

The Justice Index 2020 Update Survey

Complete Set of Questions

April 28, 2020

Introduction:

The National Center for Access to Justice is updating its Justice Index in 2020. We invite you to complete the attached Survey about access to justice in your state. The Justice Index, justiceindex.org, has been a powerful online resource to increase access to justice since 2014.

Your participation is invaluable to our effort to provide a clear picture of selected best policies for meeting the Conference of Chief Justices' stated goal of ensuring access for all. Our experience working with judges, court administrators and access to justice commissions over the years also confirms that the process of completing the Justice Index survey and working with the NCAJ team serves as an important training tool, a means of understanding progress in each state, and a menu for identifying and accomplishing policy reform goals.

We respectfully invite your answers by May 19, 2020, or please let us know if circumstances may require additional time (email dudell@fordham.edu with all questions).

We understand that COVID-19 has shut many courts to non-essential business, keeps many court staff working from home, and imposes substantial additional burdens on us all. We have chosen to begin our data collection now – despite these difficulties – because of the important role the courts will inevitably play in sorting out the devastation of this crisis, helping people to move on and rebuild.

For additional perspective on the Justice Index, we encourage you to consider the following resources: a) [Overview of 2020 Survey Questions](#), b) [recommendations of experts](#) describing the value of Justice Index 2016, c) [collected](#)

[materials citing and using the Justice Index](#) (news clips, reports, op eds, etc.), and d) [announcement and video](#) from the American Bar Association conferring on the Justice Index the ABA's highest pro bono honor, the Pro Bono Publico Award.

Instructions:

As you turn to the questions, here a few key instructions that we hope will be helpful:

- 1. Please complete four packets** – The Survey consists of four sets of questions, one each about the following areas of policy: a) attorney access, b) self-help access, c) language access and d) disability access. Please complete and return all four. If you believe this work will be done most accurately and efficiently by asking colleagues who possess specialized expertise to respond regarding their areas of responsibility, please do so. While we find it is best if a single individual takes charge of the process for the state, we are happy to work with more than one official. It is fine to submit multiple completed surveys, or partially completed surveys, from each state. Individuals may also supplement their responses by submitting more than one completed survey. You may use the complete survey document. Alternatively, you may use the four individual packets (downloadable individually at links in the Content section, below).
- 2. Please document each “Yes” answer** - We ask that you respond to each question with a Yes, or a No, and then supply support for all Yes answers with a citation, link, name, or other reference to a source, depending on the kind of documentation called for in the question. Your answers and the support you provide are important. When the research is done, the Justice Index website will publish detailed information on each state's approach to the identified best practices, and also summarize our findings in numerical scores (a composite as well as an individual score in each category) that allow comparison across different jurisdictions
- 3. Please update, where pertinent, your state's answers from Justice Index 2016** – Many of the Justice Index 2020 questions are new. This reflects the progress on access to justice policies and the evolving understanding of what works best. Some questions remain the same from our 2016 survey. Please update the answers to those questions to ensure that our information about polices in your state is accurate. All findings from Justice Index 2016 are available online at JusticeIndex.org, and are also available as a downloadable excel [workbook](#). If you would like to receive a pdf of the Justice Index 2016 findings specific to your state, please email us at info@ncforaj.org, and we will email this to you.

4. Please anticipate hearing from our NCAJ Pro Bono Researchers – As in the past, NCAJ is partnering with a number of law firms to complete the research. A member of our team will reach out to you within the next week to ten days and will serve as chief liaisons to you for the project. You can also contact NCAJ directly at info@ncforaj.org.

Thank you from The Justice Index Team at the [National Center for Access to Justice](#).

- David Udell, Executive Director
- Jamie Gamble, Director, Justice Index Project
- Chris Albin-Lackey, Legal & Policy Director

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Survey Questions

I. Attorney Access Questions

I. Attorney Access¹

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

<u>A. Question</u>	<u>B. Benchmark</u>	<u>C. Yes or No</u>	<u>D. Support for "Yes" (citation, name, link, or other support)</u>
A. Attorney Count			
1.	PROVIDE 10 CIVIL LEGAL AID LAWYERS PER 10,000 POOR (PARTIAL CREDIT FOR FEWER THAN 10)?		<i>Guidance: Q1 will be researched through separate outreach to the civil legal aid bar, and need not be answered by state officials here.</i>
B. Right to Counsel			

2.	RECOGNIZE A RIGHT TO COUNSEL FOR LOW-INCOME TENANTS IN EVICTION CASES?		<i>Guidance: Q2-Q7 on civil rights to counsel will be researched separately with focus on National Coalition for a Civil Right to Counsel Status Map, and need not be researched by state officials here.</i>
3.	IN THE ABSENCE OF A STATEWIDE RIGHT TO COUNSEL, A POLITICAL SUBDIVISION IN THE STATE GUARANTEES THE PROVISION OF FREE COUNSEL TO LOW INCOME 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 bono²			
9.	ENCOURAGE LAWYERS TO PERFORM AT LEAST 50 HOURS OF PRO BONO SERVICE ANNUALLY, CONSISTENT WITH ABA Model Rule 6.1: Voluntary Pro Bono Publico Service?		

