Progress Report
June 29, 2018
Commission Adopts Long-Range Plan

The Commission through the leadership of its Executive Committee has adopted a long-range plan for 2018-2021, which articulates a course of action to guide its future efforts to address access to civil justice challenges. The plan is organized around four broad access issues and includes specific goals to improve and expand access. It was developed through a deliberately constructed process designed to gather input from all members of the Commission and the Council of Business Partners and it will serve as a vehicle to advance meaningful access initiatives going forward.

The four access issues addressed by the plan are:

- Improve Triage and Referral
- Emphasize Process Simplification
- Provide Limited Legal Assistance
- Promote Plain Language
Council of Business Partners Established

A Council of Business Partners was created by the Executive Committee to work closely with the Commission to cultivate a collaborative relationship between the corporate community and the civil legal services community. The Commission and the Council are making a positive impact in engaging the business community to remove barriers that impede access to civil justice.

The Council has enlisted the support of the Young Lawyers Division of the Florida Bar to assist in implementing the Council's work. The Council and Young Lawyers Division are:

- Enhancing the Council's toolkit and expanding promotional materials to inform the business community about how the lack of meaningful access to civil justice affects their employees' personal lives and work performance.
- Examining the Florida Courts Help App to ensure its user-friendliness.
- Working with community groups to evaluate the app and provide guidance for future enhancements.
- Developing video content to assist self-represented litigants in navigating the court system and advancing their cases.
Florida Courts Help App Launched

Under the leadership of the Commission, the Office of the State Courts Administrator (OSCA) developed the Florida Courts Help App, which has been downloaded more than 3,200 times since its release at the Commission’s meeting on December 15, 2017.

The app is a direct, mobile-friendly pathway to Florida’s most requested court information and forms, including:

- 186 Supreme Court-approved, fillable family law forms;
- Links and contact information for self-help centers across the state;
- Plain language instructions and descriptions of first steps and next actions; and
- Contact information for a range of legal help from multiple online resources, free and low-cost legal services, lawyer referral services, and other information.
Expansion of Emeritus Lawyer Program

In November 2017, the Florida Supreme Court approved a change proposed by the Commission which was designed to expand the pool of professionals eligible to provide pro bono services as “emeritus lawyers.” The Rules Regulating The Florida Bar were amended to allow a wider range of attorneys to serve as emeritus lawyers who provide pro bono legal assistance under the supervision of an authorized Legal Aid organization.

Attorneys now eligible to apply for certification as an “emeritus lawyer” now include:

- Members of The Florida Bar who are inactive or retired from the active practice of law in Florida;
- Inactive or retired members of the bar of any other state or territory of the United States or the District of Columbia;
- Any person who has served as a judge in Florida or any other state or territory of the United States or the District of Columbia;
- Any person who is or was a full-time law professor employed by a law school accredited by the American Bar Association; or
- Authorized house counsel certified by the Supreme Court of Florida.
Free Legal Answers for Floridians

Inspired by the work of the Commission, leadership at The Florida Bar implemented the American Bar Association’s Free Legal Answers program in this state. The Florida Free Legal Answers website went live in May 2017. The site enables individuals with low incomes to ask a volunteer attorney a civil legal question. Attorneys may provide a single written answer to the question or may have a written dialogue with the user. Users may ask up to three legal questions per year.

Since the site went live in May 2017:

- More than 650 attorneys have volunteered to participate and answer questions.
- Nearly 2,400 legal questions have been answered.
- Of the states participating in the ABA program, Florida's response rate is one of the highest in the nation with more than 85 percent of questions posed being answered by a volunteer attorney.
Access to Civil Justice Awareness

The Commission seeks to promote meaningful access to Florida courts by removing barriers and enhancing the perception of the courts as a source of fair and impartial justice for all. Since its creation, the Commission has continuously worked to increase awareness across Florida of the need to address access to civil justice issues.

