich source of information for attorneys and the public; along with daily case dockets and calendars, there are links to video tutorials explaining how to file certain forms; an area dedicated to the Americans with Disabilities Act and the Branch's available services; links to the Practice Book and state statutes, as well as new and archived Supreme Court and Appellate Court decisions, Family Support Magistrate Court decisions; frequently asked questions, common legal terms, and so on. In addition to numerous web pages offered in Spanish, dozens of forms, brochures and other printed information are available in Spanish.

Technology has also figured prominently in the evolution of improving access to court records. For example, the Chief Justice has approved more than a dozen recommendations that will guide an overhaul of the memorialization of the court record. Paper transcripts, while useful and necessary to some, have proven for too many people to be a costly barrier to seeking redress in the court system. Going forward, access to justice will be improved by making the audio record available online at a nominal cost.

Recognizing that there are people whose access to justice is compromised because they do not have access to the Internet; the Branch has installed public access computers outside the clerk's offices, in its thirteen Court Service Centers and in the Law Libraries. Additionally, the Branch has activated Microsoft Accessibility software in two of its busiest Court Service Centers. The software allows people of different physical abilities to enable tools that improve access, by enlarging font, reading aloud text, and so on.

With so many initiatives underway and more in development, the Access to Justice Commission will bring under its broad umbrella a number of existing Public Service Trust Commission committees, and establish new subcommittees to develop recommendations to expand access to justice in Connecticut.

The Access to Justice Commission will be chaired by a Judge of the Superior Court. The Commission's membership will be collaborative and representative of all of the stakeholders who are

united with the Judicial Branch in its goal to provide equal access to justice. In part, the Access to Justice Commission will incorporate some members of the Pro Bono Committee, the Self-represented Parties Workgroup, the Standing Committee on Video and Teleconferencing, the Americans with Disabilities Act Committee, and the Limited English Proficient Committee.

In sum, the Access to Justice Commission shall include representatives from the following Judicial Branch groups and committees, as well as public and private entities and associations:

- Pro Bono Committee
- Self-represented Parties Workgroup
- Standing Committee on Video and Teleconferencing
- Americans with Disabilities Act Committee (ADA)
- Limited English Proficient Committee (LEP)
- External Affairs Division
- Judicial Branch Law Libraries
- Racial and Ethnic Disparity Commission
- Connecticut Bar Association
- Minority bar group
- Connecticut law schools
- Connecticut Business and Industry Association (CBIA)
- Office of the Chief Public Defender
- Office of the Chief State's Attorney
- Connecticut Attorney General's Office
- Public representative
- Other representatives as identified by the Commission

Just as the Strategic Plan has defined the vision of the Judicial Branch and provides an ongoing blueprint for operations, the work of the Access to Justice Commission will be ongoing. The Commission will report annually to the Chief Justice and develop recommendations for reforms and new initiatives. As a newly formed Commission, the work of the Access to Justice Commission is open to the public and to all of the Branch's stakeholders and is subject to the requirements of the Freedom of Information Act (FOIA), including the posting of notices, agendas and minutes.

The success of the Access to Justice Commission will be measured by the extent to which individuals can more effectively navigate Connecticut's justice system regardless of income or language ability, and the Commission will develop performance measures to monitor the implementation and effectiveness of the strategies, determine the gap between actual and targeted performance and determine the effectiveness and operational efficiency of all its initiatives.

The Access to Justice Commission seeks to achieve the following:

- 1) To call attention to the importance of legal services for indigent residents and the disparity between the need for such services and the resources available to meet those needs.
- 2) Continue to work to increase funding and resources for legal services through fee and fine surcharges, special fees and other methods.
- 3) Recommend ways to increase the number of attorneys trained, including attorneys from the corporate and business sectors, to provide pro bono legal services.

4) Continue to expand the availability of services and resources for the self-represented through Court Service Centers, Public Information Desks and Law Libraries, as well as through advancements in technology through the Judicial Branch website, including posting self-help videos on the Judicial Branch website to guide self-represented parties through court procedures.

5) Continue to expand the Judicial Branch's Volunteer Attorney Program and Volunteer Information Officer Program, and develop and implement other programs to assist the unrepresented and the underrepresented.

6) Recommend ways to continue to increase the services and resources available to Connecticut's Limited English Proficient (LEP) population, including interpreter and translation language services, and multi-language and plain language written materials. The Access to Justice Commission will work with the existing LEP Committee to recommend ways to improve, support and coordinate the work this Committee has already done.

7) Continue compliance with the Americans with Disabilities Act by enhancing existing resources and services, implementing new initiatives and creating new tools to better serve the ADA community. The Access to Justice Commission will provide input and assistance to the existing ADA Committee to further remove the barriers that deny individuals with disabilities equal access to our justice system.