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 NY'S BAR ADMISSION REQUIREMENT?		
13.	REQUIRE ATTORNEYS TO REPORT PRO BONO HOURS?		
14.	AUTHORIZE OUT-OF-STATE ATTORNEYS TO PROVIDE PRO BONO 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? Provide Court/ATJ Commission sponsored pro bono programs in which interested		

	attorneys can participate through a simple sign-up or show-up procedure (e.g., lawyer for a day)?		
D. Unbundling			
20.	AUTHORIZE & SIMPLIFY ENTRY & EXIT FOR DISCRETE TASK (UNBUNDLED) LEGAL SERVICES WITHOUT JUDICIAL APPROVAL?		
21.	PROVIDE COURT FORMS FOR DISCRETE TASK (UNBUNDLED) LEGAL SERVICES THAT ALLOW FOR AUTOMATIC WITHDRAWAL ON COMPLETION OF TASK?		
E. Design & Planning			
22.	COUNT AND PUBLISH NUMBER OF CASES FILED. Count and publish, by case type, the number of cases filed each year?		
23.	COUNT AND PUBLISH NUMBER OF SELF-REPRESENTED CASES ANNUALLY. Count and publish by case type the number of cases in which, at time of disposition, litigants were unrepresented at any time during the life of the case, from filing to disposition, per NCSC's Guide to Statistical Reporting? ³		
24.	MAKE COURT RECORDS AVAILABLE FOR FREE OR AT LOW COST, UPON REQUEST, TO SELF-REPRESENTED LITIGANTS?		
25.	COUNT RIGHT TO COUNSEL APPOINTMENTS. Collect data on the number of cases in which counsel is		

	appointed and actually appears in the case on behalf of the client in any categories of civil cases in which there is a statewide right to counsel?		
26.	COUNT NUMBER OF DISCRETIONARY APPOINTMENTS OF COUNSEL. Collect data on the number of cases in which counsel is appointed and appears in the case at any time on behalf of the client in any categories of civil cases in which the state provides discretion to a decision-maker to decide whether to appoint counsel?		

End of Attorney Access Questions

II. Self Help Access Questions

II. Self Help Access⁴

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

<u>Question</u>	<u>Benchmark</u>	<u>Yes or No</u>	<u>Support for “Yes” (citation, name, link, or other support)</u>
A. Design & Planning			
1.	MAINTAIN AN ACCESS TO JUSTICE (ATJ) COMMISSION WITH A DISCRETIONARY BUDGET. Maintain an ABA-recognized ATJ commission (or equivalent entity) that has discretion over its own budget to support ATJ initiatives throughout the state?		
2.	FUND A FULL TIME EXECUTIVE DIRECTOR FOR THE ATJ COMMISSION?		
3.	EMPLOY A COURT STAFF PERSON TO COORDINATE ATJ PROGRAMS STATEWIDE. Fund a full-time equivalent staff position in the court system (separate from the AtJ Commission executive director, and from the court		

	attorney) to coordinate and oversee ATJ programs throughout the state?		
4.	EMPLOY A COURT ATTORNEY TO OVERSEE SELF-HELP SERVICES STATEWIDE. Fund a full-time equivalent staff attorney in the court system to oversee self-help services statewide?		
5.	MAINTAIN A STRATEGIC ATJ ACTION PLAN. Post online a strategic action plan, adopted or updated in the past five years, describing the State’s plan to reach the Conference of Chief Judges’ and Chief Court Administrators’ goal of 100% meaningful access to justice?		
6.	REVIEW PROGRESS ANNUALLY ON STRATEGIC ATJ ACTION PLAN. Review in past 12 months, the state’s progress on the strategic action plan, post the findings on-line, and update the plan in response?		
7.	CONSULT COMMUNITY ON ATJ ISSUES. Concluded a formal process in past 12 months of consulting with key stakeholders on ATJ issues, including but not limited to: the judiciary, the bar, low income communities, civil legal aid bar, and social services providers)?		
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> . Provide judges with written guidance explaining the instruction in ABA Model Code of Judicial Conduct, Rule 2.2 and Comment 4 , to assure impartiality and fairness for self-represented litigants		

	by providing reasonable accommodation to SRLs, ⁵ and in Turner v. Rogers, 564 U.S. 431 (2011) , to employ “safeguards” that include explaining to SRLs the key legal issues and key evidentiary materials?		
9.	TRAIN JUDGES ON HELPING SRLs. Funded, in past 12 months, statewide judicial training on how to ensure that SRLs are fairly heard?		
10.	PROVIDE A BENCH CARD OF STEPS FOR JUDGES TO HELP SRLs BE FAIRLY HEARD. Provide judges with a bench card or other document listing specific steps judges may take to assist SRLs in being fairly heard?		
11.	PROVIDE “COURT STAFF” WITH WRITTEN GUIDANCE ON ABA MODEL CODE OF JUDICIAL CONDUCT. Provide written guidance, such as a “clerks’ card,” explaining and referencing ABA Model Code of Judicial Conduct, Rule 2.2 and Comment 4 , to assure impartiality and fairness for self-represented litigants by providing reasonable accommodation to SRLs?		
12.	TRAIN COURT STAFF ON HELPING SRLs. Funded within past 12 months statewide education programs for clerks and court staff that include training on how to ensure that SRLs are fairly heard?		
13.	SOLICIT FEEDBACK FROM SRLs ON THEIR EXPERIENCES WITH THE COURT. Provide both written and on-line options for SRLs to rate the ease of use and effectiveness of court services and incorporate this information in the design and delivery of services?		

