

**MINUTES**  
**Connecticut Judicial Branch**  
**Access to Justice Commission**  
**March 11, 2021**  
**2:00 p.m.**  
**Convened Virtually Through Microsoft Teams**

The Access to Justice Commission met virtually on Thursday, March 11, 2021 utilizing Microsoft Teams.

**Members in attendance:** Justice Maria A. Kahn, Judge William Bright, Judge Leo Diana, Judge Gerald Harmon, Judge Ingrid Moll, Deputy Dean Muneer I. Ahmad, Dean Jennifer Brown, Dean Eboni Nelson, Assistant Dean Karen DeMeola, Atty. Tais Ericson, Atty. Jennifer Ferrante, Atty. Patricia Cruz Fragoso, Ms. Krista Hess, Atty. Eva Jacobson, Ms. Dawn LaValle, Atty. Chris R. Nelson, Atty. Moy N. Ogilvie, Atty. James P. Sexton

**Also in attendance:** Judge Elizabeth Bozzuto, Atty. Jeffrey Dowd, Atty. Natalie Wagner

- I. **Welcome:** Justice Kahn welcomed Commission members and guests to the virtual meeting.
- II. **Review/Approval of the Draft Minutes from the December 4, 2020 meeting:** The draft minutes for the December 4, 2020 meeting were approved.
- III. **Discuss Workgroup Lessons Learned from COVID**
  - A. **Workgroup on Libraries and ATJ:**

Atty. Jeff Dowd reported that production of the public service announcement is on hold until the recording can be performed in person. The workgroup discussed transitioning the onsite legal reference training to a virtual format. Jeff reported the workgroup plans to conduct the first training in April or May. Workgroup members were asked to provide links to legal resources for the Representing Yourself web page which, if approved, will be accessible under the Public menu on the Judicial Branch home page. The web page will be shared with public librarians to save on computers so patrons have access to trustworthy legal information. The workgroup developed a web page for an employee speaker's bureau to provide information about the Judicial Branch's areas of responsibilities such as law libraries and court service centers. The Employees' Speakers Bureau Brochure will be updated to include the option to request that a Judicial Branch employee speak via a remote platform.

Lessons learned during COVID include realizing the importance and challenges presented when communicating with the public while working remotely.

**B. Workgroup on Modest and Moderate Means and ATJ:**

Atty. Chris Nelson reported that the workgroup discussed some of the lessons learned from COVID including changes established during the pandemic that have been beneficial to the practice of law; administration of justice; and help those with modest to moderate means. Anecdotally, the ability to conduct hearings and depositions remotely have made a sizeable impact. Issues previously experienced by those with modest to moderate means have been alleviated. People no longer need to take time off from work and lose a day's pay which often created a snowball effect for those struggling to pay bills. Improved efficiencies created by remote hearings often translate to a decrease in legal representation costs which is a significant factor for the modest and moderate means population. It may make sense for the Branch to focus its post pandemic remote access to justice on the areas of foreclosures, housing court and family law. Judge Leo Diana added that using limited scope representation is one way to address the issue of affordability for self-represented parties. It is much more affordable to file a limited scope appearance for a single issue as opposed to securing representation for the entire case. The benefits of this type of representation needs to be promoted more, especially to the attorneys. Justice Kahn asked the work group to provide the Branch with suggestions on the best types of cases that would be best virtually.

**C. Workgroup on Law Schools:**

Dean Eboni Nelson reported that the workgroup discussed looking to other law schools to see how they engage with their Access to Justice Commission as the workgroup formulate ideas for future initiatives. The pandemic exposed and exacerbated systemic disparities related to race, health, income, gender, access to technology which they saw play out with their students and staff. Law schools need to have a more well-resourced structure in place to address mental health needs post COVID. The workgroup recognizes that law schools can play a very important role in the growing need for legal representation because of the pandemic especially with regard to the issues of housing, healthcare and food insecurity. Law schools can increase their pro bono and clinical offerings that provide this assistance.

Dean Jennifer Brown shared some of the lessons learned as a result of the pandemic. Quinnipiac professors and students have been adaptable and embraced challenges. Students have been able to participate in competitions that have

provided the opportunity to practice appellate arguments, trial practice and dispute resolution techniques all virtually. Mental health is a real challenge not solely due to the pandemic and racial injustice but also because of the remote function itself. Legal education is stressful and without the social context, it may be more stressful for students in a virtual environment.

Dean Muneer Ahmad discussed additional lessons learned as well as some of the ways the workgroup could help set a forward looking agenda. Yale's clinics have been working with clients in areas related to the pandemic, such as housing and community and economic development. Dean Muneer hopes some of the practices adopted during the pandemic continue to be available to litigants once the public health emergency is over. Dean Muneer reported that there are some concrete and long term access to justice issues where this commission, and workgroup, can have a very productive and influential role. Examples include universal representation in immigration hearings and immigration enforcement in the courts.

