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Definition of Access to Justice Commission

Used in preparing national lists

- **A blue-ribbon commission or similar formal entity comprised of leaders representing, at minimum, the state courts, the organized bar, and legal aid providers. Its membership may also include representatives of law schools, legal aid funders, the legislature, the executive branch, and federal and tribal courts, as well as stakeholders from outside the legal and government communities.**
- **Its core charge is to expand access to civil justice at all levels for low-income and disadvantaged people in the state (or equivalent jurisdiction) by assessing their civil legal needs, developing strategies to meet them, and evaluating progress. Its charge may also include expanding access for moderate-income people.**
- **Its charge is from and/or recognized by the highest court of the state or equivalent jurisdiction; the highest court and the highest levels of the organized bar are engaged with the commission's efforts and the commission reports regularly to them.**
- **Its primary activities relate to planning, education, resource development, coordination, delivery system enhancement, and oversight; it is not primarily a funder or direct provider of legal assistance.**
- **It meets on a regular basis and has ongoing responsibility for carrying out its charge.**

This definition is not intended to limit the scope of Access to Justice Commission composition and initiatives, but rather to capture the essence of what has made the model so successful in many states:

- **Active engagement and leadership of the highest court and the highest levels of the organized bar of the state or jurisdiction, who are represented by individuals of stature and commitment, resulting in a high level of credibility and visibility for commission initiatives;**

- Primary focus on overcoming specific barriers to civil justice created by inability to afford counsel, rather than a broad “access and fairness” approach (although disadvantages created by factors such as culture, language, age, and disability are also usually addressed);
- Consideration of the state’s legal assistance delivery system as a whole, including staffed legal aid programs, support for self-represented litigants, limited scope representation, pro bono services, and other models, as well as potential innovations, rather than focus on a single delivery mechanism;
- Scope not limited only to the courts, but encompassing a full range of contexts, including the provision of information about legal rights and responsibilities; negotiation and transactional assistance; administrative proceedings; and advocacy with state and local legislative and administrative bodies.
- Ability to maintain a “big-picture” perspective, encompassing the viewpoints of the different institutions represented on the commission and not limited to that of any one particular institution; and
- Institutionalization of the commission structure, to ensure follow-through and ongoing commitment.

Within these basic parameters, successful commissions have taken different forms. Every state is different, and it is essential that state leaders develop a structure that will create a sense of buy-in and ownership among all the key players and function effectively in their state.

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