

FILED

AUG 07 2023

CLERK SUPREME COURT

2023 Commission Report

IOWA **ACCESS** TO **JUSTICE**



**The Iowa Access to Justice
Commission serves Iowans
by promoting and advancing
innovative strategies
for ensuring equal access
to justice.**

Members of the Commission



Susan Barta, Sioux City
Maria Brownell, Des Moines
Melissa Cano Zelaya, Des Moines
Kristin Esche, Johnston
Anthony Farrell, Des Moines
Katie Hall, Ames
Kim Hess, Clinton
Kristi Holzer, Norwalk
Brynne Howard, Des Moines
Erin Lain, Des Moines
Daniel Mart, Keokuk
Justice Matthew McDermott, Chair, Des Moines
Luana Nelson-Brown, Johnston
Stephen Owen, Nevada
Kevin Patrick, Des Moines
Angela Reier, Muscatine
Dustria Relph, Corydon
Ian Russell, Davenport
Carrie Slagle, Cedar Rapids
Chantelle Smith, Des Moines
Megan Srinivas, Des Moines
Jennifer Tibbets, Marion
Elizabeth Van Arkel, Des Moines
Carissa Vogel, Iowa City
Michael Wells, Hamburg
Shelley Whitcher, Vice-Chair, Council Bluffs

*The **mission** of the Iowa Access to Justice Commission is to find solutions that will best serve Iowans who may encounter barriers to or difficulties with fully accessing Iowa's civil justice system.*

The foundation of democracy is a fair system for resolving legal issues that is accessible to everyone. The Iowa Access to Justice Commission works to build awareness of the civil legal system and to identify barriers Iowans often face when accessing our courts. Barriers include financial, technological, and cultural obstacles. The Commission works to find ways to break through those barriers.



Commission Values



Commission Values Statement

Change agent

We motivate change, acting with vision and boldness to break down barriers that prevent access to the civil justice system.

Education

We identify barriers and promote solutions impacting access.

Collaboration

We respect all viewpoints and value the diverse perspectives and experiences of our Commission members, partners, and stakeholders, recognizing that all persons should have a voice and deserve to be heard.

Equality of access

We promote equal access to civil justice for all.

Leadership

We act as the voice of equal access to civil justice for all, and hold ourselves accountable by measuring progress through established benchmarks.

Table of Contents

Introduction 1

Commission Meetings 3

Executive Committee.....5

Community Courts6

Community Outreach8

Corporate Involvement 10

Court Navigators.....12

Libraries..... 16

Limited Licensure20

Rural Access 22

Veterans..... 26

Current Highlights.....28

Conclusion.....29

Introduction

The 2023 Iowa Access to Justice Commission Report highlights the Iowa Access to Justice Commission’s (Commission) seventh year of work towards improving the civil justice climate in the State of Iowa.

The Iowa Supreme Court established the Commission in 2016 to help address the unmet civil legal needs of Iowans. In the order establishing the Commission, former Iowa Supreme Court Chief Justice Mark Cady wrote:

The bedrock principle of our court system is that justice should be accessible to all persons. There are, however, longstanding and entrenched barriers to the access to justice for too many Iowans. To safeguard the fundamental right of access to justice requires a concerted, sustained, and strategic effort. To that end the Iowa Supreme Court, upon recommendation of The Iowa State Bar Association (ISBA), establishes the Iowa Access to Justice Commission. Iowa courts are seeing an increasing number of self-represented litigants, many of whom have no choice but to proceed without the

Iowa has more to do to assure meaningful and informed access to justice for all persons.

assistance of counsel. . . . Iowa must do more to assure meaningful and informed access to justice for all persons.

Since the Commission submitted its last report to the Iowa Supreme Court in August 2022, the Iowa Judicial Branch has continued to make it easier

for users without attorneys to navigate the court system. The progress, however, may be halting and incremental; a single branch of government can only do so much. Chief Justice Cady’s words ring true this day as clearly as they did seven years ago. The number of self-represented litigants

continues to grow. Many challenges remain in building comprehensive access to justice. Iowa has more to do to assure meaningful and informed access to justice for all persons.

The Justice Gap

The Legal Services Corporation, in its 2022 report, *The Justice Gap: The Unmet Civil Legal Needs of Low-income Americans*, stated that 74% of low-income households experienced at least one civil legal problem in the previous year. And for those with problems that substantially impact their lives, 92% of low-income Americans go without any or enough legal help. But we know that in the United States barriers to justice do not solely result from a person’s low

Introduction

Continued from page 1

income. An estimated 78% of Americans with higher incomes go without any or enough legal help for problems with substantial impact on their lives.

World Justice Project

The access to justice problem is not unique to Iowa or the United States. The World Justice Project Rule of Law Index (WJP) measures the accessibility and affordability of civil justice systems for ordinary people in 140 countries. The overall civil justice ranking for the United States is number 36. That ranking is just behind Barbados (35th), Romania (32nd), and United Arab Emirates (31st). Our neighbor to the north, Canada, ranks 22nd. Gauging whether people are able to access and afford civil justice, however, the WJP found the United States ranked an abysmal 115th out of 140 countries. Measuring whether civil justice in the United States is free of discrimination, the WJP ranked the United States a lowly 121st. Another WJP measurement considered whether civil justice is subject to unreasonable delay and ranked the United States number 28.

The Iowa State Bar Association

In August 2015, the Iowa Supreme Court asked The Iowa State Bar Association (ISBA) to evaluate whether an access to justice commission should be established in Iowa, similar to commissions formed in 39 other states (now 41) and the District of Columbia, Puerto Rico, and the Virgin Islands.

The ISBA formed a study group that ultimately recommended that the ISBA Board of Governors adopt a resolution supporting establishment of an access to justice commission in Iowa, which the board of governors unanimously approved. From its founding, the Commission has worked closely with the ISBA, which provides generous support to the Commission including with financial assistance and use of conference facilities for Commission meetings. The ISBA president-elect serves a rotating one-year liaison membership on the Commission.

Members of the Commission

Twenty-six Iowans, whom the chief justice has appointed, currently serve as members of the Commission. Commission members represent a broad spectrum of professional perspectives, including: corporate attorneys and officers, court personnel, judges, legal aid attorneys, the Iowa legislature, the medical profession, private practice attorneys, school professionals, service providers, and university professors.

