

Minutes
Connecticut Judicial Branch
Access to Justice Commission
November 4, 2021

The Access to Justice Commission met remotely via Microsoft Teams on Thursday, November 4, 2021. The meeting was livestreamed to the public via YouTube.

Members in attendance: Justice Maria A. Kahn, Judge Elizabeth A. Bozzuto (ex officio), Deputy Dean Muneer I. Ahmad, Dean Jennifer Brown, Dean Eboni Nelson, Attorney Jennifer Ferrante, Attorney Patricia Cruz Fragoso, Ms. Krista Hess, Attorney Eva Jacobson, Attorney Chris R. Nelson, Attorney Moy N. Ogilvie, Attorney James P. Sexton, Ms. Dawn LaValle, and Attorney Janice J. Chiaretto

Absent: Chief Judge William Bright, Judge Gerald Harmon, Judge Ingrid Moll, Judge Leo V. Diana, Attorney Tais Ericson, Assistant Dean Karen DeMeola

Also in attendance were guest speakers Attorney Brendan Holt and Berta Holmes of the Quinnipiac Homelessness Mitigation Mediation Program, Attorney Cecil Thomas and Attorney Jennifer Shukla of the Connecticut Bar Association, Attorney Jeffrey Dowd, as well as Attorney Alexandra Gillett and Ms. Lauren Orłowski from the Judicial Branch's Court Operations Unit.

The meeting was called to order at 2:04PM by Justice Kahn.

I. Welcome

Justice Kahn greeted committee members and thanked the workgroups for their collaborative work since the last meeting. Justice Kahn also welcomed two new members to the Access to Justice Commission: Attorney Cecil Thomas and Attorney Jennifer Shukla. Guest speakers Attorney Brandon Holt and Ms. Berta Holmes were also welcomed to the meeting.

II. Review/Approval of the Draft Minutes from the July 13, 2021 meeting

Absent any comment or objections, Krista Hess moved, and Attorney Chris Nelson seconded, to approve the minutes from the July 13, 2021 Access to Justice Commission meeting. The minutes were approved at 2:08 p.m.

III. Introduction of Attorney Jennifer Shukla and Attorney Cecil Thomas of the Connecticut Bar Association

Attorney Cecil Thomas provided an overview of CBA initiatives as they relate to access to justice, including virtual legal clinics and pro bono programs. Attorney Jennifer Shukla, Director of Access to Justice Initiatives for the CBA introduced herself to the group and elaborated on her involvement with, and ongoing passion for, access to justice efforts in Connecticut.

IV. Updates from Workgroups

A. Collaboration Meeting between Libraries, Remote Access, General Pro Bono and Modest/Moderate Means Working Groups

Krista Hess discussed the collaborative meeting between the Libraries, Remote Access, General Pro Bono, and Modest/Moderate Means workgroups. In their joint meeting, the group brainstormed ways to increase access to justice, focusing on current incubator programs and technological barriers faced by self-represented individuals and those with limited English proficiency. The group also emphasized the mutual benefits of low-bono and limited scope representation to the moderate means demographic. The group will continue their collaborative effort to establish ways to encourage and increase pro bono services in Connecticut and is creating a prioritization list of ways that these objectives can be formed and met with the help of each workgroup.

Dawn LaValle shared that the state public libraries received a large allocation of funds from the CARES Act and the American Rescue Plan. Much of this money is being used for private pods, designated small spaces to be used for study and/or confidential meetings between clients and counsel. Digital navigators and small teleconference pods are being created to aid those needing technical assistance. The equipment is mobile and can work in many different locations. The public library is looking to expand this service to reach more individuals across the state.

Attorney Chris Nelson shared his thoughts from the standpoint of modest/moderate means on how to increase pro and low-bono participation among the Connecticut Bar. Since summer, incubator offices at the Justice Legal Center in Bridgeport and the CT Community Law Center at UConn Law in Hartford, both largely focusing on family law with self-represented individuals, have begun reverting to in-person business. Further, the Justice Legal Center is operating on a very limited staff due to an expansion construction project currently underway. As a result, the next incubator class will be held in 2023.

Attorney Nelson also shared that there are many attorneys that are interested in the collaborative divorce process, however the general population is still largely unaware of the option. The group was asked to think of ways this information can be circulated throughout the community to educate individuals about the option of collaborative divorce.

B. Workgroup on Libraries and Access to Justice

Attorney Jeffrey Dowd provided updates regarding the Public Service Announcement, "Know Where To Start." The External Affairs Division of the Judicial Branch has indicated that recording can be completed safely with appropriate protocols. Additionally, the web-based matrix is being created with the assistance of the Judicial Branch's Web Board. As co-chair of the Limited English Proficiency Committee, Justice Kahn offered further assistance in obtaining licensed interpreters for translation and recording of the PSA in other languages.

