JUSTICE FOR ALL

NCSC Justice for All Initiative Guidance Materials

NOVEMBER 2019

No Wrong Door

Plant the Tree

Planning & Long-Term Governance

Inventory

Analysis

Strategic Plan

Acknowledgements

Expert Working Group

Katherine Alteneder *(Lead drafter)*
Executive Director
Self-Represented Litigation Network

Thomas Clarke
Vice President of Research & Technology *(ret.)*
National Center for State Courts

John Greacen
Principal
Greacen Associates, LLC

Don Saunders
Vice President, Civil Legal Services
National Legal Aid & Defender's Association

Lisa Dewey, Pro Bono Partner
Anne Geraghty Helms, Pro Bono Counsel
DLA Piper

Martha Bergmark
Executive Director
Voices for Civil Justice

Bob Glaves
Executive Director
Chicago Bar Foundation

Glenn Rawdon
Program Counsel for Technology
Legal Services Corporation

Richard Zorza *(deceased)*
Founder and Coordinator Emeritus
Self-Represented Litigation Network

Justice for All Advisory Committee Leadership

Justice for All Advisory Committee Leadership
Hon. Ralph Gants, Co-Chair
Chief Justice
Massachusetts Supreme Judicial Court

Hon. Laurie Zelon, Co-Chair Associate Justice
California Court of Appeal

Justice for All External Reviewers

Bonnie Hough
Principal Managing Attorney
Center for Families, Children & the Courts
Judicial Council of California

Ed Marks
Executive Director *(ret.)*
New Mexico Legal Aid, Inc.

Rebecca Sandefur
Associate Professor of Sociology and Law
University of Illinois at Urbana-Champaign
Faculty Fellow, American Bar Foundation

Justice for All Project Staff

Danielle Hirsch
Principal Court Management Consultant
National Center for State Courts

Shelley Spacek Miller
Court Research Associate
National Center for State Courts

Section I

Overview of the Justice for All Strategic Planning Framework

INTRODUCTION TO THE JUSTICE FOR ALL
STRATEGIC PLANNING EFFORT

Conceptually, justice for all is an underlying premise of the American legal system. The bedrock principle of "equal justice under law" can be traced to the U.S. Constitution and each of the 50 state constitutions. And yet, there is a fundamental disconnect between the promise of equal access and the reality for many among us. For myriad reasons, most American residents have unmet civil legal problems that go unaddressed or experience a confusing, often intimidating court system on their own—which defy this foundational promise of equal justice.

For those who actually make it to court to address legal problems, the composition of state court litigants has changed dramatically over the past few years. Where lawyer represented parties had been the norm, most cases now involve at least one unrepresented party, often in housing, family, probate, traffic and consumer cases. This means that a large number of people with urgent and important issues at stake—such as the preservation of one's home, the challenges of caring for a loved one with mental illness or the difficulty with an irresponsible tenant—have found themselves without the legal assistance to help them with their legal problems. Study after study of the legal needs of low-income people tell a remarkably consistent story: the legal needs of most low- and middle-income people remain unmet across the United States. The rise of self-represented litigants has created an unprecedented change in the management of courts. There is increasing understanding that both access to justice and effective court operations are greatly facilitated by services for those who represent themselves.

The Justice for All (JFA) Initiative offers a new strategy for state access to justice communities to chart a new path forward to enhance access to justice. These guidance materials and the actions they outline are an effort to create a viable strategy that involves legal and non-traditional justice system stakeholders at the local, state and national levels to better meet the needs of people with legal needs across the country.

100% Access to Justice: Commitment from CCJ/COSCA

In 2015, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) unanimously passed Resolution 5, *Reaffirming the Commitment to Meaningful Access to Justice for All*. It recognizes the significant advances in the access to justice field over the past decade and concludes with a call to action to achieve the aspirational goal of meaningful access to justice for all:

> *[…] the Conference of Chief Justices and the Conference of State Court Administrators support the aspirational goal of 100 percent access to effective assistance for essential civil legal needs and urge their members to provide leadership in achieving that goal and to work with their Access to Justice Commission or other such entities to develop a strategic plan with realistic and measurable outcomes; and*

[…] the Conferences urge the National Center for State Courts and other national organizations to develop tools and provide assistance to states in achieving the goal of 100 percent access through a continuum of meaningful and appropriate services[1].

By accepting the challenge of Resolution 5, access to civil justice experts launched the JFA Initiative and these guidance materials to help states in this new approach towards systemic civil access to justice change.

Purpose of the Justice for All Initiative and Guidance Materials

The JFA and supporting guidance materials are designed to offer a sustainable framework for building a 100% access ecosystem through a strategic planning approach that:

- Advances a framework of thematic components that in the aggregate comprise the justice services ecosystem;
- Focuses on broadening the access to justice coalitions at the state and local levels;
- Adopts a user-centered design approach for problem identification and solving;
- Standardizes information-gathering and knowledge-sharing through tangible tools that are informed by national best practices that can be used to assess state and local access to justice capacities and analyze gaps;
- Offers guidance on strategic prioritization to strengthen and expand networks of allies that are necessary for justice;
- Incorporates evidence-based approaches to identify, measure, and close the gaps in resources and services; and
- Recommends strategies and incentives for a sustained community commitment to aligned justice services and the JFA framework.

Working Definition of 100% Access to Justice

Resolution 5 identifies the aspirational goal of 100% meaningful access to justice for all. What does this mean?

The justice system[2] can and should provide a well-integrated and coordinated infrastructure that permits everyone to have effective assistance to resolve their civil legal issues. It should incorporate the broadly available high-quality, reliable information and screening to identify the individual's needs and align them with appropriate resources in a system that provides:

- A network of trusted community intermediaries to help people realize they have a legal problem, support them in accessing and assessing information about the problem, assist and support them in completing forms and understanding options, and help them find available resources;
- Widely available and adequate referrals, including enhanced coordination with social services;
- Services such as self-help centers and navigators;

---

[1] Conference of Chief Justices and Conference of State Court Administrators, *Resolution 5: Reaffirming The Commitment To Meaningful Access To Justice For All* (2015).

[2] While the scope of the problem is the entire range of civil legal needs, these guidance materials focus on the issues that are typically resolved within state or county court proceedings. However, the principles of building transparent, simplified, user-focused systems and a framework that relies on diverse coalitions to reduce legal crises and deliver services can easily be applied in other contexts, such as federal or state administrative agencies and federal courts.

- Access to information through technology, including informational websites, online forms, and decision-support tools;
- Simplified court and administrative rules and processes;
- Assistance with mediation, negotiation, and other ways to resolve issues outside of the courtroom;
- Legal representation through well-resourced civil legal aid providers, pro bono assistance, discrete task representation, affordable and widely available market-based options, and other appropriate services; and
- Social and economic analysis to identify upstream intervention points to prevent an economic, health, education, or social issue from becoming a legal issue.

In short, this is a system that enables everyone to get access to the information and effective assistance they need — when and where they need it — and in a format they can use.

The intent of this Initiative is not to reduce any of the existing capabilities and resources that support access to justice. Instead, the goal is to complement and strengthen existing work and capacity while filling current gaps in service and reaching those who are unable to obtain the legal help they need.

The concept of 100% access embraces a system that will address both:

- Those who know they have a legal problem and are trying to assess and access the level of help they need; and
- Those who are unaware they are facing a situation that has a legal component.[3]

A state's Justice for All planning effort will ideally address both. To reinforce the idea that there is "no wrong door" through which to enter the legal system, states should incorporate meaningful triage that matches the resource to the need; preventative and diagnostic legal information and referrals within communities; and remote access. This is especially important as research shows that people rely heavily on trusted intermediaries—such as faith leaders, medical providers, social workers, and public agencies—to seek help. These entities are truly the frontline partners in screening and identifying legal issues and pathways for legal assistance.[4]

An ecosystem approach means that there is "no wrong door" through which to enter the legal system.

---

[3] For an examination of the legal needs of the public, see Rebecca Sandefur, "What We Know and Need to Know About the Legal Needs of the Public," *South Carolina Law Review* 67 (2016): 447–48.

[4] *Id.*

Some legal solutions may be limited by income, citizenship or other intake requirements, such as those imposed by civil legal aid providers, especially those receiving Legal Services Corporation funds. But those limits should not bar the implementation of efficient and effective legal information and referral systems that will provide solutions for everyone. In fact, when processes are streamlined and made more efficient and effective, there are often benefits to all.

Key Aspects of the Justice for All Strategic Planning Approach

The JFA strategic planning process shifts the paradigm of how we imagine justice for all, from individual case-by-case and to user-centered systemic thinking. The groundbreaking aspects of this new framework require a focus on community building, the user's point of view and investment in a continuum of services and activities that engage justice system stakeholders, clients, patrons and helpers.
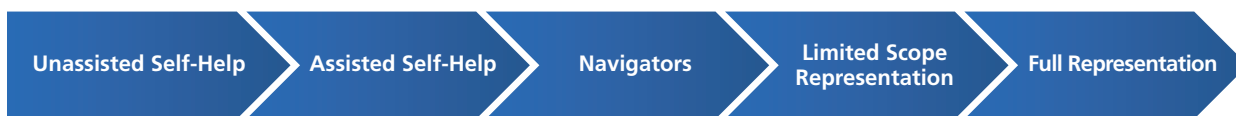
The Continuum

One of the most striking aspects of CCJ/COSCA Resolution 5 (100% Access to Justice) is that it acknowledges that *lawyers alone cannot make justice for all a reality*. Rather, it is through a coordinated approach involving both traditional and non-traditional stakeholders that we can create a continuum of people-centered services that meets everyone's civil legal needs. The **continuum approach** gives rise to a more nuanced methodology that provides a deeper understanding of what legal assistance means.

Focusing on the "continuum of services" means that we intentionally move away from measuring access to justice with a single yardstick of whether everyone has direct representation through a lawyer. Instead, through a JFA-lens, we ask who can join our coalition to provide the various types of legal help people need, when and where they need it and in a format they can use. The continuum of available legal help is often represented as a linear progression; and as the level of legal services increases, the client's responsibility for managing the matter decreases.[5] Determining what level of assistance is most appropriate for an individual along the continuum of services will depend on many different factors, including complexity of legal issue; seriousness of legal need (or put another way, potential negative consequences if unaddressed or addressed unfavorably); user's literacy; language proficiency; available income; emotional state and digital acumen; and availability of legal providers.

---

[5] For the purpose of these materials, these terms are defined as follows: (1) Unassisted Self-Help is comprised of forms and information found on the Internet, in books or flyers, and read and interpreted by individuals without the assistance of a person trained in legal matters; (2) Assisted Self-Help is the use of forms and information with the assistance of a non-attorney or attorney-trained helper, such as in a court self-help center, law library, or other community partner; (3) Navigator is a trained non-attorney helper who assists within the context of a court process and can include hearing assistance, document preparation, negotiation, and resource referral; (4) Limited Scope Representation is a licensed attorney providing limited services as defined by their representation agreement and may include advice and counsel, document preparation, negotiation, and court appearances for a single hearing or discrete issue; (5) Full-Representation is when a licensed attorney takes responsibility for all aspects of a client's matter, including but not limited to strategy, research, discovery, communications, and negotiations with third parties, clerical and administrative matters, advice and counsel, document preparation, and court appearances.

Figure 1 Continuum of Services

| Unassisted Self-Help | Assisted Self-Help | Navigators | Limited Scope Representation | Full Representation |

Research has overwhelmingly shown that the demand for some form of effective legal assistance far outpaces the supply of lawyers,[6] so any access to justice strategy must commit to disaggregating legal work and — in partnership with the trusted intermediaries in a community — creating sorting systems, pathways and pipelines that allow people to find the legal help they need.

It is now also recognized that unassisted self-help in the form of information and education is a fundamental requirement for trusted intermediaries to be informed, as well as for people to discover they have a legal issue and options for help.

Subsequently, appropriate screening and triage tools can help identify the appropriate blend of unassisted self-help, navigator support, limited-scope legal representation, or full representation.[7]

Considering the Many Points of View

The "no wrong door" approach asks us to shift from a single institutional point of view to a diversified viewpoint that analyzes multiple perspectives on access to justice. As we move to this JFA-informed ecosystem approach, these actors or users generally fall into three categories: (1) the individual person with the legal problem; (2) the trusted intermediaries such as librarians and community-based helpers; and (3) legal providers like courts, legal aid and the private bar.

CCJ/COSCA Resolution 5 and the Justice for All Initiative recognize that jurisdictions have taken many steps to increase legal assistance and access to justice in the civil legal system.[8] A variety of organizations—such as, courts, legal aid, the bar, librarians and other non-profit, government and for-profit entities—are taking these steps because they are part of a network that users interact with to address their legal needs.

Although this network offers a wide array of resources and services, these resources are often uncoordinated to one another, often leading to confusion. People with unmet civil legal problems often struggle to discover what resources exist, whether those resources will meet their needs, whether they are eligible and how to use them. And also, providers—governmental, civil legal aid and *pro bono* providers and community organizations—struggle to understand their relationship with other stakeholders and how to work collaboratively.

---

[6] Sandefur and LSC Gap Report.

[7] As is well-known, there is no overarching right to counsel in civil matters. However, certain case types and situations have been recognized to be of such importance that the appointment of counsel is available under specific circumstances. The National Coalition for a Civil Right to Counsel maintains a comprehensive inventory of when counsel is required in civil matters at http://civilrighttocounsel.org/ and provides numerous resources, including an appointment guide for judges. But it is worth noting that even in appointment cases, the public is entitled to have access to plain-language forms and instructions to ensure they can exercise their right to counsel and to better understand the proceedings.

[8] "… these advances include, but are 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 legal aid services, enhanced language access services, and triage models to match specific needs to the appropriate level of services." *Id.*

The result is that professional and institutional actors face a multitude of inefficiencies and contradictions. The individual in need shoulders the burden of not only trying to figure out how to consume and evaluate the quality and appropriateness of the existing resources but is also simply denied access to the possibility of justice. This is because trusted intermediaries cannot find information, lawyers are not part of targeted referral pipelines, and institutions waste resources on tasks that could be automated. The system is therefore unable to invest time in actually helping people.

