

**REPORT OF THE  
IOWA SUPREME COURT  
ACCESS TO JUSTICE COMMISSION  
JULY 2017**



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## **INTRODUCTION**

The Iowa Supreme Court Access to Justice Commission (Commission) was formed by order of the Iowa Supreme Court on June 27, 2016. Iowa Supreme Court Justice Brent Appel was appointed chair of the Commission. Through subsequent orders, the supreme court appointed 29 members to the Commission. Iowa lawyer Anjie Shutts was named vice chair of the Commission. Counsel to the Chief Justice Molly Kottmeyer served as secretary to the Commission.

The Iowa State Bar Association (ISBA) played an important leadership role in the formation of the Commission. In August 2015, the supreme court asked the ISBA to evaluate whether an access to justice commission should be established in Iowa. An ISBA study group ultimately recommended that the ISBA Board of Governors adopt a resolution supporting establishment of an access to justice commission in Iowa.

The efforts of the ISBA are consistent with the efforts of the American Bar Association to encourage the creation of access to justice commissions in the states. As of today, more than forty jurisdictions have established access to justice commissions. They come in many shapes and sizes, but all are committed to identify and remove barriers to civil justice for low income and disadvantaged people in a coordinated and collaborative way. Judges and members of the Iowa bar have had the opportunity to attend ABA conferences addressing access to justice issues. In addition, the American Bar Association's Resource Center for Access to Justice Initiatives has provided guidance and support to the Iowa Commission.

The Commission's work received support from the ISBA Public Service Project in the form of staff services from its executive director, Brett Toresdahl. The ISBA also provided financial support for Commission meetings. The Commission appreciates this important assistance in the first year of its existence.

According to an ISBA resolution, half of one million Iowans live at or below 125% of the poverty line. The ISBA resolution further states that at least one million more Iowans have difficulty affording a lawyer to handle basic legal needs. The ISBA resolution is consistent with a June 2017 Legal Services Corporation study, which found that low income Americans received inadequate or no legal help for 86% of their legal problems. Yet, as United States Supreme Court Justice Lewis F. Powell, Jr., noted during his tenure as president of the American Bar Association, "it is fundamental that justice should be the same, in substance and availability, without regard to economic status."

The Commission met on four occasions between July 1, 2016, and July 1, 2017, at the ISBA headquarters in Des Moines. At its first meeting, the Commission determined to create seven Work Groups to begin the work of developing material for an annual report. Each Work Group was charged with exploring a particular subject matter and making periodic reports to the Commission at subsequent meetings. The Work Groups were encouraged to seek the assistance of nonmembers with knowledge and interest in access to justice issues. Through the course of the year, the Work Groups met, developed, and refined their work product.

At the Commission's June 2017 meeting, the Work Groups presented final reports to the Commission. The Commission approved all reports with some modifications. Once the Commission approved the Work Group reports, the Commission Chair assembled them into a Draft Commission Report with a light edit for content and structure. The Draft Commission Report as edited was subsequently circulated to the members of the Commission and approved for transmittal pursuant to the order of the Iowa Supreme Court.

The Report that follows contains both recommendations and goals. Recommendations are relatively concrete, and in the view of the Commission, can be accomplished in a relatively short period of time. Goals are more broadly stated directions for the Commission that will require a more extended period of time to implement. As will be apparent, some of the recommendations and goals of the Work Groups overlap. The Work Groups plan to coordinate their future activities to avoid duplication of effort.

# **CORPORATE INVOLVEMENT WORK GROUP**

## **I. Overview of Issues**

The Corporate Involvement Work Group (the Work Group) considered three main issues: (1) how to engage the corporate and business community to support access to justice activities; (2) once engaged, how to get the corporate community to advocate for access to justice issues, including to support funding for existing legal aid service providers; and (3) how to educate the corporate community on available legal assistance resources in order to expand access to justice.

## **II. Identification of Available Resources**

While there exists a wide variety of resources in the area of access to justice, they appear to be of limited utility in addressing the issues to be addressed by the Corporate Involvement Work Group. The Work Group found it difficult to identify resources or locate relevant information specifically addressing corporate involvement. Resources in the corporate community seem to be limited to referring employees to Employee Assistance Programs or offering a prepaid legal services benefit as an employee-purchased option.

## **III. Identification of Unmet Needs**

Unmet needs include education and training of corporate counsel to overcome perceived obstacles to providing pro bono service. There appears to be no coordinated program or material to educate business leaders (including corporate foundations) about access to justice issues (e.g., what it is and why it should be important to them). There is also no clearinghouse of resources for corporate human resources departments to share with those in their workforce in need of legal services, especially for those of modest means who may not qualify for legal aid or have a prepaid plan.

## **IV. Short Term Recommendations**

The following is a detailed list of potential initiatives, policy changes, and activities that the Work Group recommended and that can be implemented in an immediate or short time frame with limited resources.

**Recommendation #1: Prepare a report on the need for and importance of access to justice as an economic issue of corporations, including analysis of impact on workforce and employee engagement.**

A fair, impartial, and stable judicial system is recognized as being crucial to a vibrant business environment. Likewise, promoting access to the judicial system is a logical and important next step for the corporate community. The report should delineate the need for funding, education, and providers, and promote access to justice as an Iowa value.

This is potentially a high impact activity and critical first step in promoting access to justice to the business community. It can be accomplished by the Work Group in a short time frame with limited resources. A number of research activities have been conducted in other jurisdictions that the Work Group can leverage. Once the report is prepared, it can be used to communicate and educate the corporate community through meetings and presentations to Iowa business associations, local Rotary Clubs, and directly to the leadership of Iowa companies. (See Recommendation #2 below.)

**Recommendation #2: Engage traditional business associations to adopt access to justice issues.**

Groups such as the Iowa Business Council, Iowa Association of Business and Industry, The Greater Des Moines Partnership, Cedar Rapids Metro Economic Alliance, and local chambers of commerce should be engaged on access to justice issues.

**Recommendation #3: Develop a model Corporate Access to Justice Policy Statement that can be endorsed by business associations and adopted by constituent corporations.**

Such a policy statement can be an education tool and ensure appropriate buy-in from corporate leadership. The policy statement can be developed by the Work Group in a short time frame with limited resources. This is viewed as potentially a high-impact activity that would take a medium level of resources and could be developed in a relatively short time period. Initially, the Work Group could develop the policy statement and a contact plan for reaching the various business associations and groups. In the near term, members of the Work Group and other members of the Commission could serve as ambassadors to help communicate this message. Longer term, closer coordination with legal aid and pro bono providers may be needed to ensure that the message is communicated throughout the state.

**Recommendation #4: Encourage corporate counsel to prioritize access to justice and partner with their private law firm providers to increase participation, sponsorship, and partnership in this area.**

Resources in this area can be developed to assist corporate counsel, including the following: (1) a model pro-bono policy for in-house counsel; (2) a model framework for partnering with private firms in provision of pro bono and limited scope services; and (3) a statement of commitment by Iowa businesses (to be signed by a corporation's chief legal officer) that encourages use of law firms that share a commitment to access to justice. This is viewed as potentially a high impact activity that would take a modest level of resources to be accomplished in the short term. The Work Group could lead the development of these resources, in coordination with the ISBA, ABA, Association of Corporate Counsel (ACC), and other bar groups. A number of national law firms and large public corporations have also developed resources in this area, which could be leveraged and appropriately scaled for use by Iowa businesses.

**Recommendation #5: Partner with corporate counsel to educate and train house counsel on available resources and how to effectively provide pro bono legal assistance.**

A number of activities were identified in this area, including the following: (1) develop a manual in conjunction with legal aid providers to provide to house counsel to assist with provision of pro bono services; (2) develop and co-host CLE seminars with other bar organizations (e.g., ACC, ISBA, YLD) to educate house counsel on pro bono services; (3) develop a library of short YouTube videos to help train attorneys on various pro bono tasks; (4) partner with legal aid and pro bono providers to develop "brown bag," pro bono education and training sessions to deliver at corporate house groups; and (5) educate house attorneys on ways to overcome perceived obstacles to providing pro bono services, including the availability of malpractice insurance for pro bono services. This initiative is viewed as potentially high impact, requiring a medium level of resources to accomplish the tasks. Coordination would be necessary by and among the other Commission Work Groups, especially the Pro Bono Work Group. It would also be necessary to engage with other key resources, such as ISBA, ACC, Iowa Legal Aid, and the Polk County Volunteer Lawyer Project, to successfully accomplish this initiative. There is also a potential cost to maintain the training video website on the ISBA website.

**Recommendation #6: Advocate for change or clarification to Iowa Court Rules to allow attorneys registered as house counsel to provide pro bono services.**

This would expand the pool of in-house attorneys who could provide pro bono services within Iowa. The existing rule (Iowa Court Rule 31.16) is unclear and appears to permit only representation of the employer-client. A formal interpretation as to the scope of permitted activity for house



counsel should be requested from the Office of Professional Regulation. If required, the existing rule should be amended to permit house counsel to provide pro bono services. Recently, four jurisdictions have adopted provisions that permit house counsel to engage in pro bono services— Illinois, New York, Virginia, and Wisconsin. While this action is viewed as having only modest impact, it can be accomplished in a short time frame with only limited resources. The Work Group could lead this effort.

**Recommendation #7: Engage the corporate counsel community to take a larger role in getting businesses focused on and engaged in the various access issues by volunteering and educating their workforce and community.**

Nonlawyer volunteers within the corporate workforce could be encouraged and trained to serve as legal “navigators” (e.g., translator services, filling out forms, etc.). Opportunities could be compiled for easy reference and training programs could be developed. While this would be expected to be of high impact, the Work Group recognizes that it will take significant resources to complete and may not be able to be accomplished in the short term.

Another initiative in this area would be the development and implementation of a Judiciary “Gold Star” program—similar to the ACC Corporate Pro Bono Award Program—to recognize outstanding achievement by Iowa businesses for their contributions to access to justice. Similarly, a way could be developed for those participating to be championed by corporate bar or business associations. The Work Group believes this initiative would have only medium impact but could be accomplished with limited resources.

**Recommendation #8: Encourage corporations to underwrite and produce educational material that promotes access to justice issues.**

Encourage Iowa corporations to utilize their corporate communications departments to donate time and resources to produce public service messages. Corporations could also produce pamphlets that they could provide to their workforce with information on referrals to social service providers and pro bono or “low bono” lawyers qualified and willing to provide those services. This activity is seen as providing only modest impact and would require significant resources to accomplish. For that reason, it is identified by the Work Group as having a low priority.

## V. Long Term Goals

**Goal #1: Promote a legislative agenda to prioritize judicial needs and access to justice issues, particularly the need for funding.**

Current resources appear inadequate even with the use of technology and enhanced volunteer contributions to expand access to justice.

**Goal #2: Increase the visibility and desirability of access to justice as an object for corporate charitable giving and to develop a clearinghouse that can serve as a means of communication between companies about how they are addressing access to justice issues and what is working and not working.**

This goal, as well as the goal of increased legislative support for access to justice initiatives, is viewed as having potentially high impact but requires long term development and a high level of resources and coordination to accomplish. The Corporate Involvement Work Group intends to further explore these goals in the next phase of the Commission's work.

Respectfully submitted,

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Kate Cutler  
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Gerry Neugent  
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## **PUBLIC OUTREACH WORK GROUP**

### **I. Overview of Issues**

As a general matter, the Public Outreach Work Group (the Work Group) discussed the need to promote access to the legal system of justice as an Iowa value. Messaging is viewed as an important component of public outreach. The Commission and organizations providing legal services need to market the access to justice brand and value. A strategic message needs to be developed and the outreach needs to be sustained over the years.

The Work Group recognized there is a lack of awareness among many Iowans that they have a legal problem. Further, when a legal problem is identified, the person may not know how to prepare or how to get legal assistance necessary to obtain resolution. Current resources, however, may not be able to handle increased demand.

The Work Group reviewed the potential role of service organizations (e.g. Habitat for Humanity, veterans' organizations, health care professionals) who may be in contact with persons with legal problems. One avenue of public outreach would be to assist service organizations in identifying such needs among their clients and referring persons to appropriate legal providers.

Although the Work Group is confident that there is generally a need for additional services to promote access, no comprehensive study of legal needs in Iowa has been conducted to better identify and define those needs. Specifically, more information is needed on how best to assist moderate or modest means Iowans with identification of their legal issues and to provide resources for such persons. It is important that this population be included in public outreach as it is also a population most likely not able to afford a lawyer's full services. The Work Group acknowledged that public outreach may confront language and diversity barriers.

The Work Group recognized that currently the Commission does not have substantial funds to assist initiatives. Low or no cost opportunities such as social media, general media, public service announcements (PSAs), electronic communications, etc., should be identified.

### **II. Identification of Available Resources**

There is at present no comprehensive registry of current and potential providers of legal services for those without access to legal services. The Work Group discussed the possibility that students at Drake and the University of Iowa law schools might be available to research and compile available resources in Iowa as well as those in other states. The effort could include

identifying other states' public outreach resources and efforts, ISBA resources, court resources, resources available for moderate or modest means Iowans, Iowa Legal Aid (over 550,000 people view its website materials), Iowa Free Legal Answers (ISBA initiative), and identifying potential partners such as Justice Not Politics, the Interfaith Alliance, and other groups.

*Note:* Many organizations, such as Iowa Legal Aid and the ABA, have substantial information resources. It is imperative to research all of the resources available to understand how best to educate the public and alert the resources, if applicable, about the possible increased public need due to increased education by this Commission.

The comprehensive list of current providers should include all agencies currently offering some type of legal assistance compiled by Iowa Legal Aid (see attached), Justice for our Neighbors, providers of volunteer translators, pro bono attorneys, Iowa Free Legal Answers, Drake Legal Clinic, the University of Iowa Law School Legal Clinic, and the Iowa ACLU. In addition, a list of potential service providers that could assist in identifying legal problems should be developed, including Habitat for Humanity, Food Bank of Iowa, the Human Service Advisory Council, veterans organizations, United Way, the NAACP, Hospice of Iowa, hospitals, doctors, human service providers, etc. (A list of all service organizations in Iowa is available on the Iowa Secretary of State website.)

The comprehensive list could also identify other partners, such as businesses willing to provide volunteer marketing, writing, speakers, help with PSAs, social media dissemination, and education. Voices for Civil Justice and other entities could provide communication services.

### **III. Identification of Unmet Needs**

Overall, unmet legal needs arise from inability of persons to know that they have a legal need, lack of awareness about current legal resources or other resources, and inability of current legal resources to handle the identified legal needs.

Current legal and judicial resources may not be able to handle a potential increase in demand created through public education. It will be necessary to determine the volume current legal resources can handle regarding increased demand due to public outreach (through general public and service organizations) and to determine appropriate education to service organizations so they can appropriately identify, handle, or provide alternative resources. Attention should be paid to not stimulate more demand than the current legal resources can handle. Any outreach thus needs to be calculated, strategic, and right-sized.

Consideration should be given to providing moderate or modest means lowans with assistance identifying legal issues, education, and resources for addressing those legal issues. Another area of unmet needs may involve incarcerated persons with civil legal needs.

#### **IV. Short Term Recommendations**

**Recommendation #9: Conduct inventory of current resources providing legal services and legal outreach, including what other states offer to determine if Iowa should provide similar resources.**

An electronic central location for all identified resources should be utilized. This may require a gatekeeper for updates. A possible resource is the ISBA website, the judicial branch website, or other websites. Other service organizations should be able to link to this website.

Attention should be given to the capacity of current legal resources. A chart representing a preliminary inventory is attached as Appendix B.

