

Overview of Justice Index 2020 Update Survey
4-28-20

I. Attorney Access

Does the State, through a statewide statute, rule, regulation, appropriation or other written source of law or guidance:

Question	Benchmark
A. The Attorney Count	
1.	Provide 10 civil legal aid lawyers per 10,000 poor (partial credit for fewer than 10)?
B. Civil Right to Counsel	
2.	Recognize a right to counsel for low income tenants in eviction cases?
3.	Have a city or county in the state that provides a right to counsel to tenants facing eviction?
4.	Recognize a right to counsel for accused parents in abuse/neglect cases?
5.	Recognize a right to counsel in involuntary mental health commitment cases?
6.	Recognize a right to counsel for the proposed ward in guardianship cases?
7.	Recognize a right to counsel in private termination of parental rights cases for proposed adoption?
8.	Recognize a right to counsel for both sides in cases where someone seeks a domestic violence restraining order, or a protective order?
C. Pro Bono	
9.	Encourage lawyers to perform at least 50 hours of pro bono service annually, consistent with ABA model rule 6.13?
10.	Adopt rule 3.7b of the model code of judicial conduct (or equivalent) permitting judges to encourage lawyers to provide pro bono services?
11.	Adopt ABA model rule 6.5 (or equivalent), relaxing obligations under conflict rules for nonprofit and court-annexed limited legal services programs?
12.	Require 50 or more hours of pro bono service as a condition of becoming a lawyer, per New York's bar admission requirement?
13.	Require attorneys to report pro bono hours?
14.	Authorize out-of-state attorneys to provide services assisting in disaster relief?
Introduce Q15-Q17	Provide waiver of license requirements (or other simplified registration) for the following categories of attorneys providing pro bono services:
15.	-- retired or otherwise inactive status attorneys?
16.	-- in-house attorneys?
17.	-- law professors?
18.	Provide CLE credit for pro bono work?
19.	Provide "Lawyer for a Day" and similar programs?
D. Unbundling	
20.	Authorize and simplify entry and exit for unbundled legal services?
21.	Provide court forms for unbundled legal services?

E. Datatracking	
22.	Count and publish number of cases filed, by type, annually?
23.	Count and publish number of self-represented cases, annually?
24.	Make court records available for free or at low cost within 30 days of public request to self-represented litigants?
25.	Count number of right to counsel appointments?
26.	Collect number of discretionary appointments of counsel?
END ATTORNEY ACCESS QUESTIONS	

II. Self Help Access

Does the State, through a statewide statute, rule, regulation, appropriation or other written source of law or guidance:

Question	Benchmark
A. Design & Planning	
1.	Maintain an AtJ Commission with a Discretionary Budget?
2.	Fund a full time executive director for ATJ Commission?
3.	Employ a court staff person to coordinate atj programs statewide?
4.	Employ a court attorney to oversee self-help services statewide?
5.	Maintain a strategic ATJ plan?
6.	Review progress annually on strategic ATJ access plan?
7.	Consult community on ATJ issues?
B. Training & Support	
8.	Provide “judges” with written guidance on ABA Model Code of Judicial Conduct, Rule 2.2, and <i>Turner v. Rogers</i> ?
9.	Train judges on helping SRLs?
10.	Provide a bench card of steps for judges to help SRLs be fairly heard?
11.	Provide “court staff” with written guidance on ABA Model Code of Judicial Conduct, Rule 2.2?
12.	Train court staff on helping SRLs?
13.	Solicit feedback from SRLs on their experiences with the court?
C. Plain Language and Simplification	
14.	Encourage plain language in the courtroom?
15.	Guide judges to use plain language in all written communications with public?
16.	Use plain language court forms?
17.	Test forms with users?
18.	Fund improvement of forms in past 12 months?
Introduce Q19-Q25	Require all courts to accept common forms:
19.	-- uncontested divorce without children?
20.	-- uncontested divorce with children?
21.	-- modification of child support order?

22.	-- order of protection?
23.	-- debt collection?
24.	-- eviction?
25.	-- mortgage and tax foreclosure?
D. Service Delivery	
26.	Apply financial hardship waiver to SRLs' court costs?
27.	Simplify process for determining financial hardship waiver?
28.	Fund attorney-staffed self-help centers covering all courts statewide?
29.	Fund remote access self-help services?
30.	Fund training for local non-attorney professionals (e.g., librarians, social workers) on securing access to attorney supported self-help services?
31.	Require proof before action to collect debt?
32.	Require record of proceedings?
33.	Allow litigants to bring cellphones into the court?
34.	Identify all statewide navigator programs?
35.	Identify all non-statewide "local" navigator programs?
E. Communicating Court Services	
36.	Make state judiciary website easily navigable?
37.	Engage users on mobile devices?
38.	Offer text messaging for appointments and hearings?
39.	Make website easy to find?
40.	Require court staff to explain financial hardship waiver?
41.	Describe financial hardship waiver on website?
Introduce Q42-Q48	Maintain a webpage linking to required forms and listing required materials:
42.	-- divorce without children?
43.	-- divorce with children?
44.	-- child support modification?
45.	-- domestic violence?
46.	-- debt collection?
47.	-- eviction?
48.	-- mortgage and tax foreclosure?
V. Technology	
Introduce Q49-Q55	Maintain document assembly program for matters in which SRLs are common
49.	--divorce without children
50.	--divorce with children
51.	--child support modification
52.	--domestic violence
53.	--debt collection
54.	--eviction
55.	--foreclosure
56.	Make electronic filing accessible on-line to SRLs
END SELF-HELP ACCESS QUESTIONS	