Iowa Supreme Court Justice Matthew McDermott serves as chair of the Commission, and Iowa Legal Aid Deputy Director Shelley Whitcher serves as vice-chair of the Commission. Ian Russell served this past year as liaison to the ISBA as the organization's president-elect. Timothy Eckley, Assistant Counsel to the Chief Justice, serves as secretary to the Commission. ⚖️

Commission Meetings

The Commission held its regular quarterly meetings featuring educational programs, work group breakout sessions, and Commission-wide discussions.

First quarterly meeting

The Commission held its first 2022–2023 quarterly meeting on September 23, 2022, at the Iowa Judicial Branch Building. Chair of the Commission, Justice Matthew McDermott, opened the meeting with a welcome and report on the Iowa Supreme Court’s review of the 2022 Commission report followed by introduction of six new Commission members.

The first educational component of this meeting was “Pro bono representation—challenges, pro bono in Iowa, future trends,” with former Commission member Carol Phillips and current member Brynne Howard providing a summary of the pro bono landscape in Iowa, including trends in pro bono representation and efforts to encourage such representation. The second educational component was on the Iowa Legal Aid Afghan Pro Bono Project involving attorney training for pro se asylum clinics.

Commission work groups provided updates on their work and outlook for the coming year: Community Courts, Community Outreach, Corporate Involvement, Court Navigators, Libraries, Limited Licensure, Rural Access, and Veterans.

The meeting concluded with recognition of outgoing Commission members.

The Commission has scheduled its quarterly meetings for the 2023–2024 year on the following dates:

- **Thursday, September 21, 2023, in person at the Judicial Branch Building**
- **Friday, December 1, 2023, via remote technology**
- **Friday, March 1, 2024, in person at the Judicial Branch Building**
- **Friday, June 7, 2024, in person at the ISBA headquarters**

Second quarterly meeting

The Commission held its second quarterly meeting December 2, 2022, via the Zoom video conferencing platform. Justice McDermott welcomed the meeting to order. Iowa Supreme Court Chief Justice Susan Christensen delivered remarks to the Commission, expressing the court’s appreciation for the Commission’s work and encouraging the Commission’s continuing efforts.

Commission Meetings

Continued from page 3

Iowa Legal Aid gave a presentation of its Farmworker Rights Project. The group discussed a number of challenges unique to the farmworker community, from the type of work and visa status to isolation and cultural barriers.

Bob Gast, Iowa State Court Administrator, reported on the status of the judicial branch budget and on pro se litigant issues involving remote proceedings and issues involving former felons serving on juries.

Each of the Commission work groups provided updates on the progress of their various efforts.

Third quarterly meeting. The next Commission meeting was March 3, 2023, in person at the Iowa Judicial Branch Building. The meeting included two presentations from Iowa Legal Aid on the Iowa Legal Aid Expungement Project clinics and on leveraging technology to improve access to justice in the areas of court debt, expungements, and ability to pay.

The Commission work groups met in breakout sessions and each group reported back on its progress.

University of Iowa College of Law students reported on their research into initiatives to increase law student interest in rural practice and access to justice issues specific to senior citizens.

Fourth quarterly meeting


The June 2, 2023 Commission meeting was held in-person at the ISBA headquarters. Iowa State Court Administrator Bob Gast delivered

remarks to the Commission, highlighting a new allocation of district associate judges, judicial branch budget updates, and the progress of the supreme court's Remote Proceedings Task Force.

Richard Gordon, Coordinator of Iowa Judicial Branch Problem Solving Courts, presented to the Commission the need for such courts, how they work, and their effectiveness.

Commission Chair Justice McDermott presented a review of Commission strategic planning and encouraged Commission members to regularly reassess Commission progress on previous planning objectives.

Finally, following breakout sessions, each Commission work group presented its final 2022–2023 reports for Commission approval.

The Commission approved all work group reports, which are discussed in more detail in these pages. 

Executive Committee

The Executive Committee oversees the Commission's general operation, progress, and long-term goals. The Executive Committee comprises no less than five and no more than seven Commission members, including the chair and vice-chair of the Commission. The Executive Committee also includes the ISBA president-elect as liaison to the Commission. Other Executive Committee members, including current and past members of the Commission, must be familiar with the Commission's structure, history, and activities. The Executive Committee holds regular monthly meetings. ⚖️

Executive Committee members

Justice Matthew McDermott, Commission Chair
Dustria Relph
Ian Russell
Megan Srinivas
Mike Wells
Shelley Whitcher, Commission Vice-Chair

Community Courts



I. Community Courts Overview

The Community Courts Work Group was formed after the December 2021 Access to Justice Commission educational program highlighting the work of a Salt Lake City project that brought the court system and service providers into the community to reach unhoused community members along a river. Community courts are neighborhood-focused court programs that bring the judicial system to the people, instead of the people to the courthouse. These programs often revolve around criminal court, providing alternative sanctions and other community-based services to those charged with misdemeanors. The work group seeks to determine whether similar civil courts are needed in Iowa.

In the 2022 Iowa Access to Justice Commission report, the work group's stated goal for the next year was to report whether the judicial branch should consider developing a community court project, and if so, to recommend a potential community court pilot program.

The work group includes members of the judiciary, court administration, private and legal aid attorneys, and representatives of several community and state programs. The group met approximately quarterly during the 2022-2023 Commission year.

II. Update from 2022 Commission Report

The work group studied nontraditional courts. This included a presentation

from Iowa Legal Aid's Employment Barriers and Collateral Consequences Program about its statewide clinics and from the Iowa Mental Health Advocacy organization regarding the mental health court projects in Scott and Johnson counties. Iowa State Court Administration informed the work group about the statewide specialty court coordinator position, a new judicial branch role focused on organizing and improving specialty courts throughout Iowa.

The work group discussed use of judicial resources in off-site, noncourthouse clinics. The group is mindful of limited judicial resources and is sensitive to the question of whether off-site courts would be an efficient use of judicial time and resources. Through these presentations and discussions, the work group determined that employing judicial resources outside the courthouse was not necessary to achieve better outcomes for people. Instead, the work group concluded that "dedicated dockets" could be used both to ensure people were receiving appropriate attention to their cases and to preserve limited judicial resources.

