

JUSTICE FOR ALL ASSESSMENT REPORT

HOW TO USE THIS REPORT

Thank you for using the Justice for All (JFA) diagnostic tool. This report was generated based on your answers to the diagnostic tool questions, which asked you to assess the range of resources, services, relationships, and support systems needed to achieve justice.

The diagnostic tool and this assessment report is meant to be a small step in a larger planning process. This customized report provides one set of suggestions for activities stakeholders in your state may want to pursue while building toward the comprehensive and systemwide reforms necessary to achieve justice for all.

This report intentionally does not list every possible activity you could pursue. Instead, it creates a curated list based on your answers to the diagnostic tool to help inspire further discussion, planning, and prioritization among stakeholders in your state. For a more complete overview of the range of work necessary for achieving justice for all, refer to the JFA guidance materials, which include an appendix of resources for various access to justice activities.

BACKGROUND ON JFA

The JFA framework underlying this assessment recognizes the critical importance of robust legal services and resources, including innovative services that don't require lawyers. It also recognizes that a focus on legal services and resources alone will be insufficient for achieving justice for all. Rather, justice for all also requires a systemwide focus on how services and resources are provided, evaluated, expanded, and improved. The JFA framework encourages partners to look at whether:

- courts embrace the systemic changes and simplification efforts needed to serve the substantial number of self-represented litigants appearing in court;
- there is coordinated advocacy to support system reforms that increase access to justice;
- there is a coalition structure with capacity to effectively evaluate gaps in access to justice and to plan and implement solutions that fill those gaps; and
- the coalition includes and builds meaningful partnerships with non-legal community partners.

For more information about the framework underlying the assessment, see the JFA Guidance Materials included with your meeting materials.

Governance, Relationships, and Resources

Justice for all is not possible without systems supporting collaborative work by a wide variety of legal and community partners, including a coordinating body such as an access to justice commission or committee. Although an individual user of the legal system may never directly interface with the coordinating body, it provides the basis for the effective strategic planning, implementation, and evaluations that ultimately improve the experiences and outcomes of people with legal issues.

Your answers indicate that your state has established an access to justice coordinating body, such as an access to justice commission or committee.

Here are some opportunities to increase the effectiveness of your coordinating body.

1. Improve representation from critical legal and non-legal partners

Often, access to justice commissions already have strong representation from court, legal aid, and private bar leaders. Such representation is crucial. Many commissions could be improved by including leaders from other community partners such as libraries, community health centers, service providers, faith-based organizations, business leaders, funders, and others. Diversifying your coordinating body to include the perspectives of those community partners is vital to effective planning, implementation, and evaluating access to justice projects in your state.

Each state is unique. The composition of your state's coordinating body depends on the circumstances, needs, and relationships in your state and should be influenced in part based on knowledge about where low-income individuals in your state go to seek help when they have a civil legal problem. If changing the composition of your state's coordinating body is too difficult, you may want to consider creating working committees that include representation from diverse community partners.

2. Establish strong governance with clear roles and responsibilities

An effective coordinating body has transparent expectations about member participation, decision making, and committee structures. For more information, see the American Bar Association's (ABA's) insights regarding the [hallmarks of an effective access to justice commission](#) and [access to justice commission self-assessment materials](#).

For an example of a Commission with a robust committee and working group structure, see the Michigan Supreme Court's [Commission on Justice for All](#) ("Committees & Work Groups"). See also, the [committees of the Colorado Access to Justice Commission](#) for examples of committees created by formal commission charters. For an example of

internal operating procedures, see the Florida Supreme Court’s Commission on Access to Civil Justice [procedures](#).

3. Create a shared understanding of working priorities and benchmarks and measure progress towards goals.

In [Hallmarks of Effective Access to Justice Commissions](#), the ABA notes:

Some Commissions engage in a formal strategic planning process that produces a strategic plan for a specific period, at the end of which the effectiveness of its efforts are assessed and a new plan is developed.

Others prefer a less formal, ongoing process for weighing potential strategies, setting priorities and reviewing accomplishments.

What is most important is that the Commission is always clear about its goals and objectives and regularly assesses how effective it has been in achieving them. Before embarking on an initiative, the Commission clearly identifies what it is seeking to accomplish, and how it can actually measure accomplishments, so that it can evaluate the extent to which it has achieved what it set out to do.

The ABA links to many state access to justice commissions’ [strategic plans](#). See the [Illinois Supreme Court Commission on Access to Justice 2023-2028 Strategic Plan](#) for a more recent example.

