

## Overview of the Justice Index

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In the United States and around the world, people's lives are compromised – in evictions, foreclosures, family disputes, debt collection proceedings and many other types of civil legal disputes – when they are unable to understand the law, assert their rights, count on a neutral judge, depend on the rule of law, and enforce a judgment. When access to justice is denied in these ways, people risk the unfair loss of their homes, children, savings, physical and emotional security, freedom . . . everything. Our courts and our society can do better. Built by the National Center for Access to Justice with volunteers from law firms, law schools and corporations, the Justice Index, [justiceindex.org](http://justiceindex.org), is an award winning tool, that highlights best policies and practices for access to justice, supporting efforts by reformers to adopt them.

### I. The Justice Index

The Justice Index ranks states on access to justice overall, and in four specific categories of policies and practices, as follows:

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

The Justice Index's rankings are produced by combining its four categories, with findings in each category contributing 25% of each state's overall score.

### II. The Justice Index Issue Areas, Indicators, Data and Findings

In the four categories, the Justice Index covers 28 issue areas with 112 indicators and 5,000 data points. NCAJ created its final findings with volunteers who, under NCAJ's supervision, led a quality assurance review of original data obtained from courts, legal aid programs and other justice system institutions. Short descriptions of the measures used in each of the four categories are below:

A. Attorney Access – This category offers a count of civil legal aid lawyers in each state, and a total for the country. NCAJ's findings are drawn from several sources. The Legal Services Corporation provided its own count of civil legal aid lawyers in programs that have LSC funds. NCAJ relied on other sources to count civil legal aid lawyers in programs that do not have LSC funds, such as State Bar Associations, State Court Systems, State Access to Justice Commissions and State Interest on Lawyers Trust Account foundations. NCAJ also corresponded with civil legal aid leaders and other stakeholders to verify the count. NCAJ's findings, all posted at [justiceindex.org](http://justiceindex.org), 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 category relies on 14 issue areas and 56 indicators that track selected best policies and practices for people who are self-represented:

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

C. Language Access – This category relies on 8 issue areas and 39 indicators that track the selected best policies for access to justice for people with limited English proficiency:

- Certification:**
1. Certify Court Interpreters (43 states)
  2. Require Use of Certified Interpreters (33)
- Guidance for Judges and Court Staff:**
3. Train Judges on Working with Interpreters (32)
  4. Train Court Staff on Working with Interpreters (28)
- Website:**
5. Offer Free Interpreter on Website (21)
  6. Use Other Languages to Offer Free Interpreter on Website (13)
- Outside the Courtroom:**
7. Require Interpreters at Clerks’ Counters (7)
  8. Include Clerk Counter Interpreters in Language Access Plan (31)
  9. Requires Interpreters at Self-Help Centers (3)
  10. Self-Help Centers in Language Access Plan (13)
- Court forms:**
11. Translate Website Instructions for Self-Represented Parties (26)
- Website:**
12. Translate on Website when Interpreters are Provided (17)
  13. Translate on Website How to File Interpreter Complaint (10)
- Certification in Case Types:**
- 14A1-12. Require Certified Interpreters for 12 Case Types
  - 14B1-12. Require Interpreters be Free-Of-Charge for 12 Case Types
- Court Forms, Website:**
15. Translate on Website Availability of Court Forms (23)
  16. Post Translated Court Forms on Website (30)

D. Disability Access – This category relies on six issue areas and 13 indicators that track selected best policies for access to justice for people with disabilities:

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

### III. Justice Index 2016 findings

Each Justice Index update identifies best and worst performing states, trends in policies and practices in the states, and the equivalent of dozens of reports on whether 112 specific 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. Each round of research prompts states to adopt new policies. Here are some highlights from 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 one 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 not proficient in English face striking barriers in court
- Court filing fees create daunting obstacles for poor Americans
- For presence in each state of specific best policies and practices, visit [justiceindex.org](http://justiceindex.org).

### IV. Impacts

The Justice Index's findings draw attention to societal inequality, deepen understanding of the role of the state courts, and support activism that leads to better justice system policies and practices.

The Justice Index holds up a mirror to the justice system, showing how better policies and practices are achievable. It is among the few standing resources that promotes justice system reform in all states, DC and Puerto Rico, 24 hours a day, seven days a week, 365 days per year.

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 prohibit trial judges from charging money to people for 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/>.

### V. Next Steps

NCAJ is working to strengthen the Justice Index by adding best policies for i) curbing the use of "fines and fees" to finance government, ii) expanding pro bono legal services, iii) assuring fairness for immigrants in state justice systems, and iv) relying on "artificial intelligence" in state justice systems.

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