The JFA approach is to commit to learning about the needs and perspectives of all users trying to serve the individual who has a legal problem, with a particular focus on integration of resources and efforts.

Tam's story highlights how an integrated user experience *might* play itself out.

The User Experience:
Tam's Story

Tam came to the United States with her husband five years ago, hoping to make a better life for her two young children. A native of Vietnam, she has limited English proficiency and primarily communicates in Vietnamese. Living in a Vietnamese community with her family, she's active in a local church and works two jobs to help make ends meet. Over the past two years, her husband has become increasingly violent. Not knowing what to do, she speaks to a church elder who encourages her to separate from her husband—but provides only vague details on pursuing a legal divorce in the United States. Because the church elder does not herself understand the legal system generally (and the family law process or potential civil legal aid providers or domestic violence advocates in particular), Tam does not know what to do next and does not take any action.

After a few months — and one particularly violent episode — a nurse refers Tam to a local domestic violence shelter. Worried about her own and her children's safety, Tam speaks to a multi-lingual legal advocate who explains the divorce and protective order processes; and because Tam cannot afford counsel, the advocate helps her use the state's self-help website. She first fills out most of the required information for the protective order affidavit, which is her most pressing need. The advocate also refers Tam to the local legal aid program for assistance with the divorce process and any potential immigration issues.

Tam still must submit a signed, hard copy of the affidavit with the court. Using online directions from a court website, Tam goes to the courthouse on her one day off from work. There she speaks to a clerk who, through the assistance of a phone-based interpreter, helps Tam schedule a same-day hearing on the protective order and notes the need for an interpreter in the court's file. At the hearing, the judge grants Tam's emergency protective order and explains the consequences of it as well as possible next steps Tam might take to ensure her family's safety.

This relatively simple story highlights the dynamics of a coordinated access to justice network. Tam encountered several potential points of entry into the legal system, interacted with community providers who supplied information, triage, interpreters and online forms. She received advice on how to navigate the legal system, interacted with court staff, obtained information to facilitate her efficient movement through required steps and experienced judicial interaction and explanations.

Each piece of the network had to fall into place to appropriately address Tam's immediate legal needs. Any weak link in the process might have resulted in an increasingly dangerous situation for Tam and her family. Tam, like anyone facing unmet legal problems, needs the system to work in an integrated manner because that is what her legal situations require to be fully met and resolved. Overall, a user-focused approach facilitates an understanding of why the civil justice process must become integrated into the web of services and community institutions serving people in need.

The Process and the Components

These guidance materials offer a process designed to foster the development of sustainable collaborative civil justice frameworks. The process is anchored by the inventory of JFA components and breaks down into four phases:

1. **Project and Long-Term Sustainability Planning**

   This phase simultaneously focuses on building leadership and planning teams and making initial decision-making about the contours of the following inventory phase that will best suit state and local realities.

2. **Inventory Development**

   This phase focuses on shifting state and local access to justice paradigms and building community among traditional and nontraditional stakeholders, while also inventorying various aspects of the civil justice landscape using the framework of the JFA components. Grouped into five clusters that reflect essential domains of activity, the JFA components help define the contours of the resources and the activities that will be needed for people to get the help they need.

3. **Analysis**

   This phase focuses on analyzing the results of the inventory, stakeholder and end-user feedback. Additional stakeholder meetings may be held to share the results and convene conversations to reach consensus around the priorities and principles that will inform the sustainable collaborations to be developed in the Strategic Plan.

4. **Charting the Strategic Plan**

   This phase involves the management and leadership teams guiding the production of the Strategic Plan and identifying implementation pilot programs. This will reduce identified gaps, improve the sustainability of these new collaborations and build capacity for long-term funding of the effort.

Informed by the experience of other states that have used the JFA planning process, these Guidance Materials offer a framework for states to proceed with planning. Section II of this document, *The Component Descriptions and Inventory Collection Guide*, details each of the individual components, offers strategies for assessing each one, templates and tools for data collection. Section III, *The Justice for All Strategic Planning Guide*, provides the details of a four-phase planning process and includes topics and insights for special consideration.

Conclusion

The goal of the Justice for All Initiative is for each state to create and sustain a strategic action plan that integrates multiple and diverse stakeholders that create a multi-disciplinary, user-centered approach in the pursuit of justice for all. Once implemented, these stakeholders will be connected — and thinking together — about opportunities for working in concert to provide equal access to justice.

The JFA planning process catalyzes change by helping states create a new coalition of stakeholders who represent the entire "access to justice" network. This JFA coalition is responsible for sustaining and updating the strategic plan over the long-term, while continuing to identify opportunities for working together. This symbiotic relationship will allow all parties to grow and achieve their goals.

As an analogy, it is easy to just plant a tree, symbolic of a one-time, new innovation. It is much harder to ensure that the tree receives sufficient water to grow and flourish over time. For JFA, the challenge is systemic collaboration, which can be time-consuming and challenging. But to meet the constitutional objective of equal access to justice, this strategic plan must be maintained and adapted for the long-term.

The Justice for All strategic action planning process establishes a framework to assess, analyze and cultivate a coalition that will sustain and advance the state's access to justice goals for the long-term.

Section II

The Component Descriptions and Inventory Collection Guide

Introduction and Overview of the Four JFA Component Clusters

The JFA components offer a concrete framework for jurisdictions to assess their "access to justice ecosystem" and to identify gaps and areas of opportunity, which will allow them to create an informed systemic strategic action plan (SAP).

The components have been grouped into four clusters: structural capacities, foundational capacities, foundational services and resolution strategies. These clusters were designed to make the component inventory more manageable, illustrate the inter-dependency between the various components, highlight the different approaches for collection, assess existing gaps and inform the prioritization process. Certain components are straightforward while others are more complicated. Moreover, there are some components for which a single person will have the necessary information and others that will require input from multiple stakeholders. We provide examples of data collection tools and strategies that can be used to obtain stakeholder input on the components.

To deploy these components in a comprehensive way requires unwavering leadership from the top and a clear commitment to invest in adequate staff empowered to develop the resources the public needs.

This section outlines each of the four clusters (and the components therein), and also provides suggestions for how to measure each and assess for gaps.

JFA Components Grouped By Cluster

Structural Capacities

Consumer Needs and Experience

Jurisdiction Infrastructure

Stakeholder Capacity and Governance

Emerging Practices and Innovation

Foundational Capacities

Judicial and Court Staff Education

Community Integration and Prevention

Foundational Services

Self-Help Centers

Plain Language Forms

Triage and Referral

Courtroom Assistance Services

Compliance Assistance

Resolution Strategies

Alternative Dispute Resolution

Navigator (non-lawyer) Services

Limited Scope Representation (LSR)

Full Representation

Structural Capacities

Consumer Needs and Experience

Jurisdiction Infrastructure

Stakeholder Capacity and Governance

Emerging Practices and Innovation

Structural Capacities: This cluster of four components seeks to obtain information about the jurisdiction in terms of user needs, jurisdictional structure, and existing access to justice ecosystem governance, innovations and capacity.

This information can be difficult to obtain; but is extremely important to the big-picture JFA-planning, including the recruitment strategy for stakeholder participants, communications, sustainability, prioritization and evaluation. Once completed, the JFA planning team will be able to better evaluate the true obstacles and resources available to the civil justice system.

This cluster will be essential for determining which projects are realistic and who are the best providers. It will also suggest funding streams and create hypotheses about how an intervention will increase justice for the public. The inventorying process for this cluster is mainly qualitative, through four discrete questionnaires.

During the inventorying process, the four components in this cluster will need to be completed by different stakeholders.

Foundational Capacities

Judicial and Court Staff Education

Community Integration and Prevention

Foundational Capacities This cluster outlines existing judicial and court educational training and the community building efforts within the jurisdiction.

Because much of the data in this cluster is subjective, different stakeholders should be given the opportunity to share their perspective on each of these components during the inventory process. To be most valuable, planners might consider allowing respondents to offer anonymous responses.

Foundational Services

Self-Help Centers

Plain Language Forms

Triage and Referral

Courtroom Assistance Services

Compliance Assistance

Foundational Services. This cluster seeks to inventory the activities and resources available to help the public obtain legal information, self-help and legal referrals. Most of this work should be completed by courts and civil legal aid and pro bono partners. It should include both court-based and court-annexed resources as well as connections for limited-scope/unbundled and full representation legal referrals. Because the results of this cluster will be shared with non-traditional and community partners, they are useful for the inventory analysis and future community outreach (supporting the "no wrong door" approach as explained in Section I).

For all of the self-help materials, forms and resources inventoried in this cluster, there must be a strong commitment to frequent user feedback and continuous improvement. Courts and legal aid organizations within a jurisdiction often struggle to create complementary systems that give the end user consistent and accurate information. For instance, courts tend to focus on procedurally driven forms and information, whereas legal aid organizations focus on specific perspectives as advocates. When not explicitly aligned, these two distinct approaches can leave the end user confused as to what to do next. Alignment among providers is a central goal of the JFA approach. Moreover, this cluster lends itself well to incorporating technology, as much of the included information can be standardized and the activities are repetitive. This cluster is well suited for looking to outside jurisdictions for best practices.[9]

Resolution Strategies

Alternative Dispute Resolution

Navigator (non-lawyer) Services

Limited Scope Representation (LSR)

Full Representation

Resolution Strategies. This cluster focuses on how human legal expertise, judgment, and analysis is deployed to resolve disputes. These are the scarcest resources of the justice system because they demand one-to-one, individualized, personal services. Just resolution requires that individuals fully understand their options and the downstream impact of their choices, and that their facts and circumstances are adequately presented to the court for a decision on the merits. One of the central challenges in access to justice work are to create systems that more efficiently and effectively distribute this cluster of components to people who need individualized legal help. When we combine the activities and resources of the previous clusters with resolution strategies, the consumer's experience can shift from confusion and frustration to one where they get the help they need, when they need it, and in a format they can use.

The inventorying process for this cluster is best accomplished by collecting both qualitative and quantitative data from traditional and non-traditional stakeholders. Core stakeholders, such as the courts, legal aid or the bar, will be able to provide specific responses inventorying the available legal, ADR and non-lawyer services; but, it is also worthwhile to inquire of community stakeholders and the public about their impressions of existing services and desire for growth.

---

[9] See Self-Help Center Topic at https://www.srln.org/taxonomy/term/68 on srln.org, which includes resources and examples from both the trial court and appellate court levels.

Overarching Themes of the Inventory Assessment Process

We start with the premise that there is no single blueprint for access to justice; each jurisdiction should adapt as needed to work locally. That said, the beauty of the JFA framework is that it outlines the current best practice thinking as to what makes up a healthy "access to justice ecosystem" together with specific tools for assessment and improvement.

The inventory assessment process is the foundation upon which jurisdictions will build their JFA planning and implementation efforts. Both qualitative and quantitative indicators will be needed to evaluate each of the 15 JFA components. Stakeholders will score the jurisdiction's current effort for each component (beyond the four components assessed by questionnaire) along a scale and offer narrative responses informed by the standard assessment below:

- Does this activity exist, and how is it meeting demand?
- Is it deployed statewide?
- Is it available at the county level, and if so, which counties?
- At what stage in the case is help provided? (i.e., pre-filing, uncontested, contested, post-judgment, and/or appellate)
- What case types are covered by the component?
- Is the component available remotely?
- Is user experience being taken into account?
- Are adequate safeguards in place for vulnerable populations (for example domestic violence, cognitive impairment, learning disabilities, homebound, etc.)
- Do component activities comply with the ADA and 504 for disability access?
- Is language access provided?
- Are principles of diversity, equity, and inclusion being applied to content development and service delivery? (For example, are development teams diverse, is language gender-neutral, is the impact of bias being considered?)
- Is technology being optimized?
- Are plain-language principles and practices being followed?
- What financing structures are in place to support the component?
- Are the component's financing structures sustainable?
- Does access to justice governance/leadership support full representation?
- Is data on this component collected regularly? What data?
- Are there accepted data collection practices for this component?
- Is there a maintenance and sustainability plan for data collection and analysis?
- Is data collection designed to improve services and support continuous improvement?

For each component, respondents will be able to score the jurisdiction's current effort on a scale from none/minimum/partial/sufficient/advanced that focuses on the ability to meet demand.

As discussed throughout, assessment questions might vary slightly by component and reflect the unique nature of the inquiry required for that component. States should also feel free to add questions that might be particularly relevant to their qualitative assessment if they are not already captured by the framework offered.

The end goal is an assessment that sufficiently and meaningfully captures where a state is in deploying a certain component so that gaps can be identified, quantified, and prioritized for improvement and innovation. These assessment indicators are important for initial component assessment and can also be used to track component progress as access to justice efforts are implemented. In fact, using the same questions provides a standard baseline for ongoing assessment and measuring outcomes as called for in the CCJ 100% Access Resolution.

The Components

The following section outlines the 15 individual components that make up the JFA inventory analysis. Generally speaking, each component is comprised of a variety of activities (or elements), and there is a wide range of appropriate responses to the elements depending on the available provider(s), jurisdiction, case type and user needs. There is not a perfect mix of activities or services. However, experience has shown that activities falling into each of these components act as levers that either expand or constrict access to justice — and that improving the quality and capacity of them is eminently doable. These components also give shape to strategies for sustainability, especially because each one has the potential to bring together different configurations of traditional and non-traditional stakeholders who can form strategic partnerships to advance justice.

STRUCTURAL CAPACITY COMPONENTS

- Consumer Needs and Experience
- Jurisdiction Infrastructure
- Stakeholder Capacity and Governance of Traditional Stakeholders
- Emerging Practices and Innovations

Consumer Needs and Experience

Description: This component is designed to help inventory how stakeholders learn about the public's needs and experiences in and outcomes from the civil justice system. One of the unique aspects of the JFA Initiative is the focus on the individual user's experience as part of this systemic strategic planning. The JFA project team is urged to collect data on how various stakeholders incorporate user experience in their own unique work, as well as perhaps taking on the more complicated and challenging task of collecting baseline data of how the public is experiencing the civil justice system before the implementation of JFA reforms. This will provide important baseline data for subsequent evaluation and impact analysis.