**Recommendation #10: Develop a communication plan or report around public outreach opportunities and events.**

Nationally, Voices for Civil Justice is a resource that may be available to help develop a communications plan. The plan might include communicating the value of the justice system and recognizing the value of access to justice as a brand, an outreach component for attorneys and local bar associations so they are on the same page with what is being communicated to the public and can help with this communication and outreach, a component addressing diversity and language issues, a presentation and communications template that can be used by a variety of people, education about limited scope representation (including collaborative law), and a component addressing access to justice CLEs regarding the work of the Commission and other access to justice developments.

#### **V. Long Term Goals**

**Goal #3: Develop a strategic plan (expanding upon communication plan) on how, when, and how frequently to educate service providers on identification of legal issues and possible resources for referral.**

This strategic plan would also include how, when, and how frequently to educate the general public on identifying legal issues and available resources.

**Goal #4: Develop and hold a one-day summit for all service providers already assisting Iowans to help identify legal needs and make appropriate referrals.**

A pilot project in central Iowa could help determine the best approach and then similar summits could be held in other parts of the state. DMAAC has indicated support for such a summit and could serve as summit host. A successful summit will require collaboration with other Commission Work Groups potentially impacted.

**Goal #5: Develop and hold a series of public forums, such as Law Day, Free Will Day, Veterans' Day, ABA Pro Bono Day, Court Service Days, Corporations Days of Caring (allow employees to use volunteer hours for access to justice initiatives) and events in communities that will reach a broad and diverse audience.**

This outreach could include advertising through different avenues, including general media, social media, PSAs, service organizations, and through corporate counsel and HR departments to employees, etc. Public figures could be recruited to endorse public outreach efforts to show that access to justice is a value in Iowa—this should create widespread media coverage. Conducting an informal legal needs study through public forums from consumers, attorneys, and providers of services may be useful. Members of the Commission and others could be trained to engage in public outreach. The Commission should consider the viability and scope of a law-in-library program, which has been implemented in other jurisdictions, where trained legal volunteers present at community meetings in public libraries. Collaboration with other Commission Work Groups will be required. A subcommittee of this Work Group could work on this goal.

**Goal #6: Determine whether certain technology should be developed in addition to the website of resources, for example, develop an App to help navigate through legal issues and resources (such as a legal “check up” the ABA Center for Innovation is developing).**

The ABA Center for Innovation has a number of technology initiatives, including an Online Legal Check Up tool currently in development that the Commission should continue to watch to determine if it will be a good resource for public outreach and education. Cost may be an issue.

Respectfully submitted,

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# PRO BONO WORK GROUP

## I. Overview of Issues

In light of limited resources for direct legal aid, it is important to improve pro bono services in Iowa by increasing the number of persons served and increasing the participation of members of the Iowa bar. Among other approaches, two specific ways to accomplish increased pro bono services are through the Iowa Legal Aid Pro Bono Innovations Grant and through promotion of increased use of limited scope representation.

## II. Identification of Available Resources

Available resources include current volunteer lawyer projects (VLP): Polk County Bar VLP, Iowa Legal Aid VLP, and Story County VLP. Iowa Legal Aid currently has received a Pro Bono Innovations Grant to review current pro bono projects, consider alternatives from around the country, develop packets for limited scope representation and pilot limited scope representation, and short term cases to be handled by volunteer attorneys. Attorneys who have not yet volunteered to provide pro bono services could be encouraged to do more. The ISBA is currently developing and implementing Iowa Free Legal Answers, which promises to help expand access to attorney services.

## III. Identification of Unmet Needs

Unmet needs for pro bono services include those persons whom legal aid is unable to represent as a result of conflicts or statutory or financial limitations.

## IV. Short Term Recommendations

**Recommendation #11: Determine barriers to attorneys providing more pro bono assistance and incorporate those findings into strategies for change in existing projects.**

This Work Group will craft an Iowa-specific survey for attorneys to identify issues they see (Work Group subcommittee to begin drafting language now). The Work Group will ensure coordination with the Pro Bono Innovations Grant, which also will be seeking similar input, obtain agreement from the court or the ISBA to encourage attorneys to respond to survey, and analyze and provide a report on the survey. In addition, focus groups might provide an effective means of obtaining more granular feedback. Finally, the Work Group will consider incentives that may improve pro bono participation such as:



- provide pro bono services in lieu of some CLE requirements, available to all attorneys or newer attorneys only;
- ask law firms to give credit towards billable hours for pro bono services;
- reduce bar dues for newer attorneys in exchange for pro bono services;
- identify and utilize more technology to encourage participation;
- seek judicial support for pro bono services through resolutions and letters of support;
- provide additional individual recognition to attorneys who have provided significant service (some type of star system);
- encourage administrative accommodations for attorneys providing pro bono services;
- provide support to the Pro Bono Innovations Grant (more details to follow as the project develops);
- identify spokesperson to champion the importance of pro bono work in coordination with the Public Outreach Work Group; and
- develop testimonial videos from pro bono attorneys discussing the rewards and benefits of providing pro bono services.

**Recommendation #12: Reach out to government and new attorneys to encourage providing pro bono services with appropriate information and support.**

The Corporate Involvement Work Group has suggested reaching out to corporate attorneys in order to expand the pool of available pro bono attorneys. The Pro Bono Work Group identified government and new attorneys as specific groups that might be encouraged to provide additional pro bono services. With respect to newer attorneys, the ISBA Young Lawyers Division might be approached for ideas and support. Among other things, attorneys new to pro bono services will likely need CLEs on ethical responsibilities and on practical issues such as limited scope representation. As a result, readily accessible materials to assist attorneys in providing limited scope assistance should be developed in coordination with the Pro Bono Innovations Project. Mentors could support attorneys new to pro bono work.

**Recommendation #13: Consider low bono practice options.**

Low bono practices are designed to provide legal services to those who cannot pay prevailing ordinary hourly rates for lawyers but do have sufficient resources to make significant payments for legal services. At least one law firm in central Iowa has developed a business practice based on a low bono business model. Existing business models in Iowa

and in other states could be analyzed for making recommendations to the ISBA, the Iowa law schools, or the court in connection with them.

**V. Long Term Goals**

**Goal #7: As a cumulative effect of the above recommendations, materially increase the number of Iowa attorneys participating in pro bono activities through intensified recruitment, outreach, and support.**

**Goal #8: Expand the availability of low bono representation for those who do not meet the financial requirements for legal aid but are nonetheless unable to afford legal representation at ordinary hourly rates.**

Respectfully submitted,

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Carol Phillips, Co-Chair  
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## **VETERANS WORK GROUP**

### **I. Overview of Issues**

Because Iowa's veterans will ultimately benefit from the efforts of all of the Commission Work Groups, the Veterans Work Group focus has been to identify the primary unmet legal needs of Iowa's veterans, identify existing legal resources, identify ways to disseminate information regarding those resources to veterans in need of legal assistance, and identify ways to provide contextual or "cultural-sensitivity" training to attorneys who are interested in providing legal assistance to veterans.

To that end, individual members of the group consulted with VA social workers, state and county veterans service officers, the administrator of Iowa's only Veterans Treatment Court, members of the ISBA's Military Affairs Committee, and active judges who are involved in Iowa's existing drug treatment courts.

The Work Group reviewed existing studies that have identified the unmet legal needs of veterans nationwide and confirmed that these issues (including eviction and foreclosure, restoring driver's license, child support, outstanding warrants and fines, military discharge upgrades) are applicable to Iowa's veterans.

As with the other Commission Work Groups, one major challenge in ensuring access to justice for Iowa's veterans is to motivate attorneys to provide legal assistance on a pro or low bono basis. In 2016, the ABA launched its Veterans Legal Services Initiative to address veterans' legal needs through (1) creating centralized resources, (2) developing policy, and (3) supporting the delivery of legal services. One of the Initiative's stated goals is to encourage state and local bar groups and law schools to create new programs and highlight existing programs that serve veterans. The Veterans Work Group can pattern its short term efforts on the ABA's Veterans Legal Services Initiative.

The long term goals identified by the Veterans Work Group—expanding veterans' treatment courts or adding a veteran-centric overlay to Iowa's existing drug treatment courts, and creating a veterans legal clinic at one of Iowa's law schools—may not be realistic in light of the state budget environment. However, private funding for a veterans legal clinic at an Iowa law school is a possibility.

In addition, there are approximately 15,000 active and reserve military members in Iowa who may also benefit from legal assistance. The ABA's "Homefront Program" (see Existing Resources, below) is a useful resource for

current active and reserve military members. Unfortunately, most current military members and their families are not aware of this resource.

To the extent that the Veterans Work Group should expand its focus to include current active military members, it will need to identify ways to provide information on resources available to this population, as well as information on the potential interplay between military separation benefits and future VA benefits. This can happen via legal clinics conducted at the current active military members' "annual checkups," or when they are separated from service. Members of the ISBA's Military Affairs Committee have expressed an interest in the Veterans Work Group, and we have extended an invitation to participate to those members. However, this present draft of the Veterans Work Group report focuses on providing access to justice for Iowa's veterans.

## **II. Identification of Unmet Needs**

A 2016 VA study has identified the top five unmet legal needs of veterans nationwide (male and female, homeless and nonhomeless) as: (1) legal assistance to prevent eviction and foreclosure; (2) legal assistance to help restore a driver's license; (3) legal assistance for child support issues; (4) legal assistance for outstanding warrants and fines; and (5) discharge upgrades.

See June 2016 VA Fact Sheet, Community Homelessness Assessment, Local Education and Networking Groups (CHALENG). This study was referenced in the First Annual Report of the White House Legal Aid Interagency Roundtable (WH-LAIR), *Expanding Access to Justice, Strengthening Federal Programs*. The full WH-LAIR report might be of interest to other Work Groups, and is available at <https://www.justice.gov/atj/page/file/913981/download>. Based on conversations with veterans, VA social workers, and state and county veterans service officers, Iowa's veterans have the same unmet legal needs that are identified in the 2016 report.

The unmet legal need on this list that only applies to veterans (and not the general population) is the need for assistance with discharge upgrades. In general, veterans are entitled to VA benefits as long as they were discharged under conditions "other than dishonorable" (i.e., honorable, other-than-honorable, general). For most state benefits, a veteran must have an honorable discharge. Many veterans who are in the criminal justice system on drug-related charges also have mental health issues, but may not be entitled to VA healthcare benefits because of their discharge status.

### **III. Identification of Available Resources**

The Work Group canvassed available resources for veterans. It found many state, federal, and local resources. Part of the challenge to providing effective access to justice for veterans is effectively communicating with them about these resources. A list of identified veterans' programs is provided in Appendix C.

### **IV. Short Term Recommendations**

#### **Recommendation #14: Develop means of identifying veterans in need of legal assistance.**

Local jails are a contact point for some veterans with civil legal needs. To identify this veteran population, county jails could be asked to add a line to the jail's intake sheet: "Are you a veteran?" This is done in Woodbury County to identify veterans that might be eligible for the Woodbury County Veterans' Treatment Court. Where there is a referral system in place, such a system would help to (1) identify counties with the greatest need, and (2) enable jail staff to provide veterans with information on existing resources. In the alternative, information on existing veterans' resources could be posted in prominent locations in the jails.

Another possibility is identification from court calendars of veterans seeking pro se divorce. It would be necessary to identify the districts that employ such a calendar as part of their docket. Those districts could then be provided information on pro and low bono legal resources for veterans seeking divorce.

#### **Recommendation #15: More effective dissemination of existing information to veterans.**

Once the Commission determines how it is going to disseminate its information to the public (ISBA website? Judicial branch website? Iowa Legal Aid website? Stand-alone Commission website? All of the above?), it will be able to provide information for the "Veterans" section and provide the link to veterans via existing service providers (VA medical facilities, Veterans Justice Outreach specialists, county veterans service organizations (VSOs), congressional constituents' representatives, etc.). Information could be provided regarding existing state and federal benefits and information with contact references for federal VA Justice Outreach specialists, county VSOs, and state and federal congressional constituents' representatives. This information could be distributed to the local jails, courthouses, homeless shelters, and vet centers.

**Recommendation #16: Provide information on existing VA benefits and legal resources to current active military members.**

This could be as simple as creating an information sheet and providing this information to military members at their “annual checkups.”

**Recommendation #17: Encourage Iowa attorneys to provide pro or low bono assistance to veterans.**

The ABA is doing an excellent job of encouraging attorneys to provide free or low cost legal assistance to veterans. However, their focus has been on helping veterans get VA benefits, which is not a top “unmet legal need” of veterans. Iowa attorneys can be encouraged to provide pro or low bono legal assistance to address veterans’ unmet legal needs through the vehicle that the Commission ultimately uses to encourage attorney participation for the general population.

This can also be accomplished by encouraging Iowa attorneys to sign on to VetLex, once it is operational, and linking to VetLex from the Iowa Judicial Branch’s Office of Professional Regulation website page. VetLex is currently allowing attorneys to register, but is not yet fully operational. See <http://vetlex.org>.

In addition, the ISBA has a list of current members who are veterans. The Commission could reach out to this group to generate interest in providing pro or low bono assistance to their fellow veterans.

**V. Long Term Goals**

**Goal #9: Establish a veterans legal clinic at one of the state’s law schools.**

Iowa is currently one of the few states in the nation that does *not* have a Veterans Legal Clinic. This has been proposed to the Dean of the University of Iowa’s College of Law, but there is no money in the budget to allow for this. We could explore funding possibilities by identifying veteran alumni via the UI Foundation and Drake University.

**Goal #10: Establish a template for a Veterans Treatment Court “add-on” to Iowa’s existing drug treatment courts.**

Given the current budget constraints for Iowa’s courts, it may not be realistic to attempt to establish a statewide network of Veterans Treatment Courts (VTC) here. It might be conceivable, however, to add a VTC element to the existing drug treatment courts, depending on the needs of each county.

Respectfully submitted,

Honorable Kevin McKeever, Co-Chair

Amy Kretkowski, Co-Chair

Phil Garland

Anjie Shutts

# RURAL ACCESS WORK GROUP

## I. Overview of Issues

The Rural Access Work Group (the Work Group) discussed a wide range of issues related to access to legal services in Iowa. It considered whether there is a lack of attorneys in rural Iowa and, if so, what might be the solutions. It discussed whether increased technology might play a role. Finally, it considered how reduced judicial resources might impact rural Iowans.

## II. Identification of Available Resources

The ISBA and Iowa Legal Aid have shown an interest in rural access to justice. Other states have attempted to address rural access to justice issues through their Access to Justice Commissions.

## III. Identification of Unmet Needs

Rural lawyers are aging and retiring. At the same time it is becoming increasingly difficult to recruit new lawyers to practice law in rural Iowa. The reasons for the lack of new lawyers include: (1) need to maximize income to service high student loan debt, (2) perceived lack of social opportunities, (3) lack of job opportunities for spouses, (4) unwillingness of rural attorneys to transition to retirement and bring in new attorneys, and (5) reduced number of law students.

The current providers of free civil legal assistance are not able to provide sufficient personnel to address the needs of low income Iowans. Volunteer Lawyers Projects assist in filling the gaps but are not able to satisfy the need.

The inability to meet the legal needs of low income Iowans through free legal assistance has resulted in more litigants appearing in court without lawyers. This self-representation puts an additional burden on clerks and judges. Persistent lack of adequate financial resources to the judicial branch may disproportionately impact rural Iowans as clerks offices are closed and court service days are reduced.