C. Plain Language & Simplification

14.	ENCOURAGE PLAIN LANGUAGE IN THE COURTROOM. Provide written guidance to judges encouraging the use of plain language when speaking with SRLs?		
15.	GUIDE JUDGES TO USE PLAIN LANGUAGE IN ALL WRITTEN COMMUNICATIONS WITH PUBLIC?		
16.	USE PLAIN LANGUAGE COURT FORMS. Use plain language court forms for all matters in which SRLs frequently appear (including at a minimum: housing, debt collection, family law and civil violations)?		
17.	TEST FORMS WITH USERS. Test forms with intended users, applying commonly accepted methodologies for proper testing of consumer-use forms?		
18.	FUND IMPROVEMENT OF FORMS IN PAST 12 MONTHS. Funded staff and/or activities intended to improve the quality of self-help forms in the past 12 months, including consultation with key stakeholders inside the courts (such as, judges and court staff) and outside the courts (SUCH AS members of low-income communities and advocates for SRLs)?		
Introduce Q19-Q25.	REQUIRE ALL COURTS TO ACCEPT COMMON FORMS. Require that all courts in the state accept common statewide court forms for all critical steps (including to: initiate action, respond to action in manner that avoids default, assert available affirmative defenses, and request temporary relief where available), in the following actions):		
19.	-- Uncontested divorce without children?		
20.	-- Uncontested divorce with children?		
21.	-- Modification of a 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. Require that financial hardship waivers (i.e., in forma pauperis) apply to SRLs' administrative court costs, including but not limited to fees for: filing pleadings, obtaining copies of important documents, and filing appeals?		
27.	SIMPLIFY PROCESS FOR DETERMINING FINANCIAL HARDSHIP WAIVER. Simplify financial hardship waiver prior to filing, by (i) reviewing applications filed in person, and filed on-line, and (ii) awarding waiver where applicant receives other public benefits based on poverty (e.g., Medicaid benefits; LSC services); or, where applicant's income level is beneath specified income level, documented by current W-2 or tax filing)?		
28.	FUND ATTORNEY-STAFFED SELF-HELP CENTERS COVERING ALL COURTS STATEWIDE. Fund, within the past 12 months, self-help centers staffed by attorneys and sufficient in capacity that an SRL in any court in the state may be referred to a specific self-help center that is responsible to assist SRLs in that particular court?		
29.	FUND REMOTE ACCESS SELF-HELP SERVICES. Fund remote access self-help services offering live assistance by telephone or internet during the past 12 months?		

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. Require parties, prior to proceeding with actions to collect alleged debt, to file documentation of legal entitlement to the amount sought. See, e.g., Conf. of Chief Justices Conf. of Chief Court Administrators, Resolution 4 , <i>In Support of Rules Regarding Default Judgments in Debt Collection Cases</i> (8/22/2018)?		
32.	REQUIRE RECORD OF PROCEEDINGS. Require that all proceedings in all courts be recorded either through court reporters or audio/video technology?		
33.	ALLOW LITIGANTS TO BRING CELLPHONES INTO ALL COURT ROOMS?		
34.	IDENTIFY ALL STATEWIDE NAVIGATOR PROGRAMS. Provide on the state judiciary website a complete list, with all pertinent links, of each "statewide" "navigator program" in the courts that uses non-lawyers who are not court staff to provide person to person assistance to SRLs (For definition of "navigator program," see Navigators in State Courts , at 11-12)?		<i>Guidance: To support a yes answer for Q34, please provide the pertinent state court website, list and links, and statement from a responsible court official stating specifically that the list is complete.</i>

35.	IDENTIFY ALL NON-STATEWIDE NAVIGATOR PROGRAMS. Provide on the state judiciary website a complete list, with all pertinent links, of each "non-statewide" (or, local) "navigator program" in the courts that uses non-lawyers who are not court staff to provide person to person assistance to SRLs (For definition of "navigator program," see Navigators in State Courts, at 11-12)?		<i>Guidance: To support a yes answer for Q35, please provide the pertinent state court website, list and links, and statement from a responsible court official stating specifically that the list is complete.</i>
D. Communicating Court Services			
36.	MAKE STATE JUDICIARY WEBSITE EASILY NAVIGABLE. Maintain a Court website with these features: (1) clear, consistent, plain language names for services, (2) consistent and recognizable logos and (3) navigation or "way-finding" tools widely used on consumer-facing internet portals to allow people to easily locate and access the help they need?		
37.	ENGAGE USERS ON MOBILE DEVICES. Make the Court website easily and fully accessible on mobile devices?		
38.	OFFER TEXT MESSAGING FOR APPOINTMENTS AND HEARINGS. Offer litigants the option to receive text message reminders of all appointments and hearings?		
39.	MAKE WEBSITE EASY TO FIND ONLINE. Have the Court website marked up by Schema.org (or equivalent service) to ensure it appears properly on internet searches?		
40.	REQUIRE COURT STAFF TO EXPLAIN FINANCIAL HARDSHIP WAIVER. Require court staff to explain to		

