RESOLUTION SUPPORTING THE ESTABLISHMENT OF A PENNSYLVANIA ACCESS TO JUSTICE COMMISSION

WHEREAS, the Pennsylvania Bar Association is committed to the fundamental principle of access to justice for all Pennsylvanians, and

WHEREAS, the Pennsylvania Bar Association is a national leader in the movement for a civil right to counsel and a leading partner in the coordination and implementation of statewide efforts to advance the goal of equal access to justice, and

WHEREAS, in 2007, the Pennsylvania Bar Association first explicitly supported the right to counsel for indigent individuals in certain civil legal aid matters and, in 2010, reinforced that support by endorsing the ABA Model Access Act and a report with recommendations relating to proposed ABA Basic Principles of a Right to Counsel in Civil Legal Proceedings, and

WHEREAS, in 2013, the Pennsylvania Bar Association celebrated the 50th anniversary of *Gideon v. Wainwright*, establishing the right to counsel for the indigent in serious criminal matters, and

WHEREAS, few such rights to counsel for the indigent have been recognized in civil matters where basic human needs such as shelter, safety, health, sustenance, and child custody are at stake, which has been the subject of ongoing work by the Pennsylvania Bar Association’s Access to Justice and Legal Services to the Public Committees, and

WHEREAS, national and statewide studies have documented that legal aid programs are only able to serve, at most, 20% of the legal needs of the poor, and

WHEREAS, with the assistance of a grant obtained from the American Bar Association in March, 2013, a “Civil Legal Justice Coalition” of state-wide stakeholders was created, which participated in organizing three hearings of the Pennsylvania Senate Judiciary Committee, conducted by Committee Chair Senator Stewart J. Greenleaf, with extensive testimony on the great unmet need for civil legal representation of the indigent in Pennsylvania, and

WHEREAS, Pennsylvania Supreme Court Chief Justice Ronald D. Castille has served as honorary chair of the broad-based “Civil Legal Justice Coalition,” which has worked with many statewide partners to collaboratively explore strategies and propose recommendations to improve access to justice for the indigent in Pennsylvania, thereby laying the groundwork for a permanent statewide Access to Justice Commission, and

WHEREAS, the Pennsylvania Bar Association’s Legal Services to the Public Committee at its November 21, 2013 Committee/Section meeting received a written report on the Findings and
Recommendations of the Civil Legal Justice Coalition along with an oral presentation to the Committee, and

WHEREAS, Access to Justice Commissions in other states have brought together the highest level of state courts, the organized bar, the public interest law community and other stakeholders to support the expansion of access to justice for low-income and disadvantaged people, and

WHEREAS, at its 2013 Annual Meeting, the American Bar Association adopted Resolution 10D, urging “the establishment of and support of Access to Justice Commissions or comparable bodies in all states and territories,” and

WHEREAS, the Conference of Chief Justices and Conference of State Court Administrators adopted a resolution on July 31, 2013, reaffirming their support of a prior resolution adopted on July 28, 2010, that set forth the aspirational goal that every state and United States territory have an active Access to Justice Commission or comparable body, and

WHEREAS, Access to Justice Commissions have now been established in 31 states and the District of Columbia, and six more states are actively considering creating Access to Justice Commissions, and

WHEREAS, in states where Access to Justice Commissions have been formed, they have had a major impact in increasing state level funding for civil legal aid; championing new funding sources for civil legal aid; developing new initiatives to increase pro bono services by attorneys; promoting collaboration and coordination among civil legal aid providers; building a commitment to pro bono and support for legal aid among law students and new lawyers; expanding support for self-represented litigants in the courts and increasing awareness among legislators and other key decision makers, the bar, the judiciary and the general public about the legal needs of low-income and disadvantaged people and the social and economic benefits of ensuring that they do not go unmet. (See: “Examples of State Access to Justice Commissions: Creation, Structure and Accomplishments” by Robert Echols, State Support Consultant, ABA Resource Center for Access to Justice Initiatives http://www.americanbar.org/content/dam/aba/migrated/legalservices/sclaid/atjresourcecenter/downloads/example_of_atj_mie_2008.authcheckdam.pdf ), and

WHEREAS, the Legal Services to the Public Committee has joined the Civil Legal Justice Coalition in recommending the formation of an Access to Justice Commission in Pennsylvania, and the Coalition is working to define its structure and composition,

NOW THEREFORE, BE IT RESOLVED that the Pennsylvania Bar Association supports the Coalition’s work to form a Pennsylvania Access to Justice Commission that will represent the interests of the many Access to Justice stakeholders,

AND BE IT FURTHER RESOLVED that the Pennsylvania Bar Association President or designee is authorized to communicate the Association’s position to appropriate stakeholders in the formation of a Pennsylvania Access to Justice Commission and to take any other action in furtherance of this resolution as may be appropriate and necessary.