## IV. Short Term Recommendations

**Recommendation #18: The Iowa Supreme Court should allow attorneys to receive a limited number of CLE credits each year for providing pro bono services.**

By providing an incentive to attorneys to engage in pro bono work, more attorneys will be available to assist low income Iowans, which will



improve access to justice. A rule change from the Iowa Supreme Court would be necessary to implement the recommendation. The court could look to eleven other states that have implemented this recommendation (AZ, CO, DE, LA, MN, NY, ND, OH, TN, WA, WY). It is hoped the court could adopt the necessary rule changes during its upcoming administrative term.

**Recommendation #19: Full funding for the judicial branch to allow full-time court services in 99 counties.**

The Iowa Legislature should provide funding necessary to maintain court services in all 99 counties. The most rural, least populated areas of Iowa are also those that have the highest percentage of low income residents. Closing clerk of court offices or otherwise reducing court services in these counties disproportionately impacts rural low income Iowans, requiring the most needy to defer, wait, or travel for access to justice.

When considering substituting technology for a physical presence in the counties, the capacity of the population served must be considered. Limited means persons often do not have the resources or sophistication to use the technology necessary to be fully involved in our technology-driven culture. In addition, rural areas often do not have the high speed internet capability that is necessary to access the available resources. Finally, persons may have physical or mental limitations that make it impossible to effectively use technology.

In addition, by reducing or eliminating court services in some counties, the likelihood that attorneys will locate in those counties is severely diminished. This will further exacerbate the lack of attorneys in rural Iowa. It is recommended that all bar associations at every level focus on educating and communicating with legislators on the importance of full funding for the Iowa Judicial Branch.

**Recommendation #20: Monitor and develop innovative pro bono courthouse assistance in rural areas.**

Through the Pro Bono Innovations Grant and a grant from the Iowa State Bar Foundation, Iowa Legal Aid is beginning a pilot project that will place volunteer attorneys in two rural courthouses on court service days to assist low income pro se litigants in family law cases. The attorneys will help litigants prepare and file the required Child Support Guideline Worksheets and Affidavit of Financial Status. This will not only help the litigants but will also decrease the time required by judges and clerks of court in assisting pro se litigants navigate the system. As the pilot project achieves success in its initial counties, it is anticipated that it will expand statewide. The pilot project will begin within the next six months.

## V. Long Term Goals

### **Goal #11: Expand use of low bono representation in rural areas.**

The Work Group recommends exploring and expanding the use of low bono representation. Low bono representation involves the use of a sliding scale of fees based on ability to pay. Low bono representation presents a possible solution to the problem of not enough lawyers and the cost for legal services. The Work Group recommends an aggressive program to educate and provide low bono services to those who do not qualify for Legal Aid or a volunteer lawyer project. Iowa Legal Aid could, as a part of its intake process, determine whether a person would be eligible for low bono services. If a client was above the legal aid income guidelines, and would therefore not qualify, but would be below a certain income level, they could qualify for fees at a reduced rate. It was suggested that a person with income below the median household income average for the lowest twenty counties in Iowa could qualify for such services at a fee of perhaps \$100 per hour.

### **Goal #12: Expanded limited scope representation in rural areas.**

A second available route is limited scope representation. Limited scope representation involves use of the services of a lawyer only at specifically identified and defined stages of a legal proceeding. Limited scope representation has been available for several years but there has been insufficient efforts to educate the public and lawyers on the benefits.

Limited scope representation would not only make legal services more readily available but might further encourage lawyers to practice in rural communities. There are firms in Iowa that are doing limited scope representation. Further, there are firms that will set an hourly rate below their average hourly rate for people who cannot afford to pay the normal fee. While no survey has been done, the Work Group estimates that perhaps 25%, if not more, of the lawyers in rural Iowa already use a sliding scale.

Current Iowa Supreme Court rules allow for limited scope representation, but many attorneys have been hesitant to implement it in their practice. This resistance may be based on unfamiliarity or unease. It is recommended that the ISBA undertake a concerted effort to educate attorneys on limited scope representation. Any education program should also include legal malpractice insurance providers to discuss procedures to minimize exposure to risk.

**Goal #13: Explore methods of expanded recruitment of rural lawyers.**

One aspect of maintaining and enhancing access to justice in rural Iowa is the presence of legal practitioners in Iowa's rural counties. For rural Iowans in need of legal services, seeking legal advice or representation in larger metropolitan areas could present additional barriers in terms of time, transportation, and more expense. Attorneys in metropolitan areas may be unwilling or unable to provide services in rural counties in a cost-effective manner. This is exemplified by the inability of court-appointed contract attorneys to claim travel time in criminal and juvenile cases. Moreover, many rural practitioners already provide informal pro bono or low bono services in communities where nonprofit organizations often do not have a full-time presence.

One of the concerns of every state is declining population in its rural counties. Along with that decline has been an even greater decline in the number of attorneys in rural counties. Statistics show that 20% of the population of the United States is rural, yet only 2% of the attorneys are found in rural America. Statistics also show that rural counties have low median income. Travel to see a lawyer in a neighboring county contributes to legal expenses.

Iowa does not yet have the same problems as two of its western neighbors, Nebraska and South Dakota. Nebraska has twelve counties with no lawyers. South Dakota has many areas with no lawyers. In both states there are residents who do not have lawyers within one hundred miles.

Wayne State College, Chadron State College, the University of Nebraska at Kearney, and the University of Nebraska Law School have adopted a program entitled "The Rural Law Opportunities Program." Students who attend undergraduate school at the three schools and commit to the program will receive free tuition at those schools and will automatically be admitted to the University of Nebraska Law School, as long as they maintain a 3.5 average for all four years of their undergraduate study. This program has not been in existence long enough to judge the effect it may have. It has been noted that many who apply for these scholarships would be at the top of their class anyway, and probably eligible for other scholarships, since maintaining a 3.5 grade average is not a given and only the best students will qualify.

Nebraska also has a similar approach to the ISBA summer clerking program. They have a bus tour annually with students working at two law firms for a period of five weeks each. There has been some success with the program but only time will tell its long range effect.

The South Dakota Bar, the South Dakota Legislature and local South Dakota economic development groups have been more aggressive. The South Dakota Rural Practice Initiative was started in 2013 with the first placements in 2015. The program was designed to place sixteen lawyers in rural South Dakota counties with a population of under 10,000 (48 of the 66 counties). Graduates of the law school, who have passed the bar, receive approximately 90% of the cost of the tuition at the University of South Dakota Law School, payable over five years. The cost of the program was estimated at \$1,000,000 to be paid 50% by the State, 35% by the county where the lawyer practiced and 15% by the South Dakota Bar Association. The program was available for sixteen lawyers, who had to commit by 2018. All slots were filled within the first two years and so the program was extended for another sixteen lawyers, with a fulfillment date of 2022. Two lawyers have been placed in this second group.

The ISBA Rural Practice Committee was formed in 2010. Since 2011 it has attempted to place law students in clerking positions in rural Iowa. There were approximately ten students in the summer of 2011 that were placed in various parts of the state. Several students within the program graduated in 2012 and began practicing in small town Iowa. The program's best success was in 2015 when ten full-time associates were placed directly or indirectly through the program, as well as fifteen clerks for the summer.

The Rural Practice Committee has met with legislators continually over the last several years. The courts struggle with funding itself. Court-appointed fees remain at \$60 per hour. Increasing funding for both of those have been priorities of the ISBA legislative program, leaving no room for any funding source from the state for lawyers going to small town Iowa. With the budgetary lean times ahead, it is not anticipated that there will be "state money" for the foreseeable future.

Factors that impact the recruitment and retention of rural legal practitioners include economic factors including potential over-valuation of existing practices coupled with increased law school debt for newer practitioners. It thus can be difficult for newer attorneys to consider a nonsalaried position or to consider buying into an ongoing enterprise. Further, there may be real or perceived limits on lifestyle and social opportunities for professionals beginning their legal careers. Similarly, there may be real or perceived limits on career opportunities for an attorney's spouse or partner (including implications related to health insurance or other benefits received via a spouse's employment). Limited diversity in rural communities may impact the interest of prospective new attorneys.

Among other ideas, the Work Group will explore loan forgiveness

programs for rural practitioners, such as the Kansas Rural Opportunity Zone LRAP program, explore other incentive programs for rural practitioners, continue to support and expand efforts to highlight rural practice opportunities and match students and young lawyers with experienced rural practitioners (as is being done by the ISBA Rural Practice Committee), provide guidance and education for established rural practitioners on planning for transition and economic factors, and encourage coverage of travel time in State Public Defender indigent defense contracts that often involve civil matters such as juvenile representation.

**Goal #14: Consider increased use of technology including kiosks with fill-in forms.**

The use of technology should be increased so that those litigants who are self-represented can proceed with limited assistance from the clerk or court. The current forms should be converted into a program that walks the user through a series of questions and fills in the forms. Kiosks could be placed in each courthouse that would be used for this purpose. This recommendation would require additional funding and is likely to be three to five years in implementing.

Respectfully submitted,

Phil Garland, Co-Chair  
Elisabeth Reynoldson, Co-Chair  
Brian Farrell  
Bruce Walker

## **LANGUAGE ACCESS WORK GROUP**

### **I. Overview of Issues**

As noted by the Iowa Supreme Court, “Knowledgeable and skilled court interpreters are an essential part of the Iowa Judicial Branch’s mission to provide high quality justice and service to all persons.”

### **II. Identification of Available Resources**

The Iowa Judicial Branch website currently has a “List of Resources for Locating Qualified Court Interpreters and Translators of Written Documents.” The website also has a Resource Guide for Iowa Court Interpreters.

### **III. Identification of Unmet Needs**

The Iowa Judicial branch website provides a list of twenty languages for which there are oral language and court interpreter examinations. There are no other certified court interpreters for any other languages. Many frequently used forms are not available in Spanish or other languages.

### **IV. Short Term Recommendations.**

#### **Recommendation #21: Appoint and reinvigorate a language access in the courts advisory committee (Advisory Committee) pursuant to Iowa Court Rule 47.9.**

The Advisory Committee should provide guidance to the supreme court, state court administration (SCA), Office of Professional Regulation (OPR), and the Commission on the full range of language access issues confronting the legal system. The Work Group recommends that the Advisory Committee include experienced judges, court staff, attorneys, and representatives from key stakeholder groups. For example: a district judge, a district associate judge, a magistrate, a certified oral language interpreter, a district court administrator, a district court staff member experienced in scheduling and coordinating interpreter and translator services, and a representative from: SCA, OPR, ISBA, Iowa Legal Aid, State Public Defender’s Office, Department of Inspections and Appeals, Department of Human Rights’ (DHR) Office of Deaf Services, DHR Office of Latino Affairs, DHR Office of Asian and Pacific Islander Affairs, and at least one nonprofit organization experienced in providing services to immigrants.

**Recommendation #22: The Advisory Committee should consider and make recommendations to address the following language access issues as soon as it is reasonably possible:**

- Streamlining the process for paying court interpreters and translators and implementing electronic filing and transmission of fee-claim forms and supporting documents;
- Ensuring that interpreters promptly receive notice of continuances of court proceedings and the new date for the proceeding;
- Developing standard statewide bilingual forms and (or) instructions (beginning with English/Spanish) for:
  - Limited English proficient (LEP) self-represented parties involved in case or proceeding types for which there are currently only English language versions; and
  - Provide a telephone number to call for interpreter use in all Original Notices similar to Original Notices in hearing-impaired individuals;
- Developing bilingual (English/Spanish) or multilingual signs for courthouses;
- Developing guidelines and procedures for use of video conferencing technology for accessing qualified oral and sign language interpreters in remote locations and cost estimates for acquiring the technology and software necessary to provide this service statewide;
- Expanding the use of full-time certified Spanish staff interpreters by the judicial branch to:
  - Provide interpretation and translation services for LEP litigants and participants in court proceedings;
  - With approval and supervision by the SCA's office, produce written translations of bilingual English/Spanish (or multilingual) forms and instructions for self-represented parties (see recommendation above); and
  - Mentor and monitor the performance of other court interpreters; and
- Employing a full-time Language Access Coordinator (preferably a certified Spanish interpreter) in the SCA's office to help coordinate interpreter recruitment, training, testing, performance monitoring; translating court forms, instructions, and judicial branch website materials; and developing outreach efforts to educate immigrant communities about the court system.

#### **IV. Long Term Goals**

**Goal #15: Provide training of court staff, judges, attorneys, and other stakeholders on language access issues.**

Clerks and district court administration (DCA) staff should be trained on (1) requirements regarding the qualifications, scheduling, and management of court interpreters set forth in chapter 47.1 of the Iowa Court Rules to all court-ordered programs, and (2) use of the telephone-based interpreter services approved by SCA (e.g., Language Line, Inc., and CTS Language Link) for addressing language access needs involving LEP persons who come to clerks' or DCAs' offices for information or assistance.

Training for all judicial staff in the form of a PowerPoint similar to that which is provided by the State of Connecticut could help staff in dealing with persons with limited efficiency or proficiency in English. New judges and magistrates should receive training on rules pertaining to court interpreters and translators in chapter 47 of the court rules and on the management of proceedings involving a court interpreter; more advanced training should be periodically offered for experienced judges and magistrates.

Attorneys, especially criminal defense and Legal Aid attorneys, should receive information and training on the requirements in chapter 47 of the Iowa Court Rules.

**Goal #16: Recruit and share information about persons qualified to provide language access services for courts and other justice-related entities.**

An initiative should be undertaken to coordinate efforts with area high schools, community colleges, colleges, and universities to encourage development of language interpreting and translating programs in foreign languages common in Iowa. (Note: Northwestern College in Orange City and Des Moines Area Community College already have interpreter training programs.)

An initiative should be undertaken to coordinate efforts with government agencies, businesses, hospitals, and nonprofit organizations to recruit, train, and share information about the availability of persons with bilingual knowledge and skills in English and a foreign language, especially languages other than Spanish, to provide language access services in the justice system and communities throughout Iowa. Colleges and universities in Iowa should share information with the judicial branch regarding the availability of persons with advanced



knowledge and skills in foreign languages who might be interested in providing language services for legal proceedings and to pursue the additional training and testing to be listed on the Iowa courts' Roster of Court Interpreters. An effort should be made to recruit retired language teachers for training to be listed on the roster and to generally encourage diverse hiring by the judicial branch.

**Goal #17: Distribute information about existing resources for locating qualified interpreters.**

The Iowa Judicial Branch should widely distribute to Iowa lawyers and stakeholder groups information about resources for locating certified and other qualified interpreters who are trained and available to provide language access services for LEP persons involved in legal proceedings or court-related programs, including but not limited to (1) the Iowa courts' Roster of Court Interpreters, which is available at: [www.iowacourts.gov/Administration/CourtInterpreters/Roster/](http://www.iowacourts.gov/Administration/CourtInterpreters/Roster/), and (2) The "Interpreter Search Resources" page on the judicial branch website available at: [www.iowacourts.gov/Administration/CourtInterpreters/InterpreterSearchResources/](http://www.iowacourts.gov/Administration/CourtInterpreters/InterpreterSearchResources/).

**Goal #18: Development of information on the use and cost of court interpreters and translators.**

The State Court Administrator should develop a regular statistical report on the number of court cases and proceedings involving interpreters by case type, language type, and county, and the cost of interpreting and translation services. The current cost per word for interpretation is \$0.18 based on a State Court Administrative Directive on court interpreter and translator compensation (September 20, 2016).

