

Access to Justice Best in D.C. and Massachusetts, Worst in Mississippi and Wyoming

Karen Sloan, The National Law Journal, May 10, 2016 |



David Udell, Executive Director of the National Center for Access to Justice. Photo: Rick Kopstein/NYLJ

The District of Columbia and Massachusetts rank the highest when it comes to access to justice, while Mississippi and Wyoming are at the bottom, according to the National Center for Access to Justice's latest state-by-state ranking.

The center's Justice Index www.justiceindex.org evaluates each state according to the number of civil legal aid attorneys for the poor, the availability of resources for people representing themselves in legal matters, and assistance for non-English speakers and the disabled.

The index debuted in 2014 with the goal of improving access to justice by highlighting the performance of each state in that area and cataloging their specific practices.

"The biggest story in Justice Index 2016 is about the progress courts are making to help people without lawyers," said David Udell, executive director of the center, which is housed at Yeshiva University Benjamin N. Cardozo School of Law. "Nothing replaces the role of a lawyer, but with judicial leadership, many states are pursuing common-sense reforms to help poor Americans in civil cases."

For example, 44 states now allow people to file court forms electronically. Nearly half of all states—23—allow judges to help people represent themselves in court. And 20 states now encourage the use of plain English in the courtroom, rather than legalese.

Udell said improved research and data on access to justice, as well as new efforts by top state judges to make the courts more user friendly, are spurring change. In August, the Conference of Chief Justices and the Conference of State Court Administrators [passed a joint resolution](#) calling for "an aspirational goal of 100 percent access to effective assistance for essential civil legal needs."

Despite those efforts, many states are still falling short, the index shows. Nearly half don't require that a certified translator be provided to those with limited English in domestic violence, custody, or housing cases, among others. The vast majority of states, 45, don't have specific court personnel trained to assist people with mental illness.

The index also shows far more national demand for civil legal aid than for civil legal aid attorneys. There are currently more than 40 attorneys per 10,000 people in the United States, but less than one legal aid attorney for every 10,000 people living in poverty, according to the Justice Index.

The 2016 version of the index is based on more in-depth data collected from court systems across the country than previous versions. The methodology also changed slightly. For example, the latest index calculates the ratio of civil legal aid lawyers per 10,000 people in poverty using a metric of those living 200 percent below the federal poverty line, rather than the 125 percent used in earlier iterations.

In addition to Washington and Massachusetts, Hawaii, Maryland and Connecticut made up the index's five top-ranked-states. Mississippi and Wyoming had the two lowest scores, followed by Nevada, South Dakota, and Indiana. Mississippi had particularly low scores in language access and resources for people representing themselves.

On the other end of the spectrum, Massachusetts has been improving the language and disability access to the courts for years, said Lonnie Powers, executive director of the Massachusetts Legal Assistance Corporation.

"I'm very proud of what the Commonwealth of Massachusetts has done to recognize the needs of low-income people who can't afford their own lawyers," Powers said. "The judiciary, legislative leaders, governors, the business community and others have stepped up, and see this issue as a serious problem that we need to address. But, we're also cognizant of the vast distance we need to go to address the goals we're committed to."

A lack of funding and lack of legal information for people who can't afford a lawyer continue to hamper efforts to boost civil legal aid in Massachusetts, Powers said.

Washington DC's top ranking is due primarily to a "considerably" higher ratio of civil legal aid attorneys than any other jurisdiction, the index notes. It has both the highest population density and the highest per-capita attorney population. "The extreme differences in density of people raise interesting questions about the distribution of civil legal aid services between urban and rural areas," according to the index website.

The local legislature has increased funding for civil legal aid in recent years, said Eric Angel, executive director of Legal Aid of the District of Columbia. "That has made a huge difference in our ability to provide civil legal services for the poor," he said.

The court system has also adopted changes to the judicial code of conduct to say judges have an "affirmative obligation" to ensure people understand what's happening in court.

But about 95 percent of tenants in the district's landlord tenant courts aren't represented by lawyers, Angel said. "We're turning people away every single day due to lack of resources," he added.

Read more: <http://www.nationallawjournal.com/id=1202757326077/Access-to-Justice-Best-in-DC-and-Massachusetts-Worst-in-Mississippi-and-Wyoming#ixzz48MMCjzd4>

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