8) Recommend and identify best practices in the delivery of legal services and determine the changing legal needs of those unable to afford counsel. Develop goals and strategies to meet those changing legal needs including addressing existing and proposed court rules, procedures and policies that negatively affect access to justice in Connecticut such as limited scope representation and limited appearances by attorneys.

9) Continue to develop and expand new and innovative ways to provide access to justice through the use of technology in Connecticut's courts.

While much has already been accomplished through the ongoing implementation of the Strategic Plan, the Judicial Branch recognizes that more needs to be done to assist the tens of thousands of people who represent themselves each day, and that this can only be accomplished through cooperation and collaboration with all of the Judicial Branch's stakeholders. The formation of Connecticut's first formal Access to Justice Commission will ensure that the work of the Strategic Plan continues and that the voices of the unrepresented and the underrepresented are heard, so that equal access to justice can become a reality for all Connecticut citizens.

**Charge of The
Access to Justice Commission:**

Subcommittee on the American Bar Association and Technology & Access to Justice

This Subcommittee shall work jointly to conduct outreach to the American Bar Association (ABA) and seek its input on how to best utilize technology to increase access to justice for all people.

Technology can be overwhelming for many people. In addition, court patrons are often emotionally invested in their search for information, so navigating unfamiliar technology and trying to digest the complexities of the law may be even more distressing.

The Subcommittee shall consider the needs of all stakeholders in examining the current information structures on the Judicial Branch's [Website](#). This examination shall include the design accessibility of the site as it relates to those with different physical and intellectual abilities.

Further, the Subcommittee shall develop specific recommendations to support the Branch's partnership with the ABA and the various bar associations throughout Connecticut. These bar members are acutely aware of the challenges facing the Judicial Branch and public stakeholders when access to justice is diminished or threatened because of a lack of adequate resources.

To help fulfill this charge, the Subcommittee may wish to consider the following:

1. Review existing structures and strategies in use by the Branch that highlight the need for legal services for indigent residents, and call attention to the disparity between the need and the resources available to meet those needs. (i.e., media outreach)

2. Continue to develop and expand new and innovative ways to provide access to justice through the use of technology in Connecticut's courts.

3. Review the existing Access to Justice reports from other states to identify the best practices on each topic nationally.

4. Consider the use of social media as it relates to access to justice. Examine the role of social media in other states and how it impacts all stakeholders, including the attorneys, self-represented parties and members of the public.

5. Develop suggestions or recommendations to incorporate social media into our justice system by considering whether social media increases the public's knowledge of the court system while increasing access or creates an additional barrier for some to access to justice.

6. Examine the availability of videoconferencing in the Judicial Branch and its applicability and usefulness in increasing access to justice. Consideration should be given to pro bono training or service; access for parties with disabilities, victims, children, and others. The Subcommittee should also review what Practice Book Rules effectuating videoconferencing are in place or set to take effect in January 2012.

7. Review the Branch's [Law Libraries](#) site and the Branch's overall Website to determine what information is available online and can be grouped into a single "Access to Justice" Web page for the Branch (i.e., a one-stop shop for information that helps increase access to justice for all people, including: self-represented people, those with limited English proficiency, and the ADA community).

8. Examine the feasibility of increasing access to justice for people with hearing impairments through the use of "hearing loop" technology, considering its effectiveness, benefits and costs.

Charge of The
Access to Justice Commission:
Subcommittee on Criminal Issues and Child Protection

The Subcommittee on Criminal Issues and Child Protection shall identify areas where access to justice is impeded for incarcerated and unrepresented parties in cases of child protective services removal proceedings. The Subcommittee shall consider relevant statutes, Practice Book Rules and appellate court rulings that may provide insight to access to justice in these types of cases.

To help fulfill this charge, the Subcommittee may wish to consider the following:

- Consider new and inventive ways to address the substantial unmet need for legal assistance for incarcerated individuals. This may include such issues as the lack of access for defendants to computers and technology.
- Review and discuss the available options to be suggested by prosecutors in misdemeanor criminal cases, including eligibility for pretrial diversionary programs. The Subcommittee may also explore the role of the prosecutor in the possible use and referral of social service programs for defendants.

**Charge of The
Access to Justice Commission:
*Legal Aid/Civil Representation Subcommittee***

The Legal Aid/Civil Representation Subcommittee should examine the current pool of data including current surveys and/or resources to determine which areas have the greatest need for legal aid assistance. The Subcommittee should develop recommendations to close or shrink this justice gap.

While the Judicial Branch partners with the bar to provide some pro bono services, the Subcommittee should also consider developing recommendations that would establish partnerships for pro bono services between various non-profit organizations, law schools, and the business community.

Further, the Subcommittee should create concrete recommendations on how to sustain and create new funding structures for legal aid entities.