III. Looking Forward

The judicial branch has shown it continues to devote resources to specialty courts with creation of a statewide problem solving court coordinator position and is supporting a variety of these courts throughout the state. In addition to developing these

Community Courts

Continued from page 6

courts, the treatment court coordinator is also involved in fundraising for the treatment courts and organizing national standards and best practices for them.

There is a push within the judiciary for holistic approaches to the courts. For instance, new judicial officer training includes instruction on how to catch life issues litigants may have early in order to more holistically address current problems and prevent future problems. Ensuring litigants are aware of available resources before leaving the courtroom can set them up for success and prevent them from returning to the court system.

The judicial branch also supports dedicated dockets without a connected specialty court. Dedicated dockets can bring consistency for litigants and preserve judicial branch resources.

IV. Recommendations to Iowa Supreme Court

The Community Courts Work Group recommends that the judicial branch continue to support specialty courts and dedicated dockets and promote a holistic approach through training of judges and court personnel and dedicated resources. While the Commission focuses on civil legal issues and the work group recommends specialty courts for civil matters such as mental health court, the work group also recommends the judicial branch also focus on holistic assistance for

The work group is mindful of limited judicial resources and is sensitive to the question of whether off-site courts would be an efficient use of judicial time and resources.

defendants in the criminal court system with the goal of preventing recidivism.

Given current judicial branch support for these nontraditional court structures, the work group recommends that the Commission sunset the work group. The Commission should,

however, revisit this issue in the future to ensure the judicial branch's continued and increased support of nontraditional court operations and to determine whether there is a role the Commission may fulfill to promote those efforts. ¶

Community Courts Work Group members

Susan Barta
Maria Brownell
Mandy Easter
Kristin Esche
Robert Gast
Leslie Kilgannon
Kevin McKeever
Dan Mart
Carol Phillips
Shelley Whitcher, chair

Community Outreach



I. Community Outreach Overview

The Community Outreach Work Group is working to promote access to justice as an Iowa value through distribution and dissemination of legal resources and information. The work group strives to identify language and cultural barriers to legal access as well as solutions to address and minimize those barriers.

The 2022-2023 Community Outreach Work Group met approximately monthly through a virtual platform. The work group regularly reviews and sets new action items at its meetings.

II. Update from 2022 Commission Report

Over the past few years, the work group has focused on organizing and holding Access to Justice Summits, events used to educate service providers about legal resources and information in Iowa. The work group continued to survey service providers and collaborating organizations regarding the summits. However, midway through the Commission year the work group reassessed its goals and determined that this work group's mission should be to serve in an advisory capacity to the supreme court regarding outreach to the community, not as a producer of outreach activities.

The work group has changed its core objective: instead of producing another Access to Justice Summit, the group will focus on how it can help the judicial branch address systemic problems with lasting change. Many

Iowa organizations provide substantial legal information and legal access resources. It is imperative that the work group focus not on the creation of more resources, but instead on circulation of existing legal resources throughout the state. The work group strives to improve the way the judicial branch advertises and promotes existing legal access information to underserved populations.

The work group has discussed the National Center for State Courts' Best Practices Guides and may use these materials in developing its own assessment and guidance to the supreme court. The work group has also discussed soliciting feedback from nonprofit and governmental agencies to help determine why people they serve experience barriers to accessing legal resources as well as finding possible solutions to those barriers.

The work group has changed its core objective: instead of producing another Access to Justice Summit, the work group will focus on how it can help the judicial branch address systemic problems with lasting change.

Community Outreach



Continued from page 8

The work group will also seek feedback from the other Commission work groups on their perspectives on barriers and solutions.

II. Looking Forward

The 2023-2024 work group will go through a goal resetting process, including revisiting past goals and communication plans, and conducting internal strategic planning discussions. Through the lens of an advisory committee to the supreme court, the work group will set its goals to conduct research and provide feedback regarding underlying communication barriers that impede access to legal information and resources

IV. Recommendations to Iowa Supreme Court

The work group does not have any recommendations for the supreme court for this report. The primary goal for the 2023-2024 Commission year will be to provide recommendations to the supreme court regarding how best to expand access to justice through existing education, outreach, and technology and to see how the Commission may contribute to effective systemic changes in these areas.

Community Outreach Work Group members

- Anthony Allen
- Luana Nelson-Brown, co-chair
- Kristie Fortmann-Doser
- Glennay Jundt
- Leslie Kilgannon
- Chantelle Smith
- Jennifer Tibbetts
- Shelley Witcher, co-chair
- Melissa Cano Zelaya

Corporate Involvement



I. Corporate Involvement Overview

The Corporate Involvement Work Group comprises members of the corporate legal community, pro bono legal community, and business community. The work group has three current objectives:

- Educate Iowa corporate counsel, business leaders, and industry groups on access to justice issues and how and why to promote access to justice solutions in Iowa.
- Engage business lawyers in pro bono and other access to justice initiatives and track engagement metrics.
- Advocate for access to justice by creating awareness and prioritization among legislative, judicial, nonprofit, and industry groups regarding resources for improving access to justice.

II. Update from 2022 Commission Report

This Commission year continued to be a transition period for the Corporate Involvement Work Group.

- Leadership changes: During the year, one co-chair stepped down. New Co-Chair: Kristi Holzer, Director, Legal & Head of Regulatory Affairs at Coverys.
- Membership changes: The work group is actively seeking additional members. The work group is searching for corporate leaders in Iowa, and not just attorneys.
- Accomplishments: The work group strengthened its relationship with

the Iowa Chapter of the Association for Corporate Counsel (ACC), and its current President Emily Webb. This enabled the work group to notify the ACC of pro bono opportunities for in-house counsel, including those listed below.

- Afghan Refugee Project: The work group promoted the opportunity to participate in the Iowa Migrant Movement for Justice clinics to the Iowa corporate legal community. The clinic assisted individuals and families in completing required immigration paperwork.
- Cady Day of Service: The work group promoted the opportunity to participate in the Drake Cady Day of Service free clinic for Financial and Medical Powers of Attorney and Living Wills. Numerous corporate attorneys participated and provided direct pro bono services to clinic participants.

III. Looking Forward

The work group struggled this year to transition out of the Covid phase and was narrowly focused on tactical measures. Accordingly, the work group has recently brought in a strategic facilitator to assist the group in more clearly defining a focus for the coming year and in streamlining efficiencies.