The Commission’s activities in this area have included:

- Conducting a media availability prior to each Commission meeting and televising Commission meetings on The Florida Channel
- Regularly using social media, including Facebook and Twitter, to share information about access issues and Commission activities
- Routinely updating information on the Commission’s website
- Expanding an Access to Justice Knowledge Base that provides information about access to justice initiatives throughout the United States
I. **Introduction**

A. **Background:** The Florida Commission on Access to Civil Justice was established in November 2014 by administrative order. The Commission was set to expire on June 30, 2016; however, its final report recommended that the Commission be reappointed on a continuing basis as a means to enhance its effectiveness in addressing the long-term and complex barriers that create difficulties for Floridians seeking meaningful access to civil justice. The Florida Supreme Court concurred, and in October 2016, by administrative order, it re-established the Commission as a standing committee.

The Commission encompasses the viewpoints of multiple constituencies and stakeholders and considers Florida’s legal assistance delivery system as a whole, including but not limited to staffed legal aid programs, resources, and support for self-represented litigants, limited scope representation, pro bono services, innovative technology solutions, and other models and potential innovations.

The membership of the Commission (23 total) includes leaders from each branch of government, the legal community, the business community, and others whose expertise and knowledge support the development of strategies to address the challenges faced by disadvantaged, low-income, and moderate-income Floridians when seeking meaningful and informed access to the civil justice system. The Commission meets three times annually and is staffed by The Florida Bar and the Office of the State Courts Administrator (OSCA).

This Progress Report discusses the Commission’s accomplishments from July 2016 through June 2018, provides a summary of the work completed by each of the Commission’s Committees, and describes proposed next steps.

B. **Commission Purpose:** The purpose of the Commission is to study the unmet civil legal needs of disadvantaged, low income, and moderate-income Floridians. In carrying out this purpose, the Commission has been directed to perform its responsibilities consistent with Long-Range Issue 2, *Enhance Access to Justice and Court Services*, of The Long-Range Strategic Plan for the Florida Judicial Branch 2016-2021, which sets forth the following goals:

- Minimize economic barriers to court access and services.
- Provide useful information about court procedures, available services, forms, and other resources.
- Ensure that court procedures and operations are easily understandable and user-friendly.
• Collaborate with justice system partners and community organizations to deliver appropriate services.
• Reduce communication and language barriers to facilitate participation in court proceedings.
• Promote the use of innovative and effective problem-solving courts and alternative dispute resolution processes.

C. Committees and Council of Business Partners: The Commission has three Committees: the Executive Committee, the Service Options Committee, and the Resource Evaluation Committee. Each Committee has been tasked with specific charges. Pursuant to its charges, the Executive Committee has also established a Council of Business Partners to support the Commission in its efforts to enhance access to civil justice. The charges and the Committees’ and Council’s work are discussed below.

II. Committee Work

A. Executive Committee

Charges: The Executive Committee was charged with performing the following tasks:
• Establish a Council of Business Partners.
• Oversee the development of a long-range plan for the Commission.
• Examine proposals that have been identified, researched, and recommended by Commission Committees and determine what actions should be taken on each.
• Review the evaluation of each Commission initiative.
• Identify and submit to the Florida Supreme Court those Commission matters that require further guidance from the Court.

The Executive Committee’s work to advance the charges is summarized below.

Council of Business Partners: The Committee established a five-member Council of Business Partners that is led by a Commission member who serves as the liaison to the Council. The Council’s membership includes executives and legal counsel for several corporations and a law professor.

The purpose of the Council is to cultivate a collaborative relationship between the corporate community and the civil legal services community. The corporate community is both a stakeholder and a vital partner in the initiative to expand access to civil justice. Not only do businesses have a vested interest in this issue because the unmet legal needs of their employees can result in increased absenteeism and decreased productivity, but they are also well positioned to help expand access by educating
employees on available legal resources, sponsoring periodic employee legal clinics, providing employees with access to free or low-cost legal assistance, and contributing financial and other resources to state and local access to civil justice initiatives.

Shortly after its establishment, the Council enlisted the assistance of the Young Lawyers Division (YLD) of The Florida Bar. Eight members of the YLD are now working with the Council on the following projects:

- **Florida Courts Help App** – The Council and YLD are:
  - Reviewing the app to ensure it is user friendly and to determine how it can be enhanced. The YLD has developed an evaluation form for user testing of the app and will be reaching out to community groups to participate in the evaluation. Additionally, they are working with OSCA staff to create a feedback form on the app for users.
  - Promoting the app through social media and outreach efforts to local bar associations, chambers of commerce, school districts, and other community-based organizations.

