

Alaska Fairness and Access Commission

About the Commission

Alaska's Fairness and Access Commission is a commission with a broad membership composed of leaders representing the state courts, the bar association, private attorneys, rural and urban representatives, and legal aid providers. The commission is co-chaired by Alaska Supreme Court Justices Dana Fabe and Peter Maassen. The commission comprises two committees: the Fairness, Diversity and Equality Committee and the Access to Civil Justice Committee. The commission's goal is to increase fairness and access to the courts for all Alaskans, particularly those who are members of cultural and minority groups, Alaskans of limited means, and self-represented litigants. The two committees are also chaired by Justice Fabe and Justice Maassen, and are co-chaired by Palmer Superior Court Judge Eric Smith, and Anchorage Superior Court Judge Mark Rindner.

Major Accomplishments and Current Initiatives

Current Fairness, Diversity and Equality Committee projects and strategies to improve fairness and access and increase diversity include:

- Promoting a new court rule setting forth procedures by which a state court may refer cases to local restorative justice programs. The rule allows communities to play a role in assessing the impacts of criminal behavior and to help shape the consequences through circle sentencing and other restorative justice programs. The rule provides an express mechanism for a tribal court to conduct its own restorative justice process, such as circle sentencing, and then propose to the state trial judge the sentence recommended by the participants in the restorative justice proceedings. The court system now has formal plans with five tribal entities that allow for tribal courts to conduct their own restorative justice processes.
- Regularly co-sponsoring joint judicial education programs and trainings with tribal court judges. The court has held three joint trainings with tribal judges on circle sentencings; the history, types of cases, and approaches of tribal courts; and techniques for handling cases involving self-represented litigants.
- Co-sponsoring diversity luncheons with distinguished and diverse panel members addressing the topic of diversity and how diversity has impacted their lives.
- Providing the Color of Justice law-related education program for diverse youth including workshops, mentoring events, and hands-on learning to promote awareness about careers in law and the judiciary, to encourage youth of diverse backgrounds to pursue legal education and careers. Creating a new Rural Student Initiative component to the Color of Justice Program. Information about the program and the initiative is available here: <http://courts.alaska.gov/outreach/index.htm#coj>
- Co-sponsoring an annual women judges event to promote and encourage women lawyers to consider applying for judicial positions.
- Providing the Supreme Court LIVE program where the court holds oral argument at different high schools around the state before an audience of students, and teams of volunteer attorneys teach the students about the cases prior to the argument.
- Co-sponsoring the Justice for All Art Contest where students submit artworks on the theme "*Fairness, Diversity, Equality: Our justice system depends on them. What do they mean to you?*"
- Supporting Seattle University School of Law's successful effort to establish a satellite law school in Alaska (the first law school located in Alaska) to help increase diversity within the profession and to improve access to justice as student interns assist Alaskans with their access to justice needs.

Current Access to Civil Justice Committee projects and strategies to improve fairness and access to justice include:

- Providing information to Self-Represented Litigants. The court has created self-help website information that provides detailed information about court procedure and options for forms in the following areas:
 - Family Law
 - Civil Appeals to the Supreme Court
 - Probate: Estates
 - Guardianship and Conservatorship.
- Supporting the Family Law Self-Help Center (FLSHC) to provide legal information to Alaskans who are without legal counsel in divorce, custody, paternity and support cases. In addition to the website, the FLSHC staffs a statewide telephone helpline which assists approximately 7,000 callers annually with questions about procedure and forms. The FLSHC has created several short videos which are on the website in English, Spanish and Tagalog, and domestic violence protective order videos in English, Yup'ik and Spanish.
- Establishing court mediation programs for child custody and visitation, child protection, small claims, and adult guardianship and conservatorship cases. There is also a new court negotiation and resolution program for Forcible Entry Detainer (FED) cases.
- Supporting the court's language access initiatives. These include:
 - Court's adoption of a new rule that addresses language interpreter services in court proceedings. The rule helps ensure that individuals who need an interpreter in court will be able to obtain services. Resources created to accompany the new rule include a guide for clerks and judges on proceedings involving interpreters and persons of limited English proficiency; revised instructions for accessing language line telephonic services; and frequently asked website questions (FAQs) about language interpreters. The commission will also regularly track efforts to facilitate access to the courts by Limited English Proficiency (LEP) populations.
 - The court system hired a full-time statewide interpreter scheduling coordinator.
 - The court system is also working with the Language Interpreter Center to create a Yup'ik legal glossary for court interpreters to use.
 - The court created website information on interpreting for deaf and hard of hearing individuals and presented to newer judges on the topic.
 - The court also conducted a training for ASL interpreters on interpreting in the legal environment.
 - The court is piloting the National Center for State Courts video remote interpreting system.
- Supporting the Early Resolution Program (ERP) that has helped over 1,000 families in four of Alaska's highest volume courts. Families in newly filed divorce and custody cases can avoid protracted legal proceedings by working with volunteer attorneys coordinated by Alaska Legal Services who provide unbundled legal services, court mediators, and settlement judges who work with the parties at the ERP hearings to resolve their child custody, child support, and marital property disputes usually within weeks after their cases are filed. Models are being explored for expanding components of ERP, including contacting self-represented litigants in advance of their court dates to remind them of when and where to go, what to bring, and to give them the opportunity to ask questions about court procedures. The court expanded the program to other court locations, and remote parties appear by videoconference or telephone into the ERP hearing at a different court location.
- Increasing the range of user-friendly forms for the self-represented.
- Partnering with public and private efforts to promote appropriate legal services to at-risk populations.
- Coordinating with the pro bono section of the bar association to develop methods for linking pro bono activities with court system improvements and self-help resources.

- Working with Alaska Legal Services Corporation to institute a Housing Court Justice Project in Anchorage District Court. Through the project, pro bono attorneys provide court-based free legal help to low-income tenants facing eviction when the other party is represented by an attorney. Volunteer attorneys are present at Housing Court to provide direct client representation to low-income tenants facing eviction. Volunteer attorneys provide the following services: 1) Counsel and advise the tenant regarding the court proceedings, 2) Negotiate settlements between the landlord and tenant, 3) Provide limited representation for tenants scheduled for eviction that day, and 4) Drafting relevant documents, such as pleadings and answers.

Planned Initiatives

- The Fairness Diversity and Equality Committee will continue to provide initiatives designed to increase equality and diversity. The Committee has formed a new Judicial Anti-Bias subcommittee and has resolved to continue a number of its past successful initiatives. These include the Color of Justice Rural Student Initiative, the Diversity Luncheon, and revival of the Bench-to-Bar program, which encourages a diverse group of attorneys to apply to the bench by allowing them to learn about the application and appointment process from sitting judges, the merit selection screening council, and a representative of the appointing authority.
- The Access Committee is enthusiastically accepting the offer of technical assistance from the ABA and Voices for Justice to launch an Access to Justice Public Awareness Campaign. The Committee is beginning this campaign by creating an Access to Civil Justice Pamphlet. Committee members are also appearing on a new radio show hosted by the Alaska Public Radio Network called *Justice Alaska*. Members will periodically appear as guests on the show to discuss access to justice topics of importance to Alaskans. Members will also engage in additional outreach on access to justice issues, including drafting opinion pieces on access to justice issues. The Committee is also working to assess the feasibility of creating a legal incubator for newly graduating attorneys committed to pursuing a career in public interest law.