



JUSTICE IN ACTION:
Kentucky's Justice for All
Strategic Action Plan

JUSTICE IN ACTION: KENTUCKY'S JUSTICE FOR ALL STRATEGIC ACTION PLAN

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MY FELLOW KENTUCKIANS,

The following Strategic Plan embodies nearly two years of work on behalf of the Kentucky Access to Justice Commission, the National Center for State Courts, and countless individuals who represent our justice partners. I want to particularly acknowledge the work and dedication of Glenda Harrison and Nan Hanley of the Kentucky Access to Justice Commission, as well as Amanda L. Kool and Sylvia Lovely, both of whom offered invaluable consultation. These fine women literally “took the show on the road,” traversing the Commonwealth to meet with community leaders, faith leaders, non-profit partners, and other individuals in an effort to truly understand the issues and factors impacting the delivery of justice in Kentucky. On a side note, these women carefully watch every penny of our scarce Access to Justice resources and, as a result, they have some interesting road stories!

Levity aside, it almost seems like an understatement bordering on sarcasm to note that Kentucky is currently (like the rest of the nation) facing the greatest challenge the Commonwealth has experienced in many of our adult lifetimes. The global pandemic, aside from the life and death reality it poses, has rendered an economic landscape that can only be described as bleak. The current civil unrest in response to racial inequities, too long ignored, exacerbates the feeling of hopelessness, helplessness, and distrust in existing systems for many of our citizens. However, we are resilient! There are so many who have stepped up to answer the call to problem-solve and put together a plan to meet these challenges and emerge a stronger, healthier, and more just Kentucky.

I wish that I could personally and individually thank the countless people who have helped contribute to this Strategic Action Plan. Meeting many new people and working alongside established relationships has helped me keep the faith on a personal and professional level. We are in these struggles together, and we have already emerged triumphant. This Strategic Action Plan is our plan of attack as we march forward down the road towards equal justice under the law for all Kentuckians.

Gratefully,

A handwritten signature in black ink that reads "Michelle M. Keller". The signature is written in a cursive, flowing style.

MICHELLE M. KELLER



INTRODUCTION

In late 2018, Kentucky was one of four states to receive Justice for All (JFA) grant funding from the Open Society Foundations, a program administered by the National Center for State Courts (NCSC), to assess the existing civil legal resources in those states, identify resultant gaps and barriers in those resources, and develop and implement tailored and data-driven initiatives to address those gaps and barriers on behalf of low-income individuals facing civil legal needs. For 18 months, with the assistance of over 100 dedicated Kentuckians, and under the guidance of NCSC, the Kentucky Access to Justice Commission (the “Commission”) convened and facilitated a series of workshops, surveys, interviews, meetings, and other events representing thousands of collective hours of effort, all of which has resulted in this Justice in Action: Kentucky’s Justice for All Strategic Action Plan.

ACKNOWLEDGEMENTS

The JFA strategic planning process and resultant Strategic Action Plan would not have been possible without the funding of the Open Society Foundations, the guidance and facilitation of the National Center for State Courts, the support of the Kentucky Access to Justice Commission Board of Directors, the Kentucky Supreme Court, the Kentucky Bar Association, the Kentucky Bar Foundation, and the Kentucky Administrative Office of the Courts. The work of this project was designed and implemented by the Kentucky Access to Justice Commission JFA Leadership Team, which includes Kentucky Supreme Court Justice Michelle Keller, Commission staff members Glenda Harrison and Nan Hanley, lead consultant Amanda L. Kool, and consultant and Community Leaders’ liaison Sylvia Lovely. The hard work of conducting research, generating ideas, and designing initiatives was conducted by the JFA [WORKING GROUP](#) Members, listed in [APPENDIX A](#). Finally, the JFA [COMMUNITY LEADERS](#), listed in [APPENDIX B](#), were invaluable in providing feedback and contextual support for the JFA strategic planning process and resultant Strategic Action Plan as woven into the broader fabric of the health and economy of our state.

The Justice and Public Safety Cabinet acknowledges the Justice for All strategic plan presented by the Kentucky Access to Justice Commission. As the plan sets forth, all Kentuckians deserve full and fair access to court, which includes sound legal representation. This is true regardless of socioeconomic means. The Commission is working diligently to see that the legal needs of all citizens are met.

- MARY C. NOBLE

SECRETARY, JUSTICE AND PUBLIC SAFETY CABINET

JUSTICE IN ACTION: EXECUTIVE SUMMARY

From the beginning of the Kentucky Access to Justice Commission's Justice for All grant implementation in November 2018 through our final meeting in February 2020, three foundational questions guided our process:

- what resources are available to address the civil legal needs of Kentuckians?
- what are the gaps in and barriers to people obtaining civil legal resources, especially low- to moderate-income individuals? and
- what efficient and effective measures can be taken to fill those gaps and/or remove those barriers?

Spanning 18 months, the five meetings of the [WORKING GROUP](#) and [COMMUNITY LEADERS](#), the six listening sessions hosted across the Commonwealth, the numerous interviews and conversations with state-wide leaders and organizations, surveys, related research, and informal gatherings yielded rich takeaways and a roadmap to the future. This strategic plan is the result of our data-gathering efforts and conversations with and information gleaned from this wide variety of stakeholders. From this foundation and beyond, the forthcoming implementation of the eight proposed initiatives, and with the support of a robust and sustainable coalition of stakeholders, the Commission's goal is to advance justice for all across Kentucky.

FINDINGS

The message was loud and clear: civil legal resources are severely lacking for those in need in Kentucky. The resources that are available, such as the direct civil legal services available through the four Kentucky legal aid programs, operate at overload capacity to serve those who meet limited poverty and case-type eligibility requirements; meanwhile, private counsel remains cost-prohibitive to far more Kentuckians than can be served by legal aid. At all levels of the court system, self-represented litigants attempt to navigate the justice system without adequate knowledge of substantive and procedural law and without any assistance of counsel, straining already overtaxed court systems.

Among the most noted takeaways were:

- (1) **Lack of public/general awareness** of the overwhelming need for civil legal services
- (2) **Lack of connectivity and knowledge** of referral possibilities among Kentucky service providers
- (3) **Fear and distrust** of the legal system and a lack of respect
- (4) The legal system **viewed as mysterious and confusing**
- (5) **Lack of personal assistance** for navigating the legal system

INITIATIVES

[EIGHT INITIATIVES](#) emerged from the strategic action planning process.

Those eight initiatives are:

- Courthouse Navigators
- Legal Help Centers
- Legal Information Training for Front-Line Providers
- Kentucky Legal Connect (Unified Branding Strategy)
- Judicial Training on Interacting with Self-Represented Litigants
- Continuing Legal Education on Expanding Low Bono Legal Practice
- Recovery Center Partnerships
- Kentucky Faith and Justice Partnership

Further details of these findings and resultant initiatives can be found in the body of the strategic action plan that follows.

HISTORY OF THE KENTUCKY ACCESS TO JUSTICE COMMISSION

The Kentucky Access to Justice Commission was established in 2010 by order of the Kentucky Supreme Court. In announcing the formation of the Commission, Chief Justice John D. Minton, Jr. declared that the Kentucky Supreme Court was making access to justice a priority for the judicial branch of government. Chief Justice Minton envisioned a Commission where the judicial branch would collaborate with other stakeholders, including the executive and legislative branches, as well as legal, business, civic, and religious communities, to ensure access to justice for Kentucky's low- and moderate-income citizens. Chief Justice Minton challenged the newly-formed Commission and Kentucky's legal community to remove impediments to access to the justice system, including physical, economical, psychological, and language barriers; to develop effective plans for funding civil legal services; and to expand assistance available for self-represented litigants. As stated in Chief Justice Minton's inaugural remarks, "the goal of the Commission is for the judiciary to take a leadership role in delivering civil legal aid to low-income citizens who have nowhere else to turn for help."

During its early years, the Commission was ably led by Judge Roger L. Crittenden, a retired Franklin County circuit judge. Judge Crittenden brought years of judicial and administrative experience, as well as leadership ability and diplomacy, to the newly-formed Commission.

In 2017, the Kentucky Supreme Court reaffirmed its commitment to increasing civil legal aid to low- and moderate-income Kentuckians and the ongoing work of the Commission. Chief Justice Minton named Justice Michelle Keller as the Chair of the Commission. On the occasion of her appointment and regarding her commitment to closing Kentucky's civil justice gap, Justice Keller stated, "After my appointment by our Chief Justice, I began to study how Kentucky might better embody our Supreme Court's comprehensive vision regarding access to justice. It became apparent to me fairly early in the process that the jurisdictions where the most progress was being made maintained Commissions led by full-time staff. That allowed those commissions to focus attention and energy specifically on access to justice issues, while coordinating volunteer and stakeholder participation." Justice Keller went on to say, "The leadership of both the Kentucky Bar Association and the Access to Justice Foundation stepped up and assisted me in transforming Kentucky's Commission into the model I have described."

In December 2017, the Kentucky Bar Association provided a generous grant that allowed the Commission to hire staff. The Kentucky Supreme Court provided office space on the second floor of the Capitol. Glenda Harrison is the Executive Director of the Commission. Ms. Harrison worked for Legal Aid of the Bluegrass for more than forty years and most recently served as Advocacy Director for that program.