	every litigant that a financial hardship waiver of fees and court costs will be granted if a person meets the eligibility standard?		
41.	DESCRIBE FINANCIAL HARDSHIP WAIVER ON WEBSITE. Describe on the state judiciary website that a financial hardship waiver of fees and court costs will be granted if a person meets the eligibility standard?		
Introduce Q42-Q48	MAINTAIN A WEBPAGE LINKING TO REQUIRED FORMS AND LISTING REQUIRED MATERIALS. Maintain on the state judiciary website a single, easily located page that provides SRLs with links to all required forms (in MS Word and PDF format), and identify all required supporting materials for all critical litigation steps (including, to initiate an action, respond to an action in a manner that avoids default judgment, assert available affirmative defenses and to request temporary relief where available) in the following types of matters:		
42.	-- DIVORCE WITHOUT CHILDREN. All court forms necessary to fulfill the minimum filing obligations for a couple without children to obtain an uncontested divorce, and all supporting materials necessary for a court to consider the merits of the case?		
43.	-- DIVORCE WITH CHILDREN. All court forms necessary to fulfill the minimum filing obligations for a couple with children to obtain an uncontested divorce, and all supporting materials necessary for a court to consider the merits of the case?		
44.	-- CHILD SUPPORT MODIFICATION. All court forms necessary to fulfill the minimum filing obligations for a petitioner to obtain a modification of a child support		

	order, and all supporting materials necessary for a court to consider the merits of the case?		
45.	-- DOMESTIC VIOLENCE. All court forms necessary to fulfill the minimum filing obligations for a domestic violence victim to obtain an order of protection, and all supporting materials necessary for a court to consider the merits of the case?		
46.	-- DEBT COLLECTION. All court forms necessary to fulfill the minimum filing obligations for a defendant in a debt collection action to both prevent a default and to assert defenses, and all supporting materials the defendant must provide for a court to consider the merits of the case?		
47.	-- EVICTION. All court forms necessary to fulfill the minimum filing obligations for a defendant in an eviction action brought by a landlord to both prevent a default and to assert defenses, and all supporting materials the defendant must provide for a court to consider the merits of the case?		
48.	-- FORECLOSURE. All court forms necessary to fulfill the minimum filing obligations for a defendant in a mortgage or tax foreclosure action to both prevent a default and to assert defenses, and all supporting materials the defendant must provide for a court to consider the merits of the case?		
E. Technology			
Introduce Q49-Q55	MAINTAIN DOCUMENT ASSEMBLY PROGRAM FOR MATTERS IN WHICH SRLs ARE COMMON. Maintain		

	computer-based document assembly self-help programs to assist litigants in the following types of actions:		
49.	-- UNCONTESTED DIVORCE WITHOUT CHILDREN. Actions seeking an uncontested divorce for a couple without children?		
50.	-- UNCONTESTED DIVORCE WITH CHILDREN. Actions seeking an uncontested divorce for a couple with children?		
51.	-- CHILD SUPPORT MODIFICATION. Actions seeking modification or a child support order?		
52.	-- DOMESTIC VIOLENCE. Actions seeking an order of protection?		
53.	-- DEBT COLLECTION. Defense of debt collection actions?		
54.	-- EVICTION. Defense of eviction actions?		
55.	-- FORECLOSURE. Defense of mortgage and tax foreclosure actions?		
56.	MAKE ELECTRONIC FILING ACCESSIBLE FROM ANY COMPUTER FOR SRLs. Provide access to the Court's electronic filing system to SRLs (and, where authorized, any non-attorneys who may be assisting SRLs) on-line through any computer?		

End of Self-Help Access Questions

III. Language Access Questions

III. Language Access⁶

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

<u>Question</u>	<u>Benchmark</u>	<u>Yes or No</u>	<u>Support for “Yes” (citation, name, link, or other support)</u>
A. Design & Planning			
1.	MAINTAIN A LANGUAGE ACCESS PLAN WITH SPECIFIC ELEMENTS. Maintain a Language Access Plan that requires the courts to do, at a minimum, the following (all elements must be in the plan): (a) perform a periodic needs assessment; (b) monitor and evaluate language assistance services on an ongoing basis; (c) train judges and staff on working with LEP persons;		

	<p>(d) provide interpreter services or the assistance of authorized bilingual staff at key points of contact between the public and the court system;</p> <p>(e) provide in-person interpreter services when not unreasonably costly and remote services when in-person services are not available;</p> <p>(f) translate documents and signage identified through the needs assessment as important to assure access to language access to all persons using court services?</p>		
2.	<p>MAINTAIN A LANGUAGE SERVICES OFFICE. Maintain a Language Services Office with the mission to facilitate the provision of language services in the Court system?</p>		
3.	<p>COMPLETE NEEDS ASSESSMENT. Completed within past three years a language services needs assessment (including data collection from, at a minimum: a) case management systems and b) surveys of litigants, judges, attorneys, interpreters, and court personnel)?</p>		
4.	<p>MONITOR AND EVALUATE SERVICES. Monitored and evaluated the quality and availability of language services (including but not limited to: i) when and why any requested services were denied or declined, and ii) the number of complaints received and iii) whether those complaints resulted in the reversal of a denial of services or disciplinary action) within the past year (using data from, at a minimum, case</p>		