- **Videos for Self-Represented Litigants** – The YLD is working with staff of the OSCA and The Florida Bar to create several short videos for self-represented litigants that will address topics such as what to expect when you go to court, what to bring to court, how to speak to a judge, what judges want self-represented litigants to know, who will be in court when the case is heard, what to expect in family court and what will happen next, and how to decide if you can represent yourself in family court.

- **Enhancement of a communication toolkit** that Council members can use to engage the business community in access to civil justice initiatives and that businesses can use to educate their employees on available legal resources.

**Long-Range Plan:** Florida has long endeavored to improve the delivery of judicial and legal services to self-represented litigants. As early as 1981, the Florida Supreme Court implemented the Interest on Trust Accounts (IOTA) program. As the nation’s first IOTA program, it has served as a model for similar programs across the country and creates millions of dollars in funding for legal aid each year.

Florida’s commitment to access to civil justice continued in the 1990s with the development of forms, instructions, and other self-help resources for family law self-represented litigants. The Florida Supreme Court also appointed an Access to Justice Task Force in January 2000 for the primary purpose of following up on the American Judicature Society’s National Conference on Pro Se Litigation held in November 1999.
Efforts to focus on access continued thereafter despite a mandated 2004 trial court funding transition that assigned responsibility for pro se assistance to the clerks of court. Following that funding shift, Florida’s courts system still produced three major reports on self-help in the subsequent years to address the needs of those seeking access to justice.

Today, both the judicial branch’s and The Florida Bar’s current long-range strategic plans identify meaningful access to civil justice for all as a challenge that must be addressed in the coming years. To this end, the Commission was established to implement a coordinated, collaborative, and holistic approach to expanding and improving access in the state.

Over the past year, the Commission, under the leadership of its Executive Committee, reassessed where to focus its efforts to support a well-integrated civil justice legal services delivery system. Commission members considered a number of broad access categories, based on access issues identified by the National Center for State Courts’ Justice for All Project, and voted to prioritize those areas they believe present the most pressing needs in Florida. The Commission selected four discrete focus areas: 1) triage and referral; 2) process simplification; 3) limited legal assistance; and 4) plain language forms.

Following this initial prioritization process, staff researched and cataloged initiatives in other states that supported the four focus areas. The Council of Business Partners, Executive Committee, and all other members of the Commission then considered those initiatives and brainstormed others to further define specific tasks to advance those focus areas. The result of those efforts led to a long-range action plan that will now be assigned to appropriate Committees of the Commission to ensure statewide implementation is achieved. The plan will promote innovative and creative ways to further assist the many thousands of citizens who require access to the civil justice system in Florida. A copy of the full long-range plan can be found in Appendix A.

B. Service Options Committee:

Charges: The Service Options Committee was charged with performing the following tasks:

- Evaluate the existing civil legal services delivery system to identify opportunities for enhancing coordination and employing business efficiencies.
- Examine and recommend proven components of a continuum of services that includes resources for self-represented litigants such as interactive forms.
unbundled legal services; the involvement of court, law, and public libraries; and other options and alternatives.

• Collaborate with other entities, as appropriate, to review the Florida Rules of Court Procedure for the purpose of identifying barriers to access.

The Service Options Committee’s work to advance the charges is summarized below.

**E-Filing by Self-Represented Litigants:** Under existing rules, self-represented litigants who electronically file documents are often required to obtain notarization for their signatures before filing. The Committee reviewed this issue and recommended that the Commission file a comment to support proposed rule amendments that would eliminate the notarization requirement in order to facilitate e-filing. The proposed comment from the Committee was adopted by the Commission and filed on September 7, 2017. On February 1, 2018, the Florida Supreme Court issued *In re Amendments to Florida Family Law Rules of Procedure-Form 12.901(a)*, 235 3d 800 (2018), approving such amendment for the Petition for Simplified Dissolution of Marriage.