**Goal #19: Establish a goal to comply with the U.S. Department of Justice (USDOJ) 2010 Memo on Language Access Requirements for Recipients of Federal Funding (which includes the Iowa courts and most justice system agencies).**

The ISBA and justice system leaders should advocate for revisions to the Iowa Code, court rules, and relevant policies to provide free language access services to LEP individuals involved in legal proceedings, consistent with the USDOJ's interpretation of and guidelines on Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on nationality.

**Goal #20: Provide language access for LEP participants in executive branch administrative law proceedings.**

The executive branch should adopt rules comparable to chapter 47 of the Iowa Court Rules for establishing qualifications for interpreters and translators in administrative law proceedings, and should aspire to have administrative law divisions comply with the USDOJ's 2010 memo regarding the requirements of Title VI of the Civil Rights Act (see II.G, above). Common critical instructions or statements made by judicial officers to LEP parties should be developed.

Note: The Advisory Committee should involve representatives from the ISBA's Forms Committee and (or) other professional organizations in the development of bilingual forms or instructions based on the nature of the form or instructions.

**Goal #21: Support funding to support language access initiatives.**

Not all of these goals can be achieved given the current budget situation. When the state funding situation improves, however, actions to achieve unmet goals should be pursued

Respectfully submitted,

Bruce Walker, Co-Chair  
Ann Naffier, Co-Chair  
Leesa McNeil  
Leslie Kilgannon  
Alfonso Erdmann  
Jessica Taylor  
John Goerd  
Dave Ewert  
Mio Santiago  
David Suarez

## **CASE PROCESSING WORK GROUP**

### **I. Overview of Issues**

Standardization of case processing is necessary for any efforts undertaken to assist self-represented litigants (SRLs) to be effective and efficient. As resources are identified to assist SRLs it is necessary that they be able to be implemented and utilized statewide. It is not effective to develop resources to assist on every possible case processing practice that may exist in individual districts and counties. This is most important on those case types where there are a high number of SRLs—small claims, family law, forcible entry and detainer cases, and guardianship/conservatorship cases. The existence of “local” rules exacerbates the problem with effectively assisting SRLs.

The Iowa Judicial Branch should collect data on the number of cases with SRLs, types of cases, and failure-to-appear actions that most impact SRLs. Without a clear understanding of the types of cases and hearings with SRLs, it will be difficult to implement effective strategies to assist them with accessing the justice system.

Any efforts undertaken to assist SRLs should be made available on a statewide basis. Local efforts could be reviewed and replicated for statewide application if demonstrated to be effective.

A set of standards should be identified to determine the criteria for forms and processes to be considered user-friendly, prepared in plain English, and workable by SRLs. In developing criteria, the court should consult with disability rights advocates about how court processes could be improved to improve access. Before new forms and case processing practices are implemented, an audit of them needs to be conducted to ensure they are in fact user-friendly (something akin to a fiscal impact statement). New forms and processes should be tested with SRLs. (Example—small claims processes need to be user-friendly via the forms and processes utilized.) More information on new forms and case processes for SRLs from the Washington Access to Justice Board may be found at: [www.wsba.org/atj](http://www.wsba.org/atj).

### **II. Identification of Available Resources**

Existing staff vacancies may be able to be repurposed to positions and resources to support efforts to assist SRLs. Plain English tools are available and can be set as a standard as needed for efforts impacting SRLs. Establishing a standard by which all efforts can be measured will ensure consistency in forms and instructions utilized by SRLs. Free resources such as YouTube may be helpful in reaching SRLs with information they need regarding forms and processes.

The ABA website has useful information for SRLs. See [http://www.americanbar.org/groups/legal\\_aid\\_indigent\\_defendants/initiatives/resource\\_center\\_for\\_access\\_tojustice/atj-commissions.html](http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_tojustice/atj-commissions.html). In addition, the National Center for Access to Justice at Fordham Law School (<http://ncforaj.org/>) contains many research-based items to use when considering changes to the justice system to enhance access. In addition, the August 3, 2016, report prepared by the National Center for State Courts and the Institute for the Advancement of the American Legal System ([ncsc.org/civil](http://www.ncsc.org/civil)) titled *Call to Action: Achieving Civil Justice for All—Recommendations to the Conference of Chief Justices by the Civil Justice Improvements Committee* (<http://www.ncsc.org//media/Microsites/Files/Civil-Justice/NCSC-CJI-Report-Web.ashx>) provides many ideas for system improvement for court management of all civil cases. (Iowa Supreme Court Justice Daryl L. Hecht served on the CCJ Civil Justice Improvements Committee.)

### **III. Identification of Unmet Needs**

Data is needed to identify the number and types of cases with SRLs. A survey of SRLs may be helpful to highlight the areas in need of most improvement. A report titled *Cases Without Counsel—Research on Experiences of Self-Representation in U.S. Family Court* (May, 2016, State Justice Institute grant SJI-15-N-001) provides the family court litigant perspective from four different jurisdictions.

### **IV. Recommendations**

#### **Recommendation #23: Review the Guardianship and Conservatorship Taskforce Report for its impact on self-represented litigants and access to justice.**

There are recommendations in the report that impact access issues for SRLs. All court efforts that impact case processing should be planned per standards set to ensure they are user-friendly and workable for SRLs. The Guardian and Conservatorship Task Force Report should be made available to the Work Group for its consideration.

#### **Recommendation #24: Mandatory new judge and new employee training on procedural fairness.**

Require training for all new court employees and judges on procedural fairness. Until another tool is obtained, a PowerPoint that was utilized in a one-time training session at a clerk conference in 2012 could be updated and made available on the court's iLearn system. This recommendation could be implemented in a matter of months.

**Recommendation #25: Provide a comprehensive listing of available resources for SRLs to be made available on the judicial branch website, the ISBA website, and in all clerk of court and other court offices that interact with the public.**

A survey of all 99 clerk offices and 8 DCA offices in Iowa reveals there is no consistent or thorough information provided to SRLs about existing resources that are available. Providing information will enable more SRLs to have access to existing resources. This effort could be undertaken as a subcommittee project. Such efforts have been undertaken in Wisconsin and Maryland. Information about the Iowa Department on Aging services and the Iowa Guardianship Establishment (IAGE) Program Application (<https://www.iowaaging.gov/iage-program>—go to application form link) should be included in the resource material that is developed. This is a project that could be undertaken immediately by a specially appointed Work Group. Much of the work could be accomplished by telephone conference and email exchanges.

**Recommendation #26: Determine feasibility of making all forms SRLs may use available as fill-in forms to improve ease of efilng. (Think TurboTax!)**

The current process of having to find a form, modify it for the filer's purpose, save it and then find it to attach as a filing is too cumbersome. The small claims forms are most in need of the update, followed by the family law forms.

It is unknown what technical features would be needed that are not currently available. Assistance from the Iowa Judicial Branch Information Technology department would be needed. As an example, the Iowa Department on Aging has made a fill-in form for the Iowa Guardianship Establishment Program Application (<https://www.iowaaging.gov/iage-program>—go to application form link). A Work Group appointed for this specific purpose could be formed immediately. By working through the needs for such a change a timeframe and identification of the resources needed could be established.

## V. Long Term Goals

### **Goal #22: Ongoing training on procedural fairness for all judges and employees.**

As judges and employees encounter SRLs they will be more effective working with SRLs and ensuring justice is done. Through increased attention and training on the topic, best practices for working with SRLs will become institutionalized. There is a need to identify the types of training, resources needed for such, and methods of delivery that can be utilized for training on procedural fairness. All staff evaluations should include a component that addresses the employees' work to ensure procedural fairness.

Some jurisdictions utilize a peer review process for training judges whereby judges agree to videotape court sessions with SRLs, and peers proficient in working with SRLs review the video and offer constructive feedback. (This practice was recommended in an article by Richard Zorza in "Trends in Self-Represented Litigants Innovation," p. 87.)

### **Goal #23: Continue to explore opportunities to modify case-processing practices and forms to improve access and utilization by SRLs.**

The Commission should engage in a continuous review process of those opportunities.

Respectfully submitted,

Honorable Artis Reis, Co-Chair  
Leesa McNeil, Co-Chair  
Chris Luzzie  
Bob Oberbillig  
Medha Johnson

## **CONCLUSION**

The members of the Iowa Supreme Court Access to Justice Commission recognize that the Commission through the preparation of this Report has taken a first step as part of what is anticipated to be a long and continuous journey. The Commission recognizes that its recommendations and goals are necessarily imperfect. It also recognizes that it has spent the last year primarily in discussion and study and not on implementation. It believes, however, that its Report establishes a framework for future efforts. The Commission takes comfort in the common-sense observation that all majestic oaks, without exception, begin as saplings.

The Commission efforts to date reinforce its view that expanding meaningful access to justice for all members of the community is an urgent priority. The Commission plans in the coming year to focus on implementing recommendations and better understanding and refining of its goals in a fashion that spins off future specific recommendations. The members of the Commission wish to thank the Iowa Supreme Court for the opportunity to serve in this important undertaking.

## APPENDIX A

### Selected Bibliography of Corporate Involvement Work Group:

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## APPENDIX B

ORGANIZATIONS	FAMILY	HOUSING	CONSUMER	PUBLIC BENEFITS	JUVENILE	IMMIGRATION	TAX	HEALTH	EDUCATION	GUARDIANSHIP	NONPROFIT	SMALL BUSINESS	UTILITY ACCESS	CIVIL RIGHTS	CLASS ACTIONS	PRO BONO REFER	LEGISLATION
IOWA LEGAL AID	YES	YES	YES	YES	YES	LTD	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	NO
DISABILITY RIGHTS IOWA	NO	LTD	NO	YES	LTD	NO	NO	YES	YES	YES	NO	NO	NO	YES	YES	YES	YES
JUSTICE FOR OUR NEIGHBORS	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
KIDS FIRST	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
UNITED STATES COMMITTEE FOR REFUGEES AND IMMIGRANTS	NO	NO	NO	NO	NO	YES	NO	NO	NO	LTD	NO	NO	NO	NO	NO	NO	NO
IOWA ACLU	NO	NO	NO	NO	NO	YES	NO	LTD	NO	NO	NO	NO	NO	YES	YES	YES	YES
NAACP LEGAL REDRESS COMMITTEES	NO	YES	NO	NO	YES	NO	NO	NO	YES	NO	NO	NO	NO	YES	NO	YES	YES
LEGAL AID OF STORY COUNTY	YES	YES	YES	YES	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	YES	NO
MUSCATINE COUNTY LEGAL AID	YES	YES	YES	YES	YES	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO
IOWA COALITION AGAINST DOMESTIC VIOLENCE	YES	YES	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES
DRAKE UNIVERSITY CLINIC	YES	YES	NO	NO	YES	NO	NO	NO	NO	YES	LTD	LTD	NO	NO	NO	NO	NO
UNIVERSITY OF IOWA LEGAL CLINIC	YES	YES	YES	YES	NO	LTD	NO	NO	NO	YES	NO	NO	NO	YES	NO	NO	NO
DOMESTIC VIOLENCE VICTIM ADVOCATES	LTD	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
AMERICAN LEGION	NO	NO	NO	LTD	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
YOUTH LAW CENTER	LTD	NO	NO	NO	YES	NO	NO	NO	NO	LTD	NO	NO	NO	NO	NO	NO	NO
PUBLIC DEFENDER AND APP'T COUNSEL	LTD	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
FEDERAL PRO BONO REFERRAL PRORAMS	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	NO	NO	NO
POLK COUNTY BAR ASSOCIATION VOLUNTEER AWYER PROJECT	LTD	LTD	YES	YES	LTD	YES	YES	YES	YES	YES	YES	NO	NO	YES	NO	YES	NO
TENANT ASSISTNCE PROJECT	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	NO	NO
NEW IOWANS LEGAL ADVICE CLINIC (NILAC)	YES	YES	YES	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES	NO	NO	NO

## APPENDIX C

### Veterans Resources Identified by Veterans Work Group

A. Existing federal and state resources for veterans:

**i. Department of Veterans Affairs, Des Moines VA Regional Office**

1. 210 Walnut Street, Des Moines, IA 50309.
2. <http://www.benefits.va.gov/desmoines/>.
3. Processed applications for VA disability compensation, pension, education, training, vocational rehabilitation, home loans, life insurance, VA health care, and memorial/burial benefits.
4. Provides information on eligibility and how to apply for VA benefits.
5. Provides outreach to veterans, including homeless veterans.

**ii. Vet Centers**

1. Cedar Rapids Vet Center  
4250 River Center Court NE, Suite D  
Cedar Rapids, IA 52402  
Phone: 319-378-0016 Or 877-927-8387  
Fax: 319-378-8145
2. Des Moines Vet Center  
1821 22nd Street #115  
Des Moines, IA 50266  
Phone: 515-284-4929  
Fax: 515-277-4949
3. Sioux City Vet Center  
1551 Indian Hills Drive Suite 214  
Sioux City, IA 51104  
Phone: 712-255-3808  
Fax: 712-255-3725

**iii. Veterans Justice Outreach Program (VA)**

1. Provides outreach to veterans with mental health issues who are in local courts and jails.
  - a. Iowa City VA Medical Center, 319-383-2617
  - b. VA Central Iowa Health Care System, Des Moines, 515-577-8892 or 699-5999 x. 4875

**iv. Veterans Service Organizations (located at the Des Moines VARO)**

1. American Legion, Room 561, 515-323-7532, <https://www.legion.org>
2. Disabled American Veterans, Room 561, 515-323-7539, <https://www.dav.org>
3. Military Order of the Purple Heart, Room 556, 515-362-7356, <http://www.purpleheart.org>
4. Paralyzed Veterans of America, Room 563, 515-323-7544, <http://www.pva.org>
5. Veterans of Foreign Wars, Room 557, 515-323-7545, <https://www.vfw.org>
6. Vietnam Veterans of America, Room 559, 515-323-7549, <http://www.vva.org>

NOTE: the VSOs also have offices in the Iowa City VA hospital.

**v. Iowa Department of Veterans Affairs**

1. Nearly every county in Iowa has a state VA office with veterans' service officers who help veterans with a variety of issues, primarily obtaining federal VA disability and pension benefits and temporary emergency financial assistance. These offices are staffed by county Veterans Service Officers who receive training in federal and state benefits that are available to Iowa's veterans.
2. IDVA provides contact information for each county VA office on their website: <http://va.iowa.gov/counties>.

**vi. Federal and State Congressional Veterans Affairs Commissions**

1. U.S. Senate Committee on Veterans' Affairs  
<https://www.veterans.senate.gov>
2. U.S. House Committee on Veterans' Affairs  
<http://veterans.house.gov>
3. Iowa Senate Veterans Affairs Committee  
<https://www.legis.iowa.gov/committees>
4. Iowa House Veterans Affairs Committee  
<https://www.legis.iowa.gov/committees>

B. Existing federal legal resources for veterans:

**vii. ABA's Veterans Legal Services Initiative**

[www.americanbar.org/groups/committees/veterans\\_benefits.html](http://www.americanbar.org/groups/committees/veterans_benefits.html)

1. Encourages attorneys nationwide to provide volunteer legal assistance to veterans.
2. Offers CLEs – primarily focusing on VA benefits.
3. Current link to local pro bono resources identifies Iowa Legal Aid Volunteer Lawyers Project and the Scott County Pro Bono Program. *(ISBA is not on the current list.)*

**viii. ABA Homefront Program**

[www.americanbar.org/portals/public\\_resources/aba\\_homefront.html](http://www.americanbar.org/portals/public_resources/aba_homefront.html)

1. Provides links to state-level resources for veterans and active military and reserve members.
2. The Directory of Programs for Iowa currently only lists the Iowa State Bar Association. *(Iowa Legal Aid and Scott County Pro Bono Program are not on the current list.)*

**ix. Stateside Legal**

<http://statesidelegal.org>

1. Their “local” page provides links to all the Iowa Legal Aid offices and the ISBA Find-A-Lawyer program.

**x. National Veterans Legal Services Program**

<http://www.nvlsp.org>

1. Lawyers Serving Warriors Program – pro bono legal help with VA disability appeals and discharge upgrades.

**xi. Veterans Consortium Pro Bono Program**

<https://www.vetsprobono.org>

1. Provides free legal representation to veterans who want to appeal a decision from the Board of Veterans' Appeals to the U.S. Court of Appeals for Veterans Claims.
2. Also provides pro bono attorneys for discharge upgrade assistance for veterans nationwide. This program is limited to veterans with diagnoses/symptoms of PTSD and/or traumatic brain injury and OTH (other-than-honorable) discharges.