Under Ms. Harrison's leadership, and with the assistance of Nan Hanley, Communications/Training Coordinator, the Commission's projects are implemented to identify and eliminate barriers impeding access to the courts, to increase opportunities for the private bar to provide pro bono representation for low income Kentuckians, to expand the delivery and support of Kentucky's civil legal aid programs, to increase public awareness of civil legal aid and the justice system and their positive impact on the state and local communities, and to partner with other service providers to monitor and evaluate the effectiveness of the statewide delivery system.

JUSTICE IN ACTION: PROJECT STRUCTURE

Planning for Kentucky's implementation of the Justice for All grant began in the fall of 2018. The **PLANNING COMMITTEE** consisted of (1) **JUSTICE MICHELLE KELLER**, Kentucky Supreme Court; (2) **GLENDA HARRISON**, Executive Director, the Commission; (3) **NAN HANLEY**, Communications/Training Coordinator, the Commission; (4) **AMANDA L. KOOL**, lead consultant; and (5) **SYLVIA LOVELY**, consultant and Community Leaders' liaison.

After reviewing the JFA Guidance Materials and the strategic action plans published by the seven states that completed the JFA grant implementation in the prior year, the planning committee established the following organizational structure for Kentucky's JFA implementation:



STRUCTURAL COMPONENTS

LEADERSHIP COMMITTEE

The Leadership Committee consisted of the individuals included in the planning committee as detailed above.

COMMUNITY LEADERS

The **COMMUNITY LEADERS** were individuals from across Kentucky who are concerned with the overall health and economic vitality of the state but who are not engaged in the daily "boots on the ground" work typical of the **WORKING GROUP** members and are deeply committed to providing the necessary leadership to address civil legal needs. Much like the deliberate composition of the **WORKING GROUP**, the **COMMUNITY LEADERS** were invited by identifying key leaders in Kentucky politics, the judiciary, law schools, the social services sector, and private industry, prioritizing diversity and inclusion among those ranks. Twenty-five **COMMUNITY LEADERS** attended the first Justice for All meeting in February 2019; the number grew to 48 by the last meeting held in February 2020.

REGIONAL LISTENING SESSIONS

Over the course of the strategic planning process, the Leadership Committee held a total of six listening sessions, ten formal interviews, and multiple informal conversations with various groups across the state. Such sessions and interviews included representatives of local social service agencies, churches, substance abuse treatment centers, legal aid offices, and consumers of those services. Though the format of the sessions varied somewhat (i.e. some were more informal conversations, others were more like interviews), the purpose of the listening sessions remained constant:

Meet the vital goal of including substantial perspectives from consumers of legal resources into the data, with the recognition that these consumers would likely not be able to commit to participating in the Working Groups.

Identify and inventory existing civil legal resources across the state.

Provide intentionally inclusive opportunities for additional input by under-represented communities, including rural, minority, immigrant, disabled, religious, and addiction recovery communities.

WORKING GROUP

The **WORKING GROUP** was comprised of over 75 people from across the state who professionally encounter low-income people with civil legal needs on a regular basis and who are networked with similarly-situated professionals. That group was structured to ensure that front-line service providers were included (i.e. Kentucky Bar Association leadership, librarians, clergy, social workers, legal aid lawyers, social service organizations, etc.), and that under-represented demographics, including rural geographies of the state, various minority groups, and other marginalized populations, were represented. Following the first meeting, and based on their interest and expertise, the **WORKING GROUP** members were sub-grouped into three task forces that completed research logs and worksheets that sought to answer the following primary questions:

TASK FORCE #1:

How user-friendly are Kentucky's civil legal resources?

TASK FORCE #3:

When court can't be avoided, how do Kentucky's resources improve a client's ability to understand and comply with court requirements?

TASK FORCE #2:

How well do our state's resources work together to meet people with civil legal problems where they are and get them to resolution, ideally before courts are involved?

In each location, local leaders were encouraged to invite participants they felt appropriate to answer three questions:

- What resources does Kentucky possess that can be leveraged to address civil legal needs?
- What gaps and barriers exist within those resources?
- What efficient and effective means can be taken to fill those gaps and/or remove those barriers?

One added benefit to regional listening sessions is that much like the **WORKING GROUP** meetings, the impacts are iterative. For example, local service providers, including legal aid, were invited to participate in the various listening sessions, which allowed for consumers of those services to benefit from meeting service providers in their areas, as well as for service providers to meet or re-engage with other service providers in their local networks.

SURVEY TOOLS

In order to reach an audience and perspective beyond what was feasible through direct contact by the Working Group, the planning committee and Working Group deployed three separate survey tools:

CIVIL LEGAL RESOURCES SURVEY

The **WORKING GROUP** members and other organizations among our networks deployed a civil legal resources survey. Participants were asked to answer a number of questions relating to the following themes:

- What legal needs do your organization's constituents face?
- What legal/informational materials and forms are available at your organization?
- How does your organization procedurally handle recipients of services who present with civil legal needs?
- How and to whom are people referred?
- How is follow-up handled for referrals?
- Do your organization's constituents have access to the Internet, computers, printers, and other types of technology?
- What do respondents believe are the most common reasons people are unable to resolve their legal needs?

Through the efforts of the **WORKING GROUP**, this survey was sent to over 1,000 people. A total of 342 were completed and returned, representing responses from all 120 Kentucky counties.

ATTORNEY SURVEY

The attorney members of our **WORKING GROUP** and all members of the Kentucky Bar Association deployed a separate survey that focused on an attorney's perspective of existing civil legal resources and included questions related to pro bono and limited scope representation. The dissemination of the survey by the Kentucky Bar Association faced some procedural hurdles which limited participation; 38 completed surveys were received.

CIRCUIT COURT CLERKS SURVEY

A separate survey was sent to all 120 Kentucky circuit court clerks and was shared with deputy clerks. This survey focused on what civil legal resources exist in clerks' communities and clerks' interactions with self-represented litigants; the survey then asked the clerks to identify training and other resources that would assist clerks in working with self-represented litigants. We received 87 survey responses from clerks and deputy clerks representing 80 Kentucky counties.

JUSTICE IN ACTION: PROJECT FINDINGS

MEETINGS

- Organizations tend to work in silos.
- There is mistrust and lack of understanding of the legal system.
- There is a lack of attorneys available in rural areas.
- There is a lack of follow-up from agencies when making a referral.
- There is a lack of mobile-friendly websites.
- Procedures for limited scope representation vary throughout districts.
- The judiciary and bar have little knowledge on pro se litigants.
- There is a lack of civil education in the general public.
- Individuals report a fear of the court system and an inability to access it.
- There is a lack of training for legal professionals, judges, and front-line workers.
- Service agencies fear being accused of the 'unauthorized practice of law' when helping a client.
- There is a reticence on the part of the bar to implement innovative strategies.
- There are language barriers.
- People don't know who/where to go for help.
- There is a lack of private attorney support for limited scope representation.
- The judiciary does not accept pro se forms statewide.
- There is a lack of self-help forms.
- There is a lack of attorneys willing to accept pro bono cases.
- Lawyer referral services throughout the state are limited.
- Social service agencies are unable to identify legal issues.
- There are insufficient opportunities for law schools and students to be involved in the justice delivery system.
- There is a lack of knowledge on faith-based initiatives and capabilities.
- Degrees of technology access vary across the state.

SURVEYS

CIVIL LEGAL RESOURCES SURVEY

- 80% of responses indicated that individuals with civil legal needs don't seek help for those needs due to lack of money to afford legal counsel and being unsure of who to talk to.
- Community organizations would like to receive information on the difference between legal information and legal advice.
- Kentucky has very limited resources available in non-legal organizations for people who are scheduled to go to court and do not have representation.
- Many non-legal organizations do not refer people with legal problems to any organization; however, some people do refer people with legal problems to their local county attorney.
- Family Resource Center staff (located in all Kentucky schools) can be a vital partner.
- Most community organizations do not include links to legal information.
- Goodwill Industries locations across the state utilize a systemic follow-up system when they make a referral for needed services (legal or otherwise).
- Most materials in community organizations are only available in English.

CIRCUIT COURT CLERKS SURVEY

- Self-represented litigants have particular difficulties in navigating divorce and custody cases.
- One of the most significant barriers faced by a self-represented litigant is identifying the proper legal pleading to be filed and correctly completing the form.
- Legal aid programs are the primary civil legal resources to which clerks refer self-represented litigants.
- The most needed civil legal resources for self-represented litigants are forms that are standardized and approved by the Administrative Office of the Courts; educational materials describing legal procedure; and legal help centers with at least part-time staff, located in or near courthouses.
- There is great need and desire for training for court personnel on the difference between legal advice and legal information, and there is moderate interest in training for dealing with self-represented litigants.
- 93% of Kentucky courts have no special dockets for self-represented litigants.
- Most informational booklets that are distributed by clerks are generated by the Administrative Office of the Courts, but there is no uniformity among clerks regarding distribution of those materials.
- Affordability of legal assistance and a general lack of understanding regarding legal issues remain primary reasons people cannot resolve their legal issues.

ATTORNEYS SURVEY

LIMITED-SCOPE REPRESENTATION

- Kentucky attorneys rarely provide limited-scope representation.
- When limited-scope representation is offered, it is primarily offered in family law cases.
- The most frequent level of limited-scope representation offered by attorneys is counsel and advice.
- More education and clarity is needed concerning Kentucky's Rules of Professional Conduct, court room procedures, and how malpractice liability can be navigated so that more attorneys can offer limited-scope representation.

