

Overview of the Justice Index

David Udell, Executive Director

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In the United States and around the world, people's lives are compromised in civil legal matters when they do not understand the law, cannot assert their rights, cannot rely on a neutral and unbiased decision-maker, cannot count on the rule of law and cannot enforce the law. When access to justice is denied in these ways, people risk losing their children, their homes, their physical security, their savings, even their freedom. The Justice Index, <https://justiceindex.org>, created by the National Center for Access to Justice at Fordham Law School with the support of pro bono attorneys and data technicians, is a resource that uses data and indicators to rank the states on their adoption of best policies for assuring access to justice. The Justice Index is aligned with Goal 16 of the United Nations Sustainable Development Agenda which calls on all countries to assure access to justice and the rule of law as part of the global effort to end extreme poverty by 2030. See the video created by the American Bar Association for the Justice Index Pro Bono Team on August 12, 2017, <https://goo.gl/yRFBvE>.

I. Introduction to the Justice Index

The Justice Index is a website that uses data, indicators and indexing to rank the 50 states, Puerto Rico, and Washington, D.C., on their adoption of selected best policies and practices for access to justice. Its driving idea is that a responsible comparison of the access to justice policies established in the states will, in turn, promote a dialogue about those policies both within and between the states, which in turn will prompt reform that expands access to justice. By making selected policy models highly visible, the Justice Index makes it easy to understand what is important in state justice systems, easy to see which states are doing the best at it, and easy for everyone to replicate the best policies. Because the policies improve lives, the Justice Index is an important resource for low income and of color individuals and communities, and for activists, advocates, officials and all who work to reform the civil justice system.

II. The Justice Index Four Sub-indexes

The Justice Index ranks states in four sub-indexes comprised of multiple indicators, each weighted 1, 5 or 10 points, as follows:

- Attorney Access Index – ratio of civil legal aid attorneys per 10,000 poor
- Self-Represented Index – policies to assist self-represented litigants
- Language Access Index – policies to assist people with limited English proficiency
- Disability Access Index – policies to assist people with disabilities

The Justice Index also ranks each state in a Composite Index by according each state's score in each sub-index a weight of 25% of the state's composite score, and then comparing those composite scores.

III. The Justice Index Issue Areas, Indicators, Data and Findings

The Justice Index contains 28 issue areas, 112 indicators, and 5,000 data points organized in four sub-index categories. Operating under NCAJ's direction, teams of volunteer attorneys gathered data and also conducted a quality assurance review of data provided by courts, legal aid programs and other stakeholders. Complete indicators, and all data and rankings, are at www.justiceindex.org. Short titles and explanations of indicators are below.

A. Attorney Access – This sub-index offers a count of civil legal aid lawyers in each state, and a total for the country. The Legal Services Corporation provided NCAJ with a count of civil legal aid lawyers in programs that have LSC funds. To track lawyers in non-LSC programs, NCAJ relied on diverse sources including State Bar Associations, State Court Systems, State Access to Justice Commissions and State Interest on Lawyers Trust Account foundations. NCAJ also reached out to civil legal aid leaders about their programs. Justice Index indicators include: 1) number of civil legal aid lawyers, by state; 2) number of civil legal aid lawyers per 10,000 residents at or below 200% of federal poverty line, indexed by state; 3) number and names of civil legal aid programs, by state; 4) number of attorneys in general population, by state.

B. Self-Represented Access – This sub-index relies on 14 issue areas and 56 indicators that track selected best policies for assuring access to justice for people who are self-represented

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| <p>Dedicate a court employee:</p> <p>1. Dedicate a Court Employee (34 states)</p> <p>Proactive Judging:</p> <p>2. Authorize Specific Steps by Judges (23)</p> <p>3. Train Judges on SRLs (31)</p> <p>4. Authorize Court Staff on Specific Steps (32)</p> <p>5. Train Court Staff on SRLs (27)</p> <p>Unbundling:</p> <p>6. Authorize Unbundling (44)</p> <p>7. Train Judges on Unbundling (9)</p> <p>Self-help Centers:</p> <p>8. Fund a Self-Help Center (20)</p> <p>9. Count Self-Represented Cases (9)</p> <p>Plain English:</p> <p>10. Require Plain English Written Materials (7)</p> <p>11. Encourage Plain English in the Courtroom (20)</p> <p>12. Designate Responsibility for Plain English in Courtroom (1)</p> <p>13. Publish a Plain English Style Guide (8)</p> <p>14. Train Judges on Plain English (17)</p> <p>15. Train Court Staff on Plain English (12)</p> <p>Access to website, electronic filing:</p> <p>16. Make Electronic Filing Accessible (16)</p> <p>Waiver of filing fees:</p> <p>17. Waive Civil Filing Fees (52)</p> <p>18. Simplify Waiver of Civil Filing Fees (26)</p> <p>19. Require Court Staff to Explain Waiver (12)</p> | <p>20. Describe Filing Fee Waiver on Website (34)</p> <p>Court Forms:</p> <p>21. Conduct Recent Initiative on Court Forms (43)</p> <p>22. Fund a Recent Initiative on Court Forms (29)</p> <p>23. Maintain Single Web Page with Court Forms (48)</p> <p>Court Forms, Website:</p> <p>24A-G. List on Court Web Page Forms for Seven Case Types</p> <p>25A-G. List on Court Web Page Materials for Seven Case Types</p> <p>Court Forms:</p> <p>26A-F. Require Courts to Accept Common Form for Seven Case Types</p> <p>Court Forms, Self-Help Programs:</p> <p>27A-G. Maintain Document Assembly Program for Seven Case Types</p> <p>Access to Justice Commission:</p> <p>28. Maintain Access to Justice Commission (41)</p> <p>Right to Counsel, Data Collection:</p> <p>29. Collect Data on Frequency of Right to Counsel Appointments (7)</p> <p>30. Collect Data on Quality of Right to Counsel Representation (7)</p> <p>31. Collect Data on Frequency of Discretionary Appointments of Counsel (0)</p> <p>Right to Counsel:</p> <p>32. Recognize Right to Counsel in Housing Cases (0)</p> <p>33. Recognize Right to Counsel in Abuse/Neglect (41)</p> |
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C. Language Access – This sub-index relies on 8 issue areas and 39 indicators that track the selected best policies for access to justice for people with limited English proficiency:

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| <p>Certification:</p> <p>1. Certify Court Interpreters (43 states)</p> <p>2. Require Use of Certified Interpreters (33)</p> <p>Guidance for Judges and Court Staff:</p> <p>3. Train Judges on Working with Interpreters (32)</p> <p>4. Train Court Staff on Working with Interpreters (28)</p> <p>Website:</p> <p>5. Offer Free Interpreter on Website (21)</p> <p>6. Use Other Languages to Offer Free Interpreter on Website (13)</p> <p>Outside the Courtroom:</p> <p>7. Require Interpreters at Clerks' Counters (7)</p> <p>8. Include Clerk Counter Interpreters in Language Access Plan (31)</p> <p>9. Requires Interpreters at Self-Help Centers (3)</p> | <p>10. Self-Help Centers in Language Access Plan (13)</p> <p>Court forms:</p> <p>11. Translate Website Instructions for Self-Represented Parties (26)</p> <p>Website:</p> <p>12. Translate on Website when Interpreters are Provided (17)</p> <p>13. Translate on Website How to File Interpreter Complaint (10)</p> <p>Certification in Case Types:</p> <p>14A1-12. Require Certified Interpreters for 12 Case Types</p> <p>14B1-12. Require Interpreters be Free-Of-Charge for 12 Case Types</p> <p>Court Forms, Website:</p> <p>15. Translate on Website Availability of Court Forms (23)</p> <p>16. Post Translated Court Forms on Website (30)</p> |
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D. Disability Access – This sub-index relies on 6 issue areas and 13 indicators that track selected best policies for access to justice for people with disabilities:

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| Fees for Sign Language Interpreters: | | Service Animals: | |
| 1. Require Sign Language Interpreters be Free-Of-Charge (46 states) | | 8. Require Access for Service Animals (45) | |
| Certified Sign Language Interpreters: | | Mental Disability: | |
| 2. Require Sign Language Interpreters be Certified (28) | | 9. Refer to Mental Disability on Website (15) | |
| 3. Prefer Interpreters with Courtroom Training (27) | | 10. Dedicate Court Employee with Mental Health Training (7) | |
| Website: | | Right to Counsel: | |
| 4. Say on Website How To Request Accommodation (30) | | 11. Provide for Appointment of Counsel as Accommodation (3) | |
| 5. Name on Website the Person for Accommodations (32) | | 12. Recognize a Right to Counsel in Involuntary Commitment (51) | |
| 6. Say on Website How To File Disability Access Complaint (27) | | 13. Recognize a Right to Counsel in Guardianship (42) | |
| 7. Name on Website the Person for Disability Access Complaints (29) | | | |

IV. Justice Index 2016 findings

Each issuance of the Justice Index identifies best and worst performing states, essential trends in policy formation in the states, and the equivalent of dozens of conventional reports on whether 112 particular justice system policies are present or absent in the states. It is difficult to perceive the full breadth of the Justice Index’s coverage from the Justice Index site, itself, since the presentation is so digitally economical. Here are some of the 2016 findings:

- Best states overall (top, down): Massachusetts, Hawaii, Maryland, Connecticut, Colorado
- Worst states overall (bottom, up): Mississippi, Wyoming, Puerto Rico, Nevada, South Dakota
- Best and worst states on attorney access: New York and South Carolina
- Best and worst states on self-represented access: California and Rhode Island
- Best and worst states on language access: Hawaii and Alabama
- Best and worst states on disability access: Colorado and Wyoming
- Total national number of civil legal aid attorneys, 6,953
- Fewer than 1 civil legal aid attorney per 10,000 poor people across the country
- Zero states with a statewide civil right to counsel for people facing eviction
- Many states using technology to help, but much more can be done
- Americans who are not proficient in English face striking barriers in court
- Court filing fees create daunting obstacles for poor Americans

V. Impacts

Whether the focus is family, housing, security, food, debt, discrimination, veterans, or other areas of concern to courts, agencies, legislatures, the bar, the press, the academy, or the public, the Justice Index informs people about best policies, creates incentives for their replication, and offers a platform for social science research. The Justice Index findings draw attention to societal inequality, deepen public understanding of the role of the courts, and lend support to activism that expands access to justice. Consider this example of the power of the Justice Index: when the latest Justice Index findings caused a drop in one state’s rankings because the state did not expressly prohibit trial judges from billing litigants for free interpreters, the state took swift action to improve its rule by adding the clause “at no expense”. For Justice Index media clips, see <http://justiceindex.org/category/news/>.

[Contact David Udell, dudell@fordham.edu; November 9, 2017]