To help fulfill this charge, the Subcommittee may wish to consider the following:

1. Recommend new and inventive ways to increase funding and resources for legal services in an effort to sharply reduce the gap between services needed and services provided, through fee and fine surcharges, special fees and other methods. Within this goal, it may be appropriate to establish one-year, five-year, and ten-year goals.
2. Examine the issue of a party's right to counsel in civil cases. The Subcommittee shall consider the feasibility of such an endeavor, as well as how this issue has been addressed in other states, including the June 20, 2011 United States Supreme Court decision in [*Turner v Rogers, et al.*](#)
3. Recommend and identify best practices in the delivery of legal services and determine the changing legal needs of those unable to afford counsel.
4. Develop goals and strategies to meet the changing legal needs of those unable to afford representation, including addressing existing and proposed court rules, procedures and policies that negatively affect access to justice in Connecticut. This may include proposals such as limited scope representation and limited appearances by attorneys.
5. To help prioritize the areas of the greatest civil legal needs, consider current available research such as the December 2008 survey published by the Center for Survey Research & Analysis at the University of Connecticut, [*Civil Legal Needs Among Low-income Households in Connecticut.*](#)
6. Research the need and feasibility of the Attorney General's ability to develop statutory language to help ensure the continued funding of the [Interest on Lawyers' Trust Accounts](#) (IOLTA) and Interest on Trust Accounts (IOTA).

**Charge of The
Access to Justice Commission:
*Self-represented Parties Subcommittee***

The Self-represented Parties Subcommittee will review the initiatives under the [Strategic Plan](#) that have already been implemented as part of the Judicial Branch's goal to increase access to justice for all people. While some of recommendations and initiatives in the Strategic Plan and its implementation reports are on hold due to budgetary constraints, the subcommittee should still consider and prioritize their merits and overall value.

Specifically, the subcommittee should consider the body of work put forth by the following Strategic Plan committees and workgroups: the [Self-represented Parties Workgroup](#), the [Limited English Proficiency Committee](#), the former [Americans with Disabilities Act Committee](#) and its subsequent [Advisory Board on the ADA](#).

The Self-represented Parties Subcommittee should examine the current data on the numbers of self-represented parties in all civil and family case types and make recommendations to improve how people can best be served by the judicial system. Such recommendations may include creating plain language forms and easy to understand multimedia presentations; creating tools and resources for people who may be limited English proficient or disabled; and recommending ways in which the Judicial Branch can train its staff to work with and better understand the challenges faced by self-represented parties in our courts.

To help fulfill this charge, the Subcommittee may wish to consider the following:

- 1) Develop ideas to expand the availability of services and resources for the self-represented through [Court Service Centers](#), Public Information Desks and [Law Libraries](#).
- 2) Examine advancements in technology through the Judicial Branch website, including posting self-help videos on the Judicial Branch website to guide self-represented parties through court procedures.
- 3) Develop ideas that support the expansion of the Judicial Branch's Volunteer Attorney Program and Volunteer Information Officer Program.
- 4) Develop and implement other programs to assist the unrepresented and the underrepresented, as needed.
- 5) Develop a guide for Judicial Branch staff to assist them to understand and work with self-represented parties.
- 6) Recommend ways to continue to increase the services and resources available to Connecticut's limited English proficient (LEP) population, including interpreter and translation language services, and multi-language and plain language written materials.

Legal Services Corporation
Technology Initiative Grants
3333 K Street NW
3rd Floor
Washington, DC 20007

Re: Letter in Support of Application for Funding
TIG #12044, Online Classroom

To Whom it May Concern:

I write this letter of support in my capacity as Chair of the Connecticut Judicial Branch's Commission on Access to Justice. In May 2011, Chief Justice Chase Rogers established the Commission to help ensure equal access for all people, including low- and moderate-income individuals, people with different physical or developmental abilities, the elderly, individuals with limited English proficiency and ethnic, cultural and racial minorities. The charge to the Commission includes:

- Expanding services and resources for the self-represented;
- Recommending ways to continue to increase the services and resources available to Connecticut's Limited English Proficient (LEP) population;
- Recommending ways to increase the number of attorneys trained to provide *pro bono* legal services; and
- Continuing to develop and expand new and innovative ways to provide access to justice through the use of technology in Connecticut's courts.

We support the Online Classroom proposal because its goals are consistent with those of the Commission. The project would provide a valuable service and support to the self-represented, including LEP individuals and those who cannot easily access the Judicial Branch's Court Service Centers or Law Libraries due to distance or the inability to take time off from work. The Online Classroom would also facilitate increased *pro bono* trainings for attorneys. The Connecticut Judicial Branch and Connecticut's Legal Aid Network have a history of working together to ensure equal access to justice for all of Connecticut's citizens: the development of this technology would create additional opportunities for such collaboration as new classes for the self-represented and *pro bono* attorneys are developed.