PRO BONO

- A total of 74% of survey respondents provided less than 50 hours of pro bono services per year (the KY Rules of Professional Conduct encourage 50 hours of pro bono service per year).
- Pro bono services are most often provided in family law cases.
- Attorneys who take pro bono cases are primarily motivated by the desire to help people in need.
- Receiving CLE credit for handling pro bono cases and peer-to-peer recruitment are effective ways to encourage pro bono service.

LISTENING SESSIONS AND INTERVIEWS

- There is an enormous unmet need for resolution of civil legal needs. The most frequently-mentioned needs included expungement; family law issues such as custody, child support, and visitation matters; drivers' license reinstatement; debt relief; housing; and public benefits.
- While there are numerous social service agencies, both governmental and grassroots, they are disconnected from one another, which makes effective referrals to legal services difficult; relatedly, very few agencies provide legal information or advice.
- Litigants experience fear and lack of understanding of and anger at a legal system in which litigants feel that they do not get a fair shake.
- Litigants indicate a lack of awareness of available resources, such as legal aid and clinics.
- Especially among African American, LGBTQ+, immigrant, and other marginalized communities, a lack of trust in the system limits the communities' ability to access support.
- Forms and issue-oriented clinics are not particularly helpful without human interaction to help users understand how to utilize the help.
- Agencies hesitate to dispense legal information due to fear of unintentionally delivering legal advice and therefore engaging in the unauthorized practice of law.
- Justice for All efforts should leverage and build upon the informal systems already in place with some social service agencies and other groups.
- Education and training must be provided on the difference between legal information and legal advice.
- Navigators can be used to assist self-represented litigants as they complete forms.
- There are many social service resources throughout the state—including governmental, faith-oriented and resources—and all expressed a desire to be more involved with delivering justice for all.
- Informal systems have been established to provide civil legal services and rely largely on a small cadre of volunteer lawyers, particularly among marginalized groups.
- There is a general eagerness to better understand the legal system and how others, particularly non-lawyers, can obtain necessary education and training to assist in filling in the gaps.
- Awareness and compassion should be increased on the part of the legal community for the needs of those accessing the services.
- Individuals and groups on the front lines of legal needs, including librarians and ministers, should be trained to triage and refer individuals to relief.
- There is a need to increase public awareness of existing legal resources.

JUSTICE IN ACTION: PROJECT TIMELINE

MEETING #1, FEB. 2019: *What Resources Does Kentucky Possess?*

On February 22, 2019, over 100 people, representing the **WORKING GROUP** and **COMMUNITY LEADERS**, gathered for a half-day meeting at the Administrative Office of the Courts in Frankfort to begin work on the Justice for All strategic action planning process.

WORKING GROUP AND COMMUNITY LEADERS MEETINGS

Considering that most of the audience was—by design—non-lawyers, much of the morning was spent providing contextualized education on civil legal needs, civil and criminal law, and general concepts of access to justice. We detailed the story of a hypothetical person, “Jennifer,” and explored together how her story involved a tangled web of civil legal needs that would likely be brought to non-lawyers as a first line of help, and how coordination among those non-legal and legal resources available to Jennifer is crucial to resolution of her legal needs. The morning also included an opportunity for quick self-introductions, which allowed everyone in attendance to understand how their work intersected with the work of others in the room and began the iterative process of better stitching together those interrelated resources and perspectives. This education and contextualizing of the work to come was crucial to the audience’s understanding of why they were included in the process, as well as the importance of their work to the collective goal of achieving justice for all.

We also spent the morning establishing the three guiding principles for our collective work:

- **EQUAL ACCESS;**
- **PROCEDURAL FAIRNESS;**
- **PROCESS SIMPLIFICATION.**

Before separating the **WORKING GROUP** and **COMMUNITY LEADERS** into two sessions, the Leadership Team outlined the afternoon agenda and work structures for the project and established the three questions that would be addressed over the course of the project:

- **What resources does Kentucky possess that can be leveraged to address civil legal needs?**

- **What gaps and barriers exist within those resources?**

- **What efficient and effective means can be taken to fill those gaps and/or remove those barriers?**

The **COMMUNITY LEADERS** session covered how the state’s health and economy are negatively impacted by unresolved civil legal needs and explored ways in which state-wide leaders might collaboratively partner with the Commission moving forward.

Concurrently with the **COMMUNITY LEADERS**’ session, the **WORKING GROUP** members were split into three groups to begin the inventory of current civil legal resources by answering these three questions:

- **How user-friendly are Kentucky’s civil legal resources?**

- **When court can’t be avoided, how do Kentucky’s resources improve a client’s ability to understand and comply with court requirements?**

- **How well do our state’s resources work together to meet people with civil legal problems where they are and get them to resolution, ideally before courts are involved?**

Each of the three sub-groups remained in one location in the room while facilitators and note-takers rotated through the three groups, completing on worksheets that posed specific questions and focused on the three primary questions.

At the conclusion of the first meeting, **WORKING GROUP** members were asked which task force they were most interested in joining—one per primary question/worksheet—and were given the date of the next meeting.

JUSTICE IN ACTION: PROJECT TIMELINE

FOLLOW-UP WORK TO MEETING #1:

During the time period between the first meeting and the second meeting, members of each of the three task forces worked to conduct research, often relying on their professional networks and survey results, to answer the following questions:

TASKFORCE #1: *How well do our state's resources work together to meet people with civil legal problems where they are and get them to resolution, ideally before courts are involved?*

- (1) Which people and organizations often serve as the first point of contact for people of modest financial means who are facing a civil legal challenge? How are those people facing legal needs assessed and referred to assistance? Do those initial points of contact manage the referral beyond that point to ensure that the services received are meaningful, appropriate, and lead to resolution?
- (2) Assuming that non-legal resources and service providers often encounter people with legal needs on their paths toward resolution (especially in light of the frequent relationship between legal troubles and medical, marital, educational, financial, or other troubles), how are such non-legal service providers

and other community stakeholders integrated into legal resources and services?

- (3) How do community resources, both legal and non-legal, steer individuals with civil legal needs toward resolution prior to reaching litigation? Consider alternative dispute resolution programs, like mediation services, or other offerings you may know of, as well as prevention measures that are in place to stop civil legal needs from occurring.
- (4) How do Kentucky's direct and indirect providers of legal services, legal resources, legal information, and referrals to those services, resources, and information currently utilize technology to coordinate, integrate, and simplify those services, resources, and information provided to people who need them? Consider whether any providers are seamlessly connected to one another via technology, and whether those providers have systems that assure

that users who must navigate from one provider to another and so on can do so regardless of the "door" through which they entered the network of services. Consider also whether users can access these services through various channels; in other words, if information is available via a website, is it also available via phone call, internet chat function, email, text, video, in person, etc., as determined by people's personal preference, technical familiarity, and functional access?

- (5) Please read the central question listed in large font at the top of this worksheet one more time. Keeping in mind that we are currently focusing our attention on resources rather than problems (we'll get to those!), are there any other existing resources your task force can think of that could be utilized to help our state's resources work better together to meet people with civil legal problems where they are and get them to resolution, ideally before courts are involved?

- (1) Which people and organizations often serve as the first point of contact for people of modest financial means who are facing a civil legal challenge? How are those people facing legal needs assessed and referred to assistance? Do those initial points of contact manage the referral beyond that point to ensure that the services received are meaningful, appropriate, and lead to resolution?
- (2) Assuming that non-legal resources and service providers often encounter people with legal needs on their paths toward resolution (especially in light of the frequent relationship between legal troubles and medical, marital, educational, financial, or other troubles), how are such non-legal service providers and other community stakeholders integrated into legal resources and services?
- (3) How do community resources, both legal and non-legal, steer individuals with civil legal needs

toward resolution prior to reaching litigation? Consider alternative dispute resolution programs, like mediation services, or other offerings you may know of, as well as prevention measures that are in place to stop civil legal needs from occurring.

- (4) How do Kentucky's direct and indirect providers of legal services, legal resources, legal information, and referrals to those services, resources, and information currently utilize technology to coordinate, integrate, and simplify those services, resources, and information provided to people who need them? Consider whether any providers are seamlessly connected to one another via technology, and whether those providers have systems that assure that users who must navigate from one provider to another and so on can do so regardless of the "door" through which they entered the network of services. Consider also whether users can access these services

TASKFORCE #2: *How well do our state's resources work together to meet people with civil legal problems where they are and get them to resolution, ideally before courts are involved?*

through various channels; in other words, if information is available via a website, is it also available via phone call, internet chat function, email, text, video, in person, etc., as determined by people's personal preference, technical familiarity, and functional access?

- (5) Please read the central question listed in large font at the top of this worksheet one more time. Keeping in mind that we are currently focusing our attention on resources rather than problems (we'll get to those!), are there any other existing resources your task force can think of that could be utilized to help our state's resources work better together to meet people with civil legal problems where they are and get them to resolution, ideally before courts are involved?

TASKFORCE #3: *When court can't be avoided, how do Kentucky's resources improve a client's ability to understand and comply with court requirements?*

- (1) When, where, and how do attorneys engage in limited scope representation, discrete task representation, one-off case strategy or assessment sessions, or other forms of unbundled legal services – whether in conjunction with self-help resources or otherwise – to assist clients with civil legal needs? In other words, when and where are attorneys involved with people's cases but not in taking on representation all of their legal needs at that given time?
- (2) Are resources available to people who are involved in litigation – whether they have filed papers themselves or had papers served to them – to help them comply with court requirements in a timely

fashion? Such resources might include, but are not limited to: clear, verbal and/or written instructions, explanations, or other information after court appearances or similar events; deadline reminders; online or other tech-based tools to assist with court compliance and enforcement; and collaboration among stakeholders and users to identify and address common compliance problems.