	management systems and surveys of litigants, judges, attorneys, translators and court personnel)?		
5.	PROVIDE FOR COMPLAINTS. Provide a process for litigants to file and obtain a prompt resolution of complaints regarding language services, including the denial, unavailability of, or delay in providing such services?		
6.	PRODUCE ANNUAL PROGRESS REPORT. Produced within past year an annual report on the status of language services and progress toward meeting the elements of the Language Access Plan?		
7.	REVIEW COMPLIANCE WITH FEDERAL LAW. Completed, in past year, an update of court procedural rules and other policies to assure compliance with Title VI of the Civil Rights Act of 1964 and other laws and executive orders concerning language access?		
8.	MAINTAIN INTERPRETER SCHEDULING SYSTEM. Maintain an interpreter scheduling system to coordinate availability and assignment of interpreters?		
9.	EVALUATE INTERPRETERS. Evaluate the effectiveness of individual interpreters?		
10.	TRAIN NEW PERSONNEL ON LANGUAGE ACCESS. Require training on language access services, requirements and mandates for all new judges and court staff who have contact with the public within six months of commencing work?		
11.	REQUIRE PERIODIC TRAINING OF ALL PERSONNEL ON LANGUAGE ACCESS. Require that all judges and court		

	staff receive training on language access services, requirements and mandates at least once in every three year period?		
12.	PROVIDE TRAINING ON-LINE. Provide training on language access services and requirements through on-line (or downloadable) interactive training modules?		
13.	REQUIRE CONTINUING EDUCATION FOR INTERPRETERS. Require all certified interpreters to receive at least a specified number of post-certification continuing education credits annually to maintain certification?		
14.	PROVIDE ON-LINE TOOLKIT FOR ASSISTANCE WHEN NEEDED. Provide an on-line toolkit to allow judges and court staff to obtain assistance when language services are being provided?		
15.	PROVIDE BENCH AND DESK CARDS FOR FLUENCY EVALUATION. Provide bench and desk cards with standard questions to assist in evaluating a user's English fluency?		
16.	PROVIDE BENCH AND DESK CARDS DESCRIBING SERVICES. Provide to all judges and court staff bench and desk cards describing language services available, how to access those services and the applicable rules and guidelines on providing language services?		
17.	PROVIDE LANGUAGE SERVICES AT KEY CONTACT POINTS. Provide interpreter services or the assistance of authorized bilingual staff at key points of contact in the court system other than		

	courtrooms, including self-help centers, clerk's counters, court-annexed ADR and all court-controlled services?		
C. Services Delivery			
18.	REQUIRE PROVISION OF LANGUAGE SERVICES ON REQUEST OF A PARTY OR IF NEED IS APPARENT TO THE COURT. Require judges and court staff to offer, language services at the request of a party or when the judge or court staff are unable to understand the person or if the person does not appear to be fluent in English?		
19.	CERTIFY INTERPRETERS. Certify interpreters pursuant to a procedure consistent with a) the National Center for State Courts State Court Interpreter Testing Desk Reference Manual, ⁷ or b) the ABA Standards for Language Access in Courts Standard 8? ⁸		
20.	IDENTIFY DOCUMENTS AND SIGNAGE TO TRANSLATE TO ASSURE ACCESS. Identify, based on the needs assessment, which documents and signage must be translated and into which languages, to assure language access?		
21.	TRANSLATE ALL DOCUMENTS NECESSARY TO ASSURE ACCESS. Translate all documents identified as necessary (see Question 23) pursuant to a protocol that provides for quality assurance?		
22.	REQUIRE TRANSLATION OF ALL DOCUMENTS IF REQUESTED IN SPECIFIC CASE. Require that all documents in a specific matter be translated into the		

	language(s) spoken by parties to that matter who have requested language assistance?		
23.	REQUIRE CERTIFIED INTERPRETERS WHERE AVAILABLE. Require certified interpreters where available for litigants, witnesses, and others with key interests (e.g., parent/guardians) who have limited English proficiency?		
24.	PROHIBIT ALL CHARGES FOR INTERPRETERS. Prohibit requiring payment (including fees, costs, or other expenses) for court-provided interpreters?		
D. Communicating Court Services			
25.	POST SIGNS IN COMMONLY SPOKEN LANGUAGES AT ALL ENTRY AND MAJOR ACCESS POINTS. Post signs that language services will be provided without charge, upon request, at all entry and major service access points and in the most common languages spoken?		
26.	PROVIDE SPECIFIC NOTICE ON COURT FORMS IN COMMONLY SPOKEN LANGUAGES OF OPTION FOR LANGUAGE ASSISTANCE. Provide to parties and witnesses in all cases through court forms initiating court involvement (i.e., for complaints, summons, subpoenas) specific notice in the most common languages spoken that language services will be provided upon request?		
27.	PROVIDE NOTICE IN COMMONLY SPOKEN LANGUAGES IN ALL PUBLICATIONS. Provide notice that language services will be provided without		

	charge upon request in all brochures, publications, notices and direct written communications and in the most common languages spoken?		
28.	PROVIDE NOTICE IN COMMONLY SPOKEN LANGUAGES AT ALL POINTS OF ELECTRONIC ACCESS. Provide notice in commonly spoken languages at all points of electronic access that language services will be provided without charge upon request?		
29.	OFFER ON-LINE FREQUENTLY ASKED QUESTIONS AND ANSWERS (FAQ). Offer on-line video/audio answers in the most commonly spoken languages to frequently asked questions?		
30.	PROVIDE WRITTEN NOTICE IN COMMONLY SPOKEN LANGUAGES OF FREE LANGUAGE SERVICES. Require court staff to provide at all points of contact with users written notice in commonly spoken languages that language services are available without charge?		
31.	OFFER "I SPEAK" CARDS. Offer "I speak . . ." cards in all languages identified through the needs assessment as potential user languages (NOT limited to the most common languages spoken)?		
32.	INCLUDE IN ALL NOTICES AN EXPLANATION OF HOW TO FILE A COMPLAINT. Include in all notices an explanation in the most commonly spoken languages of how to file a complaint regarding the deficiency or poor quality of language services?		