In addition, the work group will work with the ACC to plan a stand-alone pro-

Corporate Involvement

Continued from page 10

bono continuing legal education (CLE) program leveraging existing materials. The work group plans to seek approval for an ethics CLE credit as has been done in the past.

IV. Recommendations to Iowa Supreme Court

The work group does not have any recommendations for the supreme court for this report. ⚖️

Corporate Involvement Work Group members

Kristin Esche, co-chair
Anthony Farrell
Kristi Holzer, co-chair
Brynne Howard
Kevin Patrick
Paul Berchenbriter

The work group will work with the ACC to plan a stand-alone pro-bono continuing legal education (CLE) program leveraging existing materials.

Court Navigators



I. Court Navigators Overview

A relatively new concept in Iowa, many states throughout the nation are utilizing court navigators. Court navigators are typically nonattorneys trained to answer questions and provide legal information to guide self-represented litigants through the judicial process. Nonattorney court navigators can assist self-represented litigants in many ways, including: providing legal information; explaining court rules and procedure; referring parties to pertinent court forms, manuals, and guides; offering information on how to fill out forms; providing technology support; connecting with language assistance; giving referrals for additional help; and providing information on a litigant's case—for example, providing a printed copy of the chronological case summary and the date of the next hearing.

Nonattorney court navigators do not provide legal advice.

Court navigator programs help self-represented litigants overcome many barriers to justice. Clerk's office staff also benefit from court navigators relieving them of common time-consuming and resource intensive tasks assisting self-represented litigants.

In early 2022, the Court Navigator Work Group explored the potential for a court navigator program in Iowa to assist self-represented litigants with court-related matters. Based upon its research and feedback from clerks of

court throughout Iowa, the work group determined that development of a court navigator program in Iowa should be pursued and submitted a proposal for a pilot program to the supreme court in August 2022.

II. Update from the 2022 Commission Report

In February 2023, the work group received a directive from the supreme court to plan implementation of a court navigator pilot program. Since then, the work group has met approximately six times and corresponded by email to gather information and determine how to proceed.

III. Looking Forward

The work group's 2022 report identified the following primary initial tasks:

- Recruitment of an organization to champion the navigator program and potentially provide a volunteer base.
- Identification and procurement of a physical location in Clinton County.
- Securing a funding source for costs of implementation.
- Navigator training.

The work group so far has largely focused on the first two tasks: volunteers and location. The work group previously identified Clinton County as the primary location for the pilot program. Once up and functioning in Clinton County, the work group anticipates extending the court navigator program remotely to Marion County. Having an in-person location

Court Navigators



Continued from page 12

and a remote location for the pilot program will provide insight into the effectiveness of both methods of delivery of navigator services.

The Clinton County Resource Center, located in the Clinton County Courthouse, provides a variety of assistance to local individuals. The center's mission statement is: "Community partners will collaborate to provide comprehensive social service information and referrals to any individual in need of assistance in Clinton County, to eliminate barriers and enhance their overall quality of life." The work group is exploring options for the court navigator program to share space with the resource center.

The work group expects that its first volunteer court navigator resource will be local to Clinton County, although the work group is considering potential volunteer resources with a larger statewide presence that could be options in the event the program is successful and statewide expansion becomes desirable. The work group has developed a list of local agency contacts and a letter is being drafted to send to agency and volunteer leaders to gauge their interest in providing assistance with the court navigator program. Additional information will be shared with interested organizations in person.

Upon confirmation of a location and volunteer group, the work group will shift its focus to training. The work group plans to reach out to established

navigator programs for assistance and training materials that they may be willing to share. The work group also remains in contact with Mary McClymont, renown expert on nonlawyer navigator programs at the Georgetown Law Center's Justice Lab, and who is updating her 2019 report, "Nonlawyer Navigators in State Courts: an Emerging Consensus."

The pilot program will develop content based upon local and state uniqueness. Training will initially focus on family law, evictions, small claims, and mental health/substance abuse commitments. The training will include familiarization with courthouse offices and staff, self-represented litigant forms, court proceedings and processes, how to use the electronic filing system, Peoples Law Library of Iowa, and other outside resources available to the public, such as Iowa Legal Aid, the Department of Health and Human Services, and crisis center counselors. Importantly, there will be significant training on what is and what is not the unauthorized practice of law. The work group anticipates leveraging existing judicial branch materials available on www.iowacourts.gov as well as other training-related materials from the branch.

The work group has recently realized that it is difficult to execute its plans absent a clear sense of organizational leadership. The work group is fortunate to comprise members who are located in different parts of the state,

Court Navigators



Continued from page 13

work in different industries, and are responsible to different employers. While these varied backgrounds provide valuable resources for brainstorming and networking, it seems to create inefficiencies in the pilot project planning and implementation phase. It would be helpful to identify one organization to be generally responsible for the pilot project.

Existing court navigator programs throughout the country have been developed and are administered by an assortment of organizations. Sponsoring organizations are sometimes nonprofit groups, but they are more frequently from the state court system with dedicated staff either assigned by the state's judicial branch or funded from the state's access to justice commission budget. For example:

- Illinois JusticeCorps is an AmeriCorp program guided by a collaboration of groups including staff from the Illinois Supreme Court Commission on Access to Justice and the Chicago and Illinois Bar Foundations.
- The New York Court Navigators program is a court sponsored program administered by the Division of Access to Justice in the Office of Justice Initiatives in the New York State Unified Court System.
- The Texas Access to Justice Foundation funds various organizations that provide court

navigator programs, including Disability Rights Texas, Lone Star Legal Aid, and Texas RioGrande Legal Aid.

- The California Judicial Branch, through its self-help centers, provides informational and referral services for self-represented litigants, including court navigator services.
- The Oregon Judicial Department provides court navigator program services, which are staffed by court employees who provide information and assistance to self-represented litigants.
- Judicial staff are assigned to support Florida's Access to Justice Commission and oversee and promote court navigator programs throughout the state, which are run by nonprofit organizations, such as Florida Rural Legal Services and Legal Aid Society of the Orange County Bar Association.
- Court Service Centers are a service of the Massachusetts Trial Courts and utilize Zoom video conferencing to assist self-represented litigants.