- (3) Along similar lines, are resources available to people to help them navigate court processes while they are unrepresented by attorneys but engaged in litigation? Such resources might include but are not limited to: instructional videos to educate people on the logistics and procedures of filing papers or having papers filed against them; in-person assistance, such as courtroom navigators or other trained court staff; auto-

mated forms and other technology tools; and training tools for judges in presiding over unrepresented litigants.

- (4) How are court processes, forms, rules, and other aspects of litigation sometimes simplified or otherwise adjusted to allow for quicker and more efficient (extra-judicial or judicial) resolution of certain kinds of civil legal disputes?
- (5) Please read the central question listed in large font at the top of this worksheet one more time. Keeping in mind that we are currently focusing our attention on resources rather than problems (we'll get to those!), are there any other existing resources your task force can think of that could be utilized to improve a client's ability to understand and comply with court requirements?

JUSTICE IN ACTION: PROJECT TIMELINE

MEETING #2, JULY 2019: *What Gaps and Barriers Exist?*

During the second full meeting of the [WORKING GROUP](#), the task forces took turns reporting back on the resources that they found and the subsequent information they had gathered on their task force's worksheet. Updates were also given to the group regarding the listening sessions and survey results. Once the resources were identified and named, the rest of the session was spent identifying specific gaps among and barriers to those identified resources:

WORKING GROUP AND COMMUNITY LEADERS MEETINGS

- **LACK OF PUBLIC/GENERAL AWARENESS OF THE OVERWHELMING NEED FOR CIVIL LEGAL SERVICES**

The civil legal needs of Kentuckians, particularly those of low- to moderate-income and those living within marginalized communities, remain largely hidden from the view of most policy makers and leaders. Throughout the Justice for All strategic planning process, individuals, leaders, and service agencies were identified as working uphill to put out fires without a systematic process that gets to the root of the legal problem. As one faith leader stated in response to a spate of evictions among his parishioners, "I wish people would contact me before, not after, their belongings are on the street." There should be greater awareness of how unaddressed civil legal needs of Kentuckians negatively impact the economic health and quality of life of all Kentuckians, creating barriers to jobs and full participation in civic life.

This need is addressed by initiatives #4, #7, and #8.

- **FEAR AND DISTRUST OF THE LEGAL SYSTEM AND A LACK OF RESPECT**

Many community organizations and users of the civil justice system reported a general fear and distrust of the legal system. This sentiment was particularly palpable among marginalized groups, including the LGBTQ+, Black, and immigrant communities, who felt as though their issues—and in some cases, their lives—weren't respected. Some community leaders echoed that their constituents had experienced negative interactions with the justice system. They also reported a general lack of knowledge about how to address their constituents' civil legal needs. Many of these groups had formed informal, but limited, networks of assistance (for example, informal pro bono referrals to a community member who was an attorney). Self-represented litigants frequently reported negative interactions with the courts.

This need is addressed by initiatives #5, #6, #7, and #8.

- **LACK OF GUIDED ASSISTANCE WHEN NAVIGATING THE LEGAL SYSTEM**

Social service agency representatives and individuals in need of civil legal services expressed concern over the issuance of court forms without the availability of guided assistance to help them complete the forms and follow through to next steps. This lack of guided assistance amplifies the fear and distrust of the legal system. In order for justice to be accessible, the mystery and complexity of the law and the stress and strain of being in a legal dispute necessitates human interaction and specific guidance. In some instances, self-represented litigants reported that even a brief consultation with an attorney would be meaningfully beneficial to the resolution of their issue.

This need is addressed by initiatives #1, #2, and #6.

- **LACK OF CONNECTIVITY AND KNOWLEDGE OF REFERRAL POSSIBILITIES AMONG KENTUCKY SERVICE PROVIDERS**

Throughout the Justice for All strategic planning process, the Commission was impressed with the number of individuals, agencies, and other entities that provide social service assistance, including referrals to civil legal resources, to their constituency base. All of the social service providers involved in the JFA process expressed a strong desire to expand services to provide assistance in the form of legal information and referrals but pointed to a lack of connectivity with each other and the legal system as a barrier to the effectiveness of existing or new resources. In some instances, social service providers were made aware of the work of others—and even relevant information about the legal system—for the first time through participation in the Justice for All strategic planning process. Leaders of these community organizations indicated a strong desire to learn and provide additional assistance in the way of referral to available resources.

This need is addressed by initiatives #3 and #4.

- **THE LEGAL SYSTEM VIEWED AS MYSTERIOUS AND CONFUSING**

Service agencies reported fear of crossing the line from providing legal information to their constituents/communities to being accused of practicing law without a license. Most service agencies and other community groups, including but not limited to librarians and ministers, had no knowledge of where to turn when confronted with the overwhelming needs of their constituents who had questions about legal issues. Likewise, many people reported not recognizing that their issue is legal in nature until they were summoned to court. By then it was too late and their lives were up-ended, oftentimes with dire consequences. Many times these issues could have been resolved with early intervention, and with minimal, if any, negative consequences.

This need is addressed by initiative #3.

Materials from this meeting may be accessed here: [JULY 2019 MEETING MATERIALS](#)

FOLLOW-UP WORK TO MEETING #2:

Drawing from the extended discussion in Meeting #2 on the gaps in and barriers to accessing the civil justice system and what was needed to fill those gaps and remove barriers, 17 action items were identified. These action items were then organized by the broader legal need they sought to address. The identified legal needs were:

- to create/enhance systems to help people identify when they have a civil legal issue that needs attention and ways of dealing with the issue without going to court;
- to create/enhance initiatives to get people information about court processes and procedures, access to the courts, and meaningful use of the judicial process if a person's civil legal issue cannot be resolved;
- to develop policies that enable people to obtain at least some representation by an attorney, and if a litigant must go to court alone, then provide sufficient information so the self-represented litigant can be heard and get a fair decision based on the rule of law; and
- when people are in court, to create/enhance initiatives to make sure the process and the people within the court system treat litigants with dignity and respect and allow their grievances to be heard.

With this information organized, a [PROJECT EVALUATION WORKSHEET](#) was created to guide the discussion for Meeting #3, at which each proposed action item would be evaluated, adjustments of scope and consolidations would be made, and the final initiatives would begin to take shape.

JUSTICE IN ACTION: PROJECT TIMELINE

MEETING #3, OCTOBER 2019: *Project Evaluation Meeting*

On October 22, 2019, the JFA [WORKING GROUP](#) met (both in person and by video-conference) to (1) review the proposed action items, and 2) use the valuation metrics to determine the feasibility of moving forward with each initiative. The feasibility criteria were potential cost, breadth of impact, timeliness and ease of implementation, project sustainability, viability of partners, and replicability. During the course of the discussion, some action items were combined and some eliminated.

**WORKING GROUP
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Materials for this meeting can be accessed here: [OCTOBER 2019 MEETING MATERIALS](#)

FOLLOW-UP WORK TO MEETING #3:

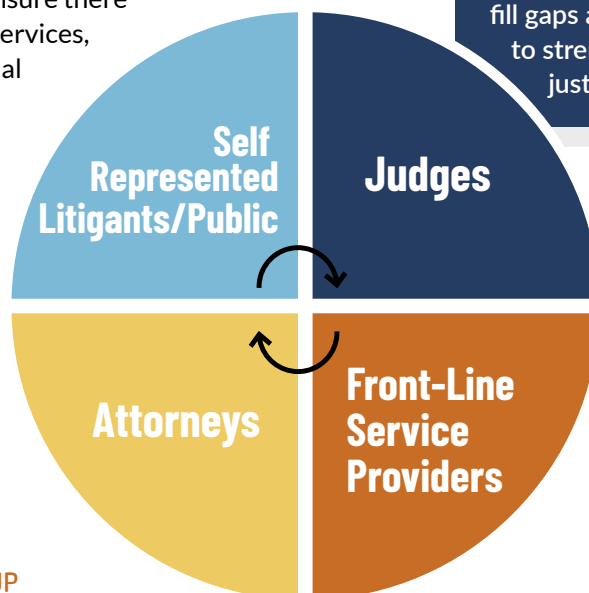
To ensure as much input as possible, the [PROJECT EVALUATION](#) was distributed by email to all [WORKING GROUP](#) members who did not participate in the meeting.

Based on the application of the valuation metrics with input from the [WORKING GROUP](#) members, the results were compiled and became additional qualitative and quantitative considerations in prioritizing the action items into the initiatives.

The Leadership Team agreed to use the lens of "[POINT OF INTERVENTION INTO THE CIVIL JUSTICE SYSTEM](#)" as the structural framework for prioritizing the initiatives. This approach was adopted to ensure there was a broad array of capacities, services, and innovations offered in the final Justice for All strategic plan. [MATERIALS](#) were emailed to all [WORKING GROUP](#) members in preparation for the November meeting, including an overview of each initiative and its respective feasibility evaluation score.

It was at this stage of the strategic planning process that discussion of potential collaborations and funding possibilities for the initiatives began among the [WORKING GROUP](#) and [COMMUNITY LEADERS](#).

