

Minutes

Connecticut Judicial Branch Access to Justice Commission

23 January 2012

2:00

225 Spring Street, Wethersfield, Connecticut

The Connecticut Judicial Branch Access to Justice Commission met on Monday, January 23, 2012 in the fourth floor conference room at 225 Spring Street, Wethersfield, Connecticut.

Committee members in attendance: Judge Raymond R. Norko (Chair), , Deputy Atty. Gen. Nora R. Dannehy, Atty. Jeffrey Dowd, Ms. Jennifer Ensign, Atty. Steven D. Eppler-Epstein, Atty. Eric George, Atty. Johanna Greenfield, Atty. Barry C. Hawkins, Ms. Rhonda Stearley-Hebert, Ms. Krista Hess, Ms. Aileen Keays, Ms. Sandra Lugo-Gines, Atty. Mark Nordstrom, Dean Jeremy R. Paul, Ms. Yanira Rodriguez, Judge Elliot N. Solomon, , Atty. Herman Woodard Jr.

Members absent: The Hon. William H. Bright Jr., State's Atty. John M. Russotto, Atty. Faith P. Arkin, Ms. Sandra Lugo-Gines, Ms. Roberta Palmer.

Others in attendance: Atty. Dan Horwitch, Judicial Branch Legal Services Unit; Atty. Susan Nofi-Bendici, New Haven Legal Assistance.

The meeting was called to order at 2:15 p.m. by Judge Norko.

- I. Judge Norko welcomed the members of the Commission.
- II. The Commission reviewed and, after noting a minor correction, approved the meeting minutes of 14 November, 2011.
- III. Discussion of Subcommittees' progress: Judge Norko introduced the chairs of the various subcommittees, who reported:
 - Subcommittee on Criminal Issues and Child Protection: Atty. Storey indicated that this subcommittee has met twice since the full Commission meeting to consider its charge and ways to address the myriad of issues. The members have discussed doing some outreach to more closely examine the issue of incarcerated individuals' access to resources, particularly electronic resources. The members are examining what remedies may exist, including videoconferencing. Budgetary constraints are a factor as this subcommittee moves forward. The members have also begun discussion on providing information to non-incarcerated self-represented parties in criminal cases, including awareness of and eligibility for pre-trial

diversionary programs. The Branch currently has a guide, available [online](#), that details such programs, as well as the courts' special sessions, although it has not been updated since 2007. Atty. Storey suggested that an informational sheet detailing the programs and eligibility requirements would be useful. The members are also discussing the usefulness of a publication on collateral consequences and Atty. Storey volunteered to begin drafting an outline. The members have also looked at what other states are doing; Atty. Storey provided to the members another state's draft concept paper with regards to incarcerated parents' access to their children and legislation surrounding 'family impact statements.' Going forward, the subcommittee members have various outreach assignments.

- [Subcommittee on the American Bar Association and Technology and Access to Justice](#): Attorney Woodard chairs this subcommittee, which has met twice to discuss its wide and varied charge. The members each have assigned tasks, and Atty. Woodard reported that: the Branch now has an official [Twitter](#) account through which it will post brief announcements, such as weather-related closings, and referrals to the [Branch website](#); that hearing loop technology can greatly enhance the quality of audio for people who use certain types of hearing aid and is growing in use in some states (New York, in particular) in public places; the members may try to arrange a demonstration of hearing loop technology for the near future; the Branch is currently revamping its website, which contains some 26,000 files (pages, forms, videos, publications, etc.), and the subcommittee is examining the feasibility of moving towards remote online accessibility for people with disabilities; the members are also assessing videoconferencing as a means of improving access to justice; while it is currently used in some proceedings involving incarcerated defendants, as well as by the Branch's probation division, there may be other ways in which it can be utilized to allow pro bono service to people, such as an attorney videoconferencing in to a Branch facility and conferring with people who need free legal advice; there are certain Practice Book rules which allow videoconferencing to be utilized for some proceedings but there are proposals to allow for its expansion; there have been concerns expressed by the defense bar in terms of substituting videoconferencing for on-site visits with incarcerated clients, as well as the ability of a lawyer, or judge or jury member to "get a feel" for a person electronically testifying as opposed to in-person testimony. Judge Norko remarked that while videoconferencing may be useful for saving money, it also has the potential to create issues with due process. Judge Solomon, who chairs the Standing Committee on Video and Teleconferencing, told the Commission that he anticipates convening a meeting of the standing committee to discuss the status of the technology and its availability and usefulness.

- [Subcommittee on Legal Aid/Civil Representation](#): Atty. Steve Eppler-Epstein reported that there are numerous issues facing this subcommittee and the Commission as a whole. The national legal aid community has sustained serious losses in funding because of sharp reductions in IOLTA funds, as well as cuts in federal funding. The state legal aid community has been working with the Bar Foundation and Branch officials about the need to increase certain court fees to help

sustain adequate and consistent funding for legal aid programs, which provide help each year to thousands of poor and working class Connecticut residents. There has also been discussion about the feasibility of the Branch's ability to partner with legal aid providers to apply for grant funding for technology projects that improve access to justice. Atty. Eppler-Epstein said the members may try to arrange a conference for the fall at the UConn Law School. The members have also been discussing the feasibility and usefulness of limited scope representation to expand access to justice for more people. According to Atty. Eppler-Epstein, the advantage to limited scope would be that people who cannot be fully served through legal aid may be able to utilize the services of an attorney for specific parts of a case agreed upon by the client and the attorney. There was general discussion about the concerns and reticence of some members of the bar, who have indicated that they worry that the judicial authority may not be willing to allow them to withdraw their appearance when the scope of their agreement has been exceeded. There was discussion about the difference between criminal and civil LSR; for example, it is not uncommon for defense attorneys to represent a defendant with a criminal case in a bond argument only, but there is nothing similar on the civil docket. The members of this subcommittee are continuing to prioritize their charge.

- [Subcommittee on Self-represented Parties](#): Judge Norko chairs this subcommittee, which has determined that its best focus would be to develop a guide for use by court staff on how to assist self represented people without providing legal advice, which is prohibited. The members reviewed some seven other such publications from various states and determined that Maryland's is the most comprehensive and useful guide upon which to build Connecticut's. The members also agreed to incorporate the some useful elements from guides for staff in Massachusetts and Texas. In addition to the printed materials, the members believe that a training video for employees may be a useful tool. Therefore, the members will continue with the development of the guide and assessment of the feasibility of producing a video.

- IV. General discussion: Atty. Storey told the members about Yale Law School's Arthur Liman Public Interest Colloquium, scheduled for March 1-2, 2012. The theme is *Accessing Justice, Rationing Law*, and Chief Justice Chase T. Rogers will be among a panel of chief justices from across the country. Support staff will provide the members with information on the event. Judge Norko reminded the members of the usefulness of the [American Bar Association's Resource Center for Access to Justice initiatives](#).
- V. The Commission set its next meeting for Monday, April 23, 2012, at 2:00 p.m. in Conference Room 4B at 225 Spring Street, Wethersfield, CT.
- VI. Judge Norko thanked the members for their attendance and asked them to continue examining the issues and develop specific recommendations to increase access to justice. The meeting adjourned at 3:25 p.m.