Sincerely yours,

Hon. Raymond R. Norko, Chair
Commission on Access to Justice

Legal Services Corporation
Technology Initiative Grants
3333 K Street NW
3rd Floor
Washington, DC 20007

Re: Letter in Support of Application for Funding
TIG #12057, *Fotonovela* Video Project

To Whom it May Concern:

I write this letter of support in my capacity as Chair of the Connecticut Judicial Branch's Commission on Access to Justice. In May 2011, Chief Justice Chase Rogers established the Commission to help ensure equal access for all people, including low- and moderate-income individuals, people with different physical or developmental abilities, the elderly, individuals with limited English proficiency and ethnic, cultural and racial minorities. The charge to the Commission includes:

- Expanding services and resources for the self-represented through Court Service Centers, Public Information Desks and Law Libraries, as well as through advancements in technology through the Judicial Branch website, including posting self-help videos on the Judicial Branch website to guide self-represented parties through court procedures; and
- Recommending ways to continue to increase the services and resources available to Connecticut's Limited English Proficient (LEP) population.

The proposed project would further these goals by producing easy to understand, bilingual videos with self-help legal information. The Connecticut Network for Legal Aid has produced other high-quality videos for self-represented parties, and we have included links to these videos on the Judicial Branch and Law Libraries web sites: <http://www.jud.ct.gov/pub.htm>; <http://www.jud.ct.gov/lawlib/SRP/default.htm>; <http://www.jud.ct.gov/lawlib/Law/landlord.htm>. We urge you to fund the *Fotonovela* Video Project so the Connecticut Legal Aid Network can produce additional videos to assist self-represented and LEP individuals.

Sincerely yours,

Hon. Raymond R. Noriko, Chair
Commission on Access to Justice

**Report of the
Access to Justice Commission:
Subcommittee on the American Bar Association and Technology & Access to Justice
2012**

Members: Atty. Herman Woodard Jr., Chair; Atty. Susan Nofi-Bendici; Atty. Jeffrey J. Dowd; Ms. Jennifer Ensign; Ms. Sandra Lugo-Gines; Ms. Rhonda Stearley-Hebert; Ms. Heather Collins.

Subcommittee Website: <http://www.jud.ct.gov/committees/access/Tech/>

The Subcommittee reviewed its Charge and offers the following Commentary and Recommendations:

1. Review existing structures and strategies in use by the Branch that highlight the need for legal services for indigent residents, and call attention to the disparity between the need and the resources available to meet those needs. (i.e., media outreach).

Commentary and Recommendation: This recommendation of the Subcommittee Charge is ongoing. Judicial Branch Manager Rhonda Stearley-Hebert, who works in the External Affairs Division, is a member of the Access to Justice Commission this Subcommittee. The mission of the External Affairs Division is to furnish and facilitate the exchange of information about the Judicial Branch to the Legislative and Executive Branches, the public, the media, and the organizations on the national, state and local level. The External Affairs Division, through its ongoing and daily contact with the news media will continue seeking ways to promote stories regarding access to justice initiatives of the Judicial Branch.

2. Continue to develop and expand new and innovative ways to provide access to justice through the use of technology in Connecticut's courts.

Commentary and Recommendation: This recommendation of the Subcommittee Charge should be repeated and revisited for possible expansion as technologies change and social media outlets lend themselves to appropriate dissemination of information to the public, including the possible use of smart-phone applications. The Subcommittee also believes that the Access to Justice Commission should consider conducting an assessment of available resources, including technology, to assist people with low or no literacy skills in navigating the judicial system, such as the use of visual and audio aids.

The Branch should also:

- conduct an in-depth review of how other states are utilizing videoconferencing to maximize access, whether for training of employees, remote pro bono work with the Bar, and conferencing between incarcerated defendants and public defenders when and if appropriate.
- more fully investigate Montana and Maine, which have/are using video technology in programs developed by their judicial branches and legal aid providers.

- consider installing a hearing loop in a busy arraignment courtroom. The Subcommittee did some research on hearing loops, a type of wiring that provides clearer audio sound with certain types of hearing aids. Wiring a courtroom would cost between \$7,000 and \$10,000.

3. Review the existing Access to Justice (ATJ) reports from other states to identify the best practices on each topic nationally.

Commentary and Recommendation: This recommendation of the Subcommittee Charge is ongoing and should be repeated.

The Commission has heard in its entirety over the last year various programs that are utilized by other ATJ commissions from the country. The Judicial Branch is a leader in its delivery of services to self-represented parties, people with disabilities, those who have limited-English proficiency, jurors and the Bar. Very few states have the online resources that the Judicial Branch and its Law Libraries offer to all comers. Additionally, Connecticut is one of the few states that offer Court Service Centers and Public Information Desks in every Judicial District.

The ATJ Commission has helped to facilitate ongoing dialogue and partnerships with legal aid providers, and recently signed a letter of support for a legal aid provider seeking a federal grant that would fund the development of videos for self-represented people in English and Spanish.

The Branch should continue to monitor trends from other states, actively seek resources and potential partnerships from judicial branches, legal aid providers, social service providers, public service attorneys, legal professionals and associations working to increase access to justice.

4. Consider the use of social media as it relates to access to justice. Examine the role of social media in other states and how it impacts all stakeholders, including the attorneys, self-represented parties and members of the public.