**D. Workgroup on General Pro Bono:**

Judge Gerald Harmon reported the workgroup discussed the need for pro bono representations in light of the health pandemic. The state's two legal incubators have received more applications from experienced attorneys compared to new attorney applicants. The CBA indicated they plan to host a pilot program to provide instruction and mentoring for attorneys interested in pro bono work. Everyone in the workgroup shared concern for the looming eviction crisis and the increase need for pro bono representation once the current eviction moratorium is lifted. The working group is continuing to work on a simplified chart for attorneys that describe the available pro bono opportunities. The chart will include case type; area of law; average time commitment; work time; necessity of training; and other information.

Justice Kahn asked the workgroup to give some consideration to the types of cases that would make sense to be virtual and would increase the workgroup's efforts to promote general pro bono. Consult with the chairs of the Moderate and Modest Means workgroup to identify recommendations that could be brought to the Branch.

**E. Workgroup on Appellate Pro Bono:**

Attorney James Sexton reported that oral argument by video conference has been effective. With the advent of remote rooms throughout the state, it would probably makes sense to permit self-represented parties to participate in an argument via Teams from one of the courtroom closest to their home or job. The Appellate community is quickly moving to electronic briefing and has the potential to be a cost saving for everyone, particularly for low bono or pro bono clients. The work group

wondered whether Judicial might be able to provide a Word document template that is compliant with the formatting requirements for electronic briefs. Having appellate arguments live streamed on YouTube has been well received by inmates and by clients who cannot attend arguments. If this ability can continue post-pandemic, it would be helpful.

The workgroup gave further consideration to their appellate pro bono low bono program. The long term plan remains to develop a way of providing pro bono low bono representation from the start of the appellate process. The initial goal is to identify cases where pro bono low bono representation is appropriate and then coordinate representation to provide supplemental briefs or amicus briefs to the courts. The idea is to say we have identified an issue that requires further explication and would benefit from having an attorney involved. There are several components to this first phase including identifying the appropriate case types; determining indigent criteria; proposing rule changes; and attorney recruitment.

**F. Workgroup on Video-Conferencing and ATJ:**

Ms. Krista Hess reported that the original workgroup's charge has been achieved. A key goal was to integrate video conferencing into the core business of the courts which has happened organically. Ms. Hess's vision, which will be discussed further with others, would be to reconfigure the workgroup and have it partner with each of the Commission's workgroups to help broaden the scope of what is accomplished through remote technology. Whether the focus is on pro bono; lawyers; libraries; the Branch's voluntary attorney program; or the modest and moderate means population, the technology piece touches every single aspect.

Ms. Hess maintained that meaningful access to justice is important and will mean something different to everyone. Each workgroup has a component of promoting meaningful access to justice which highlights the importance of collaboration.

**IV. Measures Undertaken by the Judicial Branch:**

Judge Bozzuto reported that the Branch now has 137 virtual courts available. Kiosks are expected to be operational in a couple weeks. The Branch is converting all of its Cisco systems to Microsoft Teams. Teams is dependent on by email addresses. It is difficult to obtain email address from someone who is arrested at midnight and being arraigned the next morning. The Branch is developing systems where the lawyer will request a link and then be able to participate remotely in the criminal court matter. The Branch is now live streaming all civil proceedings accessible through the Judicial Branch web page.

In the longer term, the Branch is creating a more efficient manner to join Teams sessions without an email address. The new method would involve using a portal to access remote proceeding rather than relying on email addresses.

Atty. Tais Ericson added that online dispute resolution (ODR) for small claims was launched a couple months ago. It allows participation remotely with mediators to help settle cases. ODR is currently in three pilot locations (Hartford, Bridgeport and New Britain) with plans to expand.

V. **National ATJ Commissions Racial Justice Working Group:**

Justice Kahn reported that she, along with Judge Mark Juhas (CA), co-chaired a national access to justice commission racial justice working group. The group discussed ten ideas to advance racial justice. Racial equity and racial justice is a key component of the national effort to access to justice. The workgroup will conduct trainings on several topic such as the intersection of criminal and civil; how racial inequities extend beyond criminal cases; recalcitrant legislatures or judiciaries who are not working on racial justice; and how to handle difficult discussions around racial justice and racial equity.

The group will work on a national project with the Law Firm Anti-Racism Alliance (LFAA). LFAA. The LFAA will work with the Racial Justice working group and the National Center for State Courts to focus on three areas. First, the joint endeavor will train lawyers in the legal system about systemic racism in the law; what it is and what it entails. Second, the groups will consider how to connect racial justice organizations with legal resources such as legal services organizations. Third, the groups will build the systemic racism legal inventory which will identify the resources or research of laws, rules, regulations and policies that sustain institutional racism. Justice Kahn will continue to send links to future meetings to Commission members.

VI. **Schedule Next Meeting:** The next Access to Justice Commission meeting is scheduled for July 13, 2021 at 2:00 p.m. using Microsoft Teams.

VII. **Adjourn:** The meeting adjourned at 4:05 p.m.