**Court Navigators:** The Committee reviewed member and staff research regarding the implementation of court navigator programs in New York City, Michigan, and Colorado. A court navigator is a non-lawyer (frequently a volunteer or staff of a clerk of the court, court, or other entity) who is appropriately trained and supervised to provide non-legal support and assistance to self-represented litigants.

In the New York City program, navigators provide information about the legal process and available resources; assist self-represented litigants in using Do It Yourself (DIY) software for court form completion; and accompany self-represented litigants to meetings with clerk staff and opposing counsel. The Committee reviewed recent evaluation reports for the New York City program which determined it was successful, finding that navigator-assisted self-represented litigants in housing court asserted more than twice as many defenses compared to unassisted tenants and were 87 percent more likely to have their defenses addressed by the court.

The Committee is continuing to gather information on the issue which will include evaluating the results of a clerk survey of self-represented litigants and a review of Florida laws to determine precisely the type of non-lawyer assistance that may be provided in this state by a court navigator. This and other information will inform the Committee’s future decision regarding whether to recommend implementation of a pilot court navigator project in one or more counties.

**Florida Legal Access Gateway:** In April 2016, the Commission approved implementation of the Florida Legal Access Gateway (FLAG) Pilot Program in Clay County, Florida. Funding for the pilot was provided by settlement funds awarded by the Office of the
Attorney General to The Florida Bar Foundation. The Florida Bar Foundation executed an agreement with the Florida Justice Technology Center (FJTC) for implementation of the pilot.

The pilot began October 11, 2016, when the FJTC launched the FLAG website. The website offered an interview system to intake and analyze information provided by a user. Based on the user’s stated needs, the system provided referral options for certain cases. The pilot concluded on June 30, 2017.

The FJTC issued its evaluation report of the pilot on November 27, 2017. Thereafter, the Committee met to review the report’s findings and the issue was ultimately advanced to the Commission, which adopted a motion on April 20, 2018, recognizing the pilot’s completion.

**Advanced Paralegals:** The Committee reviewed staff research regarding the implementation of the legal paraprofessional concept in the United States and Canada. At least four other states and one province in Canada authorize a licensed, legal paraprofessional to perform limited legal services without direct attorney supervision. Depending on the jurisdiction, the limited legal services that may be offered include preparation of legal documents, informing clients about court procedures, explaining documents received from opposing counsel, and performing legal research. The Committee discussed legal paraprofessionals in Florida and reviewed a draft rule amendment concept for an advanced paralegal status.

**Other Issues:** The Service Options Committee began review and discussion of the following issues that remain under consideration for future implementation in this state:

- **Online Dispute Resolution:** The review included online dispute resolution systems currently being used in the United States, Canada, and the United Kingdom. This included systems that enable users to voluntarily resolve disputes outside of the court system, e.g., PayPal’s and eBay’s systems to resolve disputes between buyers and sellers, as well as those used within court systems to resolve traffic, parking, and suspended license tickets, child support compliance issues, parenting time issues, and small claims cases.

- **Legal Wellness Checkups:** The review considered online legal wellness checkups, which do not provide legal advice, but instead inform users, who submit information regarding their demographics, employment type, and other circumstances, about their legal rights and legal issues that they may wish to immediately address or that may arise in the future.
• **Legal Medical Partnership:** The review considered Legal Medical Partnerships that combine health and free or low-cost legal services at a single site of care or that involve referrals from a medical provider for a patient to such services. The medical and legal providers work together as a multidisciplinary team to address medical and social/legal problems.

• **Low Bono Programs:** The review considered low bono programs currently offered in this state. Low bono, which is often offered through a partnership between the clerk or court and the local bar associations to provide legal assistance to self-represented litigants, has been gaining in popularity as an effective method of addressing the “justice gap.” Under such programs, attorneys charge a lower fee, e.g., $1 per minute, to provide limited legal assistance. This form of assistance provides an additional avenue to direct those who may not qualify for legal aid but need assistance with their case.

C. **Resource Evaluation Committee:**

*Charges:* The Resource Evaluation Committee was charged with performing the following tasks:

- Inventory existing federal, state, and private funding opportunities that might be used to help support components of a continuum of services that afford access to the Florida civil justice system.
- Research the effect of the unmet civil justice needs on Florida’s businesses and economy.
- Upon referral by the Executive Committee, review or develop funding plans for projects endorsed or approved by the Commission.