Inventory Approach: The most effective way to gather information from key stakeholders typically is through a standard questionnaire that is sent via survey or distributed to focus groups. In the process of completing the questionnaire, the JFA team can learn how individual stakeholders gain consumer insights, and the respondents themselves will learn about the many sources of data that can inform their work. Planners may find the Community Toolkit from University of Kansas[10] particularly helpful in defining the unfamiliar terms and approaches.

Key Elements:

- Strong feedback loops with the public, service providers and other community partners;

- User-focused quantitative and qualitative data measures identified and captured;

- Utilization of publicly available datasets from prominent government, non-profit, and commercial sources to better understand the population characteristics and vulnerabilities in the jurisdiction;

- Geospatial analysis; and

- Mechanisms for integrating user voice in strategic and operational access to justice decisions.

Rationale and Need: Focusing on user needs and experiences is central to the JFA strategic planning process. This component is designed to offer concrete tools for inventorying how a jurisdiction might collect, analyze, and use such data and reveal related insights to advance justice.

General Approaches: It is anticipated that this is an underdeveloped component in most jurisdictions; thus, the inventory and gap analysis focus on discovering what, if anything, stakeholders currently do in these areas. During the process of asking the questions, stakeholders also will receive ideas about how they might collect such data in the future.

---

[10] Please see https://ctb.ku.edu/en/assessing-community-needs-and-resources.

Insights into the public's experience can be gained through the following well-established mechanisms:

- User feedback surveys
- Comment boxes
- Participatory design processes
- Focus groups
- Observational studies
- Surveys
- Community Meetings
- Community Advisory Councils

Insights into the public's needs and characteristics can be gained through the following well-established mechanisms:

- Focus groups
- Participatory design
- Surveys conducted by your organization/agency
- Observational studies
- Public data sets for your geographic area, e.g., Census data
- Analysis of administrative data, e.g., court records
- Geospatial analysis

Utilizing court and community data to inform prioritization and allocation of resources, to frame research and evaluation, and to identify connections among legal needs and other social, economic, and healthcare needs is objective and powerful. Data sets worth consideration include the following:

- Court Administrative Data (state or local)
- Legal Services Administrative Data (state or local)
- NCSC's Court Statistics Project
- LSC Data, Fact Sheets and Charts
- LSC Civil Legal Aid Data
- Bureau of Justice Statistics
- America's Civil Courts: Whom Do We Serve
- Princeton's Eviction Lab
- The Justice Index
- American Community Survey
- Robert Wood Johnson's County Health Rankings
- CDC's Social Vulnerability Index
- Opportunity Insights
- Commercially available data sets

Additional Comments: The JFA framework calls for more than simply designing user-friendly systems; it also seeks to improve outcomes for users. This is an extraordinarily difficult area to make progress in because of the variability of each individual user's life and circumstances. However, the JFA Initiative can begin to build the muscle for each stakeholder to gather information about user outcomes through a variety of sources and techniques. This might include analysis of court records, phone surveys, or text-back surveys, or larger-scale efforts such as discrete randomized control trials or participation in a longitudinal study with professional researchers (to the extent feasible).

Once stakeholders begin to consistently collect user outcome data, they will be able to analyze it to better understand which interventions and activities are most helpful and why.

Jurisdiction Infrastructure

Description: This component prompts inventory of the existing legal and community providers that affect the civil access to justice system in your jurisdiction. State and local profiles of how the courts, legal aid and the bar are structured and interact will help all stakeholders better understand opportunities and limitations. Community assets and challenges—such as broadband capacity, courthouse locations compared with service provider locations, and available transportation options—are also important to inventory. As the inventory is developed, legal and community providers should also document identified potential innovations and reforms that would lead to a more efficient and meaningful infrastructure.

Inventory Approach: It is probably most efficient for the JFA project team to research the aspects of the jurisdiction infrastructure they consider most relevant in their jurisdiction, as well as survey the core stakeholders. In surveying courts, legal aid and the bar, a special request ought to be made to ask respondents to provide profiles of their institutions written in a way that is easily understandable to those unfamiliar with the legal system. These responses can then be used in communication resources developed by the JFA Initiative.

Key Elements:

- The infrastructure should include all civil access to justice stakeholders (traditional and non-traditional);

- The profiles should include state- and local-level information, where possible; and

- The project team should document current technological, social, economic and transportation infrastructure and identify issues for consideration in planning, e.g., rural areas with inadequate broadband to support video or consistent web-based services.

Rationale and need: Planners must be fully aware of the limitations in and capabilities of the existing infrastructure in order to develop a realistic SAP. For instance, a very restrictive definition of the practice of law in your jurisdiction may be an obstacle to non-lawyer engagement and the deployment of legal tech solutions. As these obstacles are identified during the inventory process, needed reforms can be documented and then prioritized.

General Approaches: Surveying stakeholders and researching data available through the American Community Survey and other urban planning resources are probably the most straightforward approaches to gathering this information. For each of the below sample questions, the responses can be used to help inform engagement with traditional and non-traditional stakeholders, and to identify institutional resources that might be impacting the access to justice in your area, as well as strategic choices about implementation, and, in some instances, content for your JFA website. Sample questions for stakeholders include:

1. **Court Structure**: Please describe in plain language how your courts are organized and how that organization impacts innovation and change. Be sure to address the administrative, judicial and clerk roles, and structure.

2. **Bar Structure**: Please describe in plain language how your Bar is organized and how that organization impacts innovation and change. Be sure to address whether it is mandatory or voluntary and describe generally the different roles state and local bars play in access to justice activities. Finally, include a summary of which regulatory aspects impact access to justice activities.

3. **Legal Aid Structure**: Please describe in plain language how the low-income legal aid/legal services programs are structured in your state, e.g., regional services, centralized services, case-type priorities, regulatory limitations, significant technology innovation projects, and strategies around partnerships. There are likely many reports and other documents detailing how legal aid works in your community. This question is not meant to duplicate those, but rather to give a very high-level structural profile to help new stakeholders understand the role of legal aid in the larger access to justice ecosystem. To that end, it might be valuable to list seminal reports and other materials in the response for further reading.

4. **Other Institutions**: Please describe in plain language whether there are additional non-profit or government bodies that help people address their civil legal needs. For instance, some jurisdictions have robust non-profit rental assistance projects that provide money to tenants to avoid evictions. Or perhaps law school or college clinics provide help.

Additional Comments: Documenting and distinguishing rural, suburban and urban infrastructures—especially with respect to internet access, internet speed, available public transportation services and community points of access—is necessary to create a strategic action plan that will be viable for the entire state.

Stakeholder Capacity and Governance of Traditional Stakeholders

Description: This component provides insights into the capacity and structure of all stakeholders engaging in the JFA process. Understanding more about the capacities and activities of stakeholders can inform what practical roles they can take in access to justice activities. For instance, courts cannot undertake substantive law reform, although community groups can. Likewise, LSC grantees cannot handle class actions, but private attorneys can. As a robust continuum of legal help develops under JFA, the role and capacity of each stakeholder within the continuum will become more clearly defined.

Inventory Approach: Survey each stakeholder.

Key Elements:

- Established forum and process for collaboration among stakeholder groups;

- Clear understanding of access to justice roles and responsibilities within and among stakeholder groups; and

- Dedicated attention to funding, resources and partnerships to support growing stakeholder and ecosystem capacity.

Rationale and Need: The Stakeholder Capacity and Governance component allows planners to collect essential profile and baseline data about key collaborating stakeholders, especially as it relates to funding strategies and current engagement in the civil justice system, while also identifying gaps and opportunities for growth.

General Approaches: Survey stakeholders using questions such as the following (questions with standardized answer options are provided in the questionnaire template):

1) What is your mission and how does it relate to access to justice?

2) What is your governance structure and how might that impact your involvement in activities promoting access to justice?

3) Which of the following activities can you engage in?

4) Would you need additional staff to engage in access to justice activities or does your current staff already do this work?

5) There are a number of policies, procedures and plans that impact the quality and effectiveness of access to justice work. Please select all that apply to your organization.

6) What funding streams support your organization? Please check which type of organization you are from, and then check all that apply.

7) What kind of organization or entities do you partner with?

Additional Comments: It is likely very helpful to return to this component bi-annually, especially with respect to funding and partnership questions. Over time, this component could grow into something that becomes a tool to assess the JFA network growth and impact.[11]

---

[11] See the JFA website for more resources on how strategies utilizing collective impact and network frameworks are central to sustainability.

Emerging Practices and Innovations

Description: This component asks the project team to mark the frontier of innovation today. It is an ever-developing and changing list and will differ depending on the jurisdiction and stakeholder. However, a JFA best practice is to be prepared to learn about the leading edge of change, especially with the massive transformation technology is causing in our society.

Inventory Approach: Conduct qualitative interviews with key informants in each area. For those elements of this component that provide direct services to the public, their deployment in the jurisdiction should also be evaluated around accessibility issues, i.e., language, disability, vulnerability, geography, transportation, diversity, equity and inclusion, and broadband.

Key Elements:

- Process simplification;

- Upstream interventions;

- Regulatory reform;

- Online Dispute Resolution (ODR);

- Legal portals;

- Artificial intelligence and machine learning;

- Data privacy and confidentiality;

- Electronic filing and online access to court records; and

- Cybersecurity.

Rationale and Need: While some of these elements are not specific activities that provide specific services to the public, they all capture a way of doing business that has the power to transform the justice system, for both bad and good. These areas often pit the interests of justice system institutions, for-profit businesses and Self Represented Litigants (SRLs) against one another. Leaders and planners must become conversant in these topics and have at least a sense of the implications they raise. One desired outcome of exploring these areas is that leaders increase their knowledge and understanding over time.

General Approaches: It is worth noting that the innovations around technology practices have well-developed communities and sophisticated champions with deep expertise and bountiful resources. However, simplification, upstream interventions, and regulatory reform are new and emerging practices with only a small group of justice system professionals who have become conversant in these ideas. It is advisable to find leaders in your jurisdiction who can become proficient in all of these elements.

Additional Comments: The significance of this component suggests that Access to Justice Commissions would be well-served to include these topics in their general education, and possibly establish a subcommittee to track this component with intention.

FOUNDATIONAL CAPACITIES COMPONENTS

- Judicial and Court Staff Education

- Community Integration and Prevention

Judicial & Court Staff Education

Description: This component focuses on the investment state and local courts make in educating judges and court staff about how to engage with SRLs ethically and effectively. For judges, education will naturally focus on the procedural and substantive framework that governs their work, while court staff education can be framed in terms of offering the highest level of customer service possible as neutral and impartial public servants.

Inventory Approach: This component can be inventoried by customizing the standard assessment. Respondents primarily will be those responsible for judicial education at the state and county levels, court clerks, and self-help center managers. It may prove easiest to conduct focus groups or interviews with key respondents to allow for more interactive conversation than to simply send a survey that may create more questions than answers.

Key Elements: Education programs should follow adult learning principles, be dynamic and interactive, and address the following topics:[12]

- Engagement with SRLs;

- Availability of court-based SRL resources, community resources and referral systems;

- Variability of approaches depending on case type;

- Cultivating access to justice leadership within the bench and leadership related to change on the bench;

- The role of judges and court staff in process simplification initiatives;

- The distinction between legal information and legal advice;

- Procedural fairness;

- Language access requirements and procedures;

- Disability access requirements and procedures; and

- Diversity, equity and inclusion.

---

[12] The purpose of this component, like the others, is to assess what is currently in place. Assessing the quality of what is in place is an aspect of the process, and can be informed by whether the key elements are present and by looking to the judicial education resources found on the JFA and SRLN websites.

Rationale and need. A judiciary willing to lead and inspire the courts, the access to justice constituencies and partners is critical to achieving meaningful access to justice for all. Equally important is an access-friendly courtroom environment that is presided over by a judge who knows how to handle every kind of case, from the heavily-lawyered, to the imbalanced where one side is represented and one is unrepresented, to the entirely self-represented. Court staff provide another critical support role as they are often "on the front lines" interacting with litigants. Meaningful engagement can save resources in the system as a whole. No amount of supportive access services will produce a system that actually provides access to justice if judges and court staff are not on board. Educational programs are a highly cost-effective way of supporting judges and court staff as they take on these important roles.

General Approaches. Most states have already found it very helpful to integrate the access and SRL perspectives into judicial and court staff education programs, both through initial new judge/new court staff trainings and through continuing education programming. Educational programs are most effective when they are co-taught by respected local leaders and state or national experts; when they incorporate SRL voice and experience; when they include demonstrations in person or by video; when the participant's role play the suggested techniques; and when participants get an opportunity to view video of, and be critiqued upon, their role plays.

Additional Comments. Extensive customizable materials have been developed for the design of such educational programs (including demonstration videos). Model Code Comment language, including technique listings, is also available for judges. It is important that the approaches promoted by judicial and staff education should be understood as proper, rather than as "leaning over the bench." Regular surveying of court users to learn how they experience the court can produce useful feedback for judges and court staff. Please see the JFA and SRLN websites for additional information and resources about judicial and court staff education.

Community Integration & Prevention

Description: This component contemplates integrating access to the justice system through community stakeholders and trusted intermediaries and increasing the effectiveness of their responses to users' legal issues.

Inventory Approach: This component can be inventoried by customizing the standard assessment. Respondents will include both traditional and non-traditional stakeholders. Interviews, focus groups or convenings may be a more efficient way to collect the information.

Key Elements:

- There should be a robust information exchange, including cross-training;

- Community resources should be integrated into provider services;

- Information on user experience should be collected and shared across providers;

- Collaborative partnerships should be formed involving both legal and social services providers;

- Community outreach should be enabled by a robust communication strategy;

- Cross-training among organizations should take place;

- Ensure early issue identification and proactive referrals in a range of areas and between partners; and

- Educate community stakeholders and litigants about dispute resolution without legal action.