C. Workgroup on Law Schools

i. Right to Counsel Webinars

Dean Muneer Ahmad presented the workgroup's proposal to hold two webinars on recent legislatively based access to justice expansions in Connecticut which provide for a right to counsel in limited circumstances related to housing issues and those of domestic violence. The virtual webinar-based programs would provide an opportunity to educate the public, including law students and lawyers, about these recent developments. Dean Eboni Nelson shared that the group is hopeful that a virtual webinar will garner attendance from individuals outside of Connecticut as well, and inspire other states to adopt similar legislation. This is a great opportunity for all three law schools to collaborate, and present jointly. Justice Kahn and membership expressed support of and willingness to assist with these programs.

ii. Homelessness Mitigation Mediation Program

Attorney Alexandra Gillett briefly introduced Dean Jennifer Brown, who subsequently introduced guest presenters Attorney Brendan Holt, Executive Director, and Ms. Berta Holmes, Associate Director, from Quinnipiac University Law School's Homelessness Mitigation Mediation Program.

Attorney Holt led the presentation on the program, which, as the only community-based mediation program in the state, was spotlighted during the pandemic due to the resulting housing crisis. The mediation program focuses on collaborative lawyering, combining social services and legal services with mediation and other government assistance to facilitate discussions among parties outside of the court system, with the ultimate objective of settling eviction issues in an amicable, fair manner. Berta Holmes emphasized that landlords and tenants have business relationships but also personal relationships, and how mediation can be an important and effective tool in preserving relationships.

Attorney Holt shared that 70% of landlords wanted to handle nonpayment issues outside of court, thus demonstrating a willingness for individuals to look beyond the legal system to handle these issues. Likened to preventative medicine, the program seeks to intervene as early as possible. Attorney Holt indicated that mediation program, funded through UniteCT, is scheduled to end in December and there is uncertainty as to whether the program will continue after January 1, 2022.

V. National Access to Justice Commission Meeting Update

Justice Kahn provided an update on the American Bar Association's National Meeting of State Access to Justice Commission Chairs, which will be held virtually on December 2nd and 3rd. An invitation and registration information has been circulated to the commission members, who are all welcome and encouraged to attend. Topics will cover a range of relevant issues across the legal services continuum, including access to justice and COVID-19, housing justice, racial justice, and more. Justice Kahn reported on behalf of the National ATJC that US Attorney General Merrick Garland re-instated the standalone office of Access to Justice under the Department of Justice. This office works closely with the American Bar Association and other ATJ Commissions around the country. The Attorney General's Office issued a report to President Joe Biden about access to justice issues, noting the importance of restoring the office to address gaps exacerbated by COVID-19, and further described key lessons and how to create better access to justice.

VI. Other Business / New Items

A. Judicial Branch Updates

Krista Hess provided the group with updates regarding the Judicial Branch's efforts to restore operations and increase meaningful access to justice. As previously reported, Superior Court does not require self-represented parties to electronically file in their cases, however requesting and gaining electronic access has been made simpler for those who wish to do so. Further, the approval process can be completed via email rather than the prior in-person requirement. Additionally, the Judicial Branch has outfitted 86 Remote Rooms with Microsoft Teams access in courthouses across the state. These Rooms allow parties to utilize Judicial Branch technology to participate in remote court events. Since the last meeting, the volunteer attorney programs in family, small claims, foreclosure, and contract collections have resumed. In total there are 17 programs held in eight judicial locations, all taking place virtually through the Remote Rooms.

B. Appellate Pro Bono Workgroup

Attorney Jay Sexton shared that draft language of a rule change which would allow for limited scope representation in appellate cases, is under review within the workgroup. The group is currently working with judges to approve draft language prior to sharing the proposed change with the commission.

C. Other

Attorney Jennifer Ferrante shared that her clients at the Justice Legal Center have been empowered by the ability to have access and e-filing abilities on their cases. Justice Kahn serves as co-chair on the American Bar Association ATJ Racial Justice Workgroup which focuses on ways ATJ commissions nationwide can aid with racial justice. She shared that Attorney Ted Howard of the ABA created the Law Firm Anti-Racism Alliance (LFAA), in which top law firms collaborate to see how firms can promote racial justice and

eliminate racism. Justice Kahn asked the commission to brainstorm ways this objective could be helpful in Connecticut.

VII. Schedule Next Meeting

The next meeting date of the Access to Justice Commission is to be determined. A poll will be created and distributed to the Committee for members to indicate their availability in the month of March 2022. The options offered will be March 10, 2022 and March 15, 2022.

VIII. Adjourn

Justice Kahn adjourned the meeting at 3:45 p.m.