IV. Recommendations to Iowa Supreme Court

The Court Navigator Work Group recommends that the supreme court continue to support the court navigator pilot program by:

- (1) Clarifying the court's expectation of the work group's role in the implementation of the pilot program.

Court Navigators

Continued from page 14

(2) Appointing a committee including judicial branch personnel to implement the pilot program, with the Court Navigator Work Group serving in an advisory capacity.

(3) Identifying and appointing an individual (perhaps a senior judge or an individual from state court administration) to serve as a point person for the pilot program.

The work group has learned from conversations with representatives from other court navigator programs that a successful program requires a dedicated statewide point person to enable consistent training, oversight, coordination, and quality control, as well as a local liaison to provide site supervision. This would likely be a minimal time commitment for the pilot phase, but may require a more significant role if the pilot program is scaled up. ↵

Sponsoring organizations [of court navigator projects] are sometimes nonprofit groups, but they are more frequently the state court system with dedicated staff either assigned by the state's judicial branch or funded from the state's access to justice commission budget.

Court Navigators Work Group members

Elizabeth Van Arkel
Anthony Farrell
Brian Farrell
Kim Hess, co-chair
Brynne Howard
Leslie Kilgannon
Kevin McKeever
Daniel Mart
Carol Phillips
Dustria Relph, co-chair
Virginia Sipes

Libraries

I. Libraries Overview

The Commission established the Libraries Work Group in 2019, recognizing the unique yet ubiquitous role public libraries play in Iowans' access to information across the state. Iowa boasts 543 public libraries from its smallest towns to its biggest cities. Many Iowans, especially those who encounter access to justice barriers, rely on the information resources and Internet access that libraries provide. As the number of people without legal representation increases, disadvantaged communities across the state rely on libraries for assistance with legal information, which makes libraries natural partners of the civil legal justice community.

The work group met approximately quarterly during the year and collaborated with the State Library of Iowa, the ISBA, and the University of Iowa Law Library on projects involving libraries in the ongoing effort to improve Iowans' access to justice.

II. Update from the 2022 Commission Report

The work group assisted with the launch of the People's Law Library of Iowa website on October 1st. Some members met with the State Library's management team and the University of Iowa Law Library's team to plan the website's rollout. A project description was written for the State Library's Five-Year Strategic Plan that covered a summary, outcomes, measures, and

seven activities pertaining to the website for review by the Institute for Museum and Library Services, the federal agency providing State Library funds for the project under the Library Services and Technology Act. Work group members introduced the website to faculty, students, and the public during a presentation at Drake University Law School's Cady Day of Service in October and also created a webinar for the state's librarians in November on how to use the website.

The work group helped the State Library and the University of Iowa Law Library plan an advertising campaign to promote the People's Law Library website, which involved news releases, radio and television spots, and digital templates for book marks, signs and other materials that libraries and courthouses could download, print, and distribute to the public. The State Library also provided a desktop and laptop computer icon and link to the website for public libraries and district courts to install on the home pages of their public-access computers.

The work group helped promote the ISBA's People's Law School special, co-sponsored events at the state's libraries, and also worked with the ISBA to plan and execute a Lawyers-in-Libraries event that took place at 31 public libraries across the state in May and June. The ISBA Elder Law Section recruited volunteer attorneys to make in-person presentations focused on

Libraries

Continued from page 16

financial power of attorney, health care power of attorney, and living wills in honor of Older Americans/Older Iowans Month. Lawyers in Libraries is a joint effort by the ISBA, the State Library of Iowa, Iowa Legal Aid, and the Polk County Bar Association Volunteer Lawyers Project to help provide free legal information to Iowans across the state.

III. Looking Forward

1. The People’s Law Library of Iowa Website

The University of Iowa Law Library’s team will create three new areas of legal content on the website and the work group will help determine the topics and proofread the text, as well as suggest any website design initiatives that might improve the site’s function. Work group members will also coordinate on legal topics for and preview the ISBA People’s Law School short videos that ISBA volunteer attorneys will record this year to post on YouTube. Work Group members will suggest new audiences, conferences, meetings, activities, or venues that might be receptive to promotional materials or presentations regarding the website.

This initiative provides access to even more legal information quickly and conveniently at any time, which removes many barriers to justice for

low- and moderate-income people with legal problems. It targets all Iowans who may need to use the legal information and resources on the website. The strategy involves active monitoring by different people with varying backgrounds serving diverse populations whose perspectives are valuable assets in achieving the objective. The timeframe is ongoing throughout the entire year. Success will be measured by the increased number of “hits” on the website, as well as the

quantity and quality of positive comments from our partners and the public. The resources will come from the State Library, which contracts with the University of Iowa’s Law Library Director and her team.

The People’s Law Library of Iowa will advance access to justice by making widely available a reliable source of information to help people better understand their legal problems, options, and possible remedies.

2. Limited Scope Legal Advice Clinics

The work group will plan and conduct a pilot project of limited-scope legal advice clinics in select public libraries around the state. Legal aid and pro bono resources are perpetually exhausted. To meet the needs of those without access to attorneys, this initiative advances access to justice by providing much-needed assistance to Iowans who have legal questions or

Libraries



Continued from page 17

problems, especially people in counties in which there are very few private attorneys. The target audience is adult Iowans, especially those who are hesitant to contact attorneys because of the perceived high cost or because of the scarcity of legal professionals in certain parts of the state. The clinics will be open to all who are interested; services will not be restricted to low-income participants.

The strategy for the clinics involves coordinating between volunteer attorneys and the libraries chosen to carry out the pilot project, relying somewhat on the comprehensive toolkit developed by the successful Louisiana model, which is a longstanding annual collaboration between the Louisiana State Library, the Louisiana Library Association and the Louisiana State Bar Association. Volunteer attorneys will be recruited to provide free 15- to 20-minute one-on-one limited-scope advice sessions to Iowans who pre-register for clinics hosted by public libraries. Some attorneys may appear in person and some may appear over Zoom or a similar remote technology. The ISBA will develop training, guidance, promotional materials, instructions, policies, procedures, intake waivers and other resources for libraries, volunteer attorneys, and participants.

