

Access to Justice Committee Update, Dec. 1, 2010

The Committee is organizing itself into several the following three groups:

a. Needs Assessment

This group will use the [ABA principles](#) to assess Pennsylvania's current statewide civil legal aid service delivery system. This working group will work closely with existing agencies, primarily PLAN and IOLTA, in defining the scope of our statewide delivery system, overseeing the gathering of baseline data and preparing a report on the current provision of services statewide, including areas of unmet need. The goal is to have this report completed by late spring 2011 so the Committee can then identify areas of greatest need and opportunity throughout the state..

This working group will have its **first meeting on December 15, 2010, in Harrisburg, from 10 a.m. to 2 p.m.**, at which time it will define the parameters of the project.

b. Public education/communication/messaging

The Committee recognizes the need to create a new and widespread understanding of the reality of an extremely limited right to counsel that currently exists in civil cases in Pennsylvania, the great injustices and costs this creates and the benefits to be gained by expanding such a right. This group will focus on developing a persuasive message and developing programs that would help communicate our message throughout the legal community and the public.

c. Legislative Strategy and other funding possibilities

While the Committee is not ready to propose any particular program to the legislature at the present time, it is working on developing a legislative strategy for its efforts. Increasing access to justice for the most disadvantaged Pennsylvanians by expanding a right to counsel in legal proceedings is a challenge in the current economic circumstances. It is a long-term goal that will require many steps and a focused effort.

The Committee has taken the following steps:

1. ABA Action on Model Access Act and a set of Basic Principles of a Right to Counsel in Civil Legal Proceedings.

Last June, the Committee proposed and supported of a resolution seeking PBA co-sponsorship of a set of Basic Principles of a Right to Counsel in Civil Legal Proceedings and a Model Access Act that were developed by the ABA Working Group on Civil Right to Counsel. The PBA Board of Governors unanimously supported our resolution and the PBA did co-sponsor these two resolutions. On August 9, 2010, the ABA adopted the ABA Basic Principles of a Right to

Counsel in Civil Legal Proceedings and also adopted the Model Access Act, with some minor revisions.

2. Philadelphia Bar Association - Civil Gideon Activities

The Committee is working cooperatively at both a staff level and through overlapping membership with the Philadelphia Bar Association's Civil Gideon Task Force. That group is moving forward in its work as they assess the needs and priorities for Philadelphia. It began its work by organizing into four working groups, focusing on two substantive areas, Housing and Family cases, with one group working on communication and one group working on funding. The first two working groups are assessing the resources currently available, assessing the need in their areas, gathering data, perhaps conducting empirical studies and ultimately proposing specific programs and reforms.

The Philadelphia Task Force has created a "Civil Gideon Corner" on their Bar Association's webpage. It contains a great deal of information about local activities, as well as information about news and developments nationwide. This information can be found at:

<http://www.philadelphiabar.org/page/CivilGideon?appNum=1>. The PBA Access to Justice Committee maintains its website at <http://www.pabar.org/public/committees/1spublic/atj/accesstojustice.asp>.

3. Philadelphia Bar Association's Chancellor's Forum on Civil Gideon

On July 7th, 2010, the Philadelphia Bar Association's Chancellor's Forum featured Prof. Russell Engler, of the New England School of Law. Engler presented an eloquent and passionate argument for the implementation of an expanded right to counsel as part of a broader plan to improve access to justice in our courts and the legal system. He proposed the need to work on making courts more accessible to the unrepresented, to implement and evaluate limited assistance programs and to expand the right to counsel in those cases where nothing less will suffice. He set forth a paradigm which can be useful as a blueprint for developing an action plan. This model is described in his article titled, *Pursuing Access to Justice and Civil Right to Counsel in a Time of Economic Crisis*, 15 Roger Williams Law Review (forthcoming 2010). Pennsylvania Supreme Court Chief Justice Castille participated in the program, expressing his strong support for civil legal aid but also observing that it is important to understand what the cost is for a right to counsel.

The program of the Chancellor's Forum can be heard in a podcast which can be found at: <http://www.philadelphiabar.org/WebObjects/PBAReadOnly.woa/Contents/WebServerResources/CMSResources/chanforum070710.mp3>.

For further information on the issues, this link leads to a selected bibliography of relevant articles and other documents:

[http://www.philadelphiabar.org/WebObjects/PBAReadOnly.woa/Contents/WebServerResources/CMSResources/Engler-Selected%20Bibliography%20\(2\)%20REV.pdf](http://www.philadelphiabar.org/WebObjects/PBAReadOnly.woa/Contents/WebServerResources/CMSResources/Engler-Selected%20Bibliography%20(2)%20REV.pdf).