Rationale and need. Access to justice is not court-centric. Adopting a user's point of view and addressing civil legal issues *before* they worsen can save time, money, and avoid what can be a burdensome court process. Sandefur's research shows that most civil legal issues never make it to the court system. Instead, those with legal issues often first interact with trusted intermediaries such as churches, social organizations, and health care providers. Maintaining an open gateway between these stakeholders and legal information/services is critical to reaching individuals and achieving meaningful access to justice. This is true whether an issue is resolved within or outside the court system.

General Approaches. Facilitating relationships with community stakeholders and integrating them into the access to justice response can dramatically impact the scope of outreach for legal information and services. It also furthers the "no wrong door" entry concept by facilitating triage to get users to the right resources/services at the right time. These concepts are most often seen in collaborative partnerships where there is a robust triage and referral system among partners. Community organizations may also perform "legal checkups" and provide legal services to head off any legal issues clients may have. Even when legal issues do come to the courts, programs can identify and troubleshoot other issues at the periphery of the case.

Additional Comments. Integrating community stakeholders through referrals does not mean driving everyone to court. Instead, it is about getting individuals the help they need, when they need it, and in a format they can use. Prevention and community integration can be beneficial for both traditional and non-traditional stakeholders. And this is a two-way street. Through training and education, those who interact with individuals on the legal side might be more capable of assessing issues and making referrals to community stakeholders, increasing the reach and effectiveness of each community stakeholder.

FOUNDATIONAL SERVICES COMPONENTS

- Self-Help Centers

- Plain Language Forms

- Triage and Referral

- Courtroom Assistance Services

- Compliance Assistance

Self-Help Centers

Description: This component focuses on the delivery of both assisted and unassisted legal self-help to the public. These self-help services can be provided in-person or remotely; however, local access to a physical place to go for help is an important component for successful self-help. Remote self-help centers can partner with non-legal community partners to provide local access points.

Inventory Approach: This component can be inventoried by customizing the standard assessment. Consideration of the full range of accessibility issues (including language, disability, vulnerability, geographic, cultural, technological), is especially important when inventorying self-help in a jurisdiction. A gap in access because of any of these factors has the effect of outright exclusion to those entitled to services. In order to fully document gaps, it is strongly recommended that SRLs and providers be surveyed about specific services in addition to conducting focus groups and interviews. It is also strongly encouraged to inventory self-help services by case type as it is not unusual for a jurisdiction to have well-developed services in some case types but not others.

Key Elements:

- Provide concierge/non-lawyer navigator services;

- All information should be provided in plain language;

- Prepare instructions and flow charts on legal processes, applicable law and how to prepare for and present a case;

- Provide links to information and forms on other specific subject matters, including out-of-court resolution;

- Ensure materials are optimized for mobile viewing;

- Provide information on which courts hear what kinds of cases as well as court access (e.g., transportation logistics and parking);

- Ensure there are staffed self-help centers in or near the courthouse or otherwise accessible in the community; and

- Ensure there are multiple channels of providing information (e.g., one-on-one, workshops, online).

Rationale and need: It is well understood that the majority of people in the civil courts are self-represented. Equal justice under law entitles the public to an easily identifiable place to go for government-sponsored, free, trusted legal help. Providing access to justice ought to be a priority of the court, and self-help services seen as a core function of the courts.[13] Because the American justice system is deeply fragmented, with practices varying greatly among counties (and indeed among courtrooms within a single county), it is incumbent on courts and civil legal aid to provide access to easy-to-understand information about local procedural requirements and the elements of the substantive requirements. Ideally, in the process of explaining the system, institutional actors (such as the courts, legal aid and the bar) will band together to simplify and standardize processes and law to reduce the burden on themselves and the public. Demystifying the system and explaining procedural and substantive requirements to SRLs in plain language is critical to achieving justice. The better the job done on this, the more successful the self-represented litigant will be and the less strain it will put on both the courts and the public.

General Approaches: Staffed self-help centers with the ability to provide one-on-one information, seminars on the process, and other tools and guidance ought to be the goal of each jurisdiction. Numerous resources are available for how to design and launch centers in a sustainable way.[14] It is a best practice to align court and legal aid resources and for providers to offer a mix of assisted and unassisted self-help that includes automated and non-automated forms, instructions, video and guided pathways. All self-help resources must be designed to address the full range of accessibility issues.[15]

Additional Comments. Approximately a dozen states have nearly twenty years of experience providing assistance through court and community-based self-help. There are well-developed resources to guide states in best practices to create a comprehensive self-help infrastructure, as well as techniques for optimizing in-person and remote services, self-evaluation and sustainability strategies. Please see the SRLN and JFA websites for additional resources.

Plain Language Forms

Description: This component focuses on the implementation and maintenance of standardized, plain language forms that are available both in printed and automated formats. It is worth noting that the process around the development of plain language forms often gives rise to opportunities for procedural simplification.

Inventory Approach: It is recommended that this component be inventoried in the same manner as self-help centers by customizing the standard assessment to suit the jurisdiction. Consideration of the full range of accessibility issues (e.g., language, disability, geography and technology capacity), is also important when inventorying plain language forms in a jurisdiction. A gap in access has the effect of outright exclusion to those entitled to services. Respondents should not be limited to those who are responsible for creating plain language forms, but instead also should include those responsible for self-help at the state and county levels, including civil legal aid directors, pro bono coordinators, court clerks and court self-help center managers. Plain language forms are a fundamental and foundational resource for both traditional and non-traditional stakeholders to serve SRLs. It is strongly encouraged to inventory plain language forms by case type, as it is not at all unusual for a jurisdiction to have well-developed services in some case types, but not others.

---

[13] See for example Rule 10.960 of the California Rules of Court. https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_960

[14] See SRLN Self-Help Center Topics at https://www.srln.org/taxonomy/term/68, and for a comprehensive resource from one of America's most mature self-help jurisdictions, see the California Judicial Branch's Equal Access website at https://www.courts.ca.gov/partners/equalaccess.htm. The Legal Services Corporation has also created a national network of self-help webpages connected to their grantee offices through the LawHelp network at https://www.lawhelp.org/find-help/.

[15] The consideration of the full range of accessibility issues, e.g., language, disability, vulnerability, geography, diversity, equity and inclusion, remote access and technology capacity, and more, is especially important when inventorying self-help in a jurisdiction. A gap in access has the effect of outright exclusion to those entitled to services. Please see the Inventory Assessment section for more details.

Key Elements:

- Create a user-centered design that is grounded in process-mapping by case type;

- Ensure there are embedded plain language instructions;

- Ensure there is universal implementation and adoption of standardized plain language forms;

- Provide field testing for comprehensibility and usability;

- Ensure integration and alignment of data elements and process between forms, court and legal aid case management systems, and e-filing systems;

- Create protocols for ongoing assessment and updating of forms and related materials;

- Provide a statewide standardized plain language glossary of legal terms; and

- Provide both printed and automated versions.

Rationale and need. Twenty years of experience have taught us that it is very difficult to deploy any innovation for court users without getting standardized forms in place. It has also taught us that the language and design of the forms are critical. Without such forms, self-help centers are only marginally useful, and judges cannot know what questions to ask. Standardized forms also create efficiencies for private and pro bono attorneys, allowing them to assist more easily, reduce their overhead and improve their profit margins.

General Approaches. There are several approaches to forms: 1) printed forms; 2) pdf-type forms that allow the user to "fill in the blanks" online prior to printing; 3) intelligent Turbo-Tax-type programs with sophisticated branching and time-saving logic and calculations built-in when needed; and 4) programs that are designed to directly gather information from Turbo-Tax-Type programs for the court's information system. The adoption of plain language typically requires retaining a plain language expert and empowering self-help and other court staff to serve as ongoing field testers to provide recommendations for improvements based on user performance.

Additional Comments. If there is not an existing authority with the power to promulgate standardized forms and require courts throughout the state to accept them, the process of establishing it, with all its political pitfalls, should be commenced right away. Plain language usage is important for all system-user interactions.

Providing forms (and, for that matter, court orders) in plain English is an ongoing challenge. However, there are many resources to draw on when transitioning to the implementation phase, as this is a well-developed and mature field.[16] It is important to keep in mind that the forms should be understandable for the persons completing them *and* also for other parties in the case (particularly self-represented defendants).[17] Assigning the responsibility for forms development to self-help staff, or including their expertise in the development process, has proved to be an effective way to enhance the usability of court forms.

---

[16] See at *SRLN Brief: Plain Language Resources for 100% Access (SRLN 2015)* https://www.srln.org/node/150 and other resources in SRLN's plain language collection at https://www.srln.org/taxonomy/term/200.

[17] Unfortunately, lawyers and judges will often insist that legal terms, especially those contained in statutes, be used in forms even though the result is decreased comprehension for system users. This is a self-defeating position to take because if the public cannot use and understand the form, the court will not receive the information necessary to issue a decision on the merits, nor will the public understand how to abide by the court's orders.

Triage & Referral

Description: This component focuses on how providers (including courts, civil legal aid and pro bono providers and trusted intermediaries) assess and sort inquiries to best allocate resources and get people the legal help they need, when they need it and in a format they can use. By paying close attention to the triage and referral systems in place both within and among providers, it is possible to create the "no wrong door" entry to the legal system. A robust and continued triage assesses what services each individual and situation needs, and is followed by appropriate, connected and verified referrals.

Key Elements:

- Create intake systems that contemplate assessment, sorting and referral needs;

- Prepare identified, consistent and transparent triage and referral protocols and practices;

- Ensure triage is supported by automation (i.e., portal);

- Make sure all stakeholders, including non-traditional ones, are aware of referral information;

- Ensure effective referrals (i.e., entity can take the matter without time, income or subject-matter restrictions precluding service); and

- Create central court and legal aid telephone hotlines and e-mail or live chat services, as well as market-based equivalents to diagnose legal issues/potential solutions and resolve less complex issues at an early stage.

Inventory Approach: It is recommended to follow the same inventory approach as the other components in this cluster.

Rationale and need. This component is fundamental to the "no wrong door" approach; by embracing the idea of multiple on-ramps through which people with legal problems access the system, providers can create a coherent and efficient justice system. Additionally, without systematically assessing, sorting and referring requests from the public, providers cannot distinguish the frequent, simplistic tasks that are ripe for automated and unassisted self-help from the more complex tasks that require additional human support. Triage and referral systems already exist in many self-help centers and community-based legal aid programs; they can be expanded through integration with community partners and other non-traditional stakeholders. This component helps guide prioritization by going beyond simply identifying how many people need help to gaining meaningful information about what help they need.

General Approaches. Unassisted web-based resources can provide a universal entryway and can provide initial education, decision support tools and "sorting" services. Increasingly many states are experimenting with guided pathways and automated decision trees within online portals to help users navigate further without human assistance. Ultimately, however, a robust access to justice ecosystem will connect hotlines, chats, on-line support and in-person navigator services to unassisted online resources to enhance the diagnoses of legal problems and potential solutions, as well as further linkages to brief advice or Limited Scope Representation (LSR).

Additional Comments. There is agreement that triage protocol logic and branching will vary greatly by case type. However, key factors to be considered in the triage process, such as user capacity and factual complexity, are the same across case

type. Any entry point should be designed both with user input and with input from experienced advocates and should include a function to achieve more individualized assessment, if necessary. Triage and referral systems should be designed to avoid referrals to providers who cannot serve the individual being referred because of other commitments or restrictions on their use of funds.

Courtroom Assistance Services

Description: This component involves the assistance given in a courtroom at the time of a proceeding. These services can be provided by almost any of the many trusted justice system professionals, including self-help center staff, court clerks or case managers, judicial staff, non-attorney navigators, community volunteers, mediators, executive agency staff or pro bono attorneys.

Inventory Approach: It is recommended to follow the same inventory approach as the other components in this cluster.

Key Elements:

- Adopt attorney-for-the-day services;

- Ensure there are in-person assistants, facilitators or navigators to help with the preparation of necessary documentation or information;

- Develop technology tools to support the work of assistants, such as automated forms and triage tools;

- Develop technology tools for the judges to prepare and explain final orders in the courtroom;

- Provide information and resources to explain next steps in the case and answer questions about orders entered; and

- Ensure there are referrals to additional help or services, including limited-scope legal services and social services.

Rationale and need. Much of the effort around self-help has been to provide information and forms to get people into court, and this is a good thing. However, assistance in the courtroom to keep things moving and to ensure the judge gets the information needed can have a significant impact on judicial efficiency, impressions of procedural fairness, quality of outcomes and subsequent legal entanglement for SRLs.

General Approaches. Many courts and civil legal aid programs have produced instructional videos available online to acquaint SRLs with what to expect when they appear in court. Some courts are providing personal assistance for SRLs

through navigator projects,[18] and other courts are creating SRL calendars that are reinforced with a range of helpers to expedite case disposition.[19]

Additional Comments. Every SRL who cannot resolve a problem outside of court will come before a judge in the courtroom, and so courtroom assistance should start with judicial education on how to deal with SRLs and on the difference between "neutrality" and "passivity." It is more effective to train one judge on how to assist a self-represented litigant than to teach hundreds of SRLs how to be lawyers.

Compliance Assistance

Description: This component addresses strategies for increasing comprehension of and compliance with legal processes and court orders. In addition, it is intended to draw attention to the importance of having adequate resources and information about post-judgment matters, such as collection, claims of exemption, ability to pay determinations, custody and support modifications, no-contact-order violations, appellate deadlines, and the like.

Inventory Approach: It is recommended to follow the same inventory approach as the other components in this cluster.

Key Elements:

- Make written orders and compliance information available immediately after hearings;

- Ensure plain language is used in orders and judgments;

- Make translation of plain language orders and judgments available;

- Explanations should be provided by judges, court staff or other professional helpers;

- Send reminders prior to deadlines;

- Provide online tools to assist with compliance and enforcement;

- Provide FAQs on post-judgment issues; and

- Collaborate with stakeholders and users to identify common problems and ways to address them.

