

JUSTICE FOR ALL STATE PLANNING DOCUMENTS

LESSONS FROM THE FIELD

THE JUSTICE FOR ALL PROJECT

CCJ/COSCA Resolution 5 provided the leadership and essential vision for the civil justice system in every state: a system in which everyone has access to meaningful and effective assistance for their essential civil legal needs through a comprehensive approach that provides a continuum of meaningful and appropriate services. That vision was the north star, impetus, and the guidance for the creation of the Justice for All project. The project was established to help states design a system that enables everyone to get access to the information and effective assistance they need, when they need it, and in a format they can use. The intent was to maintain existing capabilities and resources that support access to justice, and to supplement them to fill gaps in service to reach those who are unable now to obtain the legal help they need. In short, the project was designed to begin to change each state's access to justice landscape in a significant, sustainable way as part of building an integrated ecosystem to accomplish the vision of meaningful access to justice for all.

Twenty-five states applied to participate in the Justice for All project; seven states received funding to perform strategic action planning. Each state was required to engage all relevant stakeholders in the civil justice community—courts, access to justice commissions, legal aid, the private bar—and beyond in a partnership to implement the vision.

The states were given a framework and tools for their work through the guidance materials created by a panel of experts in the field. The guidance offers new thinking and new approaches to states to help them integrate their efforts to achieve 100% access. The materials, which are available to all states, were used by each of the pilot states to focus their vision and their efforts to fulfill that vision. The experiences of the states in using those materials will, in turn, provide a basis to revise and improve the framework.

Each of the seven states that agreed to undertake this new, pioneering experiment has now documented its planning efforts.¹ Every one of the seven brought to the effort its own unique set of resources, and barriers; as a consequence, each state's plan focused on difference approaches. All other states now have the opportunity to capitalize on these experiences in undertaking their own efforts. This document is an attempt to synthesize some of the major themes common to the states.

¹ Justice for All Awardee state plans can be accessed [here](#).

LESSON ONE

Convening Diverse Participants Creates a Robust Opportunity for Change

In each state, relevant stakeholders in the civil justice community sought partnership with social services, charitable organizations serving communities in need, and local governments. This step was difficult but critical; bringing to one table those groups who interact with people with legal needs outside of the civil justice system environment not only exposed barriers invisible to that community, but also highlighted existing resources that were not being exploited. Many states found that the act of meeting created a knowledge base of resources that had previously been siloed, unknown to all but those who had created or regularly used them.

As Alaska discovered: “Lawyers are trained to “issue spot” – to recognize people’s legal problems as a specific set of legal issues requiring specific legal remedies. This approach treats legal issues in a vacuum rather than as part of a cluster of needs that a person may experience. Expanding access to justice requires ...realizing that “justice” is more than the traditional legal system; it is an ecosystem of interconnected services provided by legal and non-legal service providers who address the myriad of issues that people encounter. Unless justice needs are addressed together, individual problems will persist.”

The effort to bring together all of the stakeholders, including those who had not worked together in the past was a significant challenge, but one that each state met successfully. The methods used differed; Minnesota used polling, Hawaii held community meetings, Colorado, Massachusetts

“THE VISION FOR ONE HUNDRED PERCENT ACCESS TO JUSTICE IN HAWAII IS A CIVIL JUSTICE SYSTEM RESEMBLING THE CRAFT OF *ULANA LAUHALA*. HALA TREES ARE NATIVE TO THE HAWAIIAN AND PACIFIC ISLANDS. TRADITIONAL WEAVERS REFINE THE RAW AND THORNY HALA LEAVES, *LAUHALA*, INTO STRONG, TIGHTLY-WOVEN, FUNCTIONAL MATS, BASKETS, HATS, WALL THATCH, AND CANOE SAILS. THE JFA PROJECT, LIKE THE *LAUHALA*, HAS REFINED HAWAII'S ACCESS TO JUSTICE FOUNDATION BY BRINGING TOGETHER STAKEHOLDERS AND RENEWING COMMITMENTS. AN EFFECTIVE CIVIL JUSTICE SYSTEM DEPENDS IN LARGE PART UPON STRONG LEGAL SERVICE PROVIDERS THAT ARE INTERWOVEN WITH OTHER COMMUNITY ORGANIZATIONS AND GOVERNMENT AGENCIES TO PROVIDE FUNCTIONAL ACCESS TO JUSTICE FOR THOSE OF LOW- TO MODERATE-INCOME. JUST AS HALA LEAVES ARE REFINED, COMMUNITY AND GOVERNMENT ORGANIZATIONS ARE PRIMED AND POSITIONED TO ENGAGE WITH EACH OTHER.”

- *Hawai'i State Plan*

and Georgia created topical working groups. New York used a variety of community listening sessions to discover gaps and resources.

Outreach, however undertaken, not only brought new information to light, but also highlighted the common appetite to improve the services that each stakeholder was delivering by working with

the other community providers. It created lines of communication and helped, at an early stage, to identify both gaps and resources.

