



## **2018 – 2021 Long-Range Plan**

The purposes of the Florida Commission on Access to Civil Justice are to study the unmet civil legal needs of disadvantaged, low-income, and moderate-income Floridians and to address those needs with programs, services, and innovative technological solutions that will create meaningful access to civil justice.

Critical to Commission's work is its partnership with the recently created Council of Business Partners, comprised of executives and legal counsel for several corporations and a law professor. The Council is also assisted by selected members of the Young Lawyers Division (YLD) of The Florida Bar.

Together the Council and YLD members will support the Commission in enhancing access to civil justice by:

- Engaging the business community, educating that community on the legal challenges its employees face, and empowering that community and its employees with tools and resources to better understand legal issues and more easily access and navigate the civil justice system.
- Serving as an important feedback loop between the business community and the Commission.
- Critically reviewing proposals advanced by the Commission's Committees.
- Leveraging the resources of the business community to bring fresh perspectives and innovative ways of problem-solving to government processes.
- Promoting the Commission and its efforts while garnering support and resources to advance access to civil justice in Florida.

The Florida Commission on Access to Civil Justice 2018-2021 Plan articulates a course of action to guide the Commission in its efforts to address access to civil justice challenges. The plan is organized around four broad issues and includes specific goals and associated narrative to advance access to civil justice. The plan was developed through a deliberately constructed process designed to gather input from all Commission members and the Council of Business Partners. In executing the plan, particular focus should be given to service delivery models that address urban and rural disparities and non-English speaker and aging population needs. This Plan will serve as a vehicle to advance meaningful access initiatives and will guide the Commission's efforts to achieve the goal adopted by the Conference of Chief Justices and Conference of State Court Administrators in Resolution 5: Provide 100 percent access to effective assistance for essential civil legal needs.

## 1. Improve Triage and Referral

- 1.1. Enhance the Florida Courts Help App. Provide additional features for the Florida Courts Help App which may include creating additional Florida-specific videos, increasing the ability to e-file completed forms, optimizing search capabilities, and expanding referral resources. Increase marketing efforts with greater use of social media and outreach to organizations supporting self-represented litigants. Enhancement efforts might also include app features to assist in small claims, landlord/tenant, family, or other case types in which litigants are frequently self-represented.
- 1.2. Develop online chat assistance. Develop referral and limited legal services via an online chat function for self-represented litigants who are experiencing a legal issue. Through an accessible website, enable lawyers to answer questions on a range of civil case types, or provide access to a legal paraprofessional to assist or direct individuals to the proper forms or appropriate avenues to address their legal concern.
- 1.3. Deploy kiosks for legal referral and assistance. Institute court kiosks that allow clerks and their staff to direct self-represented litigants to an on-site computer or device where the user accesses legal information and connects with local legal resources. Users can be directed to local legal aid offices, local pro bono projects and clinics, [floralawhelp.org](http://floralawhelp.org), court-approved forms, or other resources. Terminals or appropriate software/links could also be installed and made available at other locations such as public libraries.
- 1.4. Examine online lawyer consultation. Research the use of videoconferencing or other electronic means to provide remote pro bono service. Explore partnerships with local bar associations or other organizations to offer videoconferencing capability. The program concept would allow volunteer attorneys from anywhere in the state to consult virtually and privately with a person and to share and review documents.

## 2. Emphasize Process Simplification

- 2.1. Research an informal domestic relations trial process and/or small claims process through a special master or magistrate. Study an informal voluntary domestic relations trial process which may include, but is not limited to: practices where parties speak directly to the judge about disputed issues, formats where only the judge asks questions of each person, and simplified rules of evidence and discovery.
- 2.2. Pilot an Early Resolution Program (ERP) in divorce and custody cases. Test a program where parties in newly filed divorce and custody cases may avoid protracted legal proceedings by working closely with volunteer attorneys coordinated by legal services who provide unbundled legal services and court mediators. Judges would work with the parties at the ERP hearings to resolve their child custody, child support, and marital property disputes.
- 2.3. Study online dispute resolution options for civil traffic infractions. Develop a pilot for online dispute resolution of civil traffic cases. Considerations for the test program should include privacy and security, audience, platform, citizen access, and effective resolution. The pilot should promote efficiency, access, flexibility, reduction in needed resources, and increased customer satisfaction. Determine the feasibility of statewide distribution and use.
- 2.4. Conduct user experience research / focus groups. Directly engage self-represented litigants to determine court procedures, policies, forms, and communications in need of improvement to promote a positive user experience within the court system while preserving substantive and procedural fairness and due process rights.

### 3. Provide Limited Legal Assistance

- 3.1. Investigate the use of legal paraprofessionals. Examine the appropriateness and function of the licensure of legal paraprofessionals authorized to provide limited legal services to self-represented litigants in discrete areas of law. Work with stakeholders to propose areas of focus, parameters of practice, and benefits and challenges of a legal paraprofessional program.
- 3.2. Explore a Court Navigator Program. Establish a program which places specially trained college or law student volunteers, paralegals, or others in courthouses to help self-represented litigants navigate the judicial system. Identify a ready pool of individuals to sustain the program and address local needs.
- 3.3. Institute practice points for civil matters involving self-represented litigants. – Create suggested practice points to provide guidance to judges and others in matters involving self-represented litigants in civil matters. For judges, practice points may address elements to actively manage and schedule cases involving self-represented litigants. For litigants, the points may address what to expect on the day of court and appropriate procedures and protocols inside the courtroom.
- 3.4. Expand Low Bono – Capitalize on minimal fee legal services to assist self-represented litigants and under-represented communities in addressing specific legal needs. Develop and expand programs for licensed attorneys to provide services at a reduced rate such as a \$1 per minute program or a minimum or flat rate structure to assist low or moderate means individuals.

### 4. Promote Plain Language

- 4.1. Develop explanatory video content statewide to guide self-represented litigants. Create video content to address preparing for court, what to expect in court, typical court processes, and court actors and roles. Create narrated video instructions to assist self-represented litigants in understanding form directions, fields, terms, and when to use/not use a particular form may also be appropriate. Information should be prepared in a step-by-step manner.
- 4.2. Advance the Do-It-Yourself (DIY) forms initiative. Expedite the development, approval, and implementation of online document assembly software that works as an interactive interview program and uses answers provided by litigants to create personalized forms ready for filing.
- 4.3. Examine standard orders to incorporate plain language principles. Review typically used orders for clear and concise language. Considerations should include: audience, organization, and writing style and principles.
- 4.4. Review the most commonly used forms for conformance with plain language standards. Determine an appropriate procedure to review the most typically used form for plain language compliance. This review may include software or external sources to further simplify language while ensuring legal sufficiency.

In addition to working on the issues outlined above, the Commission should continue to explore new and innovative ways to serve Floridians, leverage technology, and implement enhanced processes to promote 100 percent access to civil justice.