

Minutes
Connecticut Judicial Branch
Access to Justice Commission
Tuesday, September 30, 2014
2:00 p.m. at Hartford Community Court
80 Washington Street, Hartford, CT

Members present: Hon. Elliot N. Solomon, Hon. Maria A. Kahn (Co-Chairs); Ms. Aisha N. Banks, Hon. William H. Bright, Jr., Atty. Thomas P. Chapman, Ms. Heather Nann Collins, Atty. Steve Eppler-Epstein, Atty. Barbara McGrath, Atty. Susan Nofi, Chief Public Defender Susan O. Storey, and Atty. Herman Woodard Jr.

Members absent: Atty. William H. Clendenen, Jr., Atty. Mark Nordstrom, Jr. Ms. Krista Hess

Workgroup members present: Atty. Jamey Bell, Atty. Chris Nelson, Atty. Patricia Kaplan, Atty. Jeff Dowd, Atty. Cheryl Halford.

- I. **Welcome:** Deputy Chief Court Administrator Judge Elliot N. Solomon
- II. **Review and vote on [Draft Minutes of the May 27, 2014 Meeting](#):** The Minutes were approved unanimously.
- III. **ATJ Projects Updates from Chairs and Members:** Judge Solomon asked the chairs of the Commission's workgroups to provide updates on their activities:
 - A.) **[Modest/Moderate Means Workgroup](#):** Attorney Nelson, co-chair with Atty. Kaplan, reported that the MMMP workgroup met in August. The group developed a survey of other states with MMMP; the data were collected over the summer by two interns working at legal aid providers. Comprised of 14 questions, the survey was designed to gauge the ease or difficulty of establishing a MMMP; developing program parameters, such as income guidelines; program participation by lawyers: is there an interest, why or why not; the management of such a program, and other specifics. The survey was of other states, but the workgroup leaders and members have been working within Connecticut, reaching out to state and regional bar associations.

Attorney Nelson suggested that the Judicial Branch might want to consider ways in which it could support such a program, which typically pairs lawyers who take on clients at hourly rates that are reduced, and applied according to specific income guidelines. The Branch cannot implement lawyer employment programs or match attorneys with clients. Attorney Nelson suggested that while the Branch is currently reengineering its civil processes to accommodate more self-represented parties, changing technology, and the evolving practice of law, it might consider developing expedited litigation tracks in support of an MMMP. The ultimate goal of any modest/moderate means program, he said, is to make litigation affordable to more people.

Attorney Nelson also reported that while the CBA had initially expressed support of establishing an in-house incubator in support of an MMMP, that support recently was withdrawn following a Board of Delegates meeting in which numerous members expressed concerns that such a program could hurt attorneys as a whole, but solos and small firms

especially. Further, there is some apprehension that an MMMP could have a negative impact on Lawyer Referral Services run by many different bar associations.

While MMMPs may not enjoy the full support of all bar associations, he said, several leaders of Young Lawyers Sections have indicated that they would like to develop some sort of MMMP, in conjunction with UConn and Quinnipiac law schools, and one UConn Law Professor has already indicated a substantial willingness to work with the YLS members and the workgroup.

Attorney Nelson's report led to a spirited discussion among the Commission. Attorney McGrath, who is director of the Connecticut Urban League Institute at UConn Law, noted that the law school has adopted an experiential learning requirement. The Commission members cited the potential of developing a law school-based pilot, wherein recent bar admittees or newish attorneys could work to develop their practices while mentoring law students who could serve as researchers, paralegals, brief writers, etc. in a supervised setting.

The Commission and Workgroup leaders agreed that more research and resource sharing should be done to explore what, if any, sort of pilot program merging new attorneys with law students and law professors could be established. The Workgroup will submit its survey findings to Ms. Collins, who will collate them for the Commission.

B.) Workgroup on Libraries and Access to Justice: Atty. Dowd: Atty. Dowd reported that he attended focus groups, with Workgroup co-chairs Ms. Hess and Ms. LaValle, of public librarians. Not surprisingly, the public librarians are eager for more information on how to help their patrons seeking legal information. The information will be used to develop outreach programs.

Atty. Dowd also discussed the proposed "Pro Bono Calendar" idea, a draft of which was delivered to the Commission prior to the meeting. The idea behind the calendar is to have a single online site where pro bono (free) legal clinics would be listed on a monthly calendar, and posted on the Judicial Branch website. Attorney Dowd reported that he presented the idea to the Branch's internal Web Board, which makes decisions about content that appears on the Branch's website, www.jud.ct.gov, and the Board supported the idea.

The Commission had several suggestions that it believes would make the calendar more user-friendly, including:

- **List the clinics by type**, rather than location. For instance, the draft featured one day in which more than three clinics were being offered, but only two could be seen on the calendar because the listing included clinic location. Judge Kahn suggested, and the Commission agreed, that a better approach would be to list the clinics by type, such as Divorce, Foreclosure, Veterans Affairs, and Employment. Then, the person seeking the free help could click on the area where a second screen would show the date, time and location of the clinic, as well as information about limitations on income (if applicable) and other details, such as contact information.