“PERHAPS WHAT WAS MOST INSTRUCTIVE ABOUT THE COMMUNITY LISTENING SESSIONS WAS THAT STAKEHOLDERS WERE OFTEN UNAWARE OF EACH OTHER, PRESENTING CLEAR OPPORTUNITIES FOR ENHANCEMENTS IN COMMUNITY”

- *New York State Plan*

As Minnesota concluded: “In designing the process for our planning, we saw a need to increase shared understanding among our many program stakeholders of the entire web of services across the system. In addition to identifying the gaps in services, we wanted our process to identify, expand or bring to scale some of the promising practices showing good results in various parts of the state. In addition, we wanted to move towards a more

integrated system that would help people navigate this very complex system to find the services they need.”

LESSON TWO

Identification of Gaps in Existing Services Maps a Direction Forward

All states used the inventory process outlined in the guidance materials as a tool to identify gaps; the states uniformly found areas in which essential services were lacking. This identification process provided critical information for prioritization and planning. The identification of previously hidden barriers and resources was only the first step for the states.

The challenge was to then create mechanisms to fill identified gaps by utilizing existing resources and providing a framework for creating new ones. To do so, each state had to face the hard realities of expanding need, limited resources, and barriers created by accepting the status quo. Each encouraged creative thinking, and used new tools, to break down or work through those barriers.

IN COLORADO, “THE INVENTORY AND ASSESSMENT THAT PRECEDED THIS PLANNING PROCESS FOUND AREAS THAT NEED TO BE IMPROVED;”
IN MASSACHUSETTS, THEY CONCLUDED, “WHILE THE CIVIL JUSTICE SYSTEM HAS MADE GREAT STRIDES OVER THE PAST DECADE, THERE CONTINUE TO BE SIGNIFICANT GAPS IN THE CONTINUUM.”

For example, Alaska approached the problem by defining the components of justice, identifying all those who provided services within that realm, and mapping those providers to demonstrate services and geographical coverage. Using a social networking analysis, they located gaps and, using personal interviews in designated areas, brought providers together to discuss ways to close them. Recognizing that each community in a state with enormous geography and resource challenges required an approach tailored to its needs, the Alaska planners, having identified the players, sought to identify the leaders and opportunities in each community.

“WHEN WE INTEGRATE
DIFFERENT KINDS OF
SERVICE PROVIDERS INTO
THE JUSTICE ECOSYSTEM,
OUR REACH
EXPONENTIALLY EXPANDS
THROUGHOUT THE STATE.”

- Alaska State Plan

In contrast, Colorado planners took advantage of the fact that the judicial system had an established strong presence in each of the state’s 22 judicial districts. That provided a basis for reaching out to community partners in each district. Even with a strong base, Colorado discovered a need to strengthen communications, both within each district and between the districts, so that people could be directed to services more effectively, and innovations and successes could be shared in a more meaningful manner.

LESSON THREE

There is No One Right Way to Fill the Gaps

None of the states had unlimited funding to dedicate to the goal of justice for all. However, all quickly recognized the ecosystem approach to increase justice for all raised the potential for utilizing and leveraging non-monetary resources.

In New York, the planners could rely on a strong existing access to justice community, with leadership from the court and the bar, that had already devoted resources to the area, and was experienced in reporting the financial benefits of providing additional services. This reporting will be used to encourage additional funding and support for their work.

In Colorado, as noted above, there was a long-term access community, with a strong presence throughout the state, which provided a basis for collaboration in ideas, and efficiencies in programming and use of resources. Hawaii and Alaska each identified non-justice system partners who were willing and able to play key roles in closing the gap between user needs and service delivery based on their own activities in the community.

Significantly, after using the expert guidance materials to define a system they would wish to achieve, and to identify the gap areas based on the current allocation of resources, each state identified action steps to move forward. Either implicitly, or explicitly, the states recognized that this must be an iterative process, where each step forward provides an opportunity to learn what is

most effective, improve the delivery of that product, use that learning to shape the next sets of planned steps and defined outcomes, and seek additional resources based on the success of each step taken. Systematic collection of data provides a stronger basis for analyzing problems, developing solutions, and evaluating whether those systems are effective. The states recognized that evaluation drives successful innovation and implementation.

In deciding how to effectively move from planning to action, each state undertook a prioritization process, using different criteria to rank order their efforts. For example, Georgia ranked on feasibility, cost and impact of a given task; Minnesota clustered efforts using the guidance components and sorted from there.

“[WE] RECOGNIZED THAT NO ONE PROGRAM OR APPROACH ALONE CAN SUFFICE TO PROVIDE ALL GEORGIANS IN NEED OF HELP FOR THEIR CIVIL LEGAL PROBLEMS WITH APPROPRIATE AND MEANINGFUL ASSISTANCE.”

- *Georgia State Plan*

The states also used different approaches to closing gaps. New York focused on learning lessons from a single county, while Massachusetts focused on case types. Simplification of court processes, beginning with a target area, was a focus for both Minnesota and Massachusetts, in recognition of the fact that changing the system to require fewer resources to solve a given problem makes resources available for other uses. Simplification efforts also enable planners to work from a user focus, reviewing processes to see if they can

be more accessible and efficient for the users, and can permit those users to address certain legal problems before they must spend time in court.