E. Technology

33.	PROVIDE ALL COURTROOMS WITH REMOTE INTERPRETER TECHNOLOGY?		
34.	PROVIDE IN EACH COURTHOUSE, OUTSIDE THE COURTROOMS, AT LEAST ONE ACCESS POINT TO REMOTE INTERPRETER TECHNOLOGY?		
35.	TEST BILINGUAL STAFF. Test bilingual staff who the court employs to offer language assistance, using validated instrument and adopted standards to ascertain fitness to provide direct language assistance to people with limited English proficiency (not interpret)?		
End of Language Access Questions			

IV. Disability Access Questions

IV. Disability Access⁹

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

<u>Question</u>	<u>Benchmark</u>	<u>Yes or No</u>	<u>Support for Yes</u> (citation, name, link, or other support)
A. Design & Planning			
1.	MAINTAIN A STRATEGIC PLAN FOR DISABILITY ACCESS. Publish online a strategic action plan, updated within the past 5 years, for expanding access to justice for people with disabilities? The plan must, itself, be accessible to people with disabilities, and must contain a goal for funding of disability access services?		
2.	MAINTAIN ACCESSIBILITY TASK FORCE. Consistent with ABA recommendations, maintain an accessibility task force of community		

	stakeholders with disabilities who have experience in serving people with disabilities? ¹⁰		
3.	MAINTAIN QUALITY OF SIGN LANGUAGE INTERPRETING. Provide a process to monitor and promote quality of sign language interpreters and take action where needed?		
4.	MAINTAIN SIGN LANGUAGE INTERPRETER SCHEDULING SYSTEM. Maintain a sign language interpreter scheduling system to optimize availability of interpreters?		
5.	PUBLISH ANNUAL REPORT OF COURT COMPLIANCE AND PROGRESS WITH DISABILITY LAWS?		
6.	SELF-EVALUATE PROGRAM ACCESSIBILITY WITHIN PAST FIVE YEARS – Has carried out periodic update, within the past five years, of the one-time self-evaluation required under the ADA? ¹¹		
7.	SELF-EVALUATE PHYSICAL ACCESSIBILITY WITHIN PAST FIVE YEARS – Has carried out self-evaluation of accessibility of physical infrastructure, including doors, signs, and bathrooms, within the past 5 years?		
8.	COLLECT AND PUBLISH DATA ON ACCOMMODATION REQUESTS. Collect and publish data on the number and type of disability accommodation requests annually made, granted, and denied, and reasons for denials?		
9.	COLLECT AND PUBLISH DATA ON COMPLAINTS FILED. Collect AND PUBLISH data on the number, type, and resolution of disability access		

	complaints, including Americans with Disabilities Act & Section 504 complaints?		
10.	TRAIN JUDGES ON ASSISTING PEOPLE WITH DISABILITIES. Funded in the last 12 months in-person or on-line training for judges on how to assist people with disabilities?		
11.	TRAIN COURT STAFF ON ASSISTING PEOPLE WITH DISABILITIES. Has carried out in the last 12 months in-person or on-line training for court staff on how to assist people with disabilities?		
12.	REQUIRE PERIODIC TRAINING ON LEGAL REQUIREMENTS OF EQUAL ACCESS FOR PEOPLE WITH DISABILITIES. Require judges and court staff to receive training at least once in every 3 year period on state and federal legal requirements regarding equal access to court facilities and services for people with disabilities?		
C. Service Delivery			
13.	PROVIDE COUNSEL AS ACCOMMODATION OF DISABILITY. Identify provision of counsel at public expense to people with disabilities, as a form of reasonable accommodation?		
14.	PROVIDE A QUALIFIED SIGN LANGUAGE INTERPRETER FREE OF CHARGE WHEN NECESSARY FOR EFFECTIVE COMMUNICATION. Provide sign language services at no cost to the litigant, when requested by a litigant with		

	hearing impairment or otherwise deemed necessary by the court?		
15.	REQUIRE SIGN LANGUAGE INTERPRETERS BE CERTIFIED. Require use by courts of interpreters who are certified, or otherwise approved, pursuant to requirements of the National Registry of Interpreters for the Deaf? ¹²		
16.	REQUIRE SIGN LANGUAGE INTERPRETERS HAVE COURTROOM TRAINING. Require interpreters be trained on how to interpret in a legal setting?		
17.	REQUIRE TEAM-INTERPRETING IN THE COURTROOM. For courtroom proceedings, require team-interpreting, with interpreters taking turns for proceedings over 30 minutes, per recommendation of National Association of Judiciary Interpreters and Translators? ¹³		
18.	REQUIRE ALL COURT WEBSITES BE ACCESSIBLE. Require that all court websites are accessible to people with disabilities? See, for example, ABA Resolution 116C? ¹⁴		
19.	REQUIRE ACCESS FOR SERVICE ANIMALS AT ALL TIMES, WITHOUT ADVANCE NOTICE. Require courts to allow service animals used by people with disabilities at all times and without any need to provide advance notice?		
20.	PROVIDE OTHER AUXILIARY AIDS AND SERVICES (BEYOND INTERPRETATION) FREE OF CHARGE. Provide litigants, free of charge, auxiliary aids (including, for example, large print documents, braille printing, closed captioning on television		