In preparation for the November meeting, the [LEADERSHIP TEAM](#) spent considerable time assessing and analyzing the wealth of information obtained over the last year. The gaps and barriers to people accessing the civil justice system were reviewed and overlaid with the resources identified in the inventory responses. The qualitative and quantitative information gathered from the surveys and listening sessions was further examined and integrated into the analysis of how to fill gaps and remove barriers in order to strengthen and grow the access to justice ecosystem in Kentucky.



**POINTS OF
INTERVENTION
INTO THE
CIVIL JUSTICE
SYSTEM**

JUSTICE IN ACTION: PROJECT TIMELINE

MEETING #4, NOVEMBER 2019: *Initiative Prioritization*

On November 8, 2019, 32 members of the **WORKING GROUP** and two interested members of the **COMMUNITY LEADERS** group came together to set the final initiatives. The meeting materials included a description of each initiative, comparable models, related activity within Kentucky's civil justice community, the feasibility of a pilot project, and the potential impact of each proposed initiative on key partners and marginalized communities. Meeting participants were then asked what questions they had, what opportunities for moving forward could be identified, and what challenges might be encountered in implementing each initiative. Participants then prioritized each initiative and tabulated outcomes, resulting in the eight initiatives identified as the Justice in Action: Kentucky's Justice for All Strategic Action Plan.

**WORKING GROUP
AND COMMUNITY
LEADERS MEETINGS**

COMMUNITY LEADERS FOLLOW-UP

From the first meeting forward, the **COMMUNITY LEADERS** were charged with (1) identifying resources for implementation of Justice for All initiatives, and (2) identifying other people and organizations whose involvement is critical to achieving the broad goals of the Commission.

The original 25 members of the Community Leader group received regular updates on the progress of the Working Groups. In addition, other community and state leaders were added to the information chain and kept abreast of the Justice for All strategic action planning process. Along the way, the **COMMUNITY LEADERS** group swelled to nearly 50 interested leaders.

Materials for this meeting can be accessed here: [NOVEMBER 2019 MEETING MATERIALS](#)

MEETING #5, FEBRUARY 2020: *Community Leaders Update*

On February 14, 2020, the second and ultimately final (due to COVID-19) in-person meeting of the **COMMUNITY LEADERS** was held. Over 50 participants expressed interest in remaining involved through the forthcoming implementation phase. The meeting began with an overview of the project to date and a review of the eight initiatives advanced for implementation.

Two questions were posed to the **COMMUNITY LEADERS**:

**WORKING GROUP
AND COMMUNITY
LEADERS MEETINGS**

- What resources or collaborations can your organization provide to the Commission in implementing this initiative?

- Do you know of others in your community who can provide resources or collaborations to the Commission in implementing this initiative?

As a result of this meeting, specific partnerships and resources were identified, including:

- the possibility of tapping into a source of volunteers through Serve Kentucky;
- the Kentucky Chamber of Commerce's interest in the opioid crisis that could lead to justice issues training for business leaders;
- the involvement of the Kentucky Office of Drug Control Policy in assisting with the formation of Recovery Center Partnerships (Initiative #7);
- the interest of the Kentucky chapter of the National Alliance on Mental Illness (NAMI) in making access to justice a reality for those with mental illness; and
- interest from the Kentucky Association of Counties and the Kentucky League of Cities in making their constituencies aware of how lack of access to civil legal resources negatively impacts the quality of life for their citizens.

In general, three positive outcomes have resulted from involving **COMMUNITY LEADERS** in the Justice for All strategic planning process:

- greater awareness of the connections between access to justice principles and the economic health and vitality of our communities;
- greater understanding of the judicial system;
- a window to possible partnerships and resources that may not have been previously identified.

FOLLOW-UP WORK TO MEETING #5

As the Commission moves to implement the eight initiatives, the **COMMUNITY LEADERS** remain actively involved. Follow-up communications continue with the ever-expanding list of participants. The group continues to raise awareness and connect the Commission to those who can form partnerships and identify resources.

Materials for this meeting can be accessed here: [FEBRUARY 2020 COMMUNITY LEADERS MEETING POWERPOINT](#)

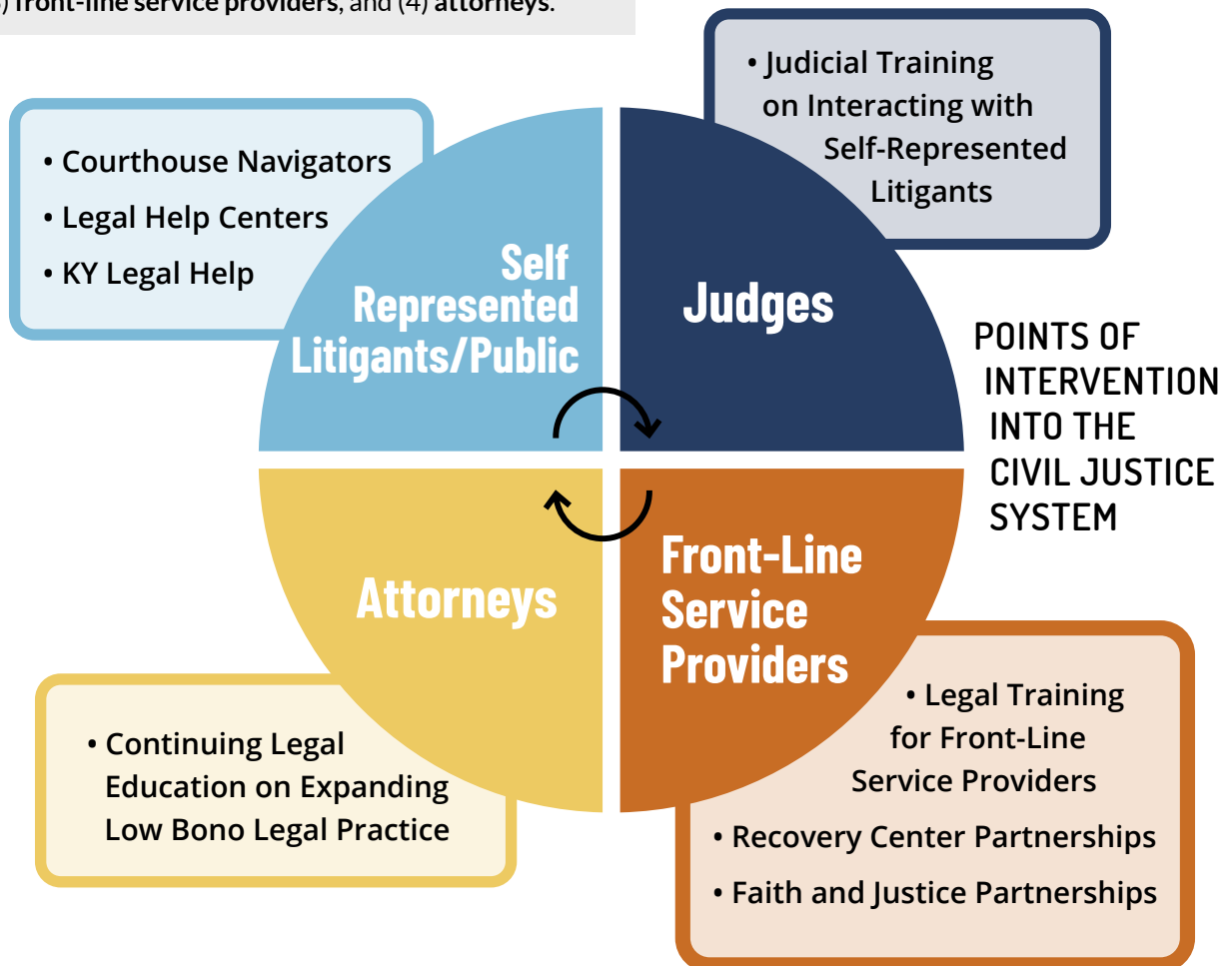
MEETING #6, APRIL 22, 2020: *Unveiling of Final Report [Cancelled]*

The final JFA meeting was scheduled for April 22, 2020 in the state Capitol and was intended to serve as a celebration of the work of our stakeholders during the strategic action planning process as well as an announcement of the eight initiatives to be implemented. Unfortunately, due to COVID-19 restrictions, the meeting was cancelled and has yet to be rescheduled.

**WORKING GROUP
AND COMMUNITY
LEADERS MEETINGS**

JUSTICE IN ACTION: EIGHT INITIATIVES

The **WORKING GROUP** designed a total of eight initiatives to address our four identified POINTS OF INTERVENTION INTO THE CIVIL JUSTICE SYSTEM: (1) self-represented litigants/the public, (2) judges, (3) front-line service providers, and (4) attorneys.



During **WORKING GROUP MEETING #4**, these eight initiatives were scored and then grouped into three different categories based on the cost, readiness of key stakeholders, and general timeliness of each initiative. The two categories of initiatives are (1) the initiatives for which we are actively seeking funding and (2) the initiatives that can be completed without outside funding.