JFA offers a model process for commissions that emphasizes an ongoing process of improvement that includes: governance; information gathering; assessment; planning and prioritization; and implementation.

To be most effective, build priorities and goals into ongoing work plans, reporting, and assessments. This doesn’t have to be a cumbersome process; simply start each meeting with a review of your strategic priorities and dedicate a portion of the meeting to reporting on progress related to those priorities.

4. Improving commitments to equity, diversity, and inclusion.

Like many organizations and businesses, access to justice commissions across the country are increasingly looking internally at how they might strengthen commitments to equity, diversity, and inclusion. Your answers to the diagnostic tool indicate this may be an important area of focus for your state’s access to justice coordinating body.

[Visit the ABA’s Diversity, Equity, and Inclusion Center](#) for guidance, resources, and examples for the legal profession. See also, NCSC’s [Racial Justice Resource Center](#) for a wealth of resources on racial justice and the court system, including a [Blueprint for Racial Justice](#).

Legal Resources and Services

Justice for all requires a comprehensive set of resources and services that include self-help information and forms, assistance from trained professionals who are not lawyers and community partners, and legal assistance and representation by licensed lawyers. This is often referred to as a “continuum of services.” Key components of the continuum of services include:

- Effective, systemwide triage and referrals
- Community partnerships, education, and prevention
- Self-help information and forms
- Assistance from navigators and professionals who are not lawyers
- Representation from lawyers, including a continuum of legal services from brief advice, limited scope representation, and full representation
- Appropriate alternative dispute resolution options

Your answers indicate that you may want to consider focusing on the areas highlighted below to increase access to justice in your state.

Self-Help Information and Forms

Most people in civil courts are self-represented. In that context, justice for all cannot be achieved without comprehensive, widely available, and user-friendly legal information and forms for use by self-represented litigants. Self-help information and forms also make it easier for navigators and pro bono lawyers to efficiently assist individuals who would otherwise be proceeding without any help.

Based on your answers, these areas of focus may increase access to justice in your state by improving the quality and availability of self-help information and forms for individuals representing themselves.

1. A comprehensive and centralized set of self-help materials

A comprehensive set of legal forms, instructions, and information are essential to increasing access to justice for self-represented litigants. States should prioritize forms, instructions, and information for legal topics that litigants are most likely to encounter without a lawyer. Examples include family law, housing law, and consumer law. In addition to forms and instructions, Materials should include information about:

- Understanding the applicable law
- Which courts hear which cases
- Procedural information, including what to expect at court
- Legal processes, including process flow charts

- How to prepare and present a case at trial
- Compliance and other post-judgment issues
- A plain language glossary of legal terms

States should reach agreement between the courts and other access to justice stakeholders regarding the priorities and processes for developing, improving, and updating self-help forms and materials.

Even in decentralized court systems, efforts should be made to ensure that forms are universally adopted. This not only reduces confusion for self-represented litigants, but increases efficiency for legal aid, pro bono, and professionals who are not lawyers working across multiple jurisdictions within a state.

Finally, materials should be easy to find and available online, optimized for mobile viewing, and in hard copy at courthouses, self-help centers, and with other legal and community providers that assist self-represented litigants.

2. Self-help materials are accessible, user-friendly, and written in plain language

To be effective, self-help forms, instructions, and other materials must be accessible and user-friendly. They should be written in plain language that self-represented litigants can understand and use. For states interested in improving their forms, NCSC has a library of [webinars and supporting materials](#). Topics covered include: [Accessibility for litigants with limited English proficiency, low literacy and people with disabilities; form design](#); and [plain language](#). For examples from a state that has undergone a forms redesign process to increase usability, see the [Illinois Fee Waiver Application](#).

NCSC has [additional plain language resources](#), including an [interactive plain language legal glossary](#).

For more information on creating high-quality self-help materials, see NCSC's [Best Practices for Creating Legal Self-Help Materials](#).

See also NCAJ's [Language Access Resources](#) and the Institute for the Advancement of the American Legal System's [Guidelines for Creating Effective Self-Help Information](#).

For an example of a comprehensive and centralized library of forms [with extensive supporting materials and programs](#), see the [forms of the California Judicial Branch](#). For examples from a state court that serves far fewer litigants and has less dedicated funding, see the [Alaska Court System's self-help forms](#).

3. Automated forms

Automated forms ask users a series of questions and use the answers to guide the rest of the interview and creates a form that is ready to file. Perhaps the most famous example of an automated form is ©Turbo Tax. When done well, automated forms can ease the burden on the user by hiding questions that are irrelevant to that user. For example, someone seeking a divorce without children will not be asked to create a custody agreement or calculate child support.

