

# *New York State Permanent Commission on Access to Justice*

## **Guiding Principles for Local Justice for All Initiatives in New York State**

October 1, 2018

---

### **Introduction to New York State Justice for All Strategic Action Plan**

In 2017, the New York State Permanent Commission on Access to Justice (“Permanent Commission” or “we”) developed a statewide strategic action plan to provide effective assistance for 100 percent of low-income New Yorkers confronting civil legal matters affecting the essentials of life.

At the outset of developing this plan, the Permanent Commission convened community listening sessions around the State to hear from a broad group of civil justice stakeholders about their perspectives on the justice gap in their neighborhoods. Stakeholders shared insights on the numerous legal issues that impact their communities, the need for expanded legal services, and the myriad social issues that impact the essentials of life and may create barriers to accessing justice, including limited or lack of transportation, limited language access services, lack of safe and affordable housing, health-related challenges, and the lack of understanding about the legal system and what constitutes a legal matter.

Based on insights gained through the strategic planning process, the Permanent Commission chose to conduct a local pilot in which a strategic action plan would be developed with the goal of providing effective assistance to 100 percent of low-income New Yorkers confronting civil legal matters involving the essentials of life within a specific geographic area that could inform similar efforts in communities statewide. The first of these pilots has been ongoing in Suffolk County. Recently, Monroe County also began developing a local strategic action plan to provide effective assistance to 100 percent of low-income residents in the county confronting civil legal matters involving the essentials of life.

### **Guiding Principles for Planning Local Justice for All Initiatives in New York State:**

As described above, we are working closely with stakeholders at both the state and local level, as we have been in Suffolk and Monroe Counties, to develop Justice for All (JFA) initiatives designed to lead the State toward achieving the vision of 100 percent effective assistance. Over time, we have come to better understand the factors critical for local JFA planning to start and to be sustained. Working with local JFA leadership and other stakeholders, we have identified guiding principles for developing, implementing, and sustaining strategies to expand access to justice locally and statewide, including, but not limited to the following:

**1) Establish Effective Leadership:**

- Engage, as principal leader of the JFA initiative, the Administrative Judge for the Judicial District in which the county undertaking the initiative is located. This is a critical foundation for launching, developing and sustaining the JFA initiative.
- Form, as guided by the Administrative Judge, a leadership group of key legal and community stakeholders that will assist in leading local activities, including planning, creating task forces, identifying community needs, setting priorities, and developing processes to ensure sustainability.
- Together create a process that demonstrates a commitment to regular progress and meetings, the involvement of a diverse group of community stakeholders in task force activities and action steps, and a commitment to listening to and learning from the perspectives of a diverse group of stakeholders.
- Develop and implement a written strategic action plan that details priorities, guides activities and ensures sustainability toward the goal of 100 percent effective assistance. A written plan affirms the commitment to this goal, the involvement of community stakeholders, and puts in place the processes necessary to create sustainability.

**2) Develop Strong Relationships with Diverse Stakeholders and Form Local Collaborations:**

- Identify and convene a wide range of local community stakeholders to collaborate in and enhance the process for developing effective strategies to expand access to justice. The most impactful stakeholders may be:
  - Members of the Judiciary (e.g., judges and court staff);
  - Local Bar Associations;
  - Law Schools;
  - Public Libraries and court-sponsored public access Law Libraries;
  - County, Town, and Village Offices and Agencies;
  - Public Schools, Early Education Centers, and Higher Education;
  - Healthcare Community;
  - Faith Leaders;
  - Social Services Providers;
  - Housing Authorities;
  - Community Activists, Advocates and Organizers; and
  - Law Enforcement.
- Create a climate for and encourage collaboration among a wide range of community organizations. Often, those organizations are unfamiliar with other social and legal resources available in their communities. Convening them enables an exchange of information that will help build and strengthen relationships, identify challenges, and seek collaborative solutions to overcoming barriers to access. Local collaborations

often do not require new resources or services; rather, taking advantage of newly shared resources, ideas and connections give rise to opportunities for providers to make their services more efficient and impactful. By emphasizing collaboration and community integration, while developing local strategies, JFA planners can facilitate the sharing of information, perspectives, and resources among local stakeholders. The ongoing development of these relationships promotes both the immediate success and the long-term sustainability of new and existing initiatives to expand access to justice.