- **Use plain language:** Many if not most members of the public may not know that ‘pro bono’ means free. A better approach would be to simply say, “Free Legal Clinics.” A suggestion was made that the Branch posts an icon or badge on its homepage that says “Free Legal Clinics,” or “Free Legal Advice”, rather than ‘Pro Bono Calendar.’ The Commission agreed that it is important to use plain language to appeal to a wider audience.
- **Screening:** A question was raised about the screening process for listing clinic and assistance events. This will be handled internally; the Judicial Branch hosts weekly free advice days in multiple court locations, and the coordinators of that program will review submissions for inclusion on the calendar.
- **Inclusion of events:** The Workgroup proposed, and the Commission supported, the idea that to be included on the Calendar, sponsoring organizations will be required to submit the information to the Branch, including contact information. It will not be the Judicial Branch’s responsibility to solicit participants on a regular basis; a notice will go out to legal aid providers and bar organizations about the calendar, but it will be up to them to provide the Branch with clinic/activity information. Attorney Dowd reported that the Workgroup will meet next on October 29, at 2 p.m. at 225 Spring Street, Wethersfield, Ct.

C.) Workgroup on Online Pro Bono Assistance: Attorney Garcia Nofi, who chairs this Workgroup, said that more work needs to be done to establish an online pro bono website, including additional outreach to the state and local bar organizations. Each year, Connecticut lawyers provide tens of thousands of hours in free help to underserved people. However, the practice of law is changing and fewer people are hiring attorneys, making the marketplace difficult. Other concerns include ownership of the website: who will host it? Who will pay for the online storage that is necessary? Who will be in charge of providing staff to ensure the website is running smoothly and questions are being responded to in a timely fashion? An outreach session is being scheduled for later this fall.

D.) Workgroup on Videoconferencing and ATJ: With both co-chairs absent, Attorney Halford, a Workgroup member who also provides support, reported on its behalf. This group has been very active, holding six meetings over the last few months. Currently, she said, they are focusing their efforts on a number of areas, including:

- **Remote video interpreting:** There is a high demand for language interpretation and a relative dearth of interpreters in relation to that demand. To help ensure timely access to justice, the Branch has launched a pilot program at GA-5, the Superior Court in Derby. Folks who need a Spanish interpreter connect with one via the videoconferencing equipment. The interpreter is located at a Branch facility in Hartford. Derby, which is a relatively small area, does not have a permanently assigned interpreter. Under the pilot, Derby court clerks contact the Branch’s Interpreter & Translation Unit, and the v/c equipment is brought to the necessary location. Depending on the results of the pilot, remote video-interpreting services could become commonplace as a way to meet the demand for services in a more timely fashion.

- **Judge Survey:** Workgroup members have collaborated with Judge Support Services to develop a survey to gauge the reactions and opinions of judges who have used video conferencing for both in-court proceedings, and out-of-court meetings. The results of the pilot may be used to design training for judges who may not be comfortable utilizing video conferencing. Judge Bright, the Administrative Judge in the Tolland Judicial District, told the Commission that he used video conferencing, without any problems, for a habeas trial where the defendant was located in Jamaica. Judge Kahn suggested that the Workgroup may want to discuss the experiences of the judges who sit in the Sentence Review Division (SRD). Proceedings in SRD are often conducted via video, Judge Kahn noted.
- Attorney Halford said that the workgroup continues to develop a **pilot program** wherein attorneys in the Waterbury JD, who volunteer for the Foreclosure pro bono program, will be able to help a person in the New Britain JD seeking foreclosure advice via video. It is expected that this pilot could launch in the early winter.

IV. Report of the Judicial Branch's [Limited English Proficiency \(LEP\) Committee](#): Judge Kahn, who chairs the Branch's oversight LEP Committee, updated the Commission on the status of LEP-related recommendations from [the Commission's 2012 report](#). Judge Kahn provided to the members copies of the LEP recommendations made in the Branch's original Strategic Plan (2008) and its subsequent Implementation Plans and Reports. Over the last six years, much progress has been made in decreasing language barriers for court users, including the establishment and implementation of a [Language Access Plan](#); and the installation of Language Line phone services in more than 130 offices, including Clerks offices, Support Enforcement, Probation, and Law Libraries; the translation of [dozens of online pages](#), publications (including guides and brochures) in Spanish, and some in Polish and Portuguese (the most requested languages other than English), as well as videos and slidecasts. Additionally, vendors and Judicial Branch staff are trained on policies and procedures in assisting limited English proficient people. There was some discussion about the shortage of availability of interpreters and translators, and the growing need for their services, including the translation of written documents, such as transcripts and briefs. The Branch is continuously seeking qualified interpreters, and runs a Continuous Statewide Recruitment for potential applicants, found here: <http://www.jud.ct.gov/external/news/jobs/interpreter.htm>