Rationale and need. A lack of comprehension about legal processes can lead to non-compliance and costly continuances for users and courts during the process and even more costly enforcement actions after a judgment has been rendered.

---

[18] See *Report: Nonlawyer Navigators in State Courts: An Emerging Consensus (McClymont 2019)* available at https://www.srln.org/node/1403/report-nonlawyer-navigators-state-courts-emerging-consensus-mcclymont-2019.

[19] See summary and resources about Alaska's Early Resolution Program at https://www.srln.org/node/461/alaska-court-uses-triage-and-targeted-pro-bono-unbundled-legal-advice-settle-80-contested

Lack of knowledge about post-judgment options and issues also leads to SRLs not being able to fully exercise their legal rights. This component directly addresses strategies for increasing comprehension of and compliance with legal processes and court orders, and how to handle post-judgment considerations.

General Approaches. This component focuses on providing both timely information and explanations of information. This can be done by a variety of court stakeholders (e.g., judges, self-help centers, clerks and navigators) and through various media including proactive court text or e-mail messages about optional next steps and upcoming events. Common problems with enforcement can be identified and solutions built into standard orders.

Additional Comments. Although seemingly court-focused, the compliance assistance component is also relevant in the preventative and legal aid contexts. Compliance can often eliminate the need for legal issues to escalate to the courts in the first instance, or to rebound after apparent resolution.

RESOLUTION STRATEGIES COMPONENTS

- Alternative Dispute Resolution

- Navigator (non-lawyer) Services

- Limited Scope Representation (LSR)

- Full Representation

Alternative Dispute Resolution

Description: This component focuses on Alternative Dispute Resolution (ADR) and how it is integrated into the JFA case types. ADR encompasses many different activities, including mediation, arbitration, neutral evaluation and settlement conferences.[20] It can be mandatory or voluntary. Within the context of the JFA initiative, the goal is not to deploy as much ADR as possible, but rather to examine the current use of ADR and develop safe, user-friendly off-ramps for ADR when it may be helpful in case resolution.

Inventory Approach: Like other direct service components, this component can be inventoried by customizing the standard assessment. Consideration of the full range of accessibility issues (e.g., language, disability, geography, technology capacity) is, as always, essential. Respondents should include ADR providers, clients, judges and court staff, and community partners.

---

[20] For examples of how these terms are defined within the SRL context, see California Courts Self-Help webpage on Resolving Your Dispute Out of Court at https://www.courts.ca.gov/selfhelp-adr.htm?rdeLocaleAttr=en.

Key Elements:

- Provide plain language information by case type about ADR modes and processes;

- Provide information about the impact of power imbalances on the success of resolutions through ADR and strategies to address these concerns;

- Make available clear codes of ethics for the non-judicial neutrals;

- Ensure access to ADR modes provided within procedural context, possibly through self-help; and

- Ensure ethically appropriate collaborations between access to justice stakeholders and ADR providers.

Rationale and need. In disputes between two individuals, each individual is often best equipped to decide on the trade-offs they are willing to make. ADR gives individuals the opportunity to maintain more control of the terms incorporated into the resolution of their dispute. By contrast, submitting a dispute to the court for resolution often results in terms with which neither party is satisfied. ADR can also expedite the time to resolution because the parties control the timeline rather than the court. However, when there is a power imbalance between the parties—such as when there is domestic violence or one side is represented by an attorney and the other side is not—ADR can result in unjust outcomes that are likely to serve as an irritant to further legal conflict and issues with compliance.

General Approaches. This component benefits from intentional integration with the triage and referral component to ensure users are directed to the appropriate process. These programs can also impact issue prevention (e.g., use of community mediation programs before formal legal actions are taken to resolve dispute/avoid filing lawsuit). Providing information that demystifies ADR is another approach to make it understandable and palatable to parties. However, careful concern must be taken when deploying ADR.[21]

Additional Comments. ADR in the types of cases relevant to the JFA Initiative is distinctly different from ADR in commercial transactions between two sophisticated, represented parties who are operating at arm's length. In many high-volume SRL case types, thoughtful attention to party dynamics or power imbalances between individuals, family members, debtors and creditors, landlords and tenants, or between individuals and commercial entities is essential to design appropriate service frameworks. On a positive note, because ADR is often facilitated by non-attorney neutrals, exploring ADR options within the JFA context brings in a wide range of voices from the community who have been trained in conflict resolution skills. As non-traditional stakeholders, they will be able to share valuable insights about how the current systems do or do not work for the public. Finally, while ADR does not typically include restorative justice strategies, these have been found to be incredibly effective and are well-received, so it may be worthwhile to explore them in the JFA process.[22]

---

[21] See *Family Court ADR Program Best Practices (Maryland Courts 2004)* at https://www.srln.org/node/1419/guide-family-court-adr-program-best-practices-marland-courts-2004.

[22] See for example *A Restorative Adjudication Process Shows Promise (Teryl 2015)* at https://www.srln.org/node/925/article-restorative-adjudication-process-shows-promise-teryl-2015 about an initiative by the Nova Scotia Human Rights Commission.

Navigator (non-lawyer) services

Description: This component assesses the development of non-lawyer navigator services, as well as the formalization of new tiers of legal providers.[23]

Inventory Approach: Like other direct service components, this component can be inventoried by customizing the standard assessment. Consideration of the full range of accessibility issues (e.g., language, disability, geography, technology capacity) is, as always, essential. Respondents should include navigators, clients, judges and court staff, and community partners.

Key Elements:

- Navigational direction/information;

- Provide referrals;

- Assist litigants with legal and procedural information;

- Assist litigants in selecting and filling out forms;

- Court accompaniment, especially in complying with legal processes for case actions with large numbers of SRLs; and

- Feedback for service providers.

Rationale and need. Non-lawyer navigators are central to delivering assisted self-help, a high-volume aspect of the JFA continuum of services. Much as healthcare created new roles to supplement doctors and nurses in responsible and cost-effective ways, the justice system is designing new roles that provide valuable niche services in a more cost-effective manner. Current examples include court navigators, document preparers and legal technicians or practitioner paralegals. The guiding rationale is to provide focused legal assistance in areas known to cause barriers to access and to do so in ways that are either free or more affordable to the public.

General Approaches. To date, all of these new roles have been sponsored and implemented directly or indirectly by the courts. The scope of these roles is usually limited to information and advice about use of forms, completion of forms, and emotional and practical support in navigating and conforming with required legal processes. Document preparers in well-defined areas like real estate transactions have a long and successful history. Most of the other roles are much newer and still in pilot stages where we have much to learn about program design and effectiveness. Still, without such roles it will be very difficult to reduce the documented unmet legal need when process barriers hamper progress.

Additional Comments. In June of 2019, the first comprehensive study undertaken to capture the current status of navigators in the courts was published. It provides an excellent framework for assessing and developing navigator projects. Please see Nonlawyer Navigators in State Courts: An Emerging Consensus at https://www.srln.org/node/1403/report-nonlawyer-navigators-state-courts-emerging-consensus-mcclymont-2019 for the full report.

---

[23] See for example Limited License Legal Technicians in Washington or Licensed Paralegal Practitioners in Utah.

Limited Scope Representation (LSR)

Description: This component contemplates achieving sufficient levels of limited scope representation (also called unbundled or discrete task legal assistance) deployed at strategic points for the highest possible impact for users. Nearly every jurisdiction has amended its rules of ethics and procedure to allow for LSR in the high volume, high SRL case types. However, systematic adoption has been slow and inconsistent, and has rarely focused on building self-sustaining pipelines. See the American Bar Association's Unbundled Resource Center at https://www.americanbar.org/groups/delivery_legal_services/resources/ for comprehensive resources and guidance.

Inventory Approach: Like other direct service components, this component can be inventoried by customizing the standard assessment. Consideration of the full range of accessibility issues (e.g., language, disability, geography, technology capacity) is, as always, essential. Respondents should include LSR attorneys, clients, judges and court staff and community partners.

Key Elements:

- Adoption of rules that support LSR;

- Full acceptance by the judiciary of the practice, and court rules and procedures to ease attorney entry and withdrawal;

- Education and advertising to recruit lawyers;

- Training and resources to support participating lawyers, including templates for representation agreements and contemporaneous record keeping;

- Community of practice for LSR attorneys to share best practices and problem-solve;

- Screening, triage and referral pipelines from self-help centers, legal aid organizations, and community partners to LSR attorneys to connect SRLs with LSR attorneys; and

- Online education and advertising connected to lawyer referral services.

Rationale and Need. By fostering a culture that supports LSR, an increasing number of lawyers can gain experience offering discrete task representation (also referred to as limited scope or unbundled law practice) as part of their practice model. The availability of lawyers to perform discrete task representation can significantly increase the capacity of an access to justice system to effectively meet user need. LSR attorneys can: provide diagnostic services, counsel and advice, legal research, document drafting, and representation in negotiations or depositions; assist with evidence gathering; and provide representation in discrete courtroom appearances. Discrete task representation leaves the client with responsibility for moving the case forward, relying on the lawyer to help with specific issues or tasks at the client's request. When integrated rationally with self-help tools, discrete task representation can provide an ideal blend of services that marshal scarce resources to achieve more successful outcomes for clients.

General Approaches. Triage and screening systems should incorporate discrete task representation as the preferred referral option for persons with complex cases. Unbundled services from the private bar should always be presented as an available option for persons using a triaging process or accessing online legal information and forms. Self-help centers can produce plain language materials that explain the value of LSR services whenever the complexity of the matter warrants such help.

Under ABA Model Rules, lawyers providing unbundled services in a court or non-profit setting are relieved of the obligation to perform conflicts checks. Court or legal-service based clinics using pro bono lawyers can supplement court-based self-help services (which are constrained to offering only legal information) by providing an opportunity for SRLs to obtain free brief legal advice. These are attractive opportunities for lawyers seeking to meet their pro bono obligation without assuming onerous ongoing representation responsibilities.

Additional comments. Effective adoption of LSR into the access to justice environment requires the involvement of the organized bar to create and maintain a separate list of lawyers willing to provide unbundled services, or a section of its lawyer referral service dedicated to referrals for this form of representation.

Full Representation

Description: This component addresses how full representation fits into the JFA access to justice ecosystem. As is now well understood, tens of millions of people face an overwhelming number of civil legal problems annually,[24] and for the most part they resolve these issues without the help of an attorney. Under these conditions, full representation must be reserved for people with circumstances that are so complex, or for which a negative outcome is so devastating, that only full representation is just.

Inventory Approach: Like other direct service components, this component can be inventoried by customizing the standard assessment. Consideration of the full range of accessibility issues (e.g., language, disability, geography, technology capacity and more) is essential. Respondents should include attorneys, clients, judges and court staff, and community partners.

Key Elements:

- Assessment of existing service capacity in the state, factoring in geographic differences;

- Identification of effective pro bono, civil legal aid, and market-based delivery strategies with potential for replication/scaling;

- Training and mentoring pro bono volunteers, both on substantive issues and on how to work with low-income clients;

- Building triage and referral systems to identify when full representation is needed or required and ensuring traditional and non-traditional stakeholders know how to make referrals for full representation;

---

[24] See Sandefur at http://www.americanbarfoundation.org/uploads/cms/documents/sandefur_-_civil_legal_needs_and_public_legal_understanding_handout.pdf.

- Advancing right-to-counsel initiatives, coupled with self-help, in cases involving basic human needs;

- Training and assistance with implementation of best practices for improving internal office automation and efficiencies, as well as client and court-facing interactions; and

- Incorporation of litigation strategies that have the potential to impact many people and decrease the need for full representation in the future.

Rationale and need. Even with the most efficient triage and self-help systems in place, there will be many people who need full-scale representation in order to navigate the legal system and resolve their problems. This may be the case where a legal issue is particularly complex, where the stakes are particularly high (such as when domestic violence is present or where a person is at risk of becoming homeless), or where mental health, age, learning disabilities or other capacity issues impede the person's ability to advocate for themselves.

General Approaches. Planning should include some thought about how, through improved triage and screening, to flag the most urgent or critical cases for full representation so that those providing full representation are using their limited resources most efficiently. Planning also should include consideration of impact, for instance whether prioritizing certain case types or appellate projects may ultimately create systemic efficiencies. While both low-income and moderate-income people need full representation, the assessment of current capacity, strategies for expansion, and areas of potential improvement are significantly different for each group of people. States will need to take that into account and incorporate both free legal services for low-income individuals and affordable market-based models for moderate-income people into their planning.

Additional Comments: After judges, full-representation attorneys are the scarcest resource in the civil justice system. It is therefore important not only to focus on improving and streamlining how clients are matched with lawyers, but also to support lawyers in improving their internal business practices, with a special focus on practice management and technology adoption. The goal here is to automate as many repetitive tasks as possible so as to reserve attorney time for those activities that require their unique skills in analysis and judgment. Utilization of self-help resources, paralegals, navigators and community partners will reduce the amount of time spent on tasks that do not require a law degree. According to market research done by Clio, a legal practice management and client intake software company, the average lawyer spends only 2.5 hours a day on billable work; arguably this number could be improved with better utilization of the assets created in a JFA ecosystem.[25]

---

[25] See Clio 2019 Trends Report at https://www.clio.com/resources/legal-trends/2019-report/read-online/?cta=masthead-primary.
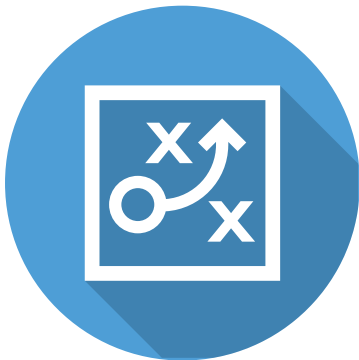
SECTION III

The Justice for All
Strategic Planning Guide

OUTLINE OF KEY STEPS IN THE
JUSTICE FOR ALL APPROACH AND PLANNING PROCESS

The JFA approach and planning process can be broken down into four phases, which are designed to accomplish many important long-term gains for the civil justice system:

- Develop sustainable leadership and long-term access to justice capacity;
- Help leaders and decision makers identify service gaps and prioritize activities;
- Establish a systematic approach to measure, manage, and align key components that, taken together, form the justice ecosystem;
- Expand and diversify the coalition of community partners working to improve justice; and
- Create a permanent and sustainable framework for advancing justice.