NCSC has an informative [webinar on document assembly and automation](#).

Many states now have examples of effective automated forms. For a few examples see:

- [Document Assembly: Replicable TIG Projects](#)
- [Forms created by Suffolk Law's Legal Innovation and Technology Lab](#) in cooperation with the Massachusetts Access to Justice Commission
- The California Judicial Branch has automated forms for many of its standardized forms. For an example see, "[Fill Out Forms to Start a Small Claims Case](#)"

The automated forms entered into the [Self-Represented Litigation Network's 2021 form competition](#) (not all links are active)

Effective and Systemwide Referrals

Strong relationships and networks are needed to ensure that individuals with civil legal needs reach the appropriate information and services, regardless of where they seek help, whether they start at a court, community-based provider or other trusted institution, such as food banks, schools, libraries, or faith-based organizations. An effective, systemwide triage and referral system matches a person's legal need with the appropriate resource or service and is easy to use for people seeking legal information and services, the community partners assisting them, and legal services providers making referrals to each other.

Your answers indicate that your state already has clear and widely shared information about intake and referral. Your answers also indicate opportunities for increasing access to justice by improving the effectiveness of referrals. The following are elements you may want to consider as priorities:

1. Create a centralized referral system (that may also include centralized intake)

Many jurisdictions have moved beyond directory style listings and referral guidelines, building centralized referral hotlines and/or automated websites with back-end decision trees that ask users a series of questions and that use the answers to create an individualized list of providers and other relevant information and/or to complete an intake.

For an example of a website that matches user answers with automated and targeted referrals and legal information, see the [LawHelp Minnesota Guide](#). For an example of a centralized intake hotline, see [Northwest Justice Project's CLEAR hotline](#).

For an example of an electronic tool that helps people find legal help, see the [Maryland Justice Passport](#). This resource helps litigants track applications for service, store important documents, keep case information organized, and remember important dates.

Additional background information and tools regarding centralized referral systems include:

- [Online Triage and Intake: A Toolkit for Legal Aid Organizations](#) (LSC)
- [Online Intake and Triage: Replicable TIG Projects](#) (LSC)

In addition, the D.C. Access to Justice Commission provided comprehensive input to the DC Bar Foundation regarding a potential coordinated intake and referral system, including an excellent report, "[Best Practices for Coordinated Intake, Triage, and Referral](#)," written by the Commission's law student intern, MJ Smith. The report can be found starting on page 27 of the Commission's feedback.

2. Create a network of community partners

A robust legal referral system includes a network of community partners that are supported in helping people identify and avoid legal problems, find information, understand options for moving forward, and locate appropriate and available resources and services. Such a network should be supported by consistent and ongoing outreach, information sharing, and cross-training among and between legal and community partners regarding the availability of relevant information and services and how to access those resources.

For an example of training tools for community partners, see the [LawHelpMN Guide: Trusted Intermediaries as Users and Facilitators](#).

Representation From Lawyers, Including Brief Services And Limited Scope Representation

Legal representation through well-resourced and coordinated civil legal aid providers, pro bono programs, and affordable market-based options are essential to justice for all. Legal representation includes a full spectrum of services including legal advice, limited scope representation, and full representation through trial, settlement, or other final resolution of a case. To ensure justice for all, full representation must be available when a legal issue is particularly complex, where the stakes are high, and where capacity issues impede a person's ability to effectively represent themselves.

1. Coordinate programs that recruit, train, mentor, and support pro bono attorneys

Robust pro bono programs are an integral part of any effort to ensure that legal representation is available for those who need it. The [American Bar Association's Standing Committee on Pro Bono and Public Service](#) maintains a library of helpful [Pro Bono Resources](#) to support efforts to increase pro bono participation. Contact the Standing Committee using the link at the bottom of their [home page](#). The Chicago Bar Foundation has also created a detailed [Pro Bono Checklist](#) to support the creation and implementation of new pro bono programs.

Some Commissions have also supported the creation of statewide pro bono opportunity websites to assist lawyers and other legal professionals in finding volunteer opportunities. One example is the [Oklahoma Access to Justice Pro Bono Portal](#).

2. Leverage limited scope representation

Limited scope representation is any assistance from a lawyer that falls short of full representation. Limited scope representation is also sometimes called brief services, unbundled legal services, or discrete task representation. Limited scope representation is an essential part of a system that maximizes the effectiveness and reach of limited legal aid and pro bono services.

Limited scope representation can include diagnostic services, counsel and advice, legal research, document drafting, representation in negotiations, assistance with evidence gathering and preparation, and representation in discrete courtroom appearances.