In the same way, both Minnesota and Colorado recognized that the need for representation for certain users in specific areas, could be met not only by full service representation, but also by providing lawyers in a limited-scope capacity to assist litigants in areas of the greatest need. In these efforts, effective triage—getting the user to the right solution for their needs—allows for the most efficient allocation of resources.

LESSON FOUR

Technology is a Strong Multiplier of Human Efforts

Technology has the capacity to overcome challenges of distance, lack of transportation, and communications, if designed and used in a manner that does not create barriers for those who must use it. Each of the seven states hopes to use technology as a tool to advance their goals, although each has a different approach, consistent with their own needs and geography.

Alaska, for example, because of its vast size, lack of road access to much of the state, and large number of isolated rural communities, has long used technology to provide virtual access to many services. However, the internet is not evenly available throughout the state, creating a challenge.

Alaska, like Hawaii, was chosen as a pilot state by Microsoft to develop a statewide portal, and hopes to use this to increase their capacity to deliver services and to optimize the referral process for the benefit of those who need assistance with legal problems. That experience will create enhanced learning for other states.

Minnesota too hopes to develop an effective portal to close access gaps, and to enhance triage mechanisms in combination with co-located community resources. And Massachusetts and New York, in experimenting in specified areas, identified technology as a force multiplier in each effort.

“...TECHNOLOGY WILL PLAY A KEY ROLE IN MOST, IF NOT ALL, INITIATIVES AND PROPOSED SOLUTIONS.”

- *Minnesota State Plan*

LESSON FIVE

Strong Governance is Key

Every plan from every state recognized that the process of moving to justice for all in a state is neither an effort with a single focus, nor a short-term endeavor, and that unique yet unified governance strategies would need to be adopted to serve the demands at both the local and statewide

“THE VARIETY OF PROJECTS, PROGRAMS, AND INITIATIVES THAT WILL BE UNDERTAKEN BY THE LTFS [LOCAL TASKFORCES] NEED TO BE ASSOCIATED WITH A LARGER COMMUNITY MOVEMENT AND AN EVEN LARGER STATEWIDE MOVEMENT.”

- *New York State Plan*

levels. The planning process helped all jurisdictions understand more fully how incredibly complex and challenging it is to build at the state and local level, and this is a nascent area for all. Each state identified steps that could be taken now, based on focused individual projects, as in Georgia and Minnesota, to broader pilots in geographic or substantive areas, as in New York and Massachusetts.

States focused on existing governance structures, like strong commissions or widespread community contacts. These structures have

enabled states to make the progress they have identified to date, and will assist them in moving forward with implementation. Nonetheless, because the on-going efforts identified by the states require long-term vision, consolidated coordination, and a mechanism for evaluating the effectiveness of each action item, the need for continuing and dedicated leadership specifically tasked with carrying the effort forward, seeking needed resources, being nimble enough to adapt to a changing landscape (especially with respect to technology) and enabling meaningful evaluation, is plain.

Without a dedicated driving force, the effort may not succeed. In most states, particularly within the judicial branch, leaders are expected to play a variety of roles, well beyond their judicial responsibilities. The same dynamic can be found in community and social service organizations, where every effort is made to devote as many resources as possible to service delivery, often by asking each organization member to undertake a panoply of responsibilities. Merely tasking a leader with the Justice for All effort as one more task to undertake without dedicated support may have predictable, and unfortunate, consequences in terms of divided attention rather than critical focus. All states are in consensus that there is a critical need to grow and diversify partners if they are to build systems that give everyone meaningful and effective access to legal assistance. In addition to the many non-legal providers identified in the strategic planning process, traditional and non-traditional philanthropic partners will also play a critical role by bringing their knowledge and experience with the broader community, mature protocols of monitoring and evaluation, and their power to convene new networks.

“IT IS THE COMMISSION’S BELIEF THAT THIS COMBINATION OF STATEWIDE AND LOCAL STRATEGIC ACTION PLANNING, WHEN EXPANDED AND REFINED, CAN CLOSE THE JUSTICE GAP FOR ALL LOW-INCOME NEW YORKERS IN MATTERS INVOLVING THE ESSENTIALS OF LIFE.”
 - *New York State Plan*

LESSON SIX

Communications are Vital

Finally, a critical aspect of systemic change is communication. Each of the states found barriers to communication among the stakeholders, and emphasized the need to increase effective information sharing. In Minnesota, that became a strategic goal, and Colorado made it an integral part of their plan.

External communications are vital as well. Credible information must be provided not only to the partners in the effort, but also to those being served, and those funders, public and private, who are needed to bring resources to the table. Moreover, increasing awareness among the broader public of these important efforts will build the support necessary to move into the future. This requires sustained staff support so public leadership has the support required for effective advocacy for the unifying goal of these efforts: achieving justice for all.

“IMPROVED INTERNAL COMMUNICATION, THEREFORE, IS DIRECTLY CONNECTED TO BOLSTERING THE PROACTIVE OVERSIGHT OF COLORADO'S ACCESS TO JUSTICE SYSTEM AND FOSTERING THE SUSTAINABILITY OF ITS EFFORTS.”
 - *Colorado State Plan*