The following offers an overview of the four phases that make up the Justice for All (JFA) work.

Project and Long-Term Sustainability Planning

1. Review the materials and assemble leadership and planning teams.
2. Identify the consultant and/or project manager.
3. Familiarize yourself with the inventory components and collection strategies.
4. Meet with the planning and leadership teams to define the project plan, discuss the application of the component structure in the jurisdiction, and begin testing the data collection tools for the inventory.
5. Commit to establishing guiding principles and prioritizing communications, evaluation and sustainability.

Inventory

1. Informed by feedback from your project and leadership teams, develop an inventory assessment strategy that seems feasible for your jurisdiction.
2. Prepare for and convene diverse stakeholder meetings.
3. With feedback from the stakeholder meetings, decide how you will proceed with the inventory, distributing data collection tools, and conducting further focus groups and surveys (as appropriate).
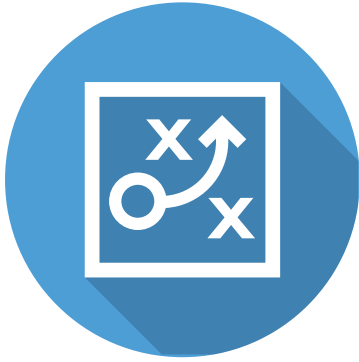
Analysis

1. Compile inventory responses and analyze the results to identify broad gaps in service.
2. Explore more nuanced gap analyses; for instance, analyze needs by case type, region and demographics.
3. Develop initial prioritization of principles and factors, including the identification of a handful of potential implementation options.

Memorializing the Strategic Plan

1. Convene another stakeholder meeting to share preliminary gap analysis results and solicit input on case type realities, prioritization factors, overarching JFA principles for the community and implementation project ideas.
2. Draft the Strategic Action Plan (SAP and set timelines for JFA implementation efforts.
3. Establish permanent JFA Sustainability Team and staff to oversee implementation pilots and ongoing JFA work.
4. Conduct evaluation as to whether the outcomes of initial implementation pilots were successfully and identify a timetable for completing the next inventory.

Phase 1: Project and Long-Term Sustainability Planning

Review the Materials and Assemble the Team

The JFA process encompasses **two** distinct teams:

- ⬜ (1) *Project Team*—this is the small team of people (including consultants and staff) who will lead the initial strategic planning effort, including stakeholder convening, inventory and the drafting of the SAP; and
- ⬜ (2) *Sustainability Team* -- this is the permanent, core group of leaders who must oversee the implementation efforts for future growth and improvement. The development of this team will naturally happen over the course of the project; but to ensure success, there must be a specific commitment towards sustainability from the start.

A hallmark of the JFA process is involving a diverse group of stakeholders together. From the start, leaders should assemble teams made up of *both* traditional stakeholders representing the legal aid bar, the private bar, the courts and access to justice commissions *and* non-traditional justice stakeholders including trusted community partners, human service providers, libraries and medical providers.[26] This progression should be expected to develop over the course of the SAP process.

Previous JFA cohorts have identified the importance of identifying a mix of people: some excellent administrators who understand deeply how the institutional players function, and others who can be influential champions and are action-oriented, open-minded, creative and pragmatic problem solvers. Perhaps the most important criteria for a leadership position are the ability to learn and a willingness to try doing things differently. The JFA approach is, by definition, a new one, and it requires change. Ultimately, sustainable adoption will require a sophisticated understanding of change management.

It is also worth noting that working through the inventory assessment might also highlight "holes" in the makeup of the planning team membership. For example, it could become apparent that certain community stakeholders should be added after assessing various components, including Community Education and Outreach, Community Partners and Access Points and Referral Systems for Legal and Non-Legal Help Components.

This is a challenging process and it may not be possible to create a workable planning and decision-making structure that includes representatives of all stakeholders, end users and trusted intermediaries. Creative use of adjunct advisory groups and subcommittees can be employed to supplement the core decision-making group to alleviate this issue.

---

[26] See the JFA website for more about the various non-traditional stakeholders identified in the JFA process.

Identify Consultant or Project Manager

Every actor in the civil justice system is underfunded and overtasked. The JFA approach is designed to create significant, lasting change and realignment of the civil justice ecosystem. It is totally understandable that change might be resisted simply because people or organizations do not have the time to make changes and to learn to do things differently.

This is an ambitious project. It is essential to ensure that the consultant and project manager(s) have the adequate support to complete this work fully. The experience of earlier JFA cohorts shows that the time required to manage this effort far exceeds initial expectations. Advancing from planning to implementation requires a long-term commitment to staffing. This is so important that it bears repeating: if you plan to use in-house staff as a project manager, sufficient time must be allocated to ensure success.

In addition, because so much of the project is about obtaining information from institutional actors — courts, legal aid, the private bar, and community partners — it is essential that these partners identify and commit to a specific individual as the active liaison to the consultant/project manager.

Familiarize Yourself with Inventory Components

Section II of this document reviews in depth the cluster and component structure that will be inventoried. Designed to give states the ability to capture — in concrete terms — the many activities and services necessary to create the civil justice ecosystem, the components can be used to develop a current profile and reveal gaps in the status quo. Section II also offers a variety of techniques to perform the inventory of these components and it provides a substantive, detailed description and discussion of the components.

Each component includes a variety of subparts (such as available providers, jurisdiction, case volume, case type or user's needs).

Define and Research

Once the planning and leadership teams are in place, it is time to define the project plan, discuss how the component structure will be applied in the jurisdiction and begin testing the data collection tools for the inventory.

Project Plan

In a project of this magnitude and complexity — one that involves distributed team members and reliance on staff from multiple organizations and providers — project management techniques designed to increase the odds of collaborative success are highly recommended.

One technique that can be very helpful is known as **RACI**, which stands for Responsible/Accountable/Consulted/Informed. The RACI matrix has been adopted by many organizations to match participatory roles with project deliverables. It can be an effective way for stakeholders to understand their position within the larger whole and the responsibilities they and other project members have accepted. Resources and examples of how to use the RACI matrix are readily available on the Internet and in many project management materials.

Exploring the Component Structure

Ideally, the permanent JFA Sustainability Team will — as a result of the inventory — develop a deep understanding of the components and the resources that can strengthen the team. At the outset, it is not unreasonable to find that there is

no one person in the jurisdiction that has a "big picture" view of the local justice ecosystem. Therefore, as a preliminary planning matter, it is important to invest time in developing strategies on how you will talk about these components with traditional and non-traditional stakeholders. Both the Project and Sustainability teams are urged to take the time to thoroughly understand the inventory components and develop communications tools — including talking points — that will help in the initial education of colleagues about the JFA approach and, secondarily, help identify where these colleagues will fit into the overall effort.

Testing the Component Structure

One concrete way to help the planning teams gain insight about the inventory itself, as well as the data collection tools, is to ask them to complete the inventory. This exercise will benefit and inform future planning in many ways, including giving the team a better sense of whom to engage in the inventory and the best ways to do so. It will also allow them to have a sense of how different data collection strategies actually work in practice.

Guiding Principles

Early in the process, as the planning and leadership teams are assembled, it is critical to invest time in thinking about long-term sustainability. It is important to prioritize communication, evaluation and sustainability. Some of the concrete activities that can help build capabilities for long-term success and improve the quality of the project include:

- Developing guiding principles;
- Developing a communications plan and requisite tools;
- Creating an evaluation strategy for the project that is informed by stakeholders and that will measure the project's success or failure;[27]
- Identifying baseline data points that will support ongoing evaluation to show change over time; and
- Planning for long-term sustainability (including ongoing gap analyses, connections to current and potential future funding partners and leadership partners, understanding the costs and effort of maintaining and expanding the changes and fostering new and sustained staff and leadership support).

Guiding Principles

Identifying a set of core and common guiding principles for this work is important. Committing to develop the underlying thinking for the access to justice effort will be part of the legacy of this initial phase, and will lay a powerful foundation for sustainability. Guiding principles for your jurisdiction will ensure that — as realities, resources and personnel change — planners and decision makers will be able to appeal to an enduring, objective set of principles that will ensure future activities are aligned to the ultimate goal of justice for all.

Communications

Communications are central to the success of all aspects of the JFA Initiative. This is true at the very beginning when the planning team is recruiting additional members, during the inventory phase as stakeholders learn about the initiative and as the idea of a paradigm shift for the civil justice sector is pitched to the community.

---

27 For instance, in one project evaluation, Professor Sandefur discovered that half the stakeholders would define success only if substantive case outcomes remained unchanged, while the other half felt that without substantive outcome changes the project would have utterly failed. Projects do need to allow for the fact that each stakeholder may define success differently, however there will also be many points of overlap that allow for alignment.

As discussed earlier, developing talking points and other presentation materials will help make stakeholder meetings more productive and likewise help appeal to non-traditional stakeholders, who will need to understand how the civil justice system currently functions in your state and the roles that different traditional stakeholders play in it.

These communications tools can also be used to build relationships with funding partners and can be essential in building political support from the broader community. Voices for Civil Justice has developed toolkits and other training opportunities to help develop effective communication plans and materials.[28]

Please note that the first cluster of components, entitled *Structural Capacities*, is designed to help project leaders gather information about the population characteristics in the jurisdiction; outline the jurisdiction's institutional, legal and regulatory infrastructure (to better understand why things are the way they are); and, finally, identify the key realities of stakeholders that will influence the role they can play (while identifying potential gaps in their capacities).

Taken together, this information-gathering process will offer rich content for a variety of subsequent communication tools. Therefore, it will be important for the planning team to initiate the inventory work as early as possible. See Section II for details about the components in this cluster and resources to help collect information.

Evaluation Strategy

Having an evaluation strategy for the initiative is essential; but having a perfect evaluation strategy is not. Identifying and collecting baseline data will be essential to future evaluation efforts and is, therefore, an essential aspect of building a culture of evaluation.

Future sustainability will depend on being able to demonstrate in concrete terms why access to justice work matters. Put another way, the better the evaluation strategy is, the more sustainable the work. Generally speaking, funders favor evidence-based work.

Building a project culture that embraces an evaluative approach will reap many benefits. The planning process itself will benefit from having specific goals and indicators of success because it will align the very diverse set of stakeholders assembled into a more organic whole. This modeling will also positively impact the broader access to justice community, which, broadly speaking, is still learning how to design projects grounded in logic models. An evaluation strategy will also allow the project to celebrate its successes, which will demonstrate to funding partners that these types of activities are a worthwhile investment.

It is important for planners to recognize that the JFA Initiative contains three distinct stages (or projects) within it and that each requires an evaluation plan: (1).completing the Strategic Action Planning process; (2) launching implementation project(s); and (3) creating a sustainable evaluative framework for the permanent JFA framework. During the initial SAP process, leadership must be actively developing the evaluation strategy for the second and third stages.

Recognizing that the timetable of the SAP is extremely tight, it is suggested that the planning team articulate very specific and narrow outcomes against which they can check their work during the first stage. This must include an indicator that assesses whether they are prepared for stages two and three. For instance, the project team could adopt target outcomes that assert that, at the end of the project, they will have:

- Developed a robust understanding of the state's civil justice ecosystem, including providers and their needs, according to the JFA framework;

---

28 Voices for Civil Justice, https://voicesforciviljustice.org/.

- Expanded the access to justice network to include new and non-traditional stakeholders;
- Established Specific, Measurable, Achievable, Realistic, and Timely (SMART) goals[29] around specific components;
- Created communications resources about civil justice that can be used to elevate the importance of access to justice while building resilient, healthy, and productive communities, as well as recruit new community champions that will expand the network;
- Established Guiding Principles;
- Created local and diverse access to justice committees that meet regularly to strengthen the network;
- Created a webpage to house resources developed in the course of the project, including planning, evaluation, and research tools that are readily available to stakeholders, funders and the media;
- Established a permanent leadership team and sustainability structure, including resources to support dedicated staff;
- Successfully identified long-term funding to implement the plan and secured resources to support dedicated staff; and
- Designed a monitoring and evaluation plan for the implementation project, including establishing a long-term evaluative and planning process for the permanent JFA Sustainability team.

Please visit the Justice for All Initiative website for more information about monitoring and evaluation strategies. Another incredibly helpful resource to inform planning and evaluation is *The Community Tool Box* (https://ctb.ku.edu/en),which is a service of the Center for Community Health and Development at the University of Kansas.

Sustainability

As mentioned above, sustainability is a multi-faceted challenge. It is only achieved when diverse stakeholders collaborate together in networks that offer value for their own institutions and the constituencies they serve. Sustainability requires a deep commitment to monitoring and evaluation that can to meet people's needs and adapt to changing environments; it also requires a commitment from talented leaders to create a living agenda, one that they are willing to advance and fund. The JFA approach of building diverse coalitions creates a framework that can be sustainable, but only with committed leadership, empowered participants and sufficient staffing.

The funding element requires leaders to be creative and opportunistic, and to be able to tell evidence-based stories. Efforts will likely only be as successful as the communication tools are powerful. Developing new funding partners means talking about civil justice as an important investment, one that will help build economic resilience in a community, improve health outcomes, and help human services agencies fulfill their missions. The goal of 100% access to effective legal assistance does not exist in a vacuum; rather, addressing people's unmet civil legal needs is part of the fuller ecosystem to live healthy, secure and autonomous lives.

Sustainability in the JFA context is closely linked to how well the legal community learns to talk about the difference it can make in new and unique ways. It will call for networking with a wide range of public and private funders and making a sustained effort to cultivate those relationships.