The timeframe aims to complete the planning phase in the Fall and conduct the clinics in the Spring. Detailed

statistics will be collected and analyzed. Success will be measured by the quantity and quality of positive feedback received from all parties involved, as well as the levels of participation. The State Library, the ISBA and individual host libraries will provide the necessary resources and bear the costs associated with this pilot project, including insurance for participating volunteer attorneys.

Promotional success would be measured by the number of hits on the digital templates as well as the quantity and quality of positive comments from our partners and the public. The resources will come from the State Library, which will also cover the costs.

3. Continue Established Initiatives

The work group will continue to promote legal programming, such as the ISBA People's Law School, updates to the People's Law Library of Iowa website, and Iowa's library efforts.

This initiative advances access to justice by providing additional resources to Iowans seeking legal information. The target audience is all Iowans, especially low and moderate-income people with legal problems. The strategy involves collaboration between legal programming providers, such as the State Library and the ISBA, using approaches that are proven to effectively and efficiently reach people seeking legal information. The timeframe is ongoing throughout the

Libraries

Continued from page 18

year. Success will be measured by increased participation in and use of the services promoted. Legal programming providers, such as the State Library and The Iowa State Bar Association, will provide the necessary resources and bear the costs associated with these projects.

IV. Recommendations to Iowa Supreme Court

The work group has no specific recommendations for the Iowa Supreme Court's consideration at this time, except for the court to continue its support of the Libraries Work Group. ¶

Libraries Work Group members

Mandy Easter, co-chair
Kim Hess
Dan Mart, co-chair
Dustria Relph
Virginia Sipes
Carrie Slagle
Carissa Vogel

Limited Licensure

I. Limited Licensure

Overview

In the 2022 Commission Report, the Limited Licensure Work Group recommended that the supreme court establish a task force to pursue development of a limited licensure pilot proposal in Iowa. The recommendation was based on the work group’s study of how limited licensure of nonattorneys and other changes to legal practice regulation might enhance access to justice in Iowa based on the group’s examination of experiences of Arizona, Minnesota, Utah, Washington, and the UK, consultation with leaders in those states that have implemented regulatory changes, review of proposals and literature in the area, and an attempted determination of existing needs and forms of delivery of legal services in Iowa. The work group’s conclusions and recommendations were further aided by pro bono research conducted by students at the University of Iowa College of Law through its Citizen Lawyer Program. The students prepared three memoranda, which included a 2020 survey of limited licensure developments nationwide, a 2021 update on more recent developments in the limited licensure arena, and a 2022 mapping of Iowa Court Rules that may be potentially involved in limited licensure.

The work group concluded that “next steps” should be taken toward development of a limited license pilot

program in Iowa. The work group, however, was not prepared at that time to propose specifics regarding scope or structure of such a program given the limits of its mandate and membership. Therefore, the work group recommended the Iowa Supreme Court take steps to establish a task force, not for the court to commit to adoption of a specific program but rather to facilitate development of a proposal that would inform all stakeholders in the near future.

II. Update from the 2022 Commission Report

The supreme court has not acted on the work group’s 2022 recommendations, and the work group has taken a wait and see approach that includes continued monitoring of the limited licensure landscape.

III. Looking Forward

The work group continues to follow and monitor reports regarding limited licensure of other professionals around the country. For the past several years, several states have created and implemented such programs. Some states, after creating and implementing such programs, scaled back their limited licensure programs.

The Institute for the Advancement of the American Legal System (IAALS) is tracking development of “allied legal professional” (ALP) programs. ALPs are “new providers . . .

Limited Licensure

Continued from page 20

authorized to provide legal advice in certain case types and under certain circumstances.” IAALS reports five ALP, or limited licensure, active programs in Washington, Utah, Arizona, Minnesota, and New Hampshire. Two programs, in Colorado and Oregon, are in the implementation stage. Six states are considering program proposals: Connecticut, New Mexico, New York, North Carolina, South Carolina, and Vermont. IAALS also reports that Michigan, Texas, and Washington, D.C. are discussing ALP programs.

These programs are growing in number as courts seek ways to meet the legal needs of low- and moderate-income residents. For example, a new legal service model that aims to keep more low-income families in their homes received approval from the Arizona and Utah supreme courts, which waived restrictions on the unauthorized practice of law.

The work group is reviewing the IAALS report, *Allied Legal Professionals: A National Framework for Program Growth*, released on June 6, 2023, which provides a framework for states exploring how to design and implement limited licensure programs, available at: https://iaals.du.edu/sites/default/files/documents/publications/alp_national_framework.pdf.

IV. Recommendations to Iowa Supreme Court

The Limited Licensure Work Group recommends that it continue to monitor development of limited licensure programs in other states with a focus on the suitability, or compatibility, of a program to the climate for innovation in Iowa. ¶

These programs are growing in number as courts seek ways to meet the legal needs of low- and moderate-income residents.

Limited Licensure Work Group members

Bill Boyd
 Brian Farrell
 Kyle Fry
 Erin Lain
 Bob Oberbillig
 Carol Phillips, co-chair
 Anjie Shutts, co-chair
 Bruce Walker

I. Rural Access Overview

The Rural Access Work Group resumed meeting following the appointment of co-chairs at the Commission's December meeting. The work group met regularly by Zoom and communicated by email since then.

II. Update from the 2022 Commission Report

The work group identified four primary objectives in its 2022 report.

1. Support Commission initiatives related to limited licensure of legal practitioners, the People's Law Library, and the court navigator pilot project.

The work group notes that the Commission's Limited Licensure Work Group continued to monitor developments nationally, and the work group hopes that further consideration will be given to this possibility in light of emerging new data on the impact of nonattorney services for underserved populations, which could be particularly relevant in rural areas with declining numbers of attorneys.

The work group lauds the launch of the People's Law Library of Iowa in the fall as a statewide resource with strong connection to local libraries, which are especially valuable access to justice resources in rural areas.

The work group has been working closely with the Court Navigators Work Group and supports its efforts toward implementation of a pilot court navigator program in Clinton County. Development of a court navigator

program could have particular value in underserved rural counties.

2. Rural access stakeholder summit. The work group continues to discuss and consider the idea of a rural access stakeholder summit. While the work group does not have immediate plans to organize an event, it has been continuing to communicate and engage with law schools, law students, the ISBA, and the judicial branch. The work group recently met with ISBA leadership to discuss rural attorney recruitment efforts.

