

Minutes

Connecticut Judicial Branch Access to Justice Commission

23 April 2012

2:00

225 Spring Street, Wethersfield, Connecticut

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

Committee members in attendance: Judge Raymond R. Norko (Chair), Ms. Ann Doherty, Deputy Atty. Gen. Nora R. Dannehy, Atty. Jeffrey Dowd, Atty. Steven D. Eppler-Epstein, Atty. Eric George, Atty. Johanna Greenfield, Ms. Rhonda Stearley-Hebert, Ms. Krista Hess, Ms. Aileen Keays, Ms. Sandra Lugo-Gines, Atty. Mark Nordstrom, Dean Jeremy R. Paul, , Atty. Herman Woodard Jr., Atty. Susan Nofi-Bendici.

Members absent: The Hon. William H. Bright Jr., State's Atty. John M. Russotto, Ms. Jennifer Ensign, Judge Elliot N. Solomon, Atty. Barry C. Hawkins, Ms. Yanira Rodriguez.

Others in attendance: Atty. Joseph DelCiampo, Judicial Branch Legal Services Unit; Ms. Heather Collins, Court Operations.

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 approved the meeting minutes of January 23, 2012.
- III. Introduction of new members: Judge Norko introduced the Commission's two newest members, Atty. Susan Nofi-Bendici, Deputy Director of New Haven Legal Assistance Association, and Ms Ann Doherty, Deputy Director of Law Library Services. Atty. Nofi-Bendici is also a member of the Subcommittee on the ABA and Technology & Access to Justice.
- IV. Updates from the members:
 - LEP: Atty. Arkin, who chairs the Branch's [LEP Committee](#) (which is in the process of becoming a smaller workgroup, following four years of tremendous and extensive work) gave an overview of [LEP services](#) provided to stakeholders. While North Carolina was recently cited by the DOJ for their lack of services, the DOJ conversely cited Connecticut for its aggressive program which includes LEP training that was conducted for Branch vendors, more than 100 in all, which is quite unique to

state judicial systems. Additionally, more than 1,500 Branch employees have been trained on LEP issues in an ongoing staff training initiative, and work is in progress to develop a foreign language instruction workgroup for Branch staff who have indicated an interest and willingness in learning some basic foreign language skills.

- [Law Libraries](#): Atty. Dowd and Ms. Doherty discussed the Richard Zorza report on law libraries and access to justice that was recently endorsed by the Commission. Law librarians are critical to the effectiveness of the libraries and while online materials are extraordinarily useful and can increase access to justice, it is an overstatement that simply having materials online is the solution to increasing ATJ. The Branch's librarians can answer inquiries in person, over the phone and via email; they compile the [Pathfinders](#) that serve as a start for legal research; and they have done outreach training to public librarians on basic legal research. Atty. Arkin noted that funding for Judicial Branch law libraries has decreased and the number of staff has declined by 47 percent in the last few years (attrition); 2 years ago they were zero-funded, while last year and this year funding is at \$1 million. The librarians' role has shifted from mostly assisting attorneys, to helping the self-represented find the materials that they need, and Atty. Dowd estimated that 80 percent of people helped are self-reps, 15 percent are attorneys, and 5 percent are Judges. Dean Paul noted that the UConn Law Library is open to the public in hours when the Branch library isn't, and can be used for research, but not for resources such as Lexis-Nexis, Westlaw and other proprietary providers.

- Limited scope/unbundling: Ms. Hess reported that following last fall's CBA/Bar Foundation symposium at Quinnipiac, a CBA Task Force on LSR presented the Branch's LSR proposal to attorneys across the state in a series of meetings, and there were any number of concerns and questions raised by the members. The Branch has made inquiries to the Statewide Grievance Counsel and Legal Services and a response is in the making, with input from the Bar. When the Task Force has its answers, it will issue a formal written report to the CBA House of Delegates, which will then determine if it should be voted upon. This could be a lengthy process. It was also noted that 44 states currently allow limited scope.

- Pro Bono/Attorney Advice Days: Ms. Hess also reported on the Branch/Bar volunteer attorney program that operates in Hartford, Waterbury, New Haven and Bridgeport in family and foreclosure matters. More than 1,800 self-represented parties have been assisted, and a fifth program begins in Stamford on June 5th, with pro bono lawyers available for discussing family matters. In the future, it is expected the program will be expanded to civil court, with pilots in two JDs.