The Resource Evaluation Committee’s work to advance the charges is summarized below.

*Funding Resource Guide:* The Committee enlisted the support of the Florida Bar Foundation and Commission staff to prepare a guide of major sources of potential funding for access to justice initiatives. The document provides information and guidance on foundations, corporate giving, government funding, earned income, and fiscal sponsorships/venture capital. The guide includes a grant funding information table, a list of foundations, examples of federal agencies, and a listing of non-profit law firms. It also provides an overview of national legal aid funding sources and identified several growth areas in Florida.

Following review and consideration by the Committee, a final guide was presented to and accepted by the full Commission. As particular initiatives are identified by the
Commission as priorities, the Resource Evaluation Committee will assist in determining the best vehicle to seek funding. The guide will serve as a first document of reference for direction and resources.

Impact of Unmet Civil Justice Needs: A report was recently prepared by the Resource for Great Programs, a national research firm dedicated to providing strategic support to civil justice organizations that seek to expand access to justice for low-income individuals. The report, funded in part by The Florida Bar Foundation, quantified the economic impacts of civil legal assistance provided by 33 nonprofit legal aid organizations in Florida. The report found that investing in legal aid programs is a direct value add proposition, providing financial benefits to the state and the recipient of services. The report expounded on that direct impact and detailed secondary impacts of increased available income to the individual and local economic impacts.

In brief, the study found that:

- In 2015, Florida civil legal aid organizations produced well over a half-billion dollars ($600 million) worth of economic impacts, with $83 million in total funding from sources including The Florida Bar Foundation, the Legal Services Corporation, local governments, donors, and others.
- Each dollar in funding for these organizations produced over seven dollars’ worth of economic impacts. The implication of this finding is that additional funding for civil legal aid will produce a commensurate increase in economic impacts benefiting residents and communities across Florida.
- The impact of civil legal aid organizations in 2015 touched nearly every segment of the Florida economy, including low-income families, local businesses and their workers, health-care providers, human-services agencies, local governments, and the courts.

The Resource Evaluation Committee and the full Commission considered the findings of the report and those findings helped influence elements of the long-range plan that will help guide Commission initiatives and efforts moving forward. Statistics and highlights from that report were also included in the business partner toolkit and promotional material to underscore the importance of investing in access to civil justice and the associated impact that investment can have on the citizens of Florida.

Funding Plan Framework for Projects: The Resource Evaluation Committee discussed funding evaluation categories to help ensure that an initiative is properly vetted for funding and the most appropriate source for possible funding is identified. The Committee created a template to help evaluate funding proposals and adopted guidelines for consideration of funding opportunities. Some of the categories identified include:
• Fully defining the problem, scope, and goal
• Quantitative and qualitative evaluation (type, degree, and timeframe)
• Overview of implementation methods, risks, and beneficiaries
• Clearly articulated analysis, deliverables, and success indicators
• Well defined budget

Each of the large categories identified by the Committee includes sub-items to consider so that an appropriate determination can be made with regard to funding. All categories of information may not be applicable to every proposal, but these categories will help serve as a guide to identify initiative goals and meet funder requirements.

III. Looking Ahead

While formal long-range planning efforts began under the 2016-18 term, planning conversations have been ongoing since the Commission was established in 2014. Over the past three-and-a-half years, the Commission has examined access challenges in Florida. In that same time, the Commission has put in place multiple initiatives to address specific access challenges.

This is a catalytic time for the Commission and an opportunity to capitalize on its collective knowledge and advance the formal plan of action to promote 100 percent access. The plan will help steer the Commission’s efforts to ensure a focus on addressing the greatest needs with attainable initiatives developed through the seasoned and varied expertise of its membership.

The vision statement for Florida’s judicial branch asserts that justice in Florida will be accessible, fair, effective, responsive, and accountable. To help make that vision a reality, the Commission will strive to ensure that the Florida justice system is convenient, understandable, timely, and affordable to everyone. This Commission and its long-range plan will help set in motion solutions for those seeking meaningful access to their justice system.