

Minutes

Connecticut Judicial Branch Access to Justice Commission

26 September, 2011

2:00

225 Spring Street, Wethersfield, Connecticut

The Connecticut Judicial Branch Access to Justice Commission met on Monday, September 26, 2011 in the fourth floor conference room at 225 Spring Street, Wethersfield, Ct.

Committee members in attendance: Judge Raymond R. Norko (Chair), Atty. Faith P. Arkin, Judge William H. Bright Jr., Deputy Atty. Gen. Nora R. Dannehy, Atty. Steven D. Eppler-Epstein, Atty. Eric George, Atty. Johanna Greenfield, Ms. Rhonda Stearley-Hebert, Ms. Krista Hess, State's Atty. John M. Russotto (for SA Kevin Kane), Ms. Aileen Keays, Ms. Sandra Lugo-Gines, Dean Jeremy R. Paul, Ms. Yanira Rodriguez, Judge Elliot N. Solomon, Chief Public Defender Susan O. Storey, Ms. Maureen D. Well, Atty. Herman Woodard Jr.

Also present: Atty. Daniel Horwitch, Legal Services; Ms. Heather Collins, Support Staff.

Committee members absent: Atty. Barry C. Hawkins.

The meeting was called to order at 2:00 p.m. by Judge Norko.

1. Judge Norko welcomed the members of the Commission. The minutes of the June 13, 2011 meeting were unanimously approved.

2. Judge Norko then led a roundtable discussion by the members of areas in which this Commission can help to facilitate improved access to justice for all people.

Judge Bright, who Chairs the Branch's Pro Bono Committee, noted that that Committee is sponsoring the state's first Pro Bono Summit for attorneys and legal services providers at the Legislative Office Building on Wednesday, Oct. 5, 2011. The Committee has developed a catalog outlining dozens of specific potential pro bono opportunities for the bar. More than 130 attorneys have responded that they plan to attend, with representation from small, medium and large law firms, as well as law school deans, legal aid providers, corporate counsel. Chief Justice Chase T. Rogers will speak, as will Gov. Dannel Malloy. The Pro Bono Committee hopes that the summit will provide lawyers with the opportunity to provide free legal services to under-represented people.

Atty. Eppler-Epstein created a list of potential access to justice initiatives, including: developing a consistent funding stream for legal aid programs; increased access for people with limited English proficiency; determining the root causes of limited access to courts, such as a lack of the basic understanding of procedures and obligations, lack of transportation, fear of the system, etc.; and

continuing to develop and fund structures supporting pro bono service by attorneys. Atty. Eppler-Epstein also suggested that the Commission may want to conduct focus groups from stakeholders, or develop a survey of stakeholders to help determine where the greatest needs for access to justice programs are. He also suggested that the Commission may want to look at the State of Maryland's efforts at developing a Right to Civil Legal Assistance initiative.

Ms. Well said that the Judicial Branch Law Libraries offer a tremendous amount of information, including Pathfinders and research guides, as well as practice book information, that can be invaluable to attorneys and self-represented parties. She also told the members that local libraries can be very helpful, as the law librarians do some outreach to let them know what information is available to the public from the law libraries' [Website](#). This information could be invaluable in assisting attorneys conducting pro bono service, but more stakeholders need to be aware that it exists.

Atty. Storey said that while much focus has been placed on increasing access to justice for people with civil legal needs, there remains a substantial unmet need for assistance for incarcerated individuals, particularly individuals who are detained in pre-trial. Part of the lack of access for defendants is their lack of access to computers. Atty. Storey also noted that she now has under the auspices of the Division of Public Defender Services the Child Protection Services unit, which provides legal services to children and parents in child protection, custody and support cases in Superior Court. One particular concern is that incarcerated parents who are parties to these types of cases, Atty. Storey said. The Public Defender Division is working to develop a model of services for the parties to those cases.

Ms. Hess suggested that the Commission develop an employee guide for Judicial Branch staff to assist them in working with self-represented parties. Judge Norko said this initiative could dovetail with the work and resources of the law librarians, while Dean Paul suggested the law schools might be of some assistance.

Atty. Dannehy said that the Office of the Attorney General may be able to develop statutory language to help ensure the continued funding of IOLTA and IOTA funds.

Atty. Nordstrom said that of-counsel and in-house counsel would like to offer pro bono services, but there are issues in terms of malpractice insurance and other reasons. Judge Bright said that legal aid providers extend malpractice to attorneys who volunteer for their programs; additionally, the Rules Committee, which he is a member of is considering various rules to deal with this.

Dean Paul said that training for attorneys on pro bono opportunities would be very helpful and perhaps encourage more lawyers to volunteer. Prioritizing the greatest civil legal needs is also important.

Ms. Hess said that the Branch's Volunteer Attorney Program, now operating in Hartford, Waterbury and New Haven is extending to Bridgeport, at the request of the Bridgeport bar.

Atty. Arkin noted that the Branch received \$20 million in federal funds last year, and that such funding requires compliance with certain accessibility issues for those with limited English proficiency. The LEP Committee is considering making a recommendation that video-interpreting be utilized in certain proceedings, as well as the language line phone interpretation service. That committee is looking at the issues. She also noted that LEP training has been provided to some Branch staff and Branch vendors as well.

Ms. Lugo-Gines had some specific suggestions about improving access for people with disabilities, such as creating a guide to Branch services, outreach programs and developing virtual resource centers.

Atty. Russotto noted that the role of prosecutors is limited with respect what they can do to facilitate more cases involving self-represented parties. There was a discussion about what some prosecutors more willingly do in GA cases, such as telling defendants that they are eligible for certain pre-trial programs, but that training for prosecutors might be in order.

Judge Solomon said that family matters, where 84 percent of cases involve at least one self-represented party, is probably the area where greatest pro bono assistance is needed. He also suggested that the same attorneys who do pro bono work on a consistent basis are tapped again and again, and that that may be problematic as they must have the ability to earn a living. There is a tremendous talent pool, Judge Solomon said, of attorneys who are bright and capable and he believes they want to help but need the resources made available to them.

There was a discussion of the difficulties encountered with people who may be abusing the services of public defender services, by dragging cases out unnecessarily and utilizing resources that perhaps can be better dedicated to those who would benefit from those services.

3. Judge Noriko said that the Commission will break in to subcommittees to address the members' suggestions; he will email the group in the coming weeks to notify them of their choices.

4. The next meeting of the Access to Justice Commission was set for November 14, 2011 at 2 p.m. at 225 Spring Street, Wethersfield.

5. The meeting adjourned at 3:35 p.m.