With respect to the ATJ Commission's 2012 recommendations, Judge Kahn reported that:

Recommendation No. 8.) *The Branch should consider adopting the recommendations of the Subcommittee on the ABA & Technology and Access to Justice with respect to the development of a single 'Access to Justice' Internet page. The page was designed to be a one-stop shop for people interested in access to the judicial system, including those with limited English proficiency, people with disabilities, the elderly, the self-represented, and attorneys interested in helping to increase access to justice through pro bono work.*

- **Status:** The LEP Committee requested that a user-friendly link to the LEP web page be added to the Judicial Branch’s home page. That link is now available and directs users to the LEP page, which contains information in Polish, Portuguese, Spanish and English. To the extent an Access to Justice web page is created, the LEP Committee requests that there be a link from that page to the current LEP web pages. The LEP Committee will review links to other Judicial Branch web pages to make suggestions as to other pages that should be translated into Spanish, Polish and Portuguese.

Recommendation No. 9.) *To facilitate information exchanges between the Branch’s Committee on Limited English Proficiency (LEP) and statewide legal aid providers who work extensively with limited English proficient populations, the Commission recommends that the LEP Committee seek input from legal aid providers including those represented on the Commission that may have additional LEP resources such as videos and written information.*

- **Status:** The LEP Committee has informally engaged in collaboration and information exchanges with some CT legal services organizations. For example, the Executive Director of New Haven Legal Assistance Association has been an active participant in LEP Committee meetings. The LEP Committee will remain in contact with all legal services organizations in CT who work extensively with LEP populations, to seek their input and continue this collaborative effort. The LEP Committee, through the Media and Community Outreach Work Group, conducted an extensive survey of all community organizations that work with the Spanish and Portuguese LEP communities to determine the needs of the LEP community in accessing the judicial system and how the branch can improve services to the LEP Community. (It is noticeable that all of the legal aid providers in CT were included in this written and oral survey process)

Recommendation No. 14.) *The Branch should create additional resources and tools for self-represented parties including videos on topics such as filing a divorce, filing for a temporary restraining order, the uncontested divorce, filing an annulment, how to file in small claims court, and how to modify a child support order. These videos should be created in English and other languages and posted on the Judicial Branch’s Website.*

- **Status:** As of April 1, 2014, the Judicial Branch has produced and posted on its web site three videos (in English, Polish and Spanish) entitled “Applying for a Temporary Restraining Order”; “How to File for Divorce”; and “Your Uncontested Divorce.” The LEP Committee recommends that these videos be translated into Portuguese, or in the alternative, a closed-captioned version of each of the above referenced videos be made available in Portuguese. The LEP Committee also recommends that any videos produced by the Branch in the future be made available in Polish, Portuguese and Spanish. Further, the LEP Committee recommends that any videos that are translated, prior to being posted on the website, be reviewed by the Interpreter and Translator Services Unit. (Note: The videos can be found on the **Branch’s YouTube**

Channel, <https://www.youtube.com/channel/UC7FXs1ye68XrmnNCibaPS>
[hg](#))

- V. **ATJ Commission member updates:** Attorney Garcia Nofi reported that Statewide Legal Services of Connecticut's [Online Advocacy Simulation for Self-Represented Parties](#) was the top online vote getter in [HiiL's Innovative Ideas category](#). As noted by Legal Services Corps: *The project seeks to use gaming technology to provide self-represented litigants with advocacy experience before going to court and attempting to meet their legal needs. It was also recently the subject of an in-depth feature in the Hartford Courant. Connecticut will work closely with NuLawLab at Northeastern University School of Law on this project.* Attorney Garcia noted that SLS is also finalist for another LSC grant that the Commission Co-Chairs supported with a letter: *Checklist-style online classroom technology that Statewide Legal Services of CT (SLS) developed with a previous TIG to establish a national repository and portal for legal aid organizations and law schools to build online trainings and share content. They will partner with the Center for Computer-Assisted Legal Instruction (CALI) to create a sustainable, national website where "learning checklists" can be authored, tested and delivered.* SLS [hosts several online classes](#) for self-represented parties related to: [Filing a Complaint About Wages](#); [Taking an Employer to Small Claims Court](#); [Appealing an Unemployment Claim](#); and [Requesting Special Education Services for A Child](#).
- VI. **Timeline and future meetings** (dates and locations): The Commission will meet in January 2015. Judge Solomon also requested that the Co-Chairs of the workgroups submit to Ms. Collins a summary of their workgroup activities, to be included as part of the Annual Report to Chief Justice Rogers. Ms. Collins will contact the chairs with a schedule and suggested template for information.
- VII. **Adjourn:** The meeting was adjourned by agreement at 4:15 p.m.