Contact: Danica Gonzalves, 202-733-3318,  
[danica.gonzalves@vetsprobono.org](mailto:danica.gonzalves@vetsprobono.org)

**xii. Veterans Legal Clinics at law schools** around the country  
*See attached lists of legal clinics and discharge upgrade clinics (updated May 2017).*

**xiii. Veterans Legal Clinics at VA facilities** around the country  
*See attached list of legal clinics (as of Oct. 2016).*

C. Existing Iowa legal resources for veterans:

**xiv. Iowa Legal Aid**

<http://www.iowalegalaid.org>

1. Provides legal information and assistance to veterans on consumer, deployment/transition, employment, family law, health, and veterans' benefits issues.
2. Iowa Legal Aid Volunteer Lawyers Project  
1111 9th Street, #230  
Des Moines, IA 50314-2527  
515-243-2980 x1620
3. NOTE: ILA is currently listed as a resource on the ABA's Veterans Legal Services Initiative page, but NOT on the ABA's Homefront Program page. This should be updated.

**xv. Iowa State Bar Association's Find-A-Lawyer Program**

<https://www.iowafindalawyer.com>

1. Provides referrals to attorneys, as well as to resources for pro/low bono legal assistance. Covers all general areas of law, including "military." There is no link for veterans.
2. NOTE: ISBA is currently listed as a resource on the ABA's Homefront Program page, but NOT on the ABA's Veterans Legal Services Initiative page. This should be updated.

**xvi. Scott County Pro Bono Program**

1. There is no website listed for this program.

2. 736 Federal Street, Suite 1411  
Davenport, IA 52803-5750  
563-322-6216
3. Provides legal assistance in various areas of law.
4. NOTE: This program is currently listed as a resource on the ABA's Veterans Legal Services Initiative page, but NOT on the ABA's Homefront Program page. This should be updated.

D. Existing resources for attorneys:

xvii. **National Veterans Legal Services Program**

<http://www.nvlsp.org>

1. Volunteer Lawyer Network – NVLSP works with large law firms and corporate legal departments to provide training for attorneys in veterans benefits and military law.

xviii. **Veterans Consortium Pro Bono Program**

<https://www.vetsprobono.org>

1. Trains attorneys to represent veterans in appeals from the Board of Veterans' Appeals to the U.S. Court of Appeals for Veterans Claims.

xix. **ABA's Veterans Legal Services Initiative**

[www.americanbar.org/groups/committees/veterans\\_benefits.html](http://www.americanbar.org/groups/committees/veterans_benefits.html)

1. Offers CLEs relating to veterans (VA) benefits.

E. Pending resources for veterans and attorneys:

xx. **VetLex**

<http://vetlex.org>

1. VetLex is an online resource currently being developed by the ABA to match veterans with pro/low bono attorneys around the country to help with discharge upgrades, unemployment benefits, and representation in Veterans' Treatment Courts.

F. Financial resources: There are numerous national organizations that assist veterans in obtaining VA benefits. The Veterans Pro Bono Consortium has small grants for law schools seeking to establish veterans legal clinics. Many legal clinics at law schools around the country were started with donations from alumni who are veterans.

There may be veteran alumni at Iowa's law schools who would be interested in establishing a veterans legal clinic in their name.

With respect to the courts, funding on the state level is limited.

## **APPENDIX D**



## Iowa Access to Justice Commission

### Workgroup Preliminary Report – Case processing workgroup

#### I. Overview of issues considered by this workgroup:

A. Standardization of case processing is necessary for any efforts undertaken to assist SRLs to be effective and efficient. As resources are identified to assist SRLs it is necessary that they be able to be implemented and utilized statewide. It is not effective to develop resources to assist on every possible case processing practice that may exist in individual districts and counties. This is most important on those case types where there are a high number of self-represented litigants – small claims, family law, forcible entry and detainer cases and guardianship/conservatorship cases. The existence of “local” rules exacerbates the problem with effectively assisting SRLs.

B. The court needs to collect data on the number of cases with SRLs, types of cases and failure-to-appear actions that most impact SRLs. Without a clear understanding of the types of cases/hearings with SRLs it will be difficult to implement effective strategies to assist them with accessing the justice system.

C. Any efforts undertaken to assist SRLs should be made available on a statewide basis. Local efforts could be reviewed as projects and replicated for statewide accessibility if demonstrated to be effective.

D. A set of standards should be identified to determine the criteria for forms and processes to be considered user-friendly, prepared in plain English and workable by SRLs. In developing criteria, the court should consult with disability rights advocates about how court processes could be improved to improve access. Before new forms and case processing practices are implemented an audit of them needs to be conducted to ensure they are in fact user-friendly (something akin to a fiscal impact statement). New forms and processes should be tested with SRLs. (Example – small claims processes need to be user-friendly via the forms and processes utilized.) More information on Washington State Uniform Courthouse Facilitator Rule and publication - Guide for Courts to Assist People with Disabilities and development of a rule for increased access (GR33) may be found at: [www.wsba.org/atj](http://www.wsba.org/atj). Also, consider broader health- legal collaborations to identify criteria - example Boston Medical Center model - now in 60 sites nationwide.

#### II. Identification of available resources:

-Existing staff vacancies may be able to be re-purposed to positions/resources to support efforts to assist SRLs.

-‘Plain English’ tools are available and can be set as a standard as needed for efforts impacting SRLs. Establishing a standard by which all efforts can be measured will ensure consistency in forms and instructions utilized by SRLs.

- Free resources such as YouTube may be helpful in reaching SRLs with information they need regarding forms and processes.
- Maximize (and standardize) the information that is made available to SRLs regarding legal assistance. The information should be made available on the court website, via all clerk/court offices and the ISBA website.
- Future efforts on Access to Justice will benefit from information made available via the ABA on their website:  
[http://www.americanbar.org/groups/legal\\_aid\\_indigent\\_defendants/initiatives/resource\\_center\\_for\\_access\\_to\\_justice/atj-commissions.html](http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice/atj-commissions.html). In addition, the National Center for Access to Justice at Fordham Law School (<http://ncforaj.org/>) contains many researched-based items to use when considering changes to the justice system to enhance access.
- In addition, the August 3, 2016 report prepared by the National Center for State Courts and the Institute for the Advancement of the American Legal System ([ncsc.org/civil](http://www.ncsc.org/civil)) titled *Call to Action: Achieving Civil Justice for All – Recommendations to the Conference of Chief Justices by the Civil Justice Improvements Committee* (<http://www.ncsc.org/~media/Microsites/Files/Civil-Justice/NCSC-CJI-Report-Web.ashx>) provide many ideas for system improvement for court management of all civil cases. (Our own Justice Daryl L. Hecht served on the CCJ Civil Justice Improvements Committee.)

### III. Identification of unmet needs in the currently available resources/programs:

- Data is needed to identify the number and types of cases with SRLs.
- A survey of SRLs may be helpful to highlight the areas in need of most improvement. A report titled *Cases Without Counsel – Research on experiences of self-representation in U.S. family court* (May, 2016- State Justice Institute grant SJI-15-N-001) provides the family court litigant perspective from four different jurisdictions.

### IV. Recommendations for initiatives, policy changes or activities that can be implemented in an immediate or short time frame with limited resources.

A. Ongoing review of the list of ideas generated by the sub-committee and attached to this report.

1. State how the recommendation will improve access to justice.

There are many ideas to improve access and the list will continue to grow. An on-going review will identify projects that may be implemented depending on time and resources available.

2. Outline the steps needed to implement recommendation.

On-going subcommittee attention on case processing.

The committee should regularly review the work undertaken in the Access to Justice Lab at Harvard law School. The lab is dedicated to transforming

adjudicatory administration and engagement with the courts into evidence-based fields”. The staff at the lab use randomized control trials to determine what is effective. Recently the lab determined that 95% or more of debt-collection defendants lose because they fail to show up for court. Finding ways to improve the appearance in court may be helpful to such SRLs.

3. Estimate the timeframe needed for the implementation of recommendation.

On-going

#### B. Review the Guardianship & Conservatorship Taskforce Report

1. State how the recommendation will improve access to justice.

There are recommendations in the report that impact access issues for SRLs. All court efforts that impact case processing should be planned per standards set to ensure they are user-friendly and workable for SRLs..

2. Outline the steps needed to implement recommendation.

Make the report review an agenda item for the Case processing sub-committee.

3. Estimate the timeframe needed for the implementation of recommendation.

This recommendation may be undertaken as soon as the report is available.

#### C. Mandatory new judge and new employee training on procedural fairness.

1. State how the recommendation will improve access to justice.

Require training on procedural fairness for all new employees and judges.

2. Outline the steps needed to implement recommendation.

Require training for all new court employees and judges on procedural fairness. Until another tool is obtained, a PowerPoint that was utilized in a one-time training session at a clerk conference in 2012 could be updated and made available on the court’s iLearn system. (A copy is attached.)

3. Estimate the timeframe needed for the implementation of recommendation.

This recommendation could be implemented in a matter of months.

#### D. Provide a comprehensive listing of available resources for SRLs to be made available on the court website, ISBA website and in all clerk/court offices that interact with the public.

1. State how the recommendation will improve access to justice.

A survey of all 99 clerk offices and 8 DCA offices in Iowa reveals there is no consistent or thorough information provided to SRLs about existing resources that are available. Providing information will enable more SRLs to have access to existing resources.

2. Outline the steps needed to implement recommendation.

This effort could be undertaken as a sub-committee project. (Attached – copies of existing information made available and model projects to make information available as implemented in the states of Wisconsin and Maryland.)

Information about the Iowa Department on Aging services and the Iowa Guardianship Establishment (IAGE) Program Application (<https://www.iowaaging.gov/iage-program> -- go to application form link) should be included in the resource material that is developed.

3. Estimate the timeframe needed for the implementation of recommendation.

This is a project that could be undertaken immediately by a specially appointed workgroup. Much of the work could be accomplished by telephone conference and e-mail exchanges.

E. Make all forms that may be used by SRLs available as form-fill-ins to improve ease of e-filing. (Think TurboTax!)

1. State how the recommendation will improve access to justice.

The change will make it easier for e-filers to complete the filing process. The current process of having to find a form, modify it for the e-filer's purpose, save it and then find it to attach as a filing is too cumbersome.

2. Outline the steps needed to implement recommendation.

The small claims form is most in need of the update, followed by the family law forms. It is unknown what technical features would be needed that are not currently available. Assistance from the Iowa Judicial Branch Information Systems and Technology Office would be needed. As an example, the Iowa Department on Aging has made a form-fill-in for the Iowa Guardianship Establishment (IAGE) Program Application (<https://www.iowaaging.gov/iage-program> -- go to application form link).

3. Estimate the timeframe needed for the implementation of recommendation.

A workgroup appointed for this specific purpose could be formed immediately. By working through the needs for such a change a timeframe and identification of the resources needed could be established.

## V. Recommendations for long term initiatives, policy changes or activities

### A. On-going training on procedural fairness for all judges and employees.

#### 1. State how the recommendation will improve access to justice.

As judges and employees encounter SRLs they will be more effective working with SRLs and ensuring justice is done. Through increased attention and training on the topic best-practices for working with SRLs will become institutionalized.

#### 2. Outline the steps needed to implement recommendation.

Engage the Iowa Training Department and identify the types of training, resources needed for such and methods of delivery that can be utilized for training on procedural fairness.

All staff evaluations should include a component that addresses the employees work to ensure procedural fairness.

Some jurisdictions utilize a peer-review process for training judges whereby judges agree to videotape court sessions with SRLs and peers proficient in working with SRLs review the video and offer constructive feedback. (This practice was recommended in an article by Richard Zorza in Trends in Self-Represented Litigants Innovation, p. 87.)

#### 3. Estimate the timeframe needed for the implementation of recommendation.

This recommendation would likely need one year plus to implement as training is often planned a year in advance.

### B. Continue to explore opportunities to modify case-processing practices and forms to improve access and utilization by SRLs. A list of opportunities is attached and should regularly be reviewed/modified.

#### 1. State how the recommendation will improve access to justice.

Iowa can benefit from a regular review of actions undertaken in other jurisdictions that are demonstrated to be effective.

#### 2. Outline the steps needed to implement recommendation.

Make the continuous review process the task of the Iowa Access to Justice

Commission.

3. Estimate the timeframe needed for the implementation of recommendation.

On-going and never-ending!

Attachments: Excel spreadsheet of Case Processing Recommendations – Version May 4, 2017  
Current public information regarding legal resources  
Sample efforts to identify legal resources for SRLs in WI and MD  
PowerPoint for staff training on procedural fairness  
Form fill-in application for IAGE (Iowa Guardianship Establishment)

Version: May 4, 2017							
Priority #	Case Processing Recommendations	Low cost*	Medium cost*	High cost*	Sources for additional information	Other Considerations	
1	Id resources available for SRLs	x			WI has an online resource guide for SRL, MD also has extensive online directory of resources for SRLs; consider campaigns re info; no standard info shared by IA clerks or on court website	Include information about the Iowa Guardianship Establishment (IAGE) Program and application form.	
2	ID and implement best practices for customer service and assisting SRLs - conduct quality assurance checks		x			more training on legal advice vs legal information	
3	Update the Guidelines & Instructions for Clerks who assist SRLs in Iowa's Courts - dated July 2000		x				
4	Make e-filing easier for the SRL-clerks give OK for exemptions from e-filing	x					
5	Provide clear fee waiver information/forms - w/final decree costs - and a mt to cont form	x					
6	Improve data collection on SRLs			x			
7	Substantive training for judges that handle many SRL cases		x				
8	Mandatory training on procedural fairness for court staff	x				More attention to Code of Judicial Conduct Iowa Ct. R. 51:2.2: IMPARTIALITY AND FAIRNESS--need standard new ee / new judge training early in employment	

	<p>An approach supported by the Conference of Chief Justices and Conference of State Court Administrators-copyright 2016 NCSChttp://www.ncsc.org/~/media/Microsites/Files/Civil-Justice/NCSC-CJI-Report-Web.ashx</p>			
<p>9 of</p> <p>Dedicate court staff to SRL - reconceptualize use</p>		<p>x</p>		
<p>10</p> <p>Easier to use form fill-ins for use with e-filing</p>		<p>x</p>		<p>Start with small claims. As an example, the Iowa Department on Aging has made a form-fill-in for the Iowa Guardianship Establishment (IAGE) Program Application (<a href="https://www.iowaaging.gov/iage-program">https://www.iowaaging.gov/iage-program</a> -- go to application form link).</p>



					<p>Washington: Under current Supreme Court authorization, Legal Technicians advise clients in the area of family law, which means they can:</p> <ul style="list-style-type: none"> <li>• Obtain relevant facts from clients.</li> <li>• Inform clients about possible implications of the law as applied to their cases.</li> <li>• Advise clients on how best to manage their legal action for best results.</li> <li>• Prepare clients to represent themselves in court proceedings.</li> <li>• Perform legal research to answer clients' legal questions.</li> <li>• Draft legal documents to be filed with the court.</li> </ul>	
11	Explore non-attorney models for legal service delivery/ consider utilization of private "Legal Document Preparers" "Certified Legal Technicians"			x	<p>SC of Arizona-ZACLDP#81074 Legal Document Preparers- Retrieved from: <a href="http://www.arizonalegaldocs.com/">http://www.arizonalegaldocs.com/</a> Washington State Supreme Court - Retrieved from: <a href="http://www.wsba.org/Licensing-and-Lawyer-Conduct/Limited-Licenses/Legal-Technicians">http://www.wsba.org/Licensing-and-Lawyer-Conduct/Limited-Licenses/Legal-Technicians</a></p>	
12	Ongoing input from front line staff			x		
13	ID protocol for cases submitted and awaiting judicial decision			x		Use Iowa Ct. R. 22.10 to take action when pending 3 months +
14	More standardized court forms/practices			x		Implement with more training on legal information vs legal advice
15	All forms reviewed for Plain English			x		Part of criteria developed to identify what it means to be user-friendly and plain english.