SEEKING FUNDING FOR:

- | | |
|-----------------------------------|--|
| Courthouse Navigators | Legal Training for Front-Line Service Providers (Legal Information vs. Info and Referral Training for Librarians and Court Clerks) |
| Legal Help Centers | |
| Recovery Center Partnerships | |
| KY Faith and Justice Partnerships | Unified Branding Strategy for Legal Resources ("KY Legal Help") |

DOING "IN HOUSE" (I.E. NO FUNDING NEEDED):

- Judicial Training on Interacting with Self-Represented Litigants
- CLE on Expanding Low Bono Legal Practice

INITIATIVE #1: COURTHOUSE NAVIGATORS

DESCRIPTION OF THE INITIATIVE

Courthouse navigators are nonlawyers, they are not court staff, and they are physically situated in or operate out of courthouses where they provide direct “person to person” assistance to self-represented litigants. Navigators do not have formal legal credentials and training (i.e., a law degree) but are trained to assist self-represented litigants with basic civil legal problems, one party or side of a case at a time. Further, courthouse navigators do not act or operate under an attorney/client relationship, with no “traditional professional liability” accruing to the navigators, the entities under which they operate, nor to their supervisors, even if the supervisors happen to have law degrees. Lastly, navigators are part of a formal program and institutional auspice, and are not acting in their individual capacities.

In 2019, there were 23 navigator programs operating in more than 80 locations in 15 states and the District of Columbia. In those programs, navigators performed a range of tasks:

- (1) navigational direction/information;
- (2) information about appropriate referral options for further representation or self-help services;
- (3) assist with legal and procedural information;
- (4) obtain or complete legal forms or documents;
- (5) language assistance;
- (6) court accompaniment; and
- (7) feedback to courts and service providers re: suggestions for improvements.¹

For the purposes of this initiative, the first wave of Kentucky navigators will provide

- (a) navigational direction and information, such as verbally directing courthouse patrons to a specific courtroom or other place in or surrounding the courthouse;
- (b) information about where to go in the courthouse for a certain need or basic procedural information (including directions to legal help centers – see [INITIATIVE #2](#));
- (c) physically escorting patrons to a court location; and
- (d) assisting patrons in need of interpreters or accommodations for sight or hearing impairments.

Courthouse navigators will be trained, supervised, and unpaid.

1. McClymont, Mary E., Nonlawyer Navigators in State Courts: An Emerging Consensus, The Justice Lab at Georgetown Law Center (2019).

INITIATIVE GOAL

To create a replicable model that allows nonlawyers to provide meaningful assistance and services to litigants who are not represented by a lawyer.

DELIVERABLES & TIMELINES

YEAR ONE:

- Identify potential community partners that could seek funding for, house, and supervise court navigators
- Identify an appropriate courthouse for pilot courthouse navigator project
- Identify a key contact within the courthouse to champion this initiative
- Identify sources from which navigators could be recruited
- Identify training modules and materials for court navigators
- Create a prototype model which defines navigator program operations and can be used to secure buy-in from judges, court staff, the bar, and other relevant stakeholders

YEAR TWO:

- Hire someone to recruit/train/schedule navigators
- Recruit navigators (the number of which is dependent on the size of the court facility)
- Train navigators
- Develop models and layers of supervision
- Deploy navigators
- Collect data to evaluate the effectiveness of the navigator program and to make the case for new resources and/or maintaining current funding

BUDGET AND STAFFING

- Navigators would be volunteers or AmeriCorps VISTA with matching funds from community partners
- Additional VISTA member to recruit/train/schedule volunteer navigators
- Attorney for legal supervision (part-time)

LEADERSHIP (OF THIS INITIATIVE)

- Kentucky Access to Justice Commission
- Catholic charities
- Courthouse champion (Judge, Chief Court Administrator, Circuit Clerk)

SUSTAINABILITY/OWNERSHIP

- Possible federal funding sources: CNCS (for AmeriCorps programs); and, largely for domestic violence programs, the Violence Against Women Act (VAWA); Services, Training, Officers, and Prosecutors (STOP) or Justice for Families grants; and Victims of Crime Act (VOCA) funds
- Kentucky Bar Foundation grant to fund pilot
- In larger urban areas, municipal government funding could be sought

KEY COLLABORATIVE PARTNERS

- Courthouse partner and supporter of a navigator programs
- Law schools, colleges and universities, and senior citizens as potential sources of volunteers
- ServeKY for software for tracking/scheduling

EVALUATION MEASURES

- Develop data collection tools and approaches
- Intake type forms; navigator activity logs or tally sheets; self-represented litigant satisfaction surveys; snapshot surveys; navigator feedback and observations; progress reports; measurement framework; independent program evaluations

INITIATIVE #2: LEGAL HELP CENTERS

DESCRIPTION OF THE INITIATIVE

Legal Help Centers are neutral places, located in courthouses, where unrepresented litigants can obtain free information about court procedures, forms, and other basic legal information (not legal advice) from volunteer attorneys or law students under third-party supervision. In addition to assisting patrons, Legal Help Centers can provide pro bono attorneys with a venue for contributing to access to justice without having to take on full (or even limited-scope) representation of a client. Potential partners include local bar associations, circuit clerks, and county law libraries. The [WORKING GROUP](#) agreed that further research into law library structure across the state is warranted to determine whether combining legal help centers with existing law libraries (which vary widely from county to county) was practical and prudent. Additional useful materials for the Legal Help Centers, including legal education videos, may be ancillary components of this initiative. Key challenges include client transportation issues, language access, reliability of staffing, and funding.

INITIATIVE GOAL

To establish neutral areas, located in courthouses throughout the state, where people without legal representation can obtain information about court procedures, forms, and legal information (excluding legal advice) from volunteer attorneys at no cost.

DELIVERABLES & TIMELINES

YEAR ONE:

- Set up pilot projects in Fayette County and Campbell County
- Work with circuit court clerks and judges to establish logistics and guidelines
- Partner with local legal aid programs to recruit attorneys to volunteer to staff the Legal Help Center
- Create “Best Practices” manual for volunteer attorneys and court personnel
- Publicize the pilot projects through the local and state bar associations and courts

YEAR TWO:

- Expand pilot projects to other counties in Kentucky
- Educate court personnel throughout Kentucky on the importance of local Legal Help Centers with data from pilot projects
- Partner with the Administrative Office of the Courts to encourage Legal Help Centers in all counties

BUDGET AND STAFFING

- Budget
- Promotional signage
- Space renovations (if necessary)
- Equipment (computer, printer, telephone, Westlaw, and translation services)
- Technical support
- Equipment maintenance fees

LEADERSHIP (OF THIS INITIATIVE)

- Access to Justice Commission staff
- Local circuit court clerk
- Local judges
- Legal Aid Program Pro Bono Coordinator

EVALUATION MEASURES

- Number of attorneys recruited/clients helped
- Surveys/focus groups with clients on experience
- Interviews/surveys with judges on how these Centers helped in their courtroom

KEY COLLABORATIVE PARTNERS

- Kentucky Supreme Court
- Local judges
- Circuit court clerks
- Local legal aid programs
- Pro bono attorneys
- Kentucky Bar Association
- Local bar associations

SUSTAINABILITY/OWNERSHIP

KY Access to Justice Commission would work with local court staff to set up Legal Help Centers, provide advertising and promotion resources, and spearhead the partnerships with KY Administrative Office of the Courts, local circuit clerks, and legal aid programs to provide staffing and equipment

INITIATIVE #3: LEGAL INFORMATION TRAINING FOR FRONT-LINE SERVICE PROVIDERS

DESCRIPTION OF THE INITIATIVE

This initiative will create written materials and accompanying training modules to help designated circuit court clerks and librarians identify civil legal needs; provide guidance on the difference between legal information and legal advice; implement best practices for referral to outside organizations; and to the extent possible among existing organizational operations, provide follow-up support.

A key challenge of this initiative is putting non-attorneys in a position of advising (even as limited to legal information) on legal issues. Through a grant from the Kentucky Bar Foundation, *Legal Information v. Legal Advice: A Guide for Circuit Court Clerks* has been developed to provide information to circuit clerks on the difference in legal information and legal advice, and this resource will be expanded upon and embedded into a training module for librarians and county clerks across the state. The **WORKING GROUP** decided to limit trained providers in this initiative to libraries and circuit clerks for the time being.

INITIATIVE GOALS

Increase access to justice by allowing non-lawyers to give useful legal information to individuals in order to assist them in navigating the justice system.

Train designated clerks and librarians to:

- identify civil legal needs;
- have confidence in their ability to provide guidance on the difference between legal information and legal advice;
- implement best practices for referral to outside organizations and (to the extent possible among existing organizational operations) follow-up; and
- create and maintain a list of agencies and resources for use as when giving referrals.

DELIVERABLES & TIMELINES

YEAR ONE:

- Gather data about similar programs in other states and national initiatives, such as the existing training offered as a partnership by the non-profits WebJunction² and Legal Services Corporation.
- Consult with legal advisors at the state level to determine the difference between legal advice and legal information to ensure non-lawyers are not giving legal advice according to Kentucky state law.
- Consult with a roundtable of frontline library employees, circuit clerks, and pro bono groups to outline training initiative to get feedback and gather implementation concerns.
- Organize training sessions—prepare materials, locations, who will lead the training, etc. Establish a training manual so that everyone is being trained on uniform information and guidelines.
- Reconvene roundtable of librarians, clerks, and pro bono groups to review final training information and solicit information on the best ways to generate buy-in and buzz for the training.
- Distribute the pamphlets and prepare any additional information that needs to go along with the pamphlets.

YEAR TWO:

- Make plan for advertising and rolling out the training statewide to generate maximum buy-in from frontline stakeholders.
- Deliver training sessions with completed training materials.

YEAR THREE:

- Convene stakeholder meeting to review evaluations and make any necessary changes.