- **Perform Inventory Assessments and Set Priorities:** Conducting inventory assessments (cataloguing the resources and services available to address legal and other community needs) and setting priorities (deciding which issues to address first and the initial steps to be taken) are important steps in local JFA planning. The process of becoming familiar with the local effective assistance resources and services promotes the awareness of these resources, brings together local providers, and enables them to identify resource gaps, set priorities, and develop strategies to fill those gaps. Our efforts to date have led us to understand that it is important to:
    - *Set up a multi-stakeholder inventory assessment process.* Taking inventory of resources and services of multiple stakeholders will develop awareness of opportunities for collaboration and informs providers' ability to set priorities collectively and organize collaborations to pursue them. Cataloguing the availability of local resources yields insights for local providers about the gaps between community needs and the resources available to meet them.
    - *When setting priorities, consider ease of implementation, stakeholder support, funding requirements, sustainability, measurability, and expected impact.* JFA planners should identify the opportunities to improve access to justice and availability of effective assistance that will have the fewest barriers to implementation and the greatest support from a diverse group of stakeholders, capable of long-term sustainability, and have a measurable impact on improving access to effective assistance. JFA planners should consider existing assets in the community, such as physical space or resources, which can be leveraged or made available to assist in JFA efforts at little or no cost.
    - *Conduct both collaborative inventory assessments and priority-setting, which will help reveal both local trends and barriers to access to justice across local communities.* While many local communities experience similar barriers to access to justice, the specific circumstances unique to each community require customized, local solutions. Inventory assessment and priority-setting provide insights into how to develop those solutions and organize stakeholders to begin to do so collaboratively.
- 3) **Create and Sustain Pervasive Awareness in the Community of the Availability of Effective Assistance:** Aim to create a pervasive sense of awareness in the community of the resources available to provide effective assistance in civil legal matters affecting the essentials of life. JFA planners should consider developing a communication and outreach plan for use by various community stakeholders who may be engaged to inform local

residents of available resources as well as provide feedback to JFA planners on how to expand the scope and effectiveness of outreach to the community.

Communication plans may consider various forms of direct outreach as well as virtual communications. Incorporate resources and platforms that already exist to raise awareness in the community. Platforms such as LawHelpNY or 2-1-1 can be particularly impactful and can help JFA planners gather data on the impact of their communication efforts, identify gaps (substantive and geographic) in the services available, and develop new programs to meet the needs of the community.

- 4) Consider “Effective Assistance” as a Spectrum of Resources and Services:** View effective assistance as a spectrum of services ranging from imparting legal and other information to providing full legal representation. The most effective and comprehensive assistance that can be provided to low-income individuals facing civil legal matters involving the essentials of life is full representation by a lawyer throughout the entire matter or dispute. While we encourage JFA planners to strive to develop strategies to maximize the availability of full representation for low-income litigants, effective assistance also contemplates access to the spectrum of other services that meet the needs of low-income persons facing civil legal matters involving the essentials of life. Recognizing an entire spectrum of services that are components of “effective assistance,” while acknowledging the importance of full representation, can lead to innovative and impactful initiatives that expand access to justice. For example, local planners should consider resources such as:

- Access to legal information through technology;
- Self-help tools and services for unrepresented litigants;
- Simplified court rules and processes;
- Widely available and adequate referrals;
- Call centers for assistance with legal and other needs;
- Community storefront access to in-person legal information and other assistance;
- Assistance provided by trained non-lawyers or by supervised law students;
- Assistance with out-of-courtroom mediation and negotiation services;
- Limited-scope representation, and
- Full legal representation through civil legal aid, and/or pro bono assistance.

- 5) Implement Ongoing Evaluation Processes and Efforts to Ensure Sustainability:** Engage in regular and ongoing evaluation and impact analyses of access to justice initiatives, as well as the inventory assessments and priorities, to identify opportunities for enhancement or expansion. When developing local JFA initiatives, planners should be thoughtful about the data that will be necessary to collect to perform a comprehensive evaluation. Attached is an outline of proposed evaluation criteria.