A specific example may make this clearer. Few funders are interested in supporting litigation so that an individual client

---

[29] In project planning, this set of goals is often referred to as SMART Goals. Incorporating all of these criteria can help focus your efforts and increase the chances of achieving a specific goal. More information and resources about SMART Goals — and ways to use them in planning — can be readily found on the Internet.

prevails in a housing habitability case. However, when the legal community learns to talk about how it can help reduce the incidence of asthma in children, then a host of funders become interested in supporting hybrid medical-legal partnerships.[30] We need to learn to use social, economic, and medical research in our communications. For instance, armed with studies about the deeply negative long-term impact of poverty on children, we can demonstrate how even "simple" legal assistance — such as securing food stamp benefits — can directly lift children out of poverty sufficiently that, down the road, high school graduation rates increase and heart disease rates decrease.[31]

Sustainability will also require leaders to seek out new federal funding and advocate for state matches. These new revenue streams will support things such as obtaining child support arrearage, offering expungement clinics that help put people back to work in their community, or creating projects to clear up latent legal issues like individuals lacking clear title of "heirs property" (which becomes a nearly insurmountable obstacle in getting FEMA benefits to repair homes in the wake of a natural disaster).

Sustainability also requires institutions to consider how an evolution in staffing patterns can impact sustainability. For instance, if courts and legal aid offices were to employ permanent plain language and user-centered design professionals to support the work of front-line staff, rules and forms committees, and IT departments, then the public would finally have access to appropriate resources, and the institutions would be able to adopt a simplification mindset in all their work. Plain language and user-centered design professionals play an essential role in creating sustainable reform; however, today they are typically only engaged on a piecemeal, siloed basis, project by project. Opportunity is lost when our institutions cannot connect the dots and create integrated and aligned solutions.

The key to successful sustainability efforts is to learn how to tell our stories in ways that offer community leaders solutions to the problems they already face, and to demonstrate, through evaluation, that legal help makes a difference in outcomes. The philanthropic community and other funders are struggling to make the progress they would like to in attacking community challenges such as health outcomes, access to economic prosperity, and educational achievement opportunities. However, we know these are problems that can be more effectively addressed when individuals have access to effective legal assistance. Once we are no longer defining that to mean traditional representation by an attorney, we can scale access to the legal help that is necessary to change people's lives — so long as we leverage the reach and resources of our new partners.

Future Funding Partners

In the best of circumstances, it takes a very long time to cultivate relationships that result in new funding partners. In the access to civil justice context, this is an even more challenging journey.

One of the driving principles behind JFA is that we explain the link between people's needs and the civil legal solutions to those needs. Bringing diverse funders into the process — so they can understand this linkage and the effectiveness of legal solutions to problems people commonly face — will be the key to ultimately developing new relationships. Building these relationships will result in financial support for the initiative on a long-term basis. Planning and leadership teams must work actively to develop such relationships from the start.

---

[30] Medical-legal partnerships integrate the unique expertise of lawyers into health care settings to help clinicians, case managers, and social workers address structural problems at the root of so many health inequities. These partnerships contribute to an integrated health care system that better addresses health-harming social needs by leveraging legal services and expertise to advance individual and population health. For more information, visit the National Center for Medical Legal Partnerships at https://medical-legalpartnership.org/. It would be entirely appropriate for a JFA SAP to include strategies for expanding medical legal partnerships.

[31] Douglas Almond, Hillary Hoynes, and Diane Schanzenbach, "Inside the War on Poverty: The Impact of Food Stamps on Birth Outcomes," *The Review of Economics and Statistics*, 93(2), May 2011, https://www.mitpressjournals.org/doi/pdfplus/10.1162/REST_a_00089; see generally https://www.cbpp.org/research/food-assistance/snap-is-linked-with-improved-nutritional-outcomes-and-lower-health-care#_ftn20.

Phase 2: Inventory [32]

An Assessment Strategy Feasible in Your Jurisdiction

Developing a successful inventory-assessment strategy and process requires practice and iteration. Pursuant to the recommendation in Phase 1 above, it is important to test the process.

Soliciting the information necessary to evaluate the various components may seem overwhelming at first. However, much of this information is easier to obtain than at first blush. And once planning teams get more comfortable with these tools, it will become easier to identify the most effective strategies for soliciting necessary information.

Planning Considerations

Every planning team *must* approach strategic action planning with their own jurisdiction's unique characteristics in mind. State population characteristics differ significantly, as do the allocation of resources within a state. The first cluster of components is designed to help planners capture these features; recognizing these differences makes it possible to tailor planning more effectively. While the JFA planning effort provides a general approach to planning, the following discussion recognizes two factors state leaders might consider for their strategic action planning approach.

Case-Type Focus: The goal of the JFA planning effort is to increase meaningful access across the *entire* civil court system. However, the variation among case types — in terms of both substance and process — may ultimately make it more efficient and useful to organize by case type from the start. For the purpose of this JFA work, planners may consider focusing on case types that typically have the highest proportion of self-represented litigants such as: family (*e.g.*, divorce, custody, support), guardianship (both of minors and adults), domestic violence (DV), housing (including both landlord/tenant, tangled title and mortgage foreclosure) and consumer debt.

Moreover, because of consumer demand and funding streams, it is common for a jurisdiction to have well-developed resources in one or two case types (such as family and DV) and few or no resources in others (such as debt or wage theft).[33] People in both traditional and non-traditional stakeholder groups tend to specialize in certain areas like housing, domestic violence, disability, food security and so forth. The process and purpose of the JFA Initiative is likely to be much more easily understood when topical specialists are brought into the process with peer colleagues in other areas. In this way, all involved can more easily place themselves on the continuum and see the opportunities to build connections with others.

---

[32] Section II provides detailed commentary about the components and possible mechanics for collection, therefore we will not duplicate that information in this section — other than to note that the materials are meant to provide a framework and are illustrative, not exhaustive, in their descriptions of the various activities within each component.

[33] Please visit the Justice in Government Project website at https://www.american.edu/spa/jpo/jgp.cfm for information about potential government funding streams and a toolkit designed to help local jurisdictions identify government programs aimed at increasing opportunities for education, employment, housing, and health care. Improving public safety and family stability is more effective and efficient when legal aid is included alongside other supportive services.

Regional Focus and Pilot Setup: Some teams may choose to tackle the component planning process on a regional basis, creating different component plans according to regional breakdowns they think appropriate for their state. This can be helpful from a project management standpoint, as well as in the subsequent implementation phase. However, the integrity of an overall <u>statewide</u> SAP must also be maintained.

In states with decentralized court administration, the tension between local needs and possibilities versus statewide needs and possibilities is particularly strong. It can be just as significant in unified states for a number of factors (such as states having both urban and rural counties). Therefore, planners might choose to adopt a hybrid strategy, creating a statewide plan for certain components and regionally focused plans for others. In doing so, the overall JFA strategy needs to include a clear transitioning mechanism that can expand components to a statewide level.

By combining what is learned from the statewide analysis with the details of regional components, planners can craft powerful pilot programs that will prove the concept and get buy-in — even from detractors. For instance, a judge who sees a colleague benefitting from a great innovation will often decide they want it — even after opposing it at the onset. Pilots also give planners an opportunity to work out the bugs, develop meaningful monitoring and evaluation plans, and better prepare the rollout to the entire state. And, if the pilot doesn't prove effective, planners can wrap it up and save precious time and money.

It is worth noting that some regional-specific components may, on the other hand, need to be sustained permanently due to issues like differences between rural and urban service delivery modes. Before making such a decision, however, the planning group should consider whether technology solutions — such as: telephone and online options for information delivery (and even for court appearances) — are practical on a statewide basis.

Prepare and Convene Stakeholder Meetings

An essential goal of the JFA Initiative is to build a broader coalition of partners. This is best accomplished by convening gatherings of both traditional and non-traditional stakeholders to learn about the project, its needs and its components.

Preparing for the stakeholder meetings involves a number of tasks. The first is developing easy-to-understand materials about the JFA project. The second is assembling lists of invitees. The third is deciding on meeting mechanics.

Explaining the Project

It is important to put some focus into developing the communication materials for meetings or interviews. This ensures that participants have a similar foundation of knowledge about the JFA project and will also serve as the first phase of developing the final SAP's communication materials (which will help ensure the initiative's sustainability). In designing these initial communication tools, consider what will resonate with the stakeholders in communities throughout the state. This will build an understanding of the scope of the project, provide some general information about the legal infrastructure of the state, and explain the reasons for stakeholders to participate (i.e., the "what's in it for me" document).

The first cluster of components, *Structural Capacities*,[34] is designed to help planners prepare for engaging stakeholders (as well as informing the final SAP). The *Jurisdiction Infrastructure* and *Consumer Needs and Experience* components ought to be completed by the planning team in advance of any meetings to develop communication materials or gather baseline information about local jurisdictions. Remember that the questionnaires provided are intended for guidance and to serve as illustrations; they can be modified to the particulars of a jurisdiction.

The questionnaire for the *Jurisdiction Infrastructure* component captures important structural information about courts, legal aid and the bar. The value of capturing this information and sharing it within the planning process is that: (1) some participants may be completely unaware of how these institutions function; and (2) participants may identify certain structural barriers that, being removed, could significantly expand access to justice. Examples of these kinds of structural changes include regulatory changes allowing non-lawyers to help with completing forms and amendments and court rules that simplify and streamline procedures.

The *Consumer Needs and Experience* component questionnaire captures how various organizations and institutions gauge and learn about the consumer experience. This includes ways to apply that learning in the design and development of their activities, whether they use demographic and administrative data (*i.e.,* case management data) to inform their work and link to other funders, and whether they track user outcomes.

Finally, within the first cluster of components, planners will also find the *Stakeholder Capacity and Governance of Traditional Stakeholders* questionnaire, which is designed to give key players a chance to share information about their organizations. It is designed to help planners gain insight about opportunities for engagement by different stakeholders in the JFA process. Aspects of this questionnaire could be adopted for a pre-meeting survey that includes non-traditional stakeholders. For example, portions could be used to gather information on what kind of activities they engage in and who their funding partners are.

Developing an Invitation List

Additional preparation for the stakeholder meetings includes developing the initial list of invitees and deciding about meeting mechanics. Assembling a list of traditional stakeholders from court, legal aid, and the bar communities is likely to be fairly straightforward. And as planners connect with local leaders, they will be able to identify additional invitees through the "snowballing" of asking traditional stakeholders who they might recommend.

In states that have gone through the JFA planning process, the non-traditional stakeholder groups often include both government and nonprofits that focus on serving the elderly, disabled, veterans and victims of domestic violence. But it's equally important to include entities that work in public health, food security, housing, economic development, reentry programs, K-12 education and community colleges. In most jurisdictions, three important partners are libraries (both law and public), community and hospital social workers and public health nurses and the United Way 211 service.

---

[34] The *Structural Capacities* cluster contains four components: Consumer Needs and Experience, Jurisdiction Infrastructure, Stakeholder Capacity and Governance, Emerging Practices and Innovation.

Meeting Mechanics

Remember, this stakeholder engagement phase is, in essence, a form of user-centered design.[35] Participants — including both service providers and direct consumers of the justice system — will be given the opportunity to learn and share their experiences.

There are three main groups of users: the public, legal providers (courts, legal and the bar), and trusted intermediaries who are an essential bridge between the public and the providers. In states that have previously engaged in the JFA planning approach, these meetings happen in a variety of ways, including large statewide gatherings, smaller regional gatherings and interviews with key stakeholder leaders.

In one state, it was decided that their consultant should travel and visit each county, collecting original feedback and then bringing key people together for a statewide meeting. In other states, regional gatherings were organized for feedback. It is also possible to conduct end-user focus groups and interviews during this process. The point is to think about what will work best in your jurisdiction. Once the background research is complete and the initial invitees are selected, planners can decide on meeting mechanics.

Please visit the JFA website for more information about how events played out in other states as these traditional and non-traditional engagement meetings were carried out, as well as for resources on meeting mechanics.

Moving Forward

After stakeholder meetings, planners will have heard many perspectives regarding how the justice system is — or is not — functioning. Planners will have also developed a sense for how components and various assessment factors actually work in practice in their community.

It is now time to refine the approach for the remaining components. With feedback in hand, planners should decide how to proceed with the inventory, distribute data collection tools, and — if needed —conduct further focus groups and surveys.

As discussed in more detail in Section II, planners decide who to survey regarding specific components. Respondents to the inventory questions will predominantly come from the court, legal aid, and bar stakeholders. As discussed more fully in the Analysis Phase, comparing the traditional stakeholder responses will provide both a unique gap analysis and a broader overall one that includes the responses of the non-traditional stakeholders. Some reforms and initiatives will be unique to the legal community, while others will naturally involve and engage non-legal communities.

Equipped with the knowledge gleaned from stakeholder meetings and interviews, planners can decide on the final scope and detail of the inventory. Then, they can make the final push for stakeholder input and close out the inventory phase.

Suggestions and resources for the mechanics of this inventory process are discussed in Section II: The JFA Component Guide, with additional resources available on the JFA website.

---

[35] Please see the JFA website for more resources about user-centered design.

Phase 3: **Analysis**

The analysis phase has three distinct stages: (1) the gap analysis based on responses from the inventory; (2) the development of strategies for filling the gaps; and (3) the prioritization decisions concerning which strategies should be pursued with the greatest urgency. The sequencing of these activities is important. If you want to get the full value of the inventory for your jurisdiction, the gap analysis will be carried out in a disciplined manner first; strategy development and prioritization will be undertaken only after this is complete.

Compiling and Analysis

Based on feedback from efforts in other states, we know that compiling and sorting the inventory is a significant undertaking. Some state action plans reflect the experience of consummate system insiders, while others display little or no understanding of the history of existing institutions and the constraints under which they operate. The inventory collection tools are designed to allow for both narrative (qualitative) and categorical/scored (quantitative) responses. It may be most efficient to first assemble the categorical responses that will allow for a fairly quick visual representation of gaps.