BUDGET AND STAFFING

- Create training materials, handouts, and select locations
- Recruit speakers and facilitators
- Printing costs
- Travel costs
- Technology costs

LEADERSHIP (OF THIS INITIATIVE)

KY Access to Justice Commission would take on the mantle of ownership, garner additional funding resources, and commit to offering the training at least twice a year, while still having stakeholder meetings at least once a year to make sure the initiative remains on track and meets the needs of those involved.

KEY COLLABORATIVE PARTNERS

- Kentucky Bar Association
- Local bar associations
- Kentucky Public Library Association
- Public library directors in all counties
- Kentucky Department of Libraries and Archives
- County Clerks Association
- Administrative Office of the Courts
- Judges
- State Supreme Court
- State law librarian
- American Association of Law Libraries
- Legal aid
- Local pro bono legal organizations
- Self-Represented Litigants Network

SUSTAINABILITY/OWNERSHIP

Previous statewide training options for public librarians on this subject have fizzled after initial implementation because there has been no single organization to continue advertising and promoting the training. There are many interested parties, but none have had the resources or designation to regularly push and generate interest in the subject. KY Access to Justice Commission could step into this coordination role. The roundtable of librarians, clerks, and pro bono groups should meet once per year to review the materials and determine any changes that need to be made based on feedback surveys from participants.

Once established, it is possible that this initiative could be sustained by the Kentucky Department of Libraries and Archives and the Administrative Office of the Courts as regular annual training for librarians and clerks.

EVALUATION MEASURES

- Number of people who sign up and complete the training
- Participant feedback survey immediately after training
- Participant feedback survey three months after training
- Regularity of the training promotion and delivery
- Survey of self-represented litigants in the libraries or clerk's offices as to the helpfulness of the information they were given

2. <https://www.webjunction.org/explore-topics/access-civil-legal-justice.html>

INITIATIVE #4: KENTUCKY LEGAL CONNECT (UNIFIED BRANDING STRATEGY)

DESCRIPTION OF THE INITIATIVE

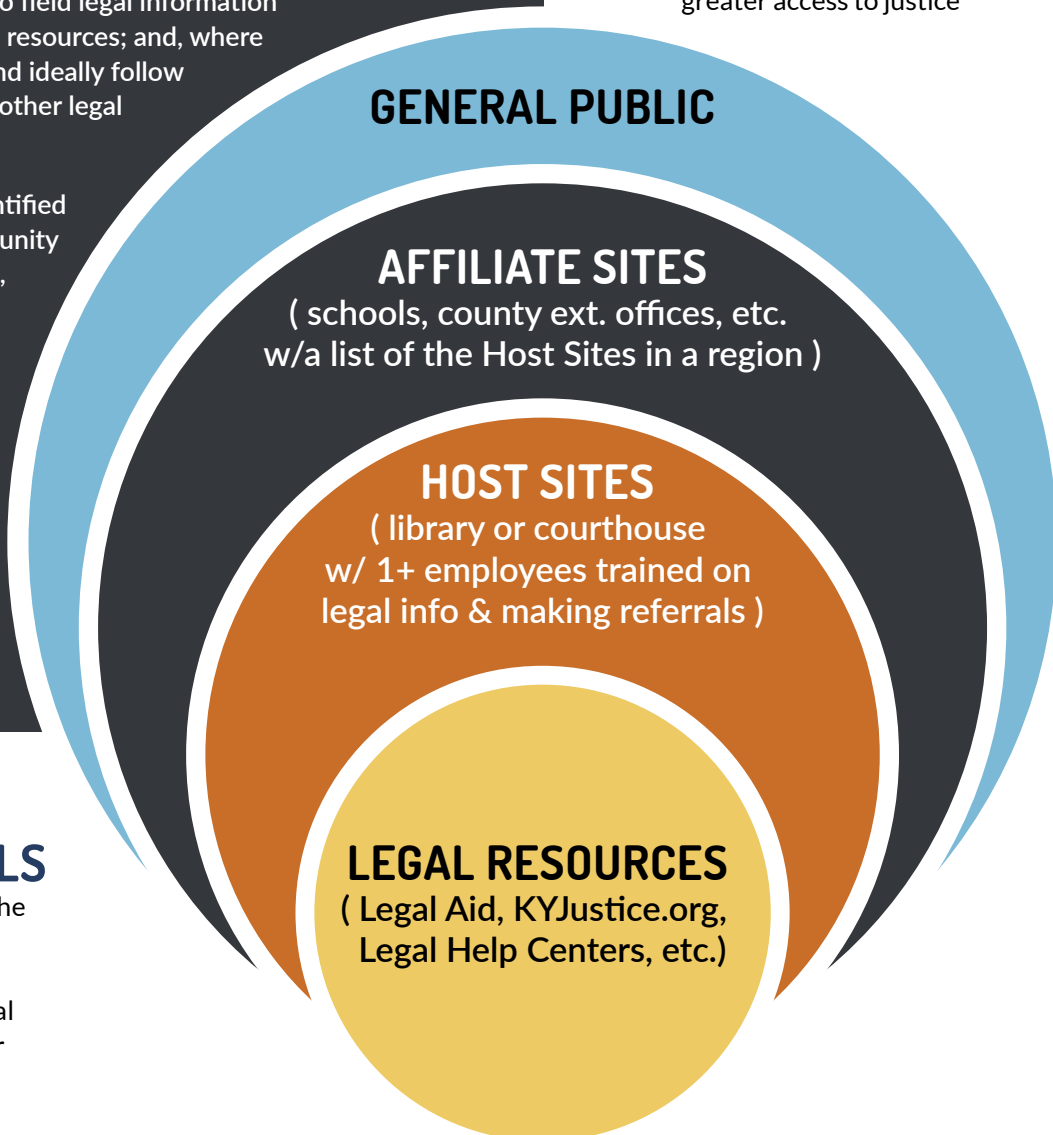
**Note that this initiative relies upon the implementation of [INITIATIVE #3](#), but also complements [INITIATIVES #1 and #2](#)*

This initiative is a public branding strategy which will serve to identify—and amplify knowledge of—organizations where consumers can find resources to help address their legal needs. As proposed by the [WORKING GROUP](#), this clear, friendly, and uniform branding—similar to a “Safe Place” type sign—with a name (“KY Legal Connect - Host Site,” for example), a logo (an outline of the state, for example), and an identifying color combination would designate libraries and court houses where at least one person has been trained to field legal information questions; direct folks to legal resources; and, where appropriate, make referrals (and ideally follow up on referrals) to legal aid or other legal service providers.

The [WORKING GROUP](#) also identified that a broader group of community organizations, such as schools, county extension offices, law firms, and doctors’ offices could have related branding to identify that they have a list of the local Host Sites and can direct people toward them. This would be indicated to the public by the same logo and name, but on a sign that reads “KY Legal Help - Affiliate Site,” for example.

UNIFIED BRANDING STRATEGY:

Drawing broader swaths of the general public into channels of assistance that lead to appropriate and specific legal resources = greater access to justice



INITIATIVE GOALS

To draw broader swaths of the general public into channels of assistance that lead to appropriate and specific legal resources to achieve greater access to justice.

DELIVERABLES & TIMELINES

YEAR ONE:

- Conduct market research to identify an impactful branding strategy (logos, colors, etc.).
- Develop protocol for handling (and ideally referring) inquiries from Affiliate Sites to Host Sites and from Host Sites to appropriate legal resources.
- Devise statewide advertising strategy to inform public of available assistance.

YEAR TWO:

- Train host and affiliate site staff on how to handle inquiries.
- Hang signage and implement statewide advertising to bring the usefulness of the signage into public consciousness.

LEADERSHIP (OF THIS INITIATIVE)

- Access to Justice Commission staff
- Librarians
- Circuit court clerks

KEY COLLABORATIVE PARTNERS

- Libraries
- Circuit court clerks
- Kentucky Bar Association
- Local bar associations
- Affiliate sites (schools, county extension offices, law firms, doctors’ offices, etc.)

EVALUATION MEASURES

- Number of referrals made
- Resolution of legal needs before versus after implementation of program
- Surveys/focus groups with clients on brand awareness and experience with system
- Quality check on referrals made and the questions and concerns of affiliate and host site staff to help refine and improve the overall program

BUDGET AND STAFFING

BUDGET

- Market research and signage design
- Advertising campaign and implementation
- Training of host and affiliate sites

STAFFING

- Volunteer attorneys (recruited by local legal aid programs)
- Volunteer Coordinator
- Project Supervisor

SUSTAINABILITY/OWNERSHIP

- The signs will need to be advertised and marketed regularly until brand awareness is widely achieved.
- Host and affiliate site training programs will need to be refined and implemented on a regular basis.
- Kentucky Access to Justice Commission staff will be responsible for coordinating advertising, marketing, training, and evaluation programming on an ongoing basis to ensure sustainability and impact of the program.

INITIATIVE #5: JUDICIAL TRAINING ON INTERACTING WITH SELF-REPRESENTED LITIGANTS

DESCRIPTION OF THE INITIATIVE

This initiative offers judges research-based approaches and techniques for interacting with self-represented litigants based on a model of engaged neutrality. Engaged neutrality enables the judges to structure hearings and ask questions in a way that reassures the litigants that they will be heard and that the process will be fair. To gain traction with judges, it will need to be demonstrated that this training will result in their courtrooms being more efficient and effective for clients, attorneys, and court staff. Possible venues for the training are the biannual judicial colleges and mandatory new judges training programs.

