CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 2

In Support of Continuing Efforts to Meet Civil Legal Needs

WHEREAS, the COVID-19 pandemic and consequent economic downturn have resulted in material cuts to state and local court budgets across the country, causing courts to implement hiring freezes, court closures, reduced hours, and other cost-cutting measures; and

WHEREAS, between one half and two-thirds of the American population confront at least one civil justice problem each year, commonly involving basic needs like health, housing, employment, or money; and if these problems are not resolved effectively, the consequences can be homelessness, poverty, illness, injury, or the separation of families; and

WHEREAS, existing research shows that civil justice problems can have a significant and disproportionate impact on persons of color, their families, neighborhoods, and communities; and

WHEREAS, in 2015, the Conference of Chief Justices and the Conference of State Court Administrators adopted Resolution 5, which set the aspirational goal of establishing 100 percent access to effective assistance for essential civil legal needs through a continuum of meaningful and appropriate services; and

WHEREAS, the Conferences recognized that a continuum of meaningful and appropriate services includes, but is not limited to, expanded self-help services to litigants, new or modified court rules and processes that facilitate access, discrete task representation by counsel, increased pro bono assistance, effective use of technology, increased availability of civil legal aid services, enhanced language access services, and triage models to match specific needs to the appropriate levels of service; and

WHEREAS, fourteen states and the District of Columbia have adopted the Justice for All framework, using its resources and guidance materials in systems-oriented strategic planning to inform efforts to shape and amplify their COVID-19 responses; and

WHEREAS, court self-help services facilitate access to justice by helping people understand the law, navigate their cases, and gain trust and confidence in state courts, by creating more efficient court operations, and by providing critical information about changes to court operations and procedures that is especially important to the COVID-19 response; and

WHEREAS, state courts have developed self-help resources and technology innovations to facilitate access to legal information and procedural information about courts, and have staffed self-help services with court staff and, increasingly, with court non-lawyer navigators, who come from outside the courts to provide "one-on-one" assistance, which can be offered remotely to account for social distancing, to self-represented litigants with their civil legal problems, as discussed in a recent study by the Georgetown Law Justice Lab;

NOW, THEREFORE, BE IT RESOLVED, that despite the continuing economic pressures on the state courts during the COVID-19 pandemic and given the growing numbers of people with unmet civil legal needs especially in response to the pandemic, the Conference of Chief Justices and the Conference of State Court Administrators urge their members to develop, continue, and expand self-help services, and to utilize technology innovations in order to facilitate access to information and the courts so that all court users receive the help they need and are treated with dignity; and

BE IT FURTHER RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators support and urge the adoption and expansion of court non-lawyer navigator programs and encourage, where appropriate, collaborations with state AmeriCorps commissions, state administrators of other Federal pass-through funds (e.g., Violence Against Women Act STOP Formula Grant Program and Victims of Crime Act Victim Assistance Formula Grant Program), other state and private funders, and other civil justice system partners to support self-help services and court non-lawyer navigator programs.

Adopted as proposed by the CCJ/COSCA Access and Fairness Committee at the 2021 CCJ Midyear Meeting on February 9, 2021 and the COSCA General Business Meeting on February 12, 2021.