Please visit the JFA website for templates and examples that can be used to visualize the quantitative responses and thereby help to identify gaps in services and infrastructure maturity.

Nuanced Gap Analyses

As discussed in the planning phase, it may be very helpful to organize inventory efforts by case type and regional groupings. It is well understood that, because of statutory and procedural differences, and in order to get a full picture of the civil justice landscape, it is often necessary to assess needs and gaps on an individual case-type level (in addition to the aggregate level). Different case types require a different mix of interventions, resources, and strategies.

For instance, family law cases can take years — sometimes decades — to conclude and can involve multiple elements with a complicated range of legal issues and factors, such as: property, finance, medical and social and emotional concerns. And while family law cases ostensibly involve the two named parties, these cases affect a much wider range of people (including children, other relatives, friends and enemies) too and so there can be an endless and evolving set of legal needs and challenges. By comparison, eviction cases are on an expedited timeline and pose a fairly limited number of justiciable issues.

Different case types also attract different funding streams. Child support and domestic violence have well-developed federal funding streams that can support self-help, whereas debt and housing are only just beginning to develop funding supplemental to court budgets. As planners move towards the prioritization stage, having a grasp of the case-type profile of their jurisdiction will be of great value in identifying resources and approaches for implementation.

Similarly, regional differences (in both culture and practice) among user groups (consumers, providers and trusted intermediaries) can vary tremendously across a state (with differences being especially pronounced between urban and rural areas). In addition, available economic resources and technological and transportation infrastructure have a significant impact on the types of reform possible. Finally, demographic differences can be very helpful in identifying needed resources. For instance, a county with a high percentage of individuals with limited English proficiency can find a gap in language-access services, while another county with a high percentage of veterans might uncover new opportunities to partner with veteran service organizations.

Prioritize Principles and Factors, Then Identify Specific Options

This stage of the analysis phase requires planners to adopt a flexible mindset. They will be exploring different perspectives and weighing the pros and cons of interventions to fill the gaps in order to strengthen the entire ecosystem. Leaders can focus their planning efforts through a number of lenses. This section explores a few in detail, while highlighting others. Prioritizing components requires balancing many interests. The goal is to identify efforts that can move the needle the most and make real "justice for all." Regardless of the factors used, any prioritization choices should be analyzed and justified prior to adoption.

The Cluster Framework

The cluster framework, which is how various components are grouped and discussed (see Section II for details), is a cornerstone for analysis. It creates a hierarchy of capacities, services and innovations:

- **Structural Capacities**[36] can at first seem fixed, but as planners consider the inventory responses more closely, they are likely to see the opportunity to recommend changes in how the institutional actors conduct business. This will include seeing opportunities for aligning on data collection, case management, referral protocols, research efforts and regulatory reform. This can have a huge overall impact. Structural capacities ought to always be of concern to planners.
- **Foundational Capacities**[37] typically need to be well developed and maintained for the system, as a whole, to work efficiently.

---

[36] The Structural Capacities Cluster contains the following four components: Consumer Needs and Experience, Jurisdiction Infrastructure, Stakeholder Capacity and Governance, and Emerging Practices and Innovation.

[37] The Foundational Capacities Cluster contains the following two components: Judicial and Court Staff Education and Community Integration and Prevention.

■ ***Foundational Services***[38] are the essential services and resources that ensure the public has access to high-quality legal information. All other clusters and activities will draw upon these and they must be put in place early in order for other, broader services to be deployed later.

■ ***Resolution Strategies***[39] are how human legal expertise is made available to individuals to support just resolution. These are the scarcest resources of the justice system; however, they are also the most full-service and direct to address people's unmet legal needs. The value and impact of their allocation is significantly amplified when they are integrated in strategic ways, and their efficiency increases dramatically when combined with the tools, resources, and services of the previous clusters.

Given these characteristics and relationships among clusters, it would be appropriate to prioritize foundational clusters. It is also important to note that the framework does not assume that components in one cluster have to be fully developed before deploying components in others. These are complex and dynamic systems that need to embrace iterative frameworks.

Demographic Characteristics

A jurisdiction's demographic information provides a portrait of the users of its civil justice system. It can also provide a window into the potential "reach" of certain components. Urban/rural concentrations, technological proficiency and primary language usage can be particularly instructive. These and other demographic indicators may impact the focus of components independent of assessed maturity levels.

For example, a jurisdiction with a large percentage of non-English speakers and low percentage of individuals with access to technology may have an inventory assessment showing the language access factor as sufficient but the technology capacity at a baseline level. By considering the demographics, it may become apparent that focusing on developing technological solutions may be premature if potential users are unable to access them. While it is certainly very important to build technology capacity, early focus on language access may have the greater impact, despite a higher maturity level.

Natural Fit

It is unrealistic to assume state teams will ignore implementation in their initial planning efforts. When thinking about implementation flow, obvious "natural fits" may become apparent as many of the components are interrelated. Action may be logical even if an area has not been explicitly identified as a gap based on the inventory assessment. For example, a state with an initial focus on plain-language forms may already have a sufficient number of them in English. The natural next step could be to focus on making the forms available in other languages or making them technology enabled.

---

[38] The Foundational Services Cluster contains the following five components: Self-Help Centers, Plain Language Forms, Triage and Referral, Courtroom Assistance Services, and Compliance Assistance.

[39] The Resolution Strategies Cluster contains the following four components: Alternative Dispute Resolution, Navigator (non-lawyer) Services, Limited-Scope Representation (LSR), and Full-Representation.

Pure Gap Analysis

The inventory assessments that are performed are functionally a gap analysis. The more a component deployment "gap" is closed in a state, the more likely justice for all will be achieved. For this reason, choosing to focus solely on those components that have the biggest gaps — based on the inventory assessment process — may be the best course.

Return on Investment (ROI)

This gets at the heart of the components that might present early action opportunities for planning and deployment. It's important to remember to embrace the notion that different user groups have different outlooks. For example, a high ROI for one user group (such as the courts) might reflect a low ROI for another user group (such as the trusted intermediaries in the community). Ultimate priorities might simply turn on a combination of ROI and opportunity. For instance, because it has the coalition necessary to implement it and put simplified processes in place, giving priority to the Simplification component may enhance the ability to create technology systems for users.

Miscellaneous Factors

There are other factors that may impact decisions concerning which components to focus on. These include:

- Staff capacity;
- Lack of, or particularly strong, political support for a component;
- Funding opportunities;
- Fundraising expectations;
- Stakeholder enthusiasm, or lack thereof; and
- The availability of a clearly appropriate institution to provide component leadership.

The specific weight that should be given to any of the above factors depends on the realities of the individual state and its planning team.

Phase 4: Drafting and Implementing the Strategic Action Plan

Convene a More Tailored Stakeholder Meeting

This final phase is when all the pieces are synthesized and the focus shifts from inventory and analysis to consensus building around priorities and principles. This will include sharing results and soliciting input, prioritizing factors, establishing JFA Guiding Principles , implementing project ideas and shoring up the long-term Sustainability structure of the project. In advance of such a meeting, it has been found valuable in some states to poll stakeholders about their thoughts on a prioritization framework and the overarching JFA principles to guide future endeavors.

This second meeting is the time to share the results of the component inventory and seek input about implementation strategies and pilots. Based on the learning and momentum growing around the project, the invitation list is likely to be more refined as planners bring together teams to work on themes arising during the inventory and analysis phases.

Whereas the first meeting was focused on learning and sharing information among stakeholders who may never have worked together before, this meeting is focused on problem-solving among colleagues who have now joined together in a common mission. This meeting is also an opportunity to learn from stakeholders what they envision their role to be in implementation and what resources — time or treasure — they can bring to the table. After this meeting, there ought to be broad consensus around guiding principles for the long-term JFA agenda, as well as the priorities for the implementation of initial projects.

Draft the Strategic Action Plan and Develop Timelines

After the stakeholder meeting, it is time to begin drafting the SAP. It is likely that participants have gravitated towards certain components more than others. Tentatively identifying components that are priorities is not a substitute for completing the planning process for all components. While it may be tempting to complete planning only for those that are priorities, doing so would ignore important solutions that can increase meaningful access to justice for all. In fact, thoroughly assessing prioritization factors depends on completing the planning process for every component. Simultaneously, it is also essential to identify sustainability issues, such as identifying additional support from existing and new resources; updating laws, rules, and practices; and coping with changes in technology.

The following discussion addresses key considerations for individual component planning.

Action-Oriented: The goal of individual component planning is a robust and practical action plan that allows concrete steps to be taken that move a component forward in a state. As such, the planning template previewed on the right (found in the Appendices) focuses on identifying:

- Key stakeholders and their roles;
- Milestones necessary for deployment;
- Costs and internal resources that may be required for deployment;
- Outcome measures for tracking component progress; and
- Timelines for deployment.

JUSTICE FOR ALL COMPONENT ACTION PLANNING TEMPLATE

1: Identify Key Stakeholders and Responsibilities (add lines as nesessary)

Stakeholder	Responsibilities
Ex: Local Bar Foundation	

2: Identify Milestones for Deployment (add lines as nesessary)

Milestone	Description
Milestone 1:	

3: Costs and Resources Assiciated with Deployment

4: Identified Outcome Measures to Track

5: Timelines for deployment

Milestone	Description	Timeline
Milestone 1:		

6: Other considerations

Outcome Measures: Individual component planning includes developing outcome measures. This can be challenging for a number of reasons (*e.g.*, lack of established data collection and tracking capabilities). The essential questions driving this analysis are, "What will be different when this change happens? How will we know that it has happened?"

While state teams are encouraged to develop their own measures, the questions provided for each component in the *Component Descriptions and Inventory Collection Guide* can provide a good starting point. Developing measures around these questions will also provide continuity with a state inventory assessment. Finally, the inventory results themselves will supply a benchmark to measure against.

Conducting a new inventory assessment on a periodic basis allows for change to be measured over time and the ability to stay on top of whether certain capacities or services are waxing and waning. The online tools have been designed to facilitate repeated data collection over time.

Key Elements: Most JFA components clearly involve a number of individual "solutions." These have been identified as Key Elements in the *Component Descriptions and Inventory Collection Guide*. Planning should occur with the overall component in mind, but a key element may be appropriately targeted if it has been identified as underdeveloped or particularly important during the inventory assessment process. At a minimum, identifying key elements may provide a good basis for breaking down costs and resources.

Timeline for Deployment: Determining timelines for deployment is the last piece of strategic action planning. Finalizing priorities before assigning component timelines allows for the generation of meaningful timelines that reflect priorities and take other components into consideration. Timeline information can be registered in each component-planning template.

Taken together with the prioritization factors, the information gathered allows states to finalize their implementation focus.

Permanency Moving Forward

As the leadership team works through the final iterations of the Strategic Action Plan, they also need to affirm an ongoing commitment to moving forward. This will require appointing a governance team to serve as the JFA leadership in the state and to develop a long-term financial support plan to fund all identified needs and expand financial support for ongoing JFA efforts.

In addition to this permanent JFA Governance Team, staff need to be put in place to assume, among other things, the coordination and organizing roles performed during the planning process by the project consultant. The work — which is complicated and demanding — is only valuable if it is sustainable. It cannot be done well as a "side job" by someone who has a full-time job.

If justice for all is a core belief of the justice system's stakeholders, then staffing the work must be a core commitment made by key institutions. If done well, this job will lead to other things falling into place and subsequent cost savings throughout the civil court system, and justice for all will be possible.

As noted in the introduction, the JFA planning process catalyzes change by creating a new sustainable coalition of diverse stakeholders representing the entire access to justice network. This coalition is responsible for sustaining and updating the SAP over the long-term and continuing to identify opportunities for working together so that an organic whole may grow and achieve everyone's goals.

It bears repeating: it's easy to just plant a tree — symbolic of a one-time innovation —and harder to ensure that the tree receives sufficient water to grow and flourish over time. For JFA, the challenge is systemic collaboration, which can be time-consuming and hard. But to meet the constitutional objective of equal access to justice, this planning must be maintained and adapted for the long-term.

Assessment

When the plan is issued and the project team turns its attention to implementation, it is important to take time to formally conduct an evaluation of the just-completed planning process. By recalling the outcomes that were identified as possible goals during the SAP process, it is possible to perform a self-assessment and reflect on lessons learned. Develop a timetable for when the next inventory will be completed and memorialize an ongoing Sustainability plan that is separate from the component activities in the SAP.

Before transitioning to implementation, the planning team is encouraged to document whether —at the conclusion of this one-year intensive planning process — it is true that the community has:

- A robust understanding of the civil justice ecosystem and the needs of both providers and the community per the JFA framework;
- Expanded the access to justice network to include new and non-traditional stakeholders;
- Established Specific, Measurable, Achievable, Realistic, and Timely Goals around specific components;
- Created communication resources about civil justice that can be used to explain the importance of access to justice while building resilient, healthy, and productive communities and recruiting new community champions that will expand our network;
- Established Guiding Principles;
- Created local and diverse access to justice committees that strengthen the network by meeting regularly;
- Created a webpage to host the resources developed in the course of the project —including information that can be used for planning, evaluation, and research — that is readily available to stakeholders, funders, and the media;
- Established a permanent leadership team and governance structure;
- Successfully identified long-term funding to carry out the plan and secured resources to support dedicated staff; and
- Designed a monitoring and evaluation plan for the implementation project, as well as established a long-term evaluative and planning process for the permanent JFA governance team.

If these goals were met, then concrete steps have been taken to solidify a JFA framework that will be the measure and mechanism of achieving justice for all. This will be an example of how to provide leadership to key institutions so they can commit fully to the components — and the iterative nature of maintaining them — that will create a more just justice system.

The Justice for All strategic action planning process establishes a framework to assess, analyze and cultivate a coalition that will sustain and advance the state's access to justice goals for the long-term.

JUSTICE FOR ALL

SRLN

NCSC
National Center for State Courts

THE JPB FOUNDATION

Public Welfare Foundation

THE KRESGE FOUNDATION

OPEN SOCIETY FOUNDATIONS