	<p>Natalie Anne Knowlton, Director, Retrieved from: <a href="http://iaals.du.edu/sites/default/files/documents/publications/cases_without_counsel_recommendations_report.pdf">http://iaals.du.edu/sites/default/files/documents/publications/cases_without_counsel_recommendations_report.pdf</a> - Our Recommendations after listening to the litigants-May 2016 -- Justice for our Neighbors still viable for education re jud branch</p>				<p>A. Defining "low income" - use ALICE definition! B. Which litigants given priority? C. Kiosk information centers D. Baseline information for all litigants E. Message our communications we give to litigants</p>
16	<p>Customer surveys to id needs - Collect data so can analyze needs of SRLs</p>	X			
17	<p>Institutionalize best practices of therapeutic courts for all litigants</p>	x			
18	<p>Guide/rules for assisting people with disabilities</p>			x	<p>More information on Washington State Uniform Courthouse Facilitator Rule and publication - Guide for Courts to Assist People with Disabilities and development of a rule for increased access (GR33) may be found at: <a href="http://www.wsba.org/atj">www.wsba.org/atj</a>. Also, consider broader health- legal collaborations to identify criteria - example Boston Medical Center model - now in 60 sites nationwide.</p>
19	<p>Identify and train on more simplified processes - pathways (right-sized) for most effective case management at time of filing (base on amount of court time projected for the case)</p>			x	<p>Follow the Family Law Pilot in D7 for expedited family law case processing. Review the Guardianship &amp; Conservatorship Reform Task Force Report.</p>
20	<p>Explore online education option for parents per Iowa Code Sec. 598.15</p>			x	<p>SRLs face day care challenges with requirements to leave homr and take a class</p>

21	Explore Legal answers project - ISB Gov Bd adopt?	x			Tennessee started	The Sr. Citizen Hotline at Iowa Legal Aid is impactful!
22	Re MH cases and MH advocates -- need advocates to be more than data entry staff!				Need to study impact of Hospitalization changes on MH advocates to ensure those with no attorneys have an advocate!	
23	Benchmark for Judicial Officers re working with SRLs		x		CA Administrative Office of the Courts, 2007	
24	Push notifications/hearing and trial reminders			x		Similar to reminders used by vets, dentists, drs....
25	Review videos of hearing by judges to educate on effectively dealing with SRLs			x		Recommended by the Self-Represented Litigation Network -- article by Richard Zorza in Trends in Self-Represented Litigants Innovation. (p. 87)
26	Study evictions of SRLs and consider: Court-based Program to Safeguard Access to Justice for Mentally and Physically Impaired Litigants at Risk for Eviction	x			Dec. 2017 - Access to Justice in MY State Courts -- GAL court-based program	
* = committee's best guess -- more expert review of the costs involved is needed!						

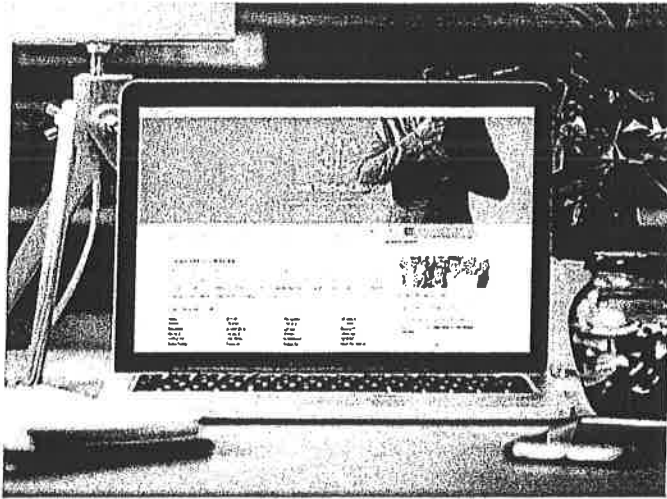
## Helpful Phone Numbers for People Who Need Legal Assistance or Information

<b>Department of Transportation (Iowa) -- for information regarding drivers licenses</b>	<b>General information:</b> (515) 244-9124 (515) 244-8725 (800) 532-1121 <a href="http://www.iowadot.gov">www.iowadot.gov</a> Email: <a href="mailto:ods@dot.iowa.gov">ods@dot.iowa.gov</a>
<b>Lawyer Referral Service (Iowa/Statewide)</b>	<b><a href="http://www.iowafindalawyer.com">www.iowafindalawyer.com</a></b>

### FREE or LOW COST Legal Assistance for Civil or Domestic Actions

	Local Phone #	Toll Free Phone #
Iowa Legal Aid (Administrative Headquarters - Des Moines) <a href="http://www.iowalegalaid.org">www.iowalegalaid.org</a>	(515) 243-2151	(800) 532-1275
Cedar Rapids Regional Office	(319) 364-6108	(800) 322-0419
Iowa City Regional Office	(319) 351-6570	(800) 272-0008
Waterloo Regional Office	(319) 235-7008	(800) 772-0039
North Central Region: Mason City	(641) 423-4651	(800) 392-0021
Northeast Region: Dubuque	(563) 588-4653	(800) 942-4619
Northwest Region: Sioux City	(712) 277-8686	(800) 352-0017
Central Iowa Region: Des Moines	(515) 243-1193	(800) 532-1503
Southeast Region: Ottumwa	(641) 683-3166	(800) 452-0007
Southwest Region: Council Bluffs	(712) 328-3982	(800) 432-9229
Iowa Legal Aid Hotline for Older Iowans	(515) 282-8161	(800) 992-8161
HELP Legal Assistance - Clinton & Scott Counties (Davenport)	(563) 322-6216	(800) 627-1596
Muscatine Legal Services	(563) 263-8663	
Story County Legal Aid Society – Nevada	(515) 382-2471	
Drake University Legal Clinic	(515) 271-3851	
University of Iowa Law School Legal Clinic	(319) 335-9023	
Polk County Bar Association Volunteer Lawyers Project (Des Moines)	(515) 243-3904	
Iowa State Bar Association Public Service Project	(515) 244-8617	
Sioux County Bar Association	(712) 737-2999	

# THE IOWA STATE BAR ASSOCIATION



**[www.iowaFindALawyer.com](http://www.iowaFindALawyer.com)**

*Iowa Find-A-Lawyer is a one-stop-shop for members of the public to connect with an attorney, review legal resources or get legal questions answered pro bono, if they qualify.*

## How does it work and who does it serve?

**The home page will delineate visitors to three possible areas:**

1. A searchable database of ISBA member attorneys based on region and practice area.
2. A searchable database of dozens of resources: online brochures, videos and links that contain basic legal information.
3. Free Legal Answers—a separate, partner website serves as a portal to connect members of the public who meet certain income criteria to attorneys who will answer their specific questions for free online.

**This website serves:**

1. Low income lowans who need legal help pro bono. By helping this demographic, we are fulfilling the Bar Association's mission statement and our members' professional obligation to help improve access to justice in Iowa.
2. Any member of the public looking to connect with an attorney or be educated about basic legal information.

# DISTRICT COURT ADMINISTRATION

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Room 210, Woodbury Co. Courthouse - Sioux City, Iowa 51101 -- (712) 279-6035 -- Fax: (712) 279-6631  
Leesa A. McNeil - Court Administrator, e-mail: Leesa.A.McNeil@jb.state.ia.us

DATE: March 28, 2005  
RE: **INFORMATION FOR THE PUBLIC**

On occasion, we encounter a member of the public who wants to have legal representation but cannot afford it and people who want to file a complaint against an Attorney and/or a Judge. You should be able to respond to all such inquiries by sharing the information listed below.

**FOR LEGAL SERVICES CONT ACT:**

Legal Aid, Sioux City – (712) 277-8686 – (800) 352-0017  
Legal Aid, Mason City (EM, KS, PA Co.) – (515) 423-4651 – (800) 392-0021  
Legal Services Corp. Office, Des Moines – (800) 532-1275  
Attorney Legal Referral Service – (800) 532-1108  
Volunteer Lawyer Program – Contact Legal Aid

**TO FILE A COMPLAINT AGAINST A JUDGE (Sec. 602.2102):**

Commission on Judicial Qualifications  
Attn: State Court Administrator  
1111 E Court Avenue  
Des Moines, IA 50319 -- Phone – (515) 281-5241

**TO FILE A COMPLAINT AGAINST AN ATTORNEY (RULE 118):**

Grievance Commission  
Iowa State Bar Association  
Comm. On Professional Ethics and Conduct  
521 East Locust St., 3<sup>RD</sup> Floor  
Des Moines, IA 50309 -- Phone – (515) 243-3179

cc: Procedure Manual

S:\Wpdocs\Addlists\DIRECTORY\PUBLIC COMPLAINT INFO.doc – 3/28/05

It is the goal of all employees of the Third Judicial District to use physical and human resources efficiently, inspire confidence and trust in the court system and administer justice equally to all people.



To: Julie A Johnson/District8/JUDICIAL,  
Cc:  
Bcc:  
Subject: Re: Access to Justice Project

Thanks Julie - I will make sure that is on the material we develop!  
Have a great day! ;)

*The Iowa Judicial Branch dedicates itself to providing independent and accessible forums for the fair and prompt resolution of disputes, administering justice under law equally to all persons.*

Leesa A. McNeil  
District Court Administrator-Third Judicial District  
Woodbury County Courthouse, Room 210  
620 Douglas Street, Sioux City, Iowa 51101-1249  
phone: 712-279-6608 fax: 712-279-6631  
Leesa.McNeil@iowacourts.gov

Julie A Johnson Iowa Attorney Referral Service 800-532-1108 Is... 04/12/2017 10:21:01 AM

From: Julie A Johnson/District8/JUDICIAL  
To: Leesa A McNeil/District3/JUDICIAL@JUDICIAL  
Date: 04/12/2017 10:21 AM  
Subject: Re: Access to Justice Project

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Iowa Attorney Referral Service 800-532-1108 Is the number we hand out. jj

"The biggest communication problem is we do not listen to understand. We listen to reply." -  
Awakening People

Julie Johnson  
Clerk of Court Washington County  
224 W Main St  
Washington, IA 52353  
319-653-7741

Leesa A McNeil Hi Clerks, I am a member of the Iowa Supre... 04/11/2017 03:23:47 PM



The Iowa State  
Bar Association

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## Why use iowafindalawyer.com?

- Every attorney is a member of The Iowa State Bar Association.
- \$25 or less for a 30 minute initial consultation.
- Continuously updated [legal guides](#) and [low income resources](#).

[Find a lawyer](#)[Frequently asked questions](#)

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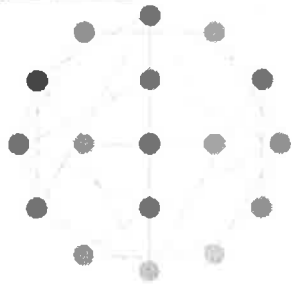
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**Online Resources for Self-Represented Parties**  
**Recommended for Inclusion on Clerk of Court and/or County Websites**  
(Source: Wisconsin Access to Justice Commission)

1. General Administrative Information

- A. Hours of operation
- B. Map/directions to the courthouse
- C. Parking information, including accessible parking and building entrances
- D. General contact information for clerks, commissioners and judge's staff (as appropriate)

2. Special Services

- A. Availability of language assistance (Interpreters)
- B. ADA accommodation information and contact person (if applicable)
- C. Special courts (if available, such as OWI, drug courts, veteran's court, etc.)
- D. Mediation services (if available)

3. Court Forms and Procedures

- A. Filing Fees – state or local
  - i) State court website comprehensive fee list:  
<https://www.wicourts.gov/courts/circuit/filing.htm>
  - OR
  - ii) List of the most frequently-used filing fees. Example at:  
<http://www.co.rock.wi.us/courts-clerk-filing-fees>
- B. Link to the State Courts Website self-help center  
<https://www.wicourts.gov/services/public/selfhelp/index.htm>
- C. Link to forms on State Courts website  
<https://www.wicourts.gov/forms1/index.htm>
- D. Local Circuit Court Rules or a link to the State Bar website, which contains the circuit court rules of every county  
<http://www.wisbar.org/directories/courtrules/pages/circuit-court-rules.aspx>
- E. Any local forms and instructions, if applicable, for the most common pro se areas, such as divorce and family law, small claims, eviction, domestic abuse injunctions, probate, etc.
- F. Information about eFiling  
<https://www.wicourts.gov/ecourts/efilecircuit/index.jsp>

4. Legal Resources

- A. Dates/times of any courthouse-based legal assistance programs
- B. Information on organizations or services in the community offering assistance to unrepresented litigants and/or link to the Directory of Self-Help Legal Resources in Wisconsin Counties  
<https://www.wicourts.gov/services/public/selfhelp/county.htm>



- C. Link to Wisconsin Legal Advice Online, which offers free legal advice on civil legal topics to eligible individuals  
[www.wilegaladvice.org](http://www.wilegaladvice.org)
  - D. State Bar of Wisconsin's Lawyer Referral Service, which offers free referrals to attorneys who charge their regular rate  
[www.wisbar.org/Iris](http://www.wisbar.org/Iris)
  - E. Modest Means Panel, which offers free referral to attorneys who charge reduced rates to low-income clients  
[www.wisbar.org/modestmeans](http://www.wisbar.org/modestmeans)
5. Research
- A. Information on how to find case online through CCAP  
<https://wcca.wicourts.gov/index.xsl>
  - B. Information on how to request from a copy of a court record from the Clerk of Court, including applicable fees
  - C. Link to the State Law Library website  
<http://wilawlibrary.gov/>