3. Supporting and incentivizing rural practice. The work group has researched and discussed various models to encourage or incentivize law students and new attorneys to consider rural practice in ways that could directly benefit access to justice efforts. These actions are discussed further below.

4. Monitor and assess technology. The work group notes the appointment of the supreme court's Remote Proceedings Task Force and will monitor the report and recommendations from that group for its potential to further rural access.

III. Looking Forward

1. Support development of court navigator pilot program. The work group will remain engaged with the Court Navigators Work Group and supports its recommendations to the supreme court. Court navigators have the potential to greatly improve the

Rural Access

Continued from page 22

experience of self-represented litigants, particularly in rural counties where fewer court staff and attorneys may be available. Technology may allow a court navigator to remotely assist individuals in rural counties in a resource-effective manner.

2. Explore development of a rural attorney recruitment program tailored to access to justice.

There has been a recognized decline in the number of rural legal practitioners in Iowa and other states over the past two decades. At the same time unique factors such as geography and population can exacerbate the justice gap in rural areas. While the work group urges caution not to conflate these two phenomena—access to justice means more than access to attorneys, and an attorney might not be the only or best access to justice intervention in a particular situation—there is relationship between the two.

In certain situations, a lack of available local attorneys presents a significant barrier to justice. The concern Chief Justice Christensen noted in her Condition of the Judiciary regarding contract indigent defense attorneys carries over into civil matters: the dwindling number of attorneys who take appointments in mental health or substance abuse proceedings may be unable to fit cases into their workload in a timely manner; attorneys in rural areas may be too busy to take pro bono or low bono clients, including those originating through the Volunteer

Lawyers Program; local attorneys may be unavailable to take on “simple” cases like small claims, evictions, or domestic abuse where it would be cost-prohibitive to hire an attorney from another community; and legal advice may not be available to those facing technology, transportation, or financial barriers to using out-of-town attorneys.

Limited research and anecdotal information suggest a complex web of factors contribute to the rural attorney shortage and the challenges in recruiting law students to rural practice, including: rural economic decline; indigent defense rates and appointment structure; law student debt load; perception and reality of rural economic, civic, and social opportunities; lack of law school preparation for general practice and validation of rural career choices; and financial expectations of rural attorneys seeking to retire or otherwise bring on a new attorney. Many firm-to-new-associate “matchmaking” efforts have tended to have limited success given these factors.

Several states have taken more concrete steps to incentivize new rural practitioners. South Dakota has the most prominent rural attorney placement program, which provides financial incentives for new lawyers to locate in small communities. While this program has had some success in recruiting attorneys and is often viewed as an access to justice initiative, there is not an explicit mechanism to ensure

Rural Access

Continued from page 23

that these new attorneys are addressing civil access to justice needs, particularly of underserved populations.

Nebraska’s Rural Law Opportunities Program provides accepted students from rural areas of the state a scholarship to attend a regional state university and, if they maintain a minimum GPA, automatic admission to the Nebraska College of Law with the hope they will return and serve their home community. This initiative does not guarantee selected students will actually return to their home community. If they do, there is again no mechanism to ensure they are addressing civil access to justice needs in their law practices.

Recognizing that rural attorney recruitment programs can serve a variety of economic and civic interests, the work group encourages consideration of an access to justice-focused rural incentive program. A comprehensive rural attorney recruitment and incentive program could address multiple concerns by increasing rural attorney numbers while also including requirements and metrics to maximize the access to justice impact. Following an initial meeting with ISBA leadership, the work group intends to continue discussion with relevant stakeholders including bar associations, state agencies, such as the State Public Defender, the judicial branch, law schools, economic development authorities, cities and counties, and school districts, to

determine how an effort could largely align with other compelling interests.

3. Continued consideration of a limited licensure for legal practitioner program.

The work group will continue to liaise with the Limited Licensure Work Group to monitor developments nationally and seek

additional

data on the efficacy of emerging limited licensure programs and their impact on access to justice in the rural context. The work group notes scholarship suggesting that the easiest way to add a legal professional to a new community is to educate and train a person who hails from that community. A faster and less-expensive pathway to licensing new legal services providers could have particularly beneficial impacts for underserved rural communities.

4. Effective leveraging of technology to improve access to justice in rural communities.

The work group will monitor and review the work of the supreme court’s Remote Proceedings Task Force. The work group is confident that access to justice is a consideration in the task force’s

The work group recommends remote participation in routine judicial proceedings . . . continued development of interactive court forms . . . implementation of a pilot court navigator program . . . and monitoring of emerging limited licensure programs.

Rural Access


Continued from page 24

efforts, although it is noted that this was not explicitly articulated in the February 20 news release or the March 10 order establishing the task force. The work group is willing to liaise with the task force as needed.

IV. Recommendations to Iowa Supreme Court

The work group's recommendations to the supreme court are as follows:

- (1) The work group recommends the court engage with stakeholders to explore the possibility of a rural practice incentive program that contains an overt access to justice component and metrics.

- (2) The work group recommends the court consider designating additional judicial branch staff capacity to support implementation of Commission initiatives such as the court navigator pilot project in Clinton County. 

Rural Access Work Group members

Brian Farrell, co-chair
Phil Garland
Katie Hall
Dan Mart
Dustria Relph, co-chair
Melvin Shaw
Megan Srinivas
Bruce Walker
Michael Wells

Veterans

I. Veterans Overview

The Veterans Work Group focus has been and continues to be identifying the primary unmet legal needs of Iowa's veterans, identifying existing and needed legal resources, determining the most effective methods for disseminating information regarding those resources to veterans in need, and developing training options for attorneys who may provide legal services to veterans. The work group meets virtually as well as at the Iowa Access to Justice Commission in-person meetings.

II. Update from the 2022 Commission Report

In 2023, the work group began the process of reviewing its mission and strategy. As such, this year's report may more appropriately be considered as a statement of the work group's intent to conduct further review of its purpose, mission, and strategies. Its members want to make it clear that this review is intended as an introspective examination of the work group's purpose and future and that the internal review will consider all points of view. Discussions have thus far been dynamic and informative.

Past work group objectives included: (1) identify the veterans in need of legal assistance; (2) identify legal service options available to veterans; (3) encourage volunteer efforts to provide additional legal services to veterans; and (4) ensure in-need veterans connect with available legal services.

