Hallmarks of Effective Access to Justice Commissions

The following hallmarks capture and summarize insights about Access to Justice Commission structure and operations gathered over the past decade from state and national leaders, most recently through a series of meetings and calls convened in 2012-2014 as part of the Access to Justice Commission Expansion Project, as well as reports from recipients of grants through the Expansion Project.

For a definition of the basic parameters of an Access to Justice Commission, see the [Definition of an Access to Justice Commission](#), developed by the ABA Resource Center for Access to Justice Initiatives.

For additional guidance relating to the creation of a new Access to Justice Commission, see another resource document from the Expansion Project, [Designing and Launching a New Access to Justice Commission](#).

Support for Mission from Stakeholder Institutions

The Commission has a solid base of institutional support from the core legal community stakeholders in the state, which embrace a shared understanding of the Commission’s mission and role.

Support from core legal community stakeholders – the judiciary, the organized bar, and civil legal aid providers and funders – is essential to a Commission’s effectiveness. Lack of support for, or disagreement about, the Commission’s mission and role, will undermine its efforts.

Typically a shared commitment to mission is evident in the Commission’s history as well as the current status. Building and maintaining stakeholder support for the Commission’s mission involves many factors. Some states have had a history of collaboration and broad support for the Commission model from the beginning; in others, full support for the Commission came about after a long process.

While the composition of the Commission should ensure that all core stakeholder have appropriate representation (see [Designing and Launching a New Access to Justice Commission](#) on structure), building and maintaining a solid base of institutional support is not solely a question of formal structure, but also of the actual dynamics of key relationships. Not every core stakeholder needs to be engaged in the Commission at the same level, but in effective Commissions there is very strong support on the part of at least two of these stakeholders, who perceive the Commission as representing a partnership among them. No single stakeholder dominates at the expense of others and no core stakeholder feels excluded.

The Commission’s leadership must work to maintain its base of support by communicating effectively and consistently with partners and stakeholders. Commission leaders need to make clear what the Commission is doing and why it is important.
Maintaining engagement with the state’s highest court is particularly important. In the majority of Commissions, a judge on the Supreme Court is an active member or a liaison and keeps the Court engaged. Where this is not the case, Commissions find other ways to build and maintain Supreme Court engagement, for example, an annual in-person meeting between the entire Court and the Commission, or a request that the Chief Justice evaluate the work of the Commission on a regular basis. Regular written reports by the Commission to the Court may not be enough.

**Leadership**

The Commission has a critical mass of strong leadership that moves the Commission’s agenda forward.

Without strong leadership, a Commission cannot succeed, even if the other ingredients for success are present. Commission leadership can come from different sources, so long as a critical mass is present. The potential members of this group can include the Commission’s chairs or co-chairs, Supreme Court justices, and people who serve in a staff capacity. The configuration of the leadership group varies from state to state. Not every one of the members of the leadership group has to operate at the same high level of leadership, but in effective Commissions there is at least one individual who, supported by others:

- Has a strong vision of what the Commission can accomplish.
- Devotes a large amount of time and energy to the Commission.
- Takes responsibility for moving the Commission’s agenda forward.

**Engaging a Broad Partnership**

The Commission broadens its reach by engaging partners beyond the core legal stakeholders.

Commissions are increasingly building on the support of their core partners to include others with a stake in the civil justice system, either as Commission members or through the Commission’s committee structure. Law schools are represented on most Commissions. The office of the state court administrator should be included as a partner if it is not part of the core group of stakeholders. State and local providers of indigent defense services in criminal and juvenile matters should be considered as potential partners. Many Commissions include representatives of the state legislature; some include representatives of the executive branch as well, such as the Attorney General, an office providing administrative hearings, or offices providing ombudsman services for state agencies. A growing number of Commissions include representatives from the spheres of health care, social services, business, labor, churches, and community organizations as Commission members.

Commissions are entering into collaborative initiatives with public librarians, schools of social work and public administration, hospitals, social service providers, faith-based organizations, and other entities that serve low-income and disadvantaged people. These new partners bring in valuable new ideas, perspectives, and access to potential contacts and resources.
Scope of Activity

The Commission engages in a full range of activities and strategies to accomplish its goals and objectives.

The most effective Commissions do not limit their scope of activity to particular areas, but pursue a broad range of different approaches to expanding access. A major strength of the Commission model is its ability to address the state’s often-fragmented system for providing access to civil justice as a whole.

Another document produced by the Access to Justice Commission Expansion Project, Access to Justice Commission Initiatives: Examples and Resources (an updated and expanded version of the “Access to Justice Checklist” that has been in use for a decade) provides a comprehensive view of the activities that Commissions around the country have undertaken.

In addition to replicating or adapting existing models that have been demonstrated to be successful in other states, effective Commissions explore new approaches. A number of Commissions have developed innovative initiatives that received funding from sources such as the State Justice Institute and the Legal Services Corporation.

There may be activities in which some Commission members cannot or do not wish to engage; for example, certain legal aid funding-related activities. In these areas, the Commission can take action noting that some members did not participate; or the Commission can create a separate work group or advisory group to take on the project.

In some states, the Commission’s activities may be limited in a particular area to reflect the fact that a state-wide partnership devoted to a particular Access to Justice function already exists (such as a coalition supporting legislative funding for civil legal aid). In such cases, particular care is necessary to ensure that the Commission’s efforts are coordinated with those of the other entity, to avoid duplication and potential conflict.

Planning and Assessment

The Commission engages in ongoing planning and assessment of its efforts.

Some Commissions engage in a formal strategic planning process that produces a strategic plan for a specific period, at the end of which the effectiveness of its efforts are assessed and a new plan is developed. Others prefer a less formal, ongoing process for weighing potential strategies, setting priorities and reviewing accomplishments. What is most important is that the Commission is always clear about its goals and objectives and regularly assesses how effective it has been in achieving them. Before embarking on an initiative, the Commission clearly identifies what it is seeking to accomplish, and how it can actually measure accomplishment, so that it can evaluate the extent to which it has achieved what it set out to do.

The Expansion Project is developing a resource paper on Frameworks for Outcome Evaluations.
The Commission regularly assesses its organizational effectiveness and structure to ensure that it is operating as effectively as possible, making changes where necessary.

The Expansion Project’s “Self-Assessment Tool for Access to Justice Commission Structure and Operations” (in production) is designed to allow Commissions to assess their operations and guide decisions about future activities.

Several Commissions have revised their structure in order to enhance effectiveness, going back to their Supreme Court for a revised order or rule where necessary.

**Organizational and Operational Effectiveness**

**Commission members are actively engaged in the Commission’s activities.**

Effective Commissions function as a working task force, in which all members actively participate in the Commission’s activities, not like a Board of Directors, which sets policy and oversees operations without being directly involved. Commissioners are usually expected to be active participants in committees or work groups.

Under some specific circumstances, a particular Commission member can play an effective role while participating on a more limited basis. For example, legislators or representatives of advocacy organizations who serve on the Commission may understand and embrace its goals, but only participate when there is a particular need for their involvement, such as in the planning and implementation of a legislative campaign.

**The Commission’s committee or work group structure brings in new partners and implements the Commission’s agenda effectively.**

Most Commission work is done at the committee/task force/work group level. Some Commissions have standing committees in major areas; others use ad hoc, project-based work groups that are created and brought to a conclusion as initiatives evolve. All committees are expected to be actively engaged in developing and carrying out initiatives and to move forward between Commission meetings. The structure should be flexible enough to respond to emerging issues and new developments.

The committee structure provides an opportunity to bring in additional stakeholder representatives as well as leaders from outside the legal community, resulting in greater range of expertise, approaches, contacts and support. Committees can be chaired by non-Commission members.

Effective Commissions are careful to include a broad spectrum of perspectives in their work groups. For efforts that may be controversial, the inclusion of potential opponents from the beginning can help to bridge differences.

**Commission staffing is effective and adequate support the Commission’s activities.**

A staff capacity is necessary to provide adequate support, continuity, communications, and continued momentum. Different staffing models are discussed in Designing and Launching a New Access to Justice Commission. A few Commissions have been successful without formal staff, but in these cases, the Chair, another Commission Member, or staff from stakeholder entities has assumed the responsibilities that would normally be assigned to Commission staff.
The skill, ability, and energy level of a Commission’s staff are essential to the success of the Commission’s effort. Effective staffing requires significant interpersonal, communications, and political skills, the capacity to work effectively with a diverse group of volunteers, knowledge of the legal system and an understanding of the legal needs of low-income people.

Commission meetings are productive and engaging. Meeting time is used effectively.

Effective Commissions plan and structure meetings strategically to take advantage of the synergy that can result from bringing people together, make necessary decisions, and inform and energize participants. For example, the agenda might focus on a robust discussion on a key strategic, organizational decision or an interactive presentation of an issue by guest experts followed by a brainstorming session. Pro forma reports and routine approvals are minimized. Time in meetings is managed effectively, so that adequate consideration is given to agenda items, but the discussion does not take too long on any item.

Meetings are planned and organized to ensure maximum participation, and open to non-Commission Member stakeholders and other interested parties. No stakeholder should feel excluded.

Organizational Visibility, Credibility and Leadership

The Commission is a visible and respected presence in the legal community and beyond, providing strong and effective leadership on Access to Justice issues.

The most effective Access to Justice Commissions have succeeded in becoming a visible, credible and effective presence in their legal community and beyond. They have mobilized and built upon the strengths of stakeholder institutions and new partners, and have enlisted high-profile and influential leaders – Commission members and others – to draw attention to barriers to civil justice and the importance of addressing them. They are recognized as providing a perspective that is not based on institutional self-interest and transcends partisan politics.

Effective Commissions communicate with stakeholders and the public through a variety of means, including facilitating coverage in broadcast and print media, and through websites and social media. Potential strategies include: developing opportunities for engaging local media, such as identifying events that could be worthy of news coverage (pro bono recognition celebrations; kick-off events for new Access to Justice initiatives); preparing and disseminating an annual report that details the efforts and achievements of the Commission; conducting an annual Access to Justice conference to update and engage stakeholders, and possibly create opportunities for news coverage; and coordinating with national communications efforts undertaken by organizations such as Voices for Civil Justice.

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