**Online Resources for Self-Represented Parties  
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- B. Link to the State Courts Website self-help center  
<https://www.wicourts.gov/services/public/selfhelp/index.htm>
- C. Link to forms on State Courts website  
<https://www.wicourts.gov/forms1/index.htm>
- D. Local Circuit Court Rules or a link to the State Bar website, which contains the circuit court rules of every county  
<http://www.wisbar.org/directories/courtrules/pages/circuit-court-rules.aspx>
- E. Any local forms and instructions, if applicable, for the most common pro se areas, such as divorce and family law, small claims, eviction, domestic abuse injunctions, probate, etc.
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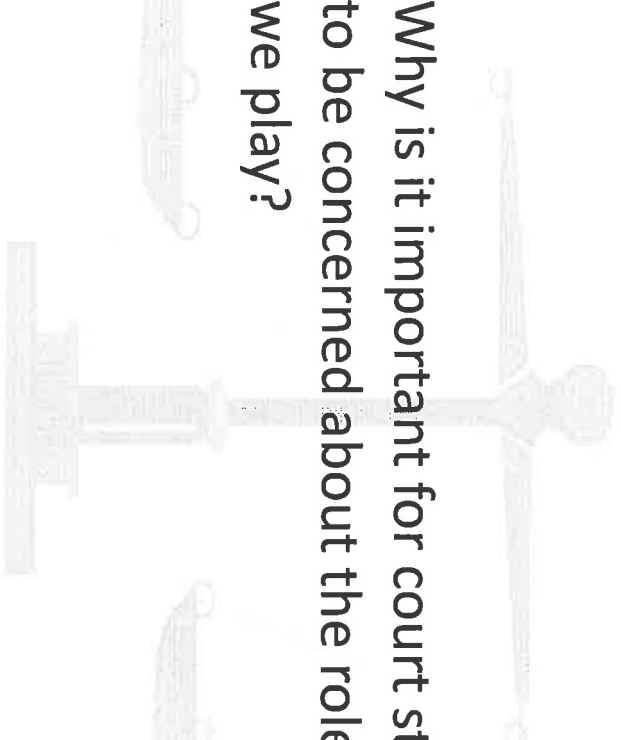
**How you fit into the  
administration of justice!**

Presented by

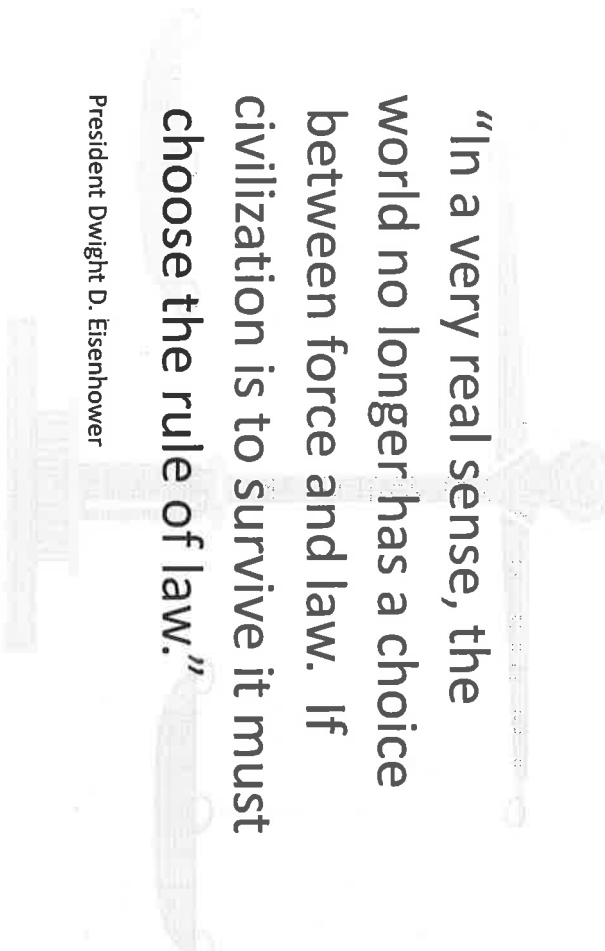
Leesa A. McNeil,

District Court Administrator – Third Judicial District Court of Iowa

Clerk and Admin Conference – Sept. 20<sup>th</sup>, 2012

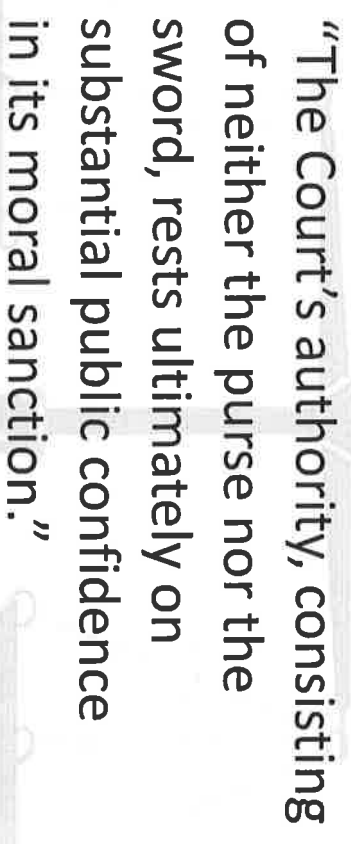


**Why is it important for court staff  
to be concerned about the role  
we play?**




**“In a very real sense, the world no longer has a choice between force and law. If civilization is to survive it must choose the rule of law.”**

**President Dwight D. Eisenhower**



**“The Court’s authority, consisting of neither the purse nor the sword, rests ultimately on substantial public confidence in its moral sanction.”**

**Justice Felix Frankfurter**



**“One of the great promises  
of America has been the  
guarantee of access to justice.”**

J. M. Hoffman, Oregon Law Review



**So what is public opinion about  
the courts?**

So what is public opinion about the courts?

-Public gives the courts middle ratings in procedures, outcomes, and equality of group treatment.

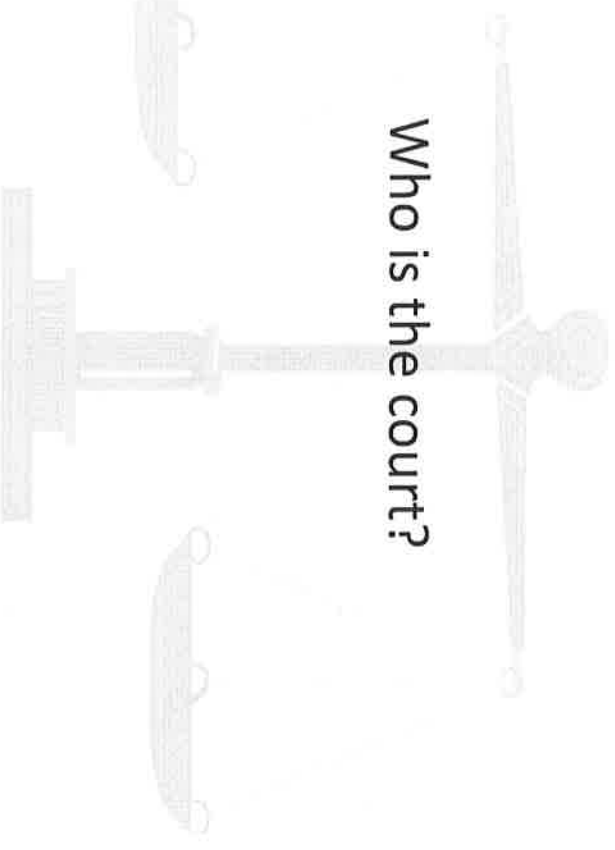
So what is public opinion about the courts?

-Public gives the courts middle ratings in procedures, outcomes, and equality of group treatment.  
-A sense of unequal treatment of people with low income more pronounced than racial inequality.

So what is public opinion about the courts?

- Public gives the courts middle ratings in procedures, outcomes, and equality of group treatment.
- A sense of unequal treatment of people with low income more pronounced than racial inequality.
- Courts are too costly and slow.

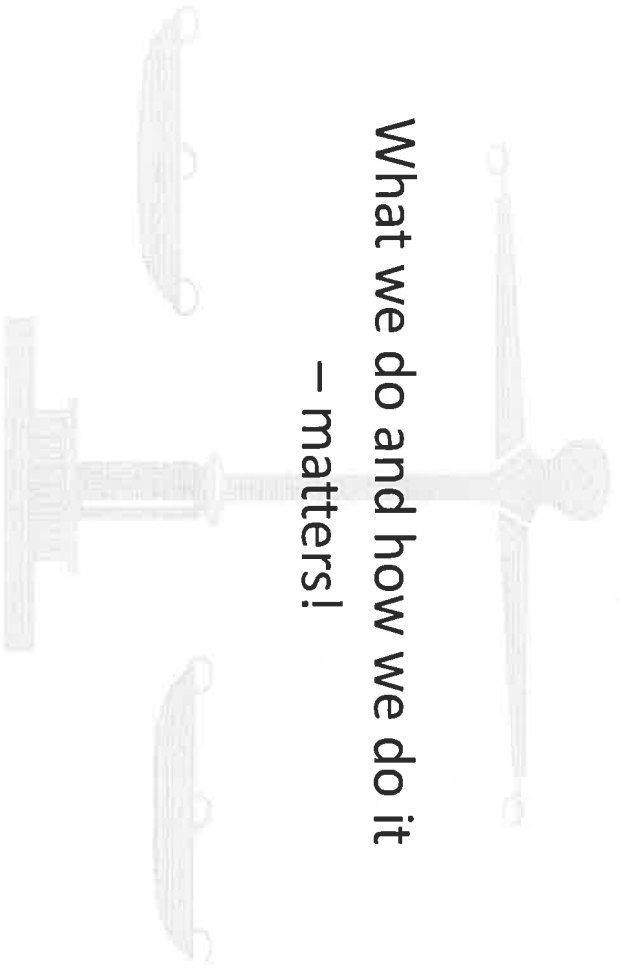
Who is the court?



**You are the court system!**



**What we do and how we do it  
– matters!**



Utah Laboring Activity Report - State - End of December 2011

	# Begin Pending	Start of mo.	Activity during month		Activity year-to-date		# End Pending	# Change in pending		# of Comings Mo*	
			Filed	Disposed	Filed	Disposed		During mo.	YTD	During mo.	YTD
Chl - litr & envoy	24,806	23,894	3,015	3,023	38,630	39,653	23,986	(9)	(920)	28	310
Chl - dom re liters	18,204	19,340	2,828	3,170	39,094	38,304	18,998	(342)	794	598	7,318
Chl - precare	43,590	44,064	1,722	1,249	14,246	13,804	43,832	(122)	347	0	97
Chl - admt comms	6,519	6,482	917	986	10,387	10,472	6,439	(49)	(63)	0	33
CW - armt claims	13,491	13,239	6,231	6,392	79,247	79,891	13,098	(151)	(463)	9	154
Ordnal - theory**	14,567	14,714	1,474	1,281	17,352	17,012	14,907	(13)	340	79	975
Ordnal - direct med**	39,431	39,599	3,790	3,774	49,997	49,404	39,894	(14)	553	318	3,619
Ordnal - amble modern**	92,853	101,721	41,533	49,074	597,490	399,292	94,180	(9,541)	2,227	247	2,997
Armed - direct***	951	2,210	447	239	5,300	2,472	1,831	(359)	900		
Adv-Char/Frg/PN/Fla	1,175	2,239	622	115	6,727	1,438	1,832	(827)	457		
Juvenile commitments	728	714	153	117	2,248	1,381	644	(70)	(81)		
Chl - intracars	818	835	231	285	3,659	3,887	781	(54)	(37)	3	52
<b>TOTAL</b>	<b>267,227</b>	<b>269,490</b>	<b>62,133</b>	<b>65,972</b>	<b>864,335</b>	<b>866,319</b>	<b>261,321</b>	<b>(4,129)</b>	<b>4,094</b>	<b>1,217</b>	<b>15,626</b>

Let's do the math:

Total filings=864,335  
 +L & E cases 38,630  
 +Dom Rel 39,094  
 +Sm Claims 79,247  
 Total: 986,539



**1,000,000+**  
direct opportunities

**What the public thinks:**  
→ Procedural fairness over  
distributive fairness

“When litigants believe the court process was fair they become more likely to comply with court orders and to follow the law.”

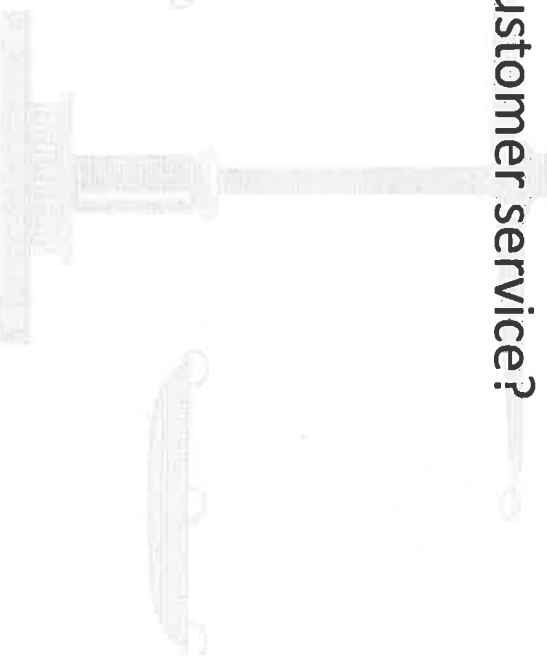
May, 2011. Procedural Fairness in California. Initiatives, Challenges, and Recommendations.

### Defining procedural fairness?

- having voice – being heard
- treated with dignity and respect by judges and staff
- neutrality
- understanding where to go/ what to do/what decisions made
- helpfulness

What gets in the way of  
Great customer service?

What gets in the way of  
Great customer service?  
Staff cuts



What gets in the way of  
Great customer service?

Staff cuts

Budget cuts

Furloughs

What gets in the way of  
Great customer service?

Staff cuts

Budget cuts

Furloughs

Early closures

# What gets in the way of Great customer service?

- Staff cuts
- Budget cuts
- Furloughs
- Early closures
- Mental fatigue

# What gets in the way of Great customer service?

- Staff cuts
- Budget cuts
- Furloughs
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- Doing more w/ less

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Doing more w/ less

Few pats on the back

I can't give legal information

# What gets in the way of Great customer service?

Staff cuts

Budget cuts

Furloughs

Early closures

Mental fatigue

Doing more w/ less

Few pats on the back

I can't give legal information

Negative attitude of others

# What gets in the way of Great customer service?

- Staff cuts
- Budget cuts
- Furloughs
- Early closures
- Mental fatigue
- Doing more w/ less
- Few pats on the back
- I can't give legal information
- Negative attitude of others
- No positive prospect for improvements/change
- Staff out on FMLA or sick leave

## No Legal Advice from Judges and Court Staff

Iowa law and ethical rules prohibit judges and employees from giving legal advice. This means that judges and staff cannot advise people on whether to bring problems to the court, what remedies they should seek, and the proper course of action. The purpose of this restriction is to protect litigants and the public by ensuring that:

Judges and court employees do not use their position to give an individual an unfair advantage in court.

Litigants do not rely on information that may prove incorrect or inconsistent with court rules or law and that is detrimental to their case.

Court staff may explain basic procedures and answer questions about deadlines.

## AJS, Legal information vs legal advice

[http://www.ajs.org/prose/pro\\_greacen.asp](http://www.ajs.org/prose/pro_greacen.asp)

Attitude is everything!