	monitors in public areas (e.g., jury rooms), qualified readers, mobility devices, personal care assistance)?		
21.	PROVIDE SPECIALIZED CHILDCARE FOR CHILDREN WITH DISABILITIES. Where courts provide childcare services, ensure that childcare staff trained in working with children with disabilities are available when needed to allow a litigant who is a parent or care-taker of such child to access court services?		
D. Communicating Court Services			
22.	PROVIDE NOTICE OF RIGHT TO ACCOMMODATION OF DISABILITY ON ALL COURT CORRESPONDENCE. Require on all court correspondence a clear notice of the right to reasonable accommodation, and that failure to provide accommodation is discrimination?		
23.	EXPLAIN ON STATE JUDICIARY WEBSITE HOW TO REQUEST ACCOMODATION OF DISABILITY, WITH EXAMPLES?		
24.	OFFER SIGN LANGUAGE INTERPRETING AS A LANGUAGE INTERPRETING OPTION – Offer sign language interpreting as an option wherever language interpreting is offered on state judiciary website?		
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. Provide on the state judiciary website the name, phone number, address, and email address of a designated person to contact to request an accommodation?		
27.	PROVIDE ON STATE JUDICIARY WEBSITE OPTION TO SUBMIT A COMPLAINT ABOUT DENIAL OF ACCESS. Explain on court website how to file a complaint about denial of access to court facilities or court services?		
28.	PROVIDE NAME AND CONTACT INFORMATION ON STATE JUDICIARY WEBSITE TO SUBMIT COMPLAINTS ABOUT DENIAL OF DISABILITY ACCESS. Provide on the state judiciary website the name, phone number, address, and email address of a designated person to contact to file a complaint about denial of disability access?		
29.	MAINTAIN DISABILITY ACCESS WEBPAGE ON STATE JUDICIARY WEBSITE. Maintain a disability access webpage that sets forth comprehensive written policy for serving people with disabilities in the court system, including all rights of people with disabilities?		

End of Disability Access Questions

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- ¹ NCAJ is responsible for the final formulations of the Justice Index attorney access questions. NCAJ is very grateful to experts who have contributed to many of the questions through a consultative process leading to their development. All expert input was provided in a personal capacity, and does not necessarily reflect positions of any of the organizations with which the experts are associated. NCAJ is especially appreciative for expertise and insights shared with us to help create the civil right to counsel questions by John Pollock, Executive Director, National Coalition for a Civil Right to Counsel, and Russell Engler, Professor of Law and Director of Clinical Legal Programs, New England College of Law. NCAJ is also grateful to the following experts who also reviewed draft questions and provided comments and suggestions for improving them: Sandra McAlister Ambrozy, Former Senior Fellow, Civil Legal Justice, The Kresge Foundation; Martha Bergmark, Executive Director, Voices for Civil Justice; April Faith-Slaker, Associate Director of Research Innovations, Access to Justice Lab, Harvard Law School; Danielle Hirsch, Principal Court Management Consultant, National Center for State Courts; Alan W. Houseman, President, Consortium for the National Equal Justice Library; Karen A. Lash, Practitioner-in-Residence, American University Justice Programs Office; Lauren Sudeall, Associate Professor and Faculty Director of Center for Access to Justice, Georgia State University College of Law
- ² Sources for NCAJ’s research on the pro bono indicators include Scott Cummings & Rebecca Sandefur, [Beyond the Numbers: What we Know-and Should Know-About American Pro Bono](#), 7 Harvard Law and Policy Review 85 (2013); Latonia Haney Keith, *The Structural Underpinnings of Access to Justice: Building a Solid Pro Bono Infrastructure*, 45 Mitchell Hamline L. Rev. (2019); Pro Bono Institute’s [Guide to Select Rules for Pro Bono Practice](#) (2018); Rima Sirota, [Making CLE Voluntary and Pro Bono Mandatory: A Law Faculty Test Case](#), 78 La. L. Rev. (2018); and, other sources.
- ³ National Center for State Courts, [Guide to Statistical Reporting](#), at 34-36 (Feb. 4, 2019).
- ⁴ NCAJ is responsible for the final formulations of the Justice Index self-help access questions. NCAJ is very grateful to experts who have contributed to many of the questions through a consultative process leading to their development. All expert input was provided in a personal capacity, and does not necessarily reflect positions of any of the organizations with which the experts are associated. NCAJ is especially appreciative for the efforts of Katherine Altoneder, Executive Director, Self-Represented Litigants Network, who shared her expertise and insights with us during the process of creating and reviewing multiple drafts of the questions. NCAJ is also grateful to the following experts who also reviewed draft questions and provided comments and suggestions for improving them: Sandra McAlister Ambrozy, Former Senior Fellow, Civil Legal Justice, The Kresge Foundation; Martha Bergmark, Executive Director, Voices for Civil Justice; April Faith-Slaker, Associate Director of Research Innovations, Access to Justice Lab, Harvard Law School; Danielle Hirsch, Principal Court Management Consultant, National Center for State Courts; Claudia Johnson, Program Manager, Law Help Interactive, Pro Bono Net; Karen A. Lash, Practitioner-in-Residence,

American University Justice Programs Office; Lauren Sudeall, Associate Professor and Faculty Director of Center for Access to Justice, Georgia State University College of Law; Margaret Hagan, Director of Stanford Legal Design Lab.