Commentary and Recommendation: This recommendation of the Subcommittee Charge is ongoing.

The Subcommittee reviewed the Judicial Branch's current use of technology to facilitate outreach. The Branch activated a Twitter account earlier this year and makes short announcements that refer followers to the Branch's homepage. This is primarily done in cases of inclement weather, court closings and news announcements. The Branch's External Affairs Division conducted an in-depth review of Facebook and Twitter, and while it opted to utilize Twitter, after review and discussion the Office of the Chief Court Administrator in conjunction with Chief Justice Rogers determined that Facebook, while popular, would not be an appropriate avenue of communication.

5. Develop suggestions or recommendations to incorporate social media into our justice system by considering whether social media increases the public’s knowledge of the court system while increasing access or creates an additional barrier for some to access to justice.

Commentary and Recommendation: This recommendation of the Subcommittee Charge should be ongoing. See No. 4 (above) for supporting commentary.

6. Examine the availability of videoconferencing in the Judicial Branch and its applicability and usefulness in increasing access to justice. Consideration should be given to pro bono training or service; access for parties with disabilities, victims, children, and others. The Subcommittee should also review what Practice Book Rules effectuating videoconferencing are in place or set to take effect in January 2012.

Commentary and Recommendations: This recommendation of the Subcommittee Charge should be repeated. As stated in recommendation No. 2, videoconferencing has the potential to play a key role in improving access to justice. The Commission and/or Subcommittee should conduct an in-depth exam of its potential usage.

7. Review the Branch’s Law Libraries Website and the Branch’s overall Website to determine what information is available online and can be grouped into a single Access to Justice Web page for the Branch (i.e., a one-stop shop for information that helps increase access to justice for all people, including: self-represented people, those with limited English proficiency, and the ADA community).

Commentary and Recommendations: This recommendation of the Subcommittee Charge was completed and should be implemented as a priority.

The Subcommittee members developed an extensive list of existing resources available on the Judicial Branch Website and the Law Libraries Website, and grouped those resources according to applicability: self-represented parties, people with disabilities, those with limited-English proficiency, members of the the Bar, etc.

Therefore, the Subcommittee recommends:

- that it continue to develop and then deliver to the larger Commission a mock-up ATJ page for discussion and review.
- that any new Branch Web pages, including an ATJ page, be developed to conform to federal government Section 508 worldwide Web accessibility standards to ensure access for people with differing abilities.
- that a person, group or internal entity should be charged with reviewing the ATJ page on a quarterly basis to ensure accuracy.

**Report of The
Access to Justice Commission:
Subcommittee on Criminal Issues and Child Protection
2012**

*Members: Atty. Susan Storey, Chair; Atty. Nora Dannehy; Atty. Johanna Greenfield;
Atty. John Russotto; Ms. Aileen Keays; Ms. Yanira Rodriguez.*

Subcommittee Website: http://www.jud.ct.gov/committees/access/Crim_Child/

1. Recommendation: Collateral consequences information for distribution to the public

An information sheet and/or internet posting with regard to potential collateral consequences of conviction should be posted in lock-ups and available at court information sites in order to apprise pro se defendants and families about the collateral consequences that a plea, program or felony conviction program, could have on other aspects of their lives. This could be accomplished at low/no cost and is recommended for implementation as soon as possible.

2. Recommendation: Training/education

Training programs to educate all related justice system agency staff in:

- Barriers for incarcerated parents to participate in their child's delinquency proceedings.
- Barriers for incarcerated parents involved in termination of parental rights proceedings.
- Barriers for employment, immigration, education, benefits, subsidized housing, and licensure, created by Collateral Consequences of conviction training for all related agencies.

It is believed that a training program could be accomplished at low cost and is recommended for implementation as soon as possible. Barriers for employment, immigration, education, benefits, subsidized housing and licensure, created by collateral consequences of conviction, require training for all related agencies. A training on collateral consequences is scheduled for October 17, 2012 at Central Connecticut State University (CCSU). Sponsored by the Division of Public Defender Services, CCSU, and the Connecticut Criminal Defense Lawyers Association, the training forum is open to all justice system members.

3. Recommendation: Provide for confidential attorney/client discussion and case information review in lockup.

Currently there are barriers that prevent attorney client confidentiality for both case discussion and passing necessary paperwork, release of information forms, and case documents back and forth between the attorneys and their clients. Other barriers to representation include mesh screens and Plexiglas that preclude attorneys from adequately distinguishing their clients. The lack of adequate soundproofing in many client interview rooms is also a reason for concern. These barriers foster client confusion and distrust and require frequent travel by attorneys to jails and prisons where such client access is available in order to adequately counsel the client about his/her case.

Lack of confidentiality poses a real risk of grievance proceedings and possible discipline for defense attorneys if information is overheard to a client's detriment by other inmates, marshals or other court personnel. Such disregard for client confidentiality also signifies to the incarcerated pretrial population, who should also be considered members of the public, a lack of regard for the presumption of innocence.