Based on past interactions with veterans and supporting organizations, it was determined that the legal issues most impacting veterans are eviction and foreclosure, driver license restoration, child support, outstanding warrants and fines, and discharge upgrades. If services are not available at the federal level, it appears that when services or assistance are provided, they are largely being provided by the Drake University Law School, Iowa Legal Aid, volunteer attorneys, a few court programs, and county veterans service organizations.

In pursuing and reviewing these objectives, the work group noted that many of the issues underlying access to justice issues for veterans also impact other populations who are challenged in accessing justice and that there is often considerable overlap with work being done by other work groups. As an example, some veterans experience mental health issues, which significantly contribute to their legal issues or to the ongoing nature of their legal issues. This phenomenon is not limited to veterans and appears to be impacting access to justice across the board. The work group believes there may be a benefit to looking at how these underlying issues impact access to justice as a systemic problem rather than as a population-specific one. The work group looks forward to the opportunity to explore this idea.

Additionally, the work group recognizes that there are effective established programs serving veterans in need of

Veterans

Continued from page 26

legal assistance and, further, that at least some veterans have access to legal services and other resources as a benefit of their service. It appears, however, that some impacted veterans—or maybe even most—may not be aware of or are otherwise hindered from accessing those resources. Again, there may also be systems-based problems that are hindering or blocking the effectiveness and awareness of existing resources. The work group discussed that the Commission and the work group’s best use may be in, again, identifying systemic issues impeding veterans’ ability to access justice and, importantly, supporting the work of the agencies and organizations that are already providing or are equipped to provide resources and services rather than attempting to create the resources and services. This, too, is an issue that may benefit from a broader perspective and approach. The work group looks forward to the opportunity to explore this area as well.

III. Looking Forward

The work group will utilize a law student who has a special interest in veteran-related issues to gather information and conduct research on activities in this space occurring on the national level to help inform next steps. While it continues its focus on its future work, the work group will certainly review past objectives, goals, and accomplishments and seek input from the Commission as a whole. Recognizing that the Commission serves as an advisor to the supreme court on issues of access to

justice, the work group’s focus for the next year will be on identifying the systemic issues that are impeding veterans’ ability to access justice and determining the most effective route for providing relief.

In supporting this objective, the work group will identify a viable number of legal professionals who are willing to donate their time, skills, and expertise to assist veterans with legal issues.

IV. Recommendations to Iowa Supreme Court

At this time, the work group does not have specific recommendations for the supreme court. The work group’s goal for this next year will be to review its purpose and mission, identify the best route forward to ensure access to justice for veterans, and support the work done on behalf of veterans by agencies, organizations, and individuals. ¶

Veterans Work Group members

- Elizabeth Van Arkel, co-chair
- Susan Barta
- Daphney Daniel
- Phil Garland
- Kevin McKeever
- Stephen Owen
- Chantelle Smith, co-chair

Current Highlights

By work group, the Commission highlights certain efforts and activities for the next year.

Community Courts Work Group

- Recommends that the judicial branch continue to support specialty courts and dedicated dockets, promoting holistic assistance to court users.

Community Outreach Work Group

- Will provide recommendations to the supreme court regarding how best to expand access to justice through education, outreach, and technology.

Corporate Involvement Work Group

- Will work with the Association of Corporate Counsel to plan a stand-alone pro-bono CLE program leveraging existing materials.

Court Navigators Work Group

- Recommends the supreme court appoint a committee including judicial branch personnel to implement a court navigator pilot program, with the Court Navigator Work Group serving in a hands-on advisory capacity.

Libraries Work Group

- Will continue assisting development of The People's Law Library of Iowa, plan and conduct limited scope legal advice clinics, and continue promotion of established initiatives.

Limited Licensure Work Group

- Will continue monitoring limited licensure developments across the country and continue to update the supreme court on such developments.

Rural Access Work Group

- Recommends the supreme court engage with stakeholders to explore the possibility of a rural practice incentive program that contains an overt access to justice component and metrics and that the court consider additional judicial branch staff capacity in support of a court navigator pilot project in Clinton County.

Veterans Work Group

- Will identify the best route forward to ensure access to justice for veterans, and support the work done on behalf of veterans by agencies, organizations, and individuals. ¶

Conclusion

The Iowa Access to Justice Commission nears completion of its seventh year dedicated to serving all Iowans by identifying, investigating, and proposing solutions to barriers and impediments to achieving justice for all at all times.

One year ago, the conclusion to the 2022 Commission Report stated the following: “The Commission recognizes that there is no one-size-fits-all or comprehensive solution to assuring access to justice for all.”

Progress, however, continues to be made. For example, the judicial branch’s continued expansion of interactive interviews for pro se oriented legal forms and translation of court forms, instructions, and guides—while hampered by limited resources—are efforts that assist not only court users but also the courts themselves.

Also, the judicial branch embrace of remote technology—although to a large extent a product of the Covid-19 pandemic—in many ways promises to be a permanent game-changer in furthering access to justice for Iowans.

Even so, what has not changed is the fact that for far too many people, it remains a struggle at best to fairly and satisfactorily resolve even relatively minor legal problems.

Access to justice in rural Iowa remains a stubborn and multi-faceted problem beyond just a dwindling number of

attorneys in those areas. Proven, long-lasting remedies remain elusive.

The Commission continues to explore and monitor innovative solutions to stubborn problems. While the time may not be ripe in Iowa for alternative forms of providing legal services, efforts in this regard continue across the country. Other court system innovations have been clearly proven beneficial, such as court navigator programs. As the Commission stated in its 2021 Report: Such innovations, if studied and adopted responsibly and deliberately, could positively impact efforts to overcome barriers to access to justice that persist for so many Iowans.

And as the Commission stated in its 2022 Report: the Iowa Judicial Branch’s development of robust pilot programs is the best and most productive path toward identifying and implementing effective and sustainable statewide solutions to access to justice challenges. The Iowa Judicial Branch has a proven track record of careful and prudent use of pilot programs that enhance the branch’s public service to Iowans. The Commission asks the supreme court to maintain its willingness to explore and embrace change that, while it may not be easy, will make a difference for all Iowans encountering access to justice barriers. ¶