V. Discussion of Subcommittees' progress: Judge Norko introduced the chairs of the various subcommittees, who reported:

- [Subcommittee on Criminal Issues and Child Protection](#): Atty. Storey discussed the subcommittee's concerns about collateral consequences for self-represented parties in termination of parental rights hearings, and other child protection cases. One concern is that the Department of Children and Families will often direct people, at risk for losing their children, to obtain certain services or programs, such as substance abuse treatment, anger management, etc., within a

certain time frame. Atty. Storey said that for incarcerated parents such requests/orders may not be realistic as there are often lengthy waiting lists for such DOC programs among inmates. She said there is a need to better coordinate the expectations of DCF with the reality of availability. Deputy Atty. Gen. Dannehy noted that not every incarcerated parent has a genuine desire to reunite with his or her child, and that while there may be a need to have more programs, there is also a need to target parents who want to take advantage of rehabilitation. Atty. Storey also told the Commission that the draft "Family Impact Statement," which would have been a statement to a sentencing judge of how a defendant's incarceration would affect a family, did not make it out of a legislative committee.

- [Subcommittee on Legal Aid/Civil Representation](#): Atty. Steve Eppler-Epstein reported on the status of the so-called legal aid bill, HB 5388, which, if approved will provide several million dollars in additional funding to legal aid programs through the Connecticut Bar Foundation, which distributes Interest On Lawyers' Trust Accounts (IOLTA) funds statewide. The latest incarnation of the bill would raise certain filing fees and would generate an estimated \$7 million; 70 percent of that would go to IOLTA, and 30 percent would be deposited in to a separate Judicial Branch technology account. The increases would sunset in 3 years. Atty. Eppler-Epstein also noted that Chief Justice Rogers and Judge Bright, his co-chair for this Subcommittee, have been traversing the state to encourage various bar associations and law firms to develop pro bono projects. There was also discussion about a pending Practice Book Rule change that, if approved, would allow corporate counsel to provide pro bono service under the supervision of an organized legal aid society or state/local bar association project, or of a member of the bar who is also working on the pro bono representation. A public hearing on the rule change is at the Supreme Court on May 21st. There was also discussion about a recent UConn Law School pro bono, professor-supervised program in housing court in the Hartford Judicial District. Dean Paul said that there may be opportunities for new bar admittees without job prospects to assist in pro bono projects.

- [Subcommittee on the American Bar Association and Technology and Access to Justice](#): Attorney Woodard said this subcommittee met recently, reviewed its charge and decided to focus on developing recommendations for the Branch to develop a one-stop Access to Justice page. Each member has reviewed the Branch's existing pages, links and resources and had developed a preliminary list of potential resources grouped by interest, including: self-represented parties, people with limited English proficiency, people with disabilities, the elderly and the bar. The subcommittee also reviewed some technology and bar trends, including an online legal help service offered by the Tennessee ATJ Commission and its bar members and a pro bono smartphone app developed for Arkansas attorneys which allow them to select an eligible case that meets their individual specialty/availability, from their smartphones.

- [Subcommittee on Self-represented Parties](#): Ms. Hess reported that the focus, in addition to developing attorney advice days programs, is on developing a guide for staff and possibly videos on how to assist self represented people.

- VI. Member discussion of Commission charge and next steps, including report to the Chief Justice and the Office of the Chief Court Administrator: Judge Norko urged each subcommittee to review its charge and those action steps provided in the charge, and provide a brief update on the status of the action steps to the Commission support staff, Ms. Collins, by the end of May. If no action has been taken on a specific action step but the subcommittee believes it should be considered in the future, they should indicate that. Ms. Collins will collate the information into a draft and send it to the members for discussion at the next full meeting. The members were reminded that they are not expected to implement activities, but rather to develop prioritized recommendations and activities for consideration by Chief Justice Rogers.
- VII. The Commission set its next meeting for Monday, June 25th, 2012, at 2:00 p.m. in Conference Room 4B at 225 Spring Street, Wethersfield, CT. Judge Norko thanked the members and the meeting adjourned at approximately 3:45 p.m.