Support for limited scope representation includes:

- Adoption of rules that support the practice
- Education of the judiciary regarding the importance of limited scope representation
- Lawyer education and recruitment
- Creation of limited scope representation referral panels
- Training, resources, and communities of practice that support attorneys practicing limited scope representation

Resources for jurisdictions looking to build, expand, or improve limited scope representation, include:

- The [ABA's resources](#) on the topic, including a list of state [rules on unbundling](#) and a [Handbook on Limited Scope Legal Assistance](#).
- The Institute for the Advancement of the American Legal System's [Unbundled Legal Services Resources](#)

Examples of local efforts to support limited scope representation include:

- [A Limited Scope Representation Toolkit](#) created by the Illinois Supreme Court Commission on Access to Justice, the Chicago Bar Foundation, Justice Entrepreneurs Project, The Lawyers Trust Fund of Illinois, and The Chicago Bar Association
- Comprehensive [Limited Scope Representation Resources](#) created by the Louisiana State Bar Association Access to Justice Commission

Additional resources and examples can be found on the [Self-Represented Litigation Network's Unbundling Page](#).

User-Friendly and Accessible Courts

Justice for all requires court systems to be organized and resourced to service the significant number of individuals navigating cases without lawyers. User-friendly court systems include simplified rules and processes, self-help resources, and helpful and respectful interactions with judges and staff, especially when cases involve self-represented litigants.

1. Judicial leadership on access to justice issues

Significant court-based efforts to improve access to justice typically require strong judicial leadership. Cultivating judicial leadership is an ongoing process. At a minimum, judicial leaders should be included as members of your state's coordinating body. Natural leaders may include justices and judges who have been vocally supportive of legal aid, pro bono, and self-help initiatives and those who have initiated access to justice practices and projects in their own courts.

Reach out to the [NCSC Access to Justice Team](#) for assistance in building, improving, and supporting judicial leadership in your jurisdiction.

2. Judicial education and court staff education

Interactions with judges, clerks, and other court staff significantly influence the experiences of self-represented litigants. Judges and staff should receive high-quality training and education to support their efforts to effectively serve self-represented litigants in their courts. Training topics can include:

- Engaging effectively with SRLs
- Resources, services, and referrals for SRLs
- Information versus advice (for court staff)
- Procedural fairness (for judges)
- Accessibility issues and resources, including language access and disability access
- Diversity, equity, and inclusion

These resources can support jurisdictions looking to develop or improve judicial and staff education:

- NCSC’s [Procedural Fairness Resources](#) including the [online course](#) and [procedural-fairness video scenarios](#), and [Tiny Chat 19: Procedural Fairness](#)
- [NCSC’s Judicial Curriculum for Cases Involving Self-Represented Litigants](#)
- Institute for the Advancement of the American Legal System’s [Ensuring the Right to Be Heard: A Guidebook for Trial Judges in Cases Involving Self-Represented Litigants](#)

In addition, The Judicial Branch of California offers many resources to support judges and staff in working effectively with self-represented litigants, including [Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers](#) and [Procedural Fairness Report and Assessment Tool](#). Both of these resources have been adapted for use in other jurisdictions.

3. Court processes and rules are standardized and simplified to reduce the burden on self-represented litigants

Increasingly, courts and other access to justice stakeholders are looking at how court processes, rules, and proceedings can be modified to increase access and understanding for self-represented litigants. These reforms can be particularly important in courts and areas of the law where a high number of litigants are self-represented. Many processes were designed for a system in which virtually all litigants had lawyers. Simplification efforts look for ways to reduce unnecessary complications that create burdens on self-represented litigants. Examples of simplification efforts and resources include:

- Improving appearance rates by adopting best practices for remote hearings (see NCSC’s [Remote Proceeding Toolkit](#)), offering alternative court hours (see NCSC’s [Alternative Court Hours Toolkit](#)), and other efforts that ease barriers to appearance (see NCSC’s [Appearance Rate Resources](#))
- Simplifying and modernizing service of process rules and forms (see [NCSC’s Service Modernization Brief](#))
- Simplifying hearings in high-volume courts, for example through [Informal domestic relations trials](#) and other [family law simplification](#) efforts
- Creating user-friendly options for e-filing by self-represented litigants (see NCSC’s report, [Self-Represented E-Filing: Surveying the Accessible Implementations](#))

For other examples see:

- SJI’s [Family and Civil Justice Reforms](#)
- NCSC recommendations for [Kansas](#), [Nebraska](#), and [Vermont](#)