- 6) **Consider the Impact of Optimism and Enthusiasm on Planning:** Understand that local and statewide planning efforts throughout the State have been successful so far, in part, because of the optimistic, enthusiastic mindsets adopted by the planning groups and involved community stakeholders. We have found that emphasizing and enthusiastically embracing the idea that closing the justice gap in New York is an achievable goal serves to increase stakeholders' creativity and active participation in strategic planning. Similarly, we have promoted long-term sustainability by including local stakeholders as active participants in coordinated local and statewide efforts. When developing new relationships, initiatives, and strategies, local planners may consider their own mission statements to motivate local stakeholders and further promote their success.

### **Conclusion**

As local JFA plans are developed and implemented, the local leadership groups will be responsible for developing a local JFA plan and coordinating local implementation efforts, including working closely with all stakeholders. By obtaining continued stakeholder input and monitoring progress, the local leadership can ensure that their JFA initiatives are integrated for the most impactful result. We request that local JFA leadership report and make recommendations quarterly to the Permanent Commission on implementation efforts and activities.

Going forward, the Permanent Commission will serve as the statewide umbrella entity to coordinate and oversee implementation of the objectives of the strategic action plan throughout the State, including the development and implementation of local JFA plans. The Permanent Commission will designate one of its members to serve as liaison to each local JFA leadership group and will be available for advice and counsel to the local JFA leadership groups as questions or issues arise. The Permanent Commission will also convene an annual stakeholder meeting to share best practices and new developments across the State.

In combination with the Permanent Commission's statewide efforts to close the justice gap, the goal of local JFA initiatives is to create and leverage opportunities for making effective assistance accessible to all low-income New Yorkers with civil legal issues affecting the essentials of life. Throughout the planning and implementation process, it is important to consider all options for expanding access to justice. By focusing on effective leadership from the judiciary, promoting local collaborations, developing strong relationships with diverse local stakeholders, performing inventory assessments and priority settings, implementing evaluation processes, considering both the importance of full representation as well as a broad array of additional "effective assistance," and maintaining an optimistic mindset, local planners will be well equipped to build on current successes and contribute further to closing the justice gap in New York.

**NEW YORK STATE PERMANENT COMMISSION ON ACCESS TO JUSTICE**

**Statewide Stakeholder Meeting**

**October 1, 2018**

**Proposed Evaluation Criteria for Local JFA Strategic Action Plans**

Based on the Permanent Commission's experience with the current local JFA pilots, and the development of its strategic action plan, the Permanent Commission has developed preliminary evaluation criteria for local JFA planners to consider regarding the development and implementation of local JFA strategic action plans. We suggest that you measure the extent to which you have achieved the following:

- ***Leadership Group Development*** – You have developed a leadership group chaired by the local Administrative Judge that includes other members of the judiciary, representatives from bar associations, providers, libraries, law schools, and other key local stakeholders.
- ***Stakeholder Involvement*** – Your strategic action plan demonstrates that the leadership group has engaged a broad and diverse group of stakeholders in the local community.
- ***Inventory Assessment*** – Your strategic action plan demonstrates that the leadership group performed an assessment of the resources available in the community and where access to justice gaps may exist.
- ***Priority Setting*** – Your strategic action plan demonstrates that the leadership group has evaluated the results of its inventory assessment and has considered which action steps should have the greatest priority considering barriers to implementation, funding and sustainability.
- ***Community Communication*** – Your strategic action plan demonstrates a process to share information or materials within and across the community in an effort to ensure a pervasive awareness by residents of the availability of effective assistance.
- ***Data Gathering*** – Your strategic action plan includes a process by which to gather data and feedback from outreach platforms (such as 2-1-1 and LawHelpNY) as well as from local providers and stakeholders.
- ***Impact Analyses*** – Your strategic action plan incorporates plans to conduct analyses regarding the impact of the local JFA strategic action plan to assist with priority setting, sharing best practices, and engaging potential funders.
- ***Evaluation Processes*** – Your strategic action plan describes a process to assess, develop, implement, analyze, refine, and expand its activities, as well as to periodically re-evaluate inventory assessments and priorities.
- ***Written Strategic Action Plan*** – You have a formal, written strategic action plan, integrating and incorporating all elements of expected actions and processes of the local JFA leadership group (and task forces), to increase the likelihood of sustained activity, collaboration, and progress toward achieving 100 percent access to effective assistance.