- ⁵ American Bar Association, [Model Code of Judicial Conduct 2.2](#), states “A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.” [Comment 4](#) states “It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.”
- ⁶ NCAJ accepts responsibility for the final formulations of the Justice Index language access questions. NCAJ is very grateful to experts who have contributed to many of the questions through a consultative process leading to their development. All expert input was provided in a personal capacity, and does not necessarily reflect positions of any of the organizations with which the experts are associated. NCAJ is grateful to the following experts who also reviewed draft questions and provided comments and suggestions for improving them: Sandra McAlister Ambrozy, Former Senior Fellow, Civil Legal Justice, The Kresge Foundation; Gillian Dutton, Associate Professor of Lawyering Skills, Seattle University School of Law; April Faith-Slaker, Associate Director of Research Innovations, Access to Justice Lab, Harvard Law School; Danielle Hirsch, Principal Court Management Consultant, National Center for State Courts; Lauren Sudeall, Associate Professor and Faculty Director of Center for Access to Justice, Georgia State University College of Law.
- ⁷ National Center for State Courts, [“State Court Interpreter Testing Desk Reference Manual,”](#) (2014).
- ⁸ American Bar Association, [“Standards for Language Access in Courts,”](#) Standard 8, at 91 (2012).
- ⁹ NCAJ accepts responsibility for the final formulations of the Justice Index disability access questions. NCAJ is very grateful to experts who have contributed to many of the questions through a consultative process leading to their development. All expert input was provided in a personal capacity, and does not necessarily reflect positions of any of the organizations with which the experts are associated. NCAJ is especially appreciative for the efforts of Ruth Lowenkron and Maureen Belluscio, attorneys at New York Lawyers for the Public Interest, who shared their expertise and insights with us during the process of creating and reviewing several drafts of the disability access questions. NCAJ is also grateful to the following experts who also reviewed draft questions and provided comments and suggestions for improving them: Sandra McAlister Ambrozy, Former Senior Fellow, Civil Legal Justice, The Kresge Foundation; Kevin M. Cremin, Director of Litigation for Disability and Aging Rights, Mobilization for Justice, Inc.; Bruce J. Gitlin, Executive Director, New York Center for Law and Justice; Danielle Elyce Hirsch, Principal Court Management Consultant, National Center for State Courts; Carla Villarreal López, Joseph P. Kennedy, Jr. Foundation International Policy Fellow, supporting the mandate of the United Nations Special Rapporteur on the Rights of Persons with Disabilities.

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- ¹⁰ See, e.g., American Bar Association, “[Court Access for Individuals Who Are Deaf and Hard of Hearing](#),” at 36 (2017) (recommending that courts “collaborate with individuals who are deaf or hard of hearing and advocacy and consumer groups to advise on communications issues”). See also, Jeanne Dooley and Erica Wood, “[Program accessibility: how courts can accommodate people with disabilities](#),” 76 *Judicature* 253 (1993) (describing the formation of an “accessibility task force” as a primary ABA recommendation of the 1991 National Conference on the Court-Related Needs of the Elderly and Persons with Disabilities, and noting the wide range of stakeholders that should make up the task force), at https://www.americanbar.org/content/dam/aba/administrative/law_aging/2011_aging_artj7630_prgaccess_tb.pdf (visited April 19, 2020)
- ¹¹ Americans with Disabilities Act, Title II Regulations, [28 C.F.R. § 35.105](#) (2011) (The 2011 regulations call for government entities to conduct a self-evaluation relying on the criteria contained in the new regulations). The ADA National Network further recommends in [Top ADA Frequently Asked Questions](#), “[r]egularly updating the self-evaluations and transition plans can help government entities monitor their compliance and stay on track with making changes to improve accessibility,” visited at <https://adata.org/faq/do-revised-ada-regulations-went-effect-march-15-2011-require-city-or-state-government-create-or> (visited March 21, 2019).
- ¹² See Registry of Interpreters for the Deaf, Overview (describing the two certifications currently offered, as well as older standards that are still accepted), at <https://rid.org/rid-certification-overview> (visited April 19, 2020).
- ¹³ National Association of Judiciary Interpreters and Translators, “Team Interpreting in the Courtroom” (March 1, 2007), at https://www.americanbar.org/content/dam/aba/administrative/law_aging/2011_aging_artj7630_prgaccess_tb.pdf (visited April 19, 2020).
- ¹⁴ American Bar Association, [Resolution 116C](#), adopted August, 2018. For more on the ABA Resolution, see the ABA 2018 Annual Meeting [E-Book of Resolutions with Reports](#), at 717-728, at https://www.americanbar.org/content/dam/aba/administrative/house_of_delegates/ebook-of-resolutions-with-reports/2018_annual_electronic_resolution_book.pdf (visited April 19, 2020).