Currently it is difficult or impossible to maintain confidentiality between a lawyer and client in some courthouse lockup facilities due to the physical layout and lack of adequate soundproofing.

It is believed that better access could be accomplished in some courthouses at low/no cost, although some modifications to lock-up interview rooms could be necessary. It is recommended that there be site visits with individuals from the Judicial Facilities Unit to assess the options during any implementation phase.

4. Recommendation: Provide relevant limited computer access (such as the Judicial Branch Web site, JIS etc.) in courthouse lockups to provide greater and more efficient access to legal information for individuals in custody and/or their attorneys.

An incarcerated defendant and his or her attorney will be better able to participate in and prepare the client's case with more timely and efficient access to relevant court information. He or she will thus feel less alienated from the system and have a better understanding of what should be expected from the court process. This should also result in more in-depth and efficient interactions between attorneys and their clients, and better information with which to inform the judicial authority hearing the matter, if the attorney has computer access available during the interview process.

There would be a cost for equipment, wiring, programming and security; and permission would be required for laptops or desktop computer installation for attorneys in court lockups. It is therefore contemplated that this would be a future enhancement.

**Report of the
Connecticut Access to Justice Commission:
Legal Aid – Civil Representation Subcommittee
2012**

Members: Judge William H. Bright Jr., Chair; Atty. Steven Eppler-Epstein, Chair; Atty. Eric George, Ms. Roberta Palmer, Dean Jeremy Paul.

Subcommittee Website: http://www.jud.ct.gov/committees/access/Legal_Civil/

Current status of Legal Aid and Civil Representation

The number of people going unrepresented in Connecticut’s courts has continued to rise, but due to effective action during the past year, steps have been taken both to avoid the problem becoming even worse, and to pave the way for future improvements. Looking longer term, there are reasons for concern. While many parties in Connecticut courts are represented by counsel, many cases include at least one party who is not represented by counsel; this is true in the majority of family matters, housing matters, and small claims.¹ The Judicial Branch has proactively worked to provide essential resources improving access to justice for self-represented² litigants. Those efforts have been very impactful, but have inevitable limits. Given the nature of laws and our legal system, not having a lawyer creates two problems:

- (1) Self-represented litigants (even with good supports) are unlikely to know all the relevant laws, what facts are important to present, or how to present them effectively, so justice is harder to achieve when litigants are unrepresented;
- (2) Court process slows for all litigants as self-represented parties require added explanation or services.

Thus, while helping self-represented litigants is essential, it does not solve the problem of access to justice in those cases that require a lawyer for effective litigation. In addition, assistance to self-represented litigants must be balanced against the risk that making self-represented litigation easier will increase the number of people who could hire a lawyer but choose not to do so.

The challenge of providing access to civil representation has been made more severe by the funding pressures being experienced by the legal aid programs. Revenues from IOLTA (Interest On Lawyer Trust Accounts) have continued to drop as business activity stays low and banks continue to lower rates in response to the near-zero Federal Funds Rate set by the Federal Reserve Bank. Federal funding through the Legal Services Corporation was reduced by 14% in the past year. And state legal aid funding provided through the Judicial Branch budget was reduced somewhat due to budget rescissions. The legal aid funding situation would have been far worse if not for the filing fee revenues enacted in 2009, but those revenues are no longer

¹ While small claims court was created with the idea that many litigants would be unrepresented, it bears notice that a majority of small claims matters are now collection actions in which the plaintiff is represented by counsel and the defendant is not.

² We use the term “self-represented” to describe people who do appear in court but are not represented from a lawyer; they are also described variously as “unrepresented” and “*pro se*.”

sufficient to fund legal aid. All of the legal aid programs have shrunk, and without additional revenues in 2012 the legal aid network would have to shrink substantially more.

Progress during the past year

Substantial progress towards improved civil representation was made during the past year. The highlights of that progress are:

- The Judicial Branch Pro Bono Committee, chaired by Judge William Bright, has been enormously effective both in raising the profile of pro bono assistance to low-income litigants, and in encouraging the creation of concrete new pro bono assistance projects. The Committee planned and hosted a Pro Bono Summit in October 2011, which brought together corporate General Counsel, major law firm Managing Partners, Judges and legal aid providers to highlight the opportunities for (and the importance of) pro bono help to low-income litigants. The Summit was very well attended and effective, and has been described as the best such event in the country. The Committee has continued to meet regularly to brainstorm ideas for pro bono service opportunities, and Chief Justice Rogers and Judge Bright have continued to work with bar groups, law firms and corporate counsel to establish new pro bono projects.
- The Judicial Branch, Connecticut Bar Foundation, and legal aid providers effectively advocated for increased state funding for legal aid funding to avoid legal aid layoffs. The state Legislature approved and Governor Malloy signed HB 5388 (P.A. 12-89) will provide approximately \$4.8 million additional funding for legal aid programs.³
- The Judicial Branch has created an expanding set of “Volunteer Attorney” programs to provide regular legal advice sessions for self-represented family court litigants and foreclosure defendants in certain courts. The Branch will receive additional funding in from the national AG foreclosure settlement to expand the foreclosure program throughout the state in the coming months.
- The Judicial Branch should approve the proposed rule change expanding the ability of in-house corporate counsel to participate in pro bono legal work with the support and supervision of legal aid agencies. (*expected by the time the ATJ Commission votes*)

Recommendations for the coming year

The Subcommittee recommends that to further this progress in the next year:

1. The Judicial Branch should continue working with others to support improvements in legal aid funding to maximize the service capacity of the legal aid programs.
2. The Pro Bono committee should continue identifying ways in which the Judicial Branch can support the expansion of pro bono legal services.
3. The Judicial Branch should continue to work with Bar groups around “limited scope representation” proposals, which would both make lawyers more affordable to litigants currently unable to afford any legal representation, and would also increase the number of lawyers volunteering for pro bono service in key aspects of cases.

³ The measure would also provide funding for the Judicial Branch technology fund.

4. The Subcommittee commits to continue its efforts to engage law schools (professors and/or students) in exploration of the challenges to civil representation in the state courts, and possible solutions that might be tried in Connecticut.
 - o As a first step, the Subcommittee recommends that the Commission charge Professor Leslie Levin of the University of Connecticut Law School and Professor Melanie Abbott of Quinnipiac Law School with preparing a report on behalf of the Commission that examines the issue of providing legal services to those who cannot afford counsel (either because they are very low income but there are too many cases for the legal aid programs, or because they are over-income for legal aid yet as a practical matter cannot afford a lawyer. We recommend the following charge:

The Access to Justice Commission requests a report that focuses on individuals in Connecticut who are not receiving assistance from Legal Services Corporation-funded services but cannot afford a lawyer to assist them with their important legal needs. The focus will be primarily on the poor and the "near poor," including low-income working families. The report will describe the current needs of these individuals and their impact on the courts, drawing primarily from existing data. The report will also make specific recommendations for how these individuals might better obtain access to justice notwithstanding their limited resources. Consideration will be given, inter alia, to initiatives that would make it easier for the court system to address the needs of these individuals and to arrangements that might facilitate legal assistance on free or a reduced fee basis. A variety of approaches will be considered.

**Report of The
Connecticut Access to Justice Commission:
Self-represented Parties Subcommittee
2012**

Members: Judge Raymond R. Norko, Chair; Ms. Krista Hess, Chair; Judge Elliot N. Solomon; Atty. Faith Arkin; Dean Jeremy Paul.

Subcommittee Website: http://www.jud.ct.gov/committees/access/Self_Rep/

Based on the members' research and discussion, the Self-represented Parties Subcommittee makes the following recommendations:

1. Develop a guide for Judicial Branch staff to assist them to understand and work with self-represented parties. A chapter of the guide should address judges and their interactions with self-represented parties. The chapter could be posted on the judge's electronic bench book and could act as a resource guide and a tool for the judges. A small workgroup of judges should be established to write and create the chapter.
2. Create additional resources and tools for self-represented parties such as videos on topics as filing a divorce, filing for a temporary restraining order, the uncontested divorce, filing an annulment, how to file in small claims court and how to modify a child support order. Create these videos in English and other languages and post them on the Judicial Branch's Website.
3. Establish a toll-free telephone number that self-represented parties can use to contact identified Court Service Center staff to ask questions and receive assistance. Many self-represented parties may not be able to physically go to a court location or may be unable to afford the cost of a long-distance call. A toll-free number would enable parties to obtain the necessary assistance without incurring costs or creating any hardship.
4. Continue to grow and expand the Judicial Branch's Volunteer Attorney Programs and the Volunteer Information Officer Programs.

Information and References Considered By The
Connecticut Access to Justice Commission
2011-2012
A Representative Compilation

Connecticut Resources & Information

- Connecticut Judicial Branch: www.jud.ct.gov
- Connecticut Judicial Branch Law Libraries: jud.ct.gov/lawlib/
- Connecticut Judicial Branch Information Package to the American Bar Association from Chief Justice Chase T. Rogers (April 2011). Last accessed on 24 September, 2012: [http://www.nlada.org/DMS/Documents/1309811143.61/Connecticut_ABA_ATJ_Package%20\(2\).pdf](http://www.nlada.org/DMS/Documents/1309811143.61/Connecticut_ABA_ATJ_Package%20(2).pdf)
- Statistics on the number of self-represented parties in Connecticut, 2005 – 2010: http://www.jud.ct.gov/external/news/Speech/judiciary_stats_041311.pdf
- Statewide Legal Services: <http://www.slsct.org/>
- Connecticut Network for Legal Aid: <http://ctlawhelp.org/>
- New Haven Legal Assistance: NHLegal.org
- Connecticut Legal Rights Project: <http://www.clrp.org/>
- Connecticut Bar Foundation (administers the IOLTA program): <http://www.ctbarfdn.org/>

Turner v. Rogers & Civil Legal Aid

- Adam Liptak, “Court Issues Split Ruling on Poor’s Right to Counsel,” *New York Times*, June 20, 2011, <http://www.nytimes.com/2011/06/21/us/politics/21contempt.html>
- United States Supreme Court Decision: *Turner v. Rogers Et Al.* 564 U.S. __ (2011): <http://www.supremecourt.gov/opinions/10pdf/10-10.pdf>
- Richard Zorza, “Turner v. Rogers: The Implications for Access to Justice Strategies,” *Judicature*, May/June, Vol. 95, No. 6 (2012): 255-266. Available on Richard Zorza’s Access to Justice blog at <http://www.zorza.net/AJS-Turner.pdf>
- Laura Abel, National Center for Access to Justice at Cardozo Law School, Yeshiva University, “Economic Benefits of Civil Legal Aid,” 2012. Available online at: <http://ncforaj.files.wordpress.com/2012/09/final-economic-benefits-of-legal-aid-9-5-2012.pdf>
- John Pollock, “Where We’ve Been, Where We’re Going: A Look at the Status of the Civil Right to Counsel, and Current Efforts,” *Management Information Exchange Journal* (Summer 2012). Available online at the National Legal Aid and Defenders Association: <http://www.nlada.org/DMS/Documents/1342803913.27/MIE%20CRTC%20articles%205-16-12.pdf>
- Laura Abel, “Turner v. Rogers and the Right of Meaningful Access to the Courts” (February 6, 2012). *Denver University Law Review*, Forthcoming. Available at SSRN: [Turner v. Rogers and the Right of Meaningful Access to the Courts by Laura Abel :: SSRN](http://ssrn.com/abstract=2009099)
- Legal Services Corporation, “Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans,” Updated Report, September 2009, available online at: http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_america_2009.pdf

Useful Websites

- Pro Bono Net, a national, non-profit organization serving the U.S. and Canada, uses technology and programs in collaborations with legal aid providers and pro bono organizations: <http://www.probono.net/>
- The National Center for State Courts (NCSC) has established a Website, the *Center on Court Access to Justice For All*, at: <http://www.ncsc.org/microsites/access-to-justice/home>
- The American Bar Association's Standing Committee on Legal Aid & Indigent Defendants has established a *Resource Center for Access to Justice Initiatives*, which includes materials from the ATJ Chairs meeting. The Resource Center is at: http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice.html
- The National Legal Aid & Defender Association has partnered with the ABA to support access entities and maintains information and a library of access to justice documents at: http://www.nlada.org/Civil/Civil_SPAN/SPAN_Library
- Legal Services Corporation: <http://www.lsc.gov/>
- Supreme Court of the United States Blog: <http://www.scotusblog.com>
- The National Center for State Courts maintains the online national clearinghouse on information related to self-represented parties, at: <http://www.selfhelpsupport.org/>

State Bar Pro Bono Resources: A Sample

- Connecticut Pro Bono Portal, a partnership of the Connecticut Judicial Branch, the Connecticut Bar Association, Statewide Legal Services, the Connecticut Bar Foundation, and Legal Services Corp: <http://probono.ctlawhelp.org/>
- Washington State Bar Association, Moderate Means Program: <http://www.wsba.org/Legal-Community/Volunteer-Opportunities/Public-Service-Opportunities/Moderate-Means-Program>
- State of New Jersey Judicial Branch, Attorney Pro Bono Information: <http://www.judiciary.state.nj.us/probono/index.htm>
- Tennessee Bar Association and the Tennessee Alliance for Legal Services' joint online venture on free legal aid for the poor: <http://www.onlinetnjustice.org/>
- New York State Unified Court System, Advisory Committee on New York State Pro Bono Bar Admission Requirements Report to the Chief Justice (September 2012), <http://www.nycourts.gov/attorneys/probono/ProBonoBarAdmissionReport.pdf>

Other Access to Justice Resources

- Richard Zorza, "*The Sustainable 21st Century Law Library: Vision, Deployment and Assessment for Access to Justice*" (April 2012). Zorza Associates: <http://www.zorza.net/LawLibrary.pdf>
- U.S. Department of Justice Limited English Proficiency Website: <http://www.lep.gov/>
- American Bar Association's Standing Committee on Pro Bono & Public Services: http://www.americanbar.org/groups/probono_public_service.html
- Neil Shister & Cait Clarke, "*A Blueprint for Public-Private Action: Building New Foundations to Close the Justice Gap*" The Report of the National Legal Aid & Defender Association's Corporate Advisory Committee's Blue Ribbon Commission on Public-Private Action, (October 2011).

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State of Connecticut Judicial Branch



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