

# 2016 Annual Meeting Conference

## Access to Justice Track

Rooms 306-307

### Justice for All: Barriers and Solutions

8:00 a.m. - 9:00 a.m.

#### **Presented by**

Justice Brent Appel  
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Des Moines, Iowa

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**WEDNESDAY, JUNE 15**

## Understanding ATJ Commissions

### **What is the definition of an Access to Justice Commission?**

- It is a high-level formal entity composed of leaders representing, at minimum, the judiciary, the organized bar, and legal service providers. Its membership should also include representatives of law schools, legal aid funders, the legislature, the executive branch, as well as stakeholders from outside the legal and government communities.
- Its exists to expand access to civil justice at all levels for low-income and disadvantaged people in the state by assessing their civil legal needs, developing strategies to meet them, and evaluating progress. This may also include expanding access for moderate-income people.
- Its authority is from and/or recognized by the highest court of the state; the highest court and the highest levels of the organized bar are engaged with the Commission's efforts and the Commission reports regularly to them.
- The primary activities of a Commission relate to planning, education, resource development, coordination, delivery system enhancement, and oversight; it is not primarily a funder or direct provider of legal assistance.
- A Commission meets on a regular basis and has ongoing responsibility for carrying out its objectives.

### **What is the purpose and objectives of an ATJ Commission?**

- Active engagement and leadership of the judiciary and the organized, who are represented by individuals of stature and commitment, resulting in a high level of credibility and visibility for Commission initiatives.
- Primary focus on overcoming specific barriers to civil justice created by inability to afford counsel, although disadvantages created by factors such as culture, language, age, and disability are also usually addressed.
- An overview of all the state's legal assistance delivery system as a whole, including staffed legal aid programs, support for self-represented litigants, limited scope representation, pro bono services, and other models, as well as potential innovations, rather than focus on a single delivery mechanism.
- Scope that is not limited to civil legal problems involving not only litigation in the courts, but encompassing a full range of contexts, including the provision of information about legal rights and responsibilities; administrative proceedings; negotiation and transactional assistance; and advocacy with state and local administrative bodies.
- Ability to maintain a "big-picture" perspective, encompassing the viewpoints of the different institutions represented on the Commission and not limited to that of any one particular institution.
- Institutionalization of the Commission structure, to ensure follow-through and ongoing commitment.

### **What is the scope of issues and topics that other ATJ Commissions have addressed?**

- Increase support for self-represented litigants
  - Educations and resources for judges and clerks
  - Self-help centers, services and materials
  - User-friendly, interactive online forms
  - Effective use of technology
  - Limited scope representation
  - Elimination of barriers in court system
- Increase funding for civil legal aid
  - State legislative funding – appropriations and court fees/fines
  - Legal community campaigns
  - Cy pres awards
  - Foundations and the business community
  - Non-LSC federal funding opportunities
- Increase attorney pro bono services
  - Judicial involvement
  - Rule changes
  - Recruitment campaigns
  - CLE credit for pro bono work
  - Program innovations
  - Recognition for contributions
- Address related issues
  - Coordination and collaboration in legal aid delivery
  - Support public service careers
  - Administrative fairness issues
  - Language access
  - Support for civil right to counsel
  - Incubator programs
- Messaging and Communications
  - Building awareness of the critical role of civil legal aid
  - Engaging local media
  - Reaching out to opinion leaders
  - Hold hearings and summits
  - Ensuring that civil legal aid is high on bench/bar agendas

### **Why should Iowa create an ATJ Commission?**

- Identify and assess current and future needs of low and moderate-income Iowans for access to justice in civil matters.
- To be able to shift the paradigm in Iowa and focus on the people who have legal needs rather than the focus being on the needs of the programs to survive. Focus on the unmet legal needs.
- To expand and enhance the delivery of legal assistance in our state.
- Develop and publish a strategic plan for delivery of civil legal services to low and moderate-income Iowans throughout the state that will (in part) educate the public about the large gap between the ideal of equal access to the legal system and the reality of lack of representation.
- Foster coordination within the civil legal services delivery system and between legal aid organizations and other legal and non-legal organizations.
- Develop and implement other initiatives designed to expand civil access to justice.
- Encourage a strong and consistent commitment to providing equal access to justice among the leaders of our state.

**Who are the stakeholders that should be included in a Commission?**

- Judiciary (*brings credibility, visibility and rule making authority*).
- Bar (*brings volunteer base, leadership and professional structure*).
- Legal service providers (*brings direct experience with civil legal needs of low income people*).
  - LSC funded programs
  - Non-LSC funded programs
- Public
- Law Schools
- Legislative branch of government
- Executive branch of government
- Social service providers
- Business leaders
- Healthcare providers
- Religious and community organizations
- Media

**In another state, if a Commission has not been effective as hoped, what is the reason?**

- The Commission lacked strong and effective leadership.
- The Commission was inactive and did not work to address issues of need.
- The Commission did not have “ALL” of the stakeholders involved, engaged, and supportive.

**Have ATJ Commissions ever had a negative effect on existing programs or initiatives?**

- According to the ABA there has not been an instance where there has been a reduction in funding or program services for an LSC funded program or a locally funded service program.
- Commissions are designed to work in coordination and collaboration with existing efforts to build upon the strengths that they have established.
- The goal of an ATJ Commission is to always expand and enhance existing programs and services as well as embark on new initiatives that will serve more individuals.