



**National Center for
Access to Justice**
AT FORDHAM LAW SCHOOL

Using Data to Improve the Civil Justice System

What is The National Center for Access to Justice?

The National Center for Access to Justice (NCAJ) works to expand access to justice, the meaningful opportunity to be heard. Access to justice is unavailable to millions of people even though its presence is often the essential difference between losing the right to raise a child or keeping the family together, between living homeless on the street or preserving the roof over one's head, between going to bed hungry or having enough to eat, and between suffering physical and emotional injury or finding refuge from harm. Access to justice is especially elusive for people facing language barriers, contending with disabilities, or living in marginalized and poor communities. It means specifically that people learn about their rights and assert them effectively in a neutral and nondiscriminatory process that determines facts, applies law, and enforces outcomes. We all have a stake in access to justice not only because we (and those we love) are likely to face legal problems in our lives, but also because the basic stability of our society—of our rule of law and of our democratic institutions—requires equal justice for all.

Our Flagship Project

The Justice Index



The Justice Index, justiceindex.org, an online resource, was created by a team of pro bono lawyers, statisticians, accountants, and coders. They were recognized with

the ABA's 2017 Pro Bono Publico Award for creating carrot-and-stick incentives that improve the justice system by ranking the 50 states, Puerto Rico, and Washington, D.C. on the degree to which they have adopted best policies for access to justice. With 120 "indicators" and 5,000 data points, the Justice Index makes it easy for everyone to see and understand these policies by sorting its findings into four categories: 1) the ratio of the number of civil legal aid attorneys to the number of people who are poor, 2) policies for self-represented litigants, 3) policies for people with limited English proficiency, and 4) policies for people with disabilities. Online since March 2014, the Justice Index is in its fourth year of increasing public understanding of American courts, facilitating social science research, and supporting justice system reform. It is widely covered in the media and used by countries developing justice indexes of their own. In an era when facts are questioned with "alternative facts," it offers an objective measure of whether our nation's commitment to equal justice is being honored.

ncforaj.org | justiceindex.org

LEADERSHIP



David S. Udell

Executive Director

646-293-3997

dudell@fordham.edu

David guides NCAJ in all its activities including its flagship project, the Justice Index. He has held leadership roles in the national civil right-to-counsel movement and the national indigent defense reform movement, and also led national initiatives to strengthen the nation's Legal Services Corporation. Founding director of the Justice Program of the Brennan Center for Justice at NYU Law School from September 1997 to August 2010, he has also served as a senior attorney at Legal Services for the Elderly and as a managing attorney at MFY Legal Services. He is a member of the advisory board of Voices for Civil Justice, the advisory board of the Justice Center of the New York County Lawyers' Association, and the steering committee of the National Coalition for a Civil Right to Counsel and he has taught courses at Cardozo Law School, Fordham Law School, and NYU Law School. He is a co-director of Fordham Law School's Access to Justice Initiative. He is a 1982 graduate of New York University School of Law.

Connection with Fordham Law

NCAJ works with law schools, courts, the bar, and other justice system stakeholders, while enjoying a special relationship with Fordham Law School in New York City where NCAJ is based and where David Udell co-chairs the Access to Justice Initiative with Dean Matthew Diller and NYS former Chief Judge Jonathan Lippman. NCAJ's affiliation with Fordham includes consulting with faculty members, working with Fordham's centers, institutes, and clinics, partnering on courses and projects, supervising law students on note topics and student papers, supporting pro bono projects, hosting diverse gatherings, and teaching.



I. Strengthen the Access to Justice Initiative at Fordham Law School

a) Building the AtJ Initiative

NCAJ is helping to build the Access to Justice Initiative at Fordham Law School, a new and unique effort dedicated to unifying scholarship, innovation, and advocacy to help solve the civil access to justice challenge. The Initiative broadly engages and brings together the energy and ideas fueling the global and domestic civil access to justice movements, the civil and criminal justice system reform movements, the human rights and court reform movements, the social justice and civil access to justice movements. Supported by NCAJ with its focus on research and data, the Initiative draws on the talent at Fordham Law School and Fordham University, relying on the school's commitment to rigorous intellectual inquiry in combination with its Jesuit legacy of service in the pursuit of social justice. It is guided by its co-directors, Former Chief Judge Jonathan Lippman, Fordham Law School Dean Matthew Diller, and National Center on Access to Justice Executive Director David Udell.