III. Language Access

Does the State, through a Statewide Statute, Rule, Regulation, Appropriation or other Written Source of Law or Guidance:

Question	Benchmark
A. Design & Planning	
1.	Maintain a language access plan with specific elements?
2.	Maintain a language services office?
3.	Complete needs assessment?
4.	Monitor and evaluate services?
5.	Provide for complaints?
6.	Produce annual progress report?
7.	Review compliance with federal law?
8.	Maintain interpreter scheduling system?
9.	Evaluate interpreters?
B. Training & Support	
10.	Train new personnel on language access?
11.	Require periodic training of all personnel on language access?
12.	Provide training on-line?
13.	Require continuing education for interpreters?
14.	Provide on-line toolkit for assistance when needed?
15.	Provide bench and desk cards for fluency evaluation?
16.	Provide bench and desk cards describing services?
17.	Provide language services at key contact points?
C. Service Delivery	
18.	Require provision of language services on request, or if need is apparent to court?
19.	Certify interpreters?
20.	Identify documents and signage to translate to assure access?
21.	Translate all documents necessary to assure access?
22.	Require translation of all documents in a specific cases?
23.	Require certified interpreters where available?
24.	Prohibit all charges for interpreters?
D. Communicating Court Services	
25.	Post signs in commonly spoken languages at all entry and major access points?
26.	Provide specific notice in commonly spoken languages of option for language assistance?
27.	Provide notice in commonly spoken languages in all publications?
28.	Provide notice in commonly spoken languages at all points of electronic access?
29.	Offer on-line frequently asked questions and answers (FAQ)?
30.	Provide written notice in commonly spoken languages of free language services?
31.	Offer "I Speak" cards?
32.	Include in all notices an explanation of how to file a complaint about language services?
E. Technology	
33.	Provide all courtrooms with remote interpreter technology?
34.	Provide in each courthouses, outside the courtrooms, at least one access point to remote interpreter technology?
35.	Test bilingual staff who provide direct services?

END LANGUAGE ACCESS QUESTIONS

IV. Disability Access

Does the State, through a Statewide Statute, Rule, Regulation, Appropriation or other Written Source of Law or Guidance:

Question	Benchmark
A. Design & Planning	
1.	Maintain a strategic plan for disability access?
2.	Maintain accessibility task force?
3.	Maintain quality of sign language interpreting?
4.	Maintain sign language interpreter scheduling system?
5.	Publish annual report of court compliance and progress with disability laws?
6.	Self-evaluate program accessibility within past five years?
7.	Self-evaluate physical accessibility within past five years?
8.	Collect and publish data on accommodation requests?
9.	Collect and publish data on complaints filed?
B. Training & Support	
10.	Train judges on assisting people with disabilities?
11.	Train court staff on assisting people with disabilities?
12.	Require periodic training on legal requirements of equal access for people with disabilities?
C. Service Delivery	
13.	Provide counsel as accommodation of disability?
14.	Provide a qualified sign language interpreter free of charge when necessary for effective communication?
15.	Require sign language interpreters be certified?
16.	Require sign language interpreters have courtroom training?
17.	Require team-interpreting in the courtroom?
18.	Require all court websites be accessible?
19.	Require access for service animals at all times, without advance notice?
20.	Provide other auxiliary aids and services (beyond interpretation) free of charge?
21.	Provide specialized childcare in court for children with disabilities?
D. Communicating Court Services	
22.	Provide notice of right to accommodation on all court correspondence?
23.	Explain on state judiciary website how to request accommodation, with examples?
24.	Offer sign language interpreting as a language interpreting option?
25.	Provide online option to request "auxiliary aids and services," including sign language interpreter?
26.	Provide name and contact information on state judiciary website for accommodation requests?
27.	Provide on state judiciary website option to submit a complaint about denial of access?
28.	Provide name and contact information on state judiciary website to submit complaint about denial of disability access?
29.	Maintain disability access webpage on state judiciary website?
End Disability Access Questions [End of Survey]	

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