INITIATIVE GOALS

- Provide training that will enable judges to affirmatively respond to self-represented litigants.
- Develop strategies to overcome bench resistance to self-help initiatives.
- Assist in designing court processes that work for self-represented litigants.

DELIVERABLES & TIMELINES

YEAR ONE:

- Review current literature and curricula.
- Consult with staff at the Administrative Office of the Courts, Division of Education Services, Judicial Branch Education.
- Identify judge(s) to champion.
- Coordinate presentation at Spring 2021 Judicial Colleges on benefits and challenges of engaged neutrality. Presenter to be identified with input from judges.

YEAR TWO (AND ANNUALLY THEREAFTER):

- Trainings at Fall and Spring Judicial Colleges

LEADERSHIP (OF THIS INITIATIVE)

- Kentucky Supreme Court

KEY COLLABORATIVE PARTNERS

- Administrative Office of the Courts, Division of Education Services, Judicial Branch Education
- Education Committee of the Kentucky Circuit Judges Association
- Education Committee of the Kentucky District Judges Association

BUDGET AND STAFFING

- KY Access to Justice Commission will facilitate training
- Travel costs for trainers
- Costs of training materials

SUSTAINABILITY/OWNERSHIP

Goal is to make training permanent part of judicial colleges curriculum.

EVALUATION MEASURES

- Conduct interviews and surveys with judges after attendance
- Pre- and post-training surveys with court users

INITIATIVE #6: CONTINUING LEGAL EDUCATION ON EXPANDING LOW BONO LEGAL PRACTICE

DESCRIPTION OF THE INITIATIVE

This initiative will educate attorneys and law students about new models of service delivery and creative ways to provide legal services at an affordable price, including flexible pricing models such as sliding-scale fees, modest means panels, flat fees, payment plans, third-party payments, crowdfunding, and unbundled legal services.

INITIATIVE GOALS

To increase access to justice by creating more pathways to legal representation for individuals of limited financial means.

OBJECTIVES:

- Educate the Bar leadership and judiciary
- Educate members of the Kentucky Bar Association
- Educate new lawyers entering the practice (schools/recent grads/Young Lawyers Division of the Kentucky Bar Association)

DELIVERABLES & TIMELINES

YEAR ONE:

- Complete research on other models
- Develop suggested models based on research
- Design and provide education and training
- include ethics component
- one CLE in each Supreme Court district to ensure access to rural areas
- Design a webinar
- Institute rule change
- Publish Bench and Bar article (co-authored by CLC and Micah Legal)

YEAR TWO:

- Create a Low Bono Section of KBA
- Target new attorneys
- Different from Public Interest Section in that private attorneys would be involved
- Incorporate into law school curriculum or find opportunities to speak at the law schools

YEAR THREE:

- Roll out to local bar associations
- Oversight of Kentucky Bar Association Low Bono Section

BUDGET AND STAFFING

- Speakers
- Travel costs
- Printing costs
- CLE costs
- Venue and food costs for trainings
- Technical support for resource banks or listservs

KEY COLLABORATIVE PARTNERS

- Kentucky Bar Association
- Young Lawyer Division of the Kentucky Bar Association
- Law schools and law students
- Local bar associations (identify more active ones)
- Judges
- Kentucky Supreme Court

LEADERSHIP (OF THIS INITIATIVE)

- Kentucky Supreme Court
- Kentucky Access to Justice Commission

SUSTAINABILITY/OWNERSHIP

- Low Bono Section of Kentucky Bar Association
- CLE for new attorneys each year

EVALUATION MEASURES

- Number of trainings
- Successful rule change
- Subjective measures—perceptions and ability to shift mindsets of private attorneys and judges
- Pre- and post- survey (maybe through Kentucky Bar Association)
- Number and location of attorneys participating in recommended models

INITIATIVE #7: RECOVERY CENTER PARTNERSHIPS

DESCRIPTION OF THE INITIATIVE

The Kentucky Access to Justice Commission will serve as a clearinghouse to work with partners to acquire funding and collaborations to develop service models for providing civil legal services for those in substance abuse recovery. This initiative does the following: addresses civil legal needs; assists the client to reintegrate into society; takes advantage of the momentum building toward treatment rather than incarceration; builds on the concept of treating addiction as a disease and not simply bad behavior; and assists in equalizing the availability of legal resources in both urban and rural settings throughout the state.

Challenges are anticipated with the implementation of this initiative. First, there are many treatment centers throughout the state and we must find a way to uniformly address needs and ensure impact without spreading ourselves too thin. Second, there is a need for help that likely exceeds potential availability of fundable services, so it is important to carefully structure the program so that issues that require legal resolution can be distinguished from issues that are best referred to a non-legal agency. We must also develop a training curriculum for people who conduct screenings for individuals potentially facing legal issues, and create protocol for determining the most effective point in the recovery process for addressing those legal issues.

DELIVERABLES & TIMELINES

NOTE: This project will take multiple years for full implementation. Initial implementation will require a planning grant to complete preparation.

YEAR ONE:

- Research models in other jurisdictions for applicability to Kentucky.
- Create and distribute surveys, conduct interviews, and host listening sessions with Kentucky recovery centers and recipients of services to determine the level of need for civil legal services and prioritize legal services supporting the objectives.
- Create protocols on who would be served and how services would be rendered.
- Design processes to address legal issues by coordinating attorneys, social workers, paralegals, and the like to provide assistance at the earliest point of need, thereby minimizing need for full legal representation.
- Research funding sources for a pilot program or full-blown implementation based on research results.

YEAR TWO:

- Secure funding for a pilot or full-blown implementation
- Announce program parameters and implementation strategies and timelines
- Conduct training and awareness building for treatment centers and potential recipients of services

KEY COLLABORATIVE PARTNERS

- Kentucky's legal aid programs
- Kentucky Chamber of Commerce and local chambers to determine the needs of employers
- Churches with strong second-chance initiatives
- Community foundations

SUSTAINABILITY/OWNERSHIP

KY Access to Justice Commission, acting as a clearinghouse and coordinator, will work closely with the legal aid programs, which will provide lawyers for this project. The lawyers are already well-versed on the issues likely to emerge from the initial inventory of civil legal needs.

INITIATIVE GOALS

To create an effective and sustainable access to justice program that provides a path to resolution of civil legal needs for those suffering from Substance Abuse Disorder (SUD) who have made a commitment to recovery.

OBJECTIVES:

- Tie the initiative to distinct goals of addressing the most common civil legal issues faced by those in SUD recovery
- Assist in untangling criminal and civil legal issues that present in tandem.
- Develop a process structure that does not solely rely on the civil legal aid programs and create additional civil legal resources to meet the goals and objectives of this initiative.
- Creates a robust referral service that identifies civil legal issues for resolution before they become insurmountable.
- create and maintain a list of agencies and resources giving referrals.

BUDGET AND STAFFING

The number and type of personnel is TBD. A central coordination and evaluation role by the Commission would provide consistency and quality control.

Costs associated with planning and implementation include but are not limited to staff time, travel, and expenses.

LEADERSHIP (OF THIS INITIATIVE)

An advisory panel consisting of a minimum of recovery center representatives, Foundation for Appalachian Kentucky, AppalRed Legal Aid, Kentucky Access to Justice Commission staff, and other regional partners to be identified.

EVALUATION MEASURES

Conduct periodic updates and surveys of needs and whether they are being met. For instance, who found and sustained jobs after having their civil legal needs addressed? Other quantifications could involve family law, including family reunifications, which eliminate costs associated with foster care. A listing of evaluation measures would be developed as research emerges on which cases should be considered.

INITIATIVE #8: KENTUCKY FAITH AND JUSTICE PARTNERSHIP

DESCRIPTION OF THE INITIATIVE

The Kentucky Faith and Justice Partnership is a collaboration between the Kentucky Access to Justice Commission, churches, and other faith-based organizations to create a network of civil legal resources and marshal those that currently exist for congregations and faith communities throughout the state.³

INITIATIVE GOALS

- To develop a community-based approach that relies less on centralized services and empowers local faith leaders to play a pivotal role in meeting civil legal needs within their communities.
- Create a greater understanding and integration of civil legal resources with individual community needs.
- Improve the referral system to allow local communities to better integrate all social services with civil legal needs.
- Develop a replicable model that can be implemented and utilized across the state that provides consistency and quality without direct involvement of the Commission.

DELIVERABLES & TIMELINES

An initial planning timeline of one year allows for several components to be put into place prior to implementation, including review of other faith and justice projects and assessment current practices through interviews and surveys. Roll out of the project would take place in one rural and one urban faith community for appropriate evaluation and determination of the way forward to design and implementation.

YEAR ONE:

- Collect data identifying the depth and breadth of faith communities that exist in Kentucky.
- Determine how leaders of those faith communities currently handle legal issues within their congregations.
- Prepare report that summarizes the data.

YEAR TWO:

- Create a curriculum and materials for faith leaders' training and self-education that would enable those individuals to (1) identify when a community member has a civil legal issue that could be benefitted by access to justice resources and (2) effectively direct that community member to available resources.
- Develop community-based models that would be offered to faith communities and provide a blueprint for implementing referral services with follow-up, including faith-based legal clinics, mediation programs, and community education on legal topics.
- Identify faith communities who wish to use the curriculum and service delivery models.

YEAR THREE:

- Implementation
- Evaluation

BUDGET AND STAFFING

Following an initial development stage and seