

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.