II. Strengthen the Justice Index

a) Carrying out Justice Index pro bono research initiative in 2018

NCAJ will be updating and expanding Justice Index findings in 2018, including by establishing and consulting with advisory groups of experts. NCAJ seeks funding to support this significant research project, which will rely on dozens of pro bono attorneys, but which still requires funding of staff time at NCAJ to guide the entire effort.

b) Creating individualized state reports on Justice Index findings

State officials have asked NCAJ to create downloadable "single click" reports providing all the information and findings they need to set their state based reform agenda to expand access to justice.

c) Providing support to an initial four states on best practices in the Justice Index

State officials have asked us to visit their states and meet with their access to justice commissions to support reform. Currently, we are working with officials in Mississippi and Virginia. We seek support to carry out a technical assistance pilot project to support and track progress in four initial states.

d) Strengthening the presentation of "civil right to counsel policies" in the Justice Index

The National Coalition for a Civil Right to Counsel has asked us to raise the profile of the civil right to counsel findings in the Justice Index. We want to modify the infrastructure of our web presentation to consolidate the count of civil legal aid attorneys with a set of civil right to counsel laws, including laws providing counsel to tenants facing eviction.

e) Ranking states on adoption of "best pro bono practices"

Staff of the American Bar Association have asked us to incorporate selected best practices for pro bono, which states have adopted to widely varying degree, into the Justice Index. We seek support to modify the Justice Index to promote pro bono service in this way.

f) Ranking states on adoption of "best fees and fines practices"

"Court fees and fines" place unreasonable burdens on individuals, families, and communities across this country. We seek funding to modify the Justice Index to index policies that can prevent officials from imposing fees and fines that are excessive, unfair, and that risk increasing the number of people incarcerated due to poverty.

g) Making the Justice Index a "go to source" for analysis and data on why "selected best practices" are actually best

The Justice Index is the only comprehensive map of state policies for assuring access to justice. NCAJ seeks to strengthen the Justice Index and contribute to the field, by writing short memos about each of the best practices it contains. Each memo will describe the arguments and evidence for and against treatment of each practice as a best practice. For example, a memo will outline arguments and evidence for and against treatment of "unbundling" as a best practice.

III. Develop metrics for the access to justice movement

a) Providing support to cities on how to track access to justice

NCAJ seeks support for its work in helping cities to devise metrics to strengthen the civil justice system. For example, NCAJ helped Baltimore decide to track the ratio of civil legal aid attorneys to poor people. Officials would gain insight to inform policy by tracking justice system impacts such as the number of people facing eviction without lawyers, number of warrants effectuating judgments of eviction, and more.

b) Implementing Sustainable Development Goals by helping nonprofits, philanthropies, and government with Goal 16

NCAJ will contribute expertise on Goal 16, data, indicators, and access to justice to the national working group that is actively working to implement the SDGs in the United States.

IV. Educate the public

a) Educating the public on the strengths and limits of models for helping self-represented litigants

NCAJ will help to draw attention to the types and degree of legal expertise needed in evictions, foreclosures, family law matters, debt collections, and other legal disputes as a means of deepening understanding of the strengths and limits of rapidly spreading models for assisting self-represented litigants. This project includes a paper, a modification of NCAJ's website, and hosting panel discussions.

b) Educating the public on the importance of civil legal aid in helping to reduce mass incarceration and promote criminal justice reform

Civil legal problems are a large contributing factor to the problem of mass incarceration. NCAJ has written about the need for civil access to justice to support criminal justice reform, and has hosted public events featuring chief justices of state courts debating the subject. Our project includes writing a paper, modifying NCAJ's website, and hosting of panel discussions.

c) Hosting public events, carrying out public writing, on next frontiers in civil access to justice

NCAJ is able to push the envelope by hosting events and writing for public media with a vision of access to justice that offers insight by bringing together global and US-based advocates, researchers and civil legal aid lawyers, rights-based advocacy and "legal empowerment" advocacy, and civil and criminal justice system reformers. In 2018, NCAJ intends to publish a series of articles, and also host a series of public events in collaboration with Fordham Law School on next frontiers in access to justice.

V. Convene Researchers & Support Research

a) Convene researchers, advocates, and others to realize the power of new civil access to justice data sets

We intend to host this symposium to support efforts by researchers, advocates, and others that take advantage of the data generated by three new civil access to justice projects: a) NCAJ's Justice Index, b) Legal Services Corporation's Justice Gap Report, and c) Shriver Center's Civil Right to Counsel Report. These three collective investments are making important contributions that would be more impactful if their data were better known. The event will feature principals of these projects and others who are using these data sets, as a prelude to discussing next ideas and opportunities in the field.

b) Convene emerging scholars

We intend to host this symposium to bring together new scholars in the field, alongside accomplished scholars in the field (and in related fields) to help identify and support emerging access to justice scholars as they develop, consider, and undertake new ideas for research. Substantial research is already being done that is "access to justice research" but that is not identified as such because the field is so under-theorized and underfunded. The driving idea for the event is to brand the field, increase the number of researchers, and grow the research. NSF funding is sought for this multi-year project, of which the proposed gathering would be one of several events.