Exciting  
Designed to challenge our  
Minds  
Surpass expectations

Lupe Boykin  
Judicial Clerk  
Woodbury County



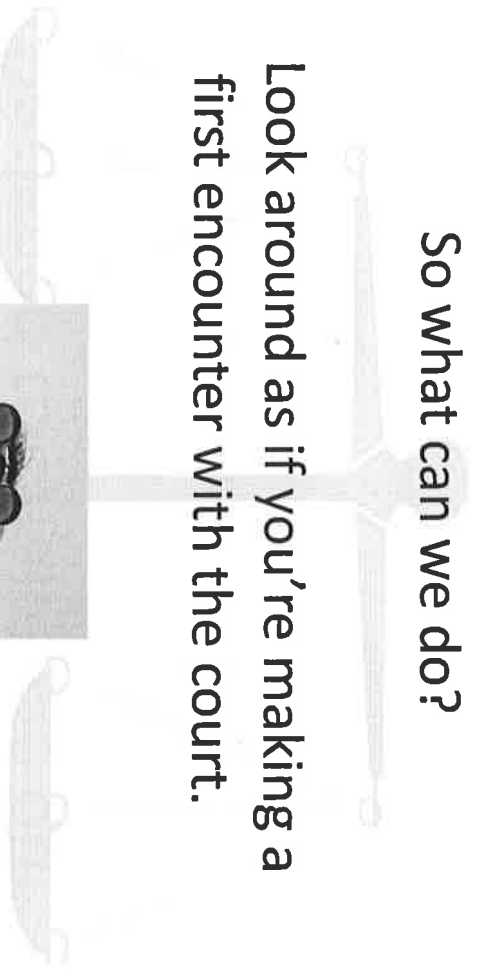
So what can we do?



Look around as if you're making a first encounter with the court.



So what can we do?



**IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY**

STATE OF IOWA, WO1000029, EX REL.,

XXXXXXXXXX, MINOR CHILD

Case No. DRCVXXXXXXXXXX

Petitioner,

vs.

XXXXXXXXXXXXXXXXXXXXXXXXXX,

Respondent.

**ORDER**

NOW on this 14th day of August, 2012, Respondent's motion to set aside the 252F approval order entered in this matter on July 31, 2012 is before the Court. Having reviewed the motion, the Court finds that said motion shall be set for hearing. **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that Respondent's motion to set aside shall be set for hearing on September 10, 2012, at 9 o'clock a.m. So Ordered.

## So what can we do?

Look around as if you're making a first encounter with the court.

- Signage clear about where to go?
- Restroom areas clearly marked?
- Are our notices clear about where a person should go and what they should do?
- If a person needs to use a phone do we make one available?
- Listen to **what the person we are speaking with needs!**
- Did we take time to let them tell their story?
- Did we let that person keep their respect and not have to divulge their life story with some stranger standing behind them waiting for service?
- Did we find a room and place for the parent with children in tow to complete paperwork?
- **Did we do everything we could to help make sure the person gets the best we can do?**
- Give the person information about legal assistance?
- Did we ask them if they had additional questions?

## Four basis expectations for

### Procedural fairness:

- Voice
- Neutrality
- Respectful treatment
- Trustworthy authorities

.....nonverbal behaviors  
account for 60-65% of the  
meaning conveyed....

# NCSCC CourtTools

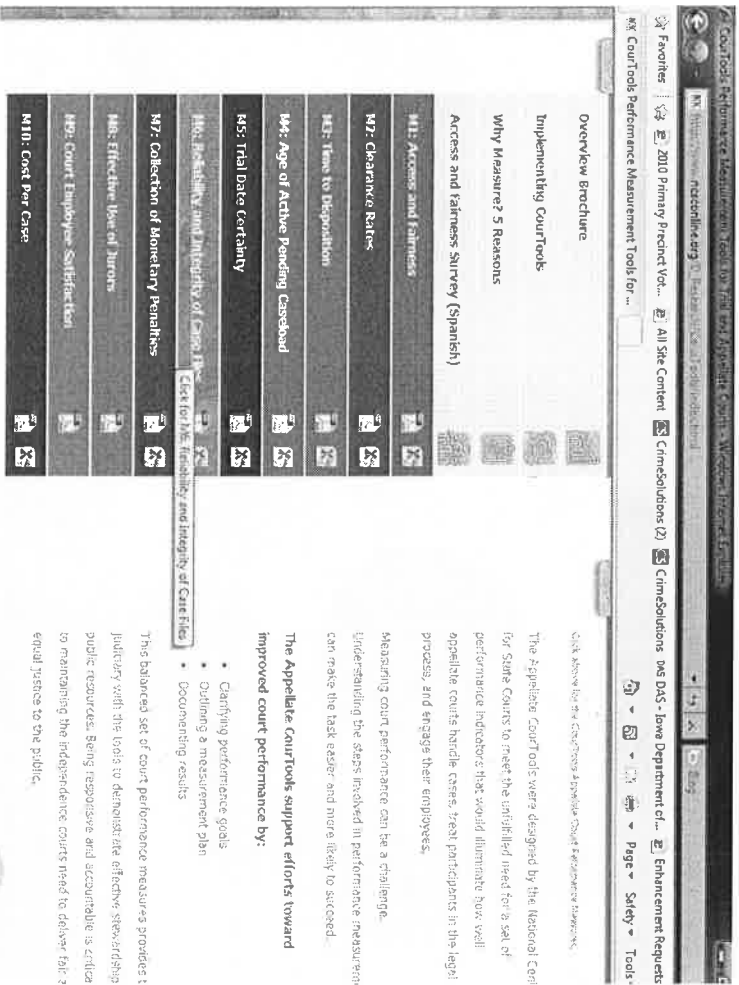
[http://www.ncsconline.org/D\\_Research/CourtTools/index.html](http://www.ncsconline.org/D_Research/CourtTools/index.html)

# TCPS: Trial Court Performance Standards & Measurement System

[http://www.ncsconline.org/D\\_Research/TCPS/index.html](http://www.ncsconline.org/D_Research/TCPS/index.html)

# NACM

<http://nacmnet.org/>



NCSC Research Trial Court Performance Standards - Windows Internet Explorer

NCSC Research Trial Court Performance Standards

NCSC  
National Center for State Courts

Improving Justice through Leadership and Service to the Courts

ABOUT US CONTACT US SUPPORT US

TCPS Main  
 Contents  
 Introduction  
 Performance Areas  
 Terms  
 Appendices  
 Video  
 Trial Schedule  
 Implementation  
 Help

TCPS  
 Trial Court Performance Standards & Measurement System

Performance Areas

Search  
 Site Map | Discharge

Created in 2004. Revisited. Revised. Not Quite. Finally.

Core Competency | National Association for Court Administration - Windows Internet Explorer

Core Competency | National Association for Court Administration

Member Login

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 Password:   
 Log In

Become a Member  
 LESLIE PASKWOLD

Overview

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Purposes and Responsibilities of Courts

Information Technology Management  
 Caseload Management  
 Leadership  
 Visioning and Strategic Planning  
 Essential Components  
 Court Community Communication  
 Resources Budget and Finance  
 Education, Training and Development  
 Human Resource Management

**Access and Fairness Survey**

**Section I: Access to the Court**

*Circle the Number.*

1. Finding the courthouse was easy.
2. The forms I needed were clear and easy to understand.
3. I felt safe in the courthouse.
4. The court makes reasonable efforts to remove physical and language barriers to service.
5. I was able to get my court business done in a reasonable amount of time.
6. Court staff paid attention to my needs.
7. I was treated with courtesy and respect.
8. I easily found the courtroom or office I needed.
9. The court's Web site was useful.
10. The court's hours of operation made it easy for me to do my business.

**Section II: Fairness**

11. The way my case was handled was fair.
12. The judge listened to my side of the story before he or she made a decision.
13. The judge had the information necessary to make good decisions about my case.
14. I was treated the same as everyone else.
15. As I leave the court, I know what to do next about my case.

**Section III: Background Information**

What did you do at the court today? *(Check all that apply)*

- Search court records/obtain documents
- File papers
- Make a payment
- Get information
- Appear as a witness
- Attorney representing a client
- Jury duty
- Attend a hearing or trial
- Law enforcement/probation/social services staff
- Party to a legal matter

How often are you typically in this courthouse?

*(Choose the closest estimate)*

- First time in this courthouse
- Once a year or less
- Several times a year
- Regularly

**Section III: Background Information**

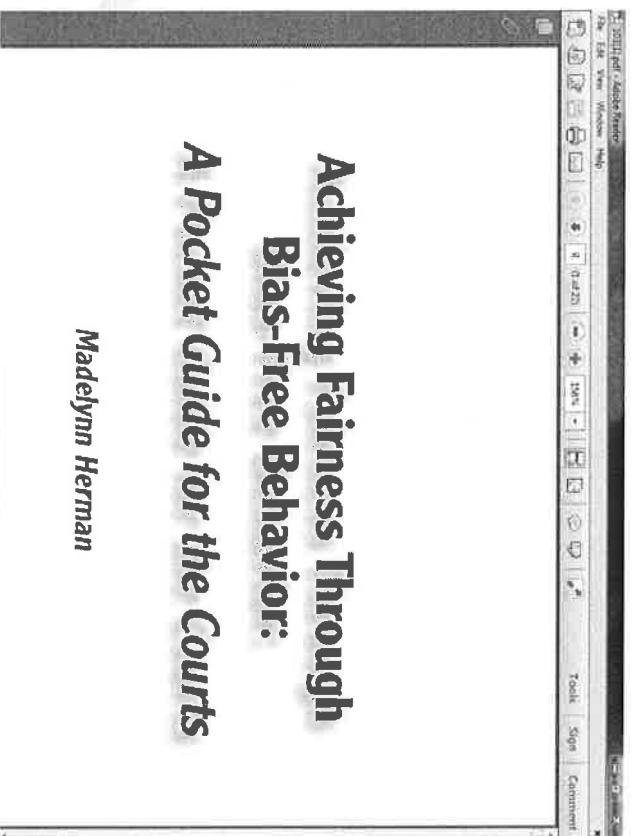
What did you do at the court today?

*(Check all that apply)*

- Search court records/obtain documents
- File papers
- Make a payment
- Get Information
- Appear as a witness
- Attorney representing a client
- Jury duty
- Attend a hearing or trial
- Law enforcement/probation/social services staff
- Party to a legal matter

- Analyze the tone of public interaction in your courthouse
- Make sure employees feel they are treated fairly
- Provide sufficient support staff for judges

- Assess and improve clarity of forms and websites (Do you know what is available?)
- Consider the facilities -- adequate/clean/ marked for easy access?
- Listen and show concern for litigants
- Encourage staff to avoid joking about litigants
- Make forms readily available
- Realistic court schedules
- Learn how to engage the services of an interpreter and legal services



[http://contentdm.ncsconline.org/cdm4/item\\_viewer.php?CISOROOT=/accessfair&CISOPTR=102&REC=10](http://contentdm.ncsconline.org/cdm4/item_viewer.php?CISOROOT=/accessfair&CISOPTR=102&REC=10)



## Court Management 2.0

Web 2.0 – “Although the term suggests a new version of the World Wide Web, it does not refer to an update to any technical specification, but rather to cumulative changes in the ways software developers and end-users use the Web.”

Wikipedia

## Platinum Rule for Customer Service

*Do unto others as they'd  
have you to do unto them!*

National Customer Service Week

Oct 1-7


Questions? Ideas?




Date Received:			
Attachments Received:	<input type="checkbox"/> Financial	<input type="checkbox"/> Medical	
Additional Documentation Required?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Date Reviewed:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Date Applicant Notified:			

## Iowa Guardianship Establishment (IAGE) Program Application

The information collected on this application will be used to determine an individual's eligibility to receive a grant from the Iowa Guardianship Establishment (IAGE) Program to establish substitute decision-making services. Please complete and return the signed application and all required documentation to the Office of Substitute Decision Maker in order to be considered.

SECTION 1. Individual in Need of Guardianship/Conservatorship			
<b>First Name</b>	<b>MI</b>	<b>Last Name</b>	
<b>Date of Birth</b>	<b>Age</b>	<b>Gender</b>	
		<input checked="" type="checkbox"/> MALE	<input type="checkbox"/> FEMALE
<b>Address</b>			
<b>City</b>		<b>State</b>	<b>Zip</b>
<b>Phone Number</b>	<b>Mobile Number</b>	<b>Email Address</b>	
<b>Where does the individual live?</b>			
<input checked="" type="checkbox"/> AT HOME	<input type="checkbox"/> INDEPENDENTLY IN THE COMMUNITY	<input type="checkbox"/> IN A FACILITY/ SUPERVISED SETTING	<input type="checkbox"/> IN A GROUP HOME
<b>Does the individual live at or below federal poverty guidelines?</b> (Refer to <a href="https://aspe.hhs.gov/poverty-guidelines">https://aspe.hhs.gov/poverty-guidelines</a> )			
<input checked="" type="checkbox"/> AT 100% (ANNUAL INCOME ≤ \$12,060)	<input type="checkbox"/> AT 125% (ANNUAL INCOME ≤ \$15,075)	<input type="checkbox"/> AT 200% (ANNUAL INCOME ≤ \$24,120)	<input type="checkbox"/> ABOVE 200% (ANNUAL INCOME ≥ \$24,121)
 <p><b>REQUIRED DOCUMENTATION</b> The following attachments must accompany this application:</p> <ul style="list-style-type: none"> <li>• A copy of the individual's most recent federal or state tax return, most recent paystub or list of monthly income by source;</li> <li>• A list of all the individual's assets; and</li> <li>• A list of all the individual's monthly household expenses/outstanding debts.</li> </ul> <p>The Office of Substitute Decision Maker may require a complete financial affidavit before making a final determination.</p>			

SECTION 2. Medical Necessity Information	
<b>Does the individual have a medical condition that limits his/her ability to make legal, financial and/or healthcare-related decisions for himself/herself?</b>	
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
 <p><b>REQUIRED DOCUMENTATION</b> A written statement by the physician or nurse practitioner who is currently coordinating the individual's care must accompany this application. The statement must include the following:</p> <ul style="list-style-type: none"> <li>• Date of the most recent visit or interaction with the individual;</li> <li>• The current medical diagnosis of the individual and reasons why the medical professional believes substitute decision-making services are necessary for the individual;</li> <li>• Signature and title of the medical professional; and</li> <li>• Date the statement was written (must be within 90 days of application submission).</li> </ul>	

**SECTION 3. Proposed Guardian/Conservator**

<b>First Name</b>	<b>MI</b>	<b>Last Name</b>
<b>Other Names Used or Known By (e.g., Maiden Name or Aliases)</b>		<b>Date of Birth</b>
<b>Address</b>		
<b>City</b>	<b>County</b>	<b>State</b> <b>Zip</b>
<b>Phone Number</b>	<b>Mobile Number</b>	<b>Email Address</b>
<b>What is the proposed guardian/conservator's relationship to individual in need?</b>		
<b>Has the proposed guardian/conservator ever been convicted of theft, fraud or other moral turpitude, or found guilty of civil actions involving child abuse, dependent adult abuse or other financial claims?</b>		
<input type="checkbox"/> YES <input type="checkbox"/> NO If yes, please explain:		

**SECTION 4. Proposed Attorney (if known)**

<b>First Name</b>	<b>MI</b>	<b>Last Name</b>
<b>Address of Primary Practice</b>		
<b>City</b>	<b>State</b>	<b>Zip</b>
<b>Office Number</b>	<b>Direct Number</b>	<b>Email Address</b>
<b>Iowa License Number</b>	<b>Year License Issued</b>	

**SECTION 5. SIGNATURE**

*I certify that all information submitted on this IAGE Program Application is true and accurate to the best of my knowledge.*

<b>Signature</b>	<b>Relationship to Individual in Need</b>
<b>Date</b>	<b>Email Address</b>

**Please submit this IAGE Program Application with all required documentation to:**

IAGE Program  
 c/o Office of Substitute Decision Maker  
 510 E 12th St., Ste. 2  
 Des Moines, IA 50319  
 susan.mccall@iowa.gov

*Upon receipt, the Office of Substitute Decision Maker will send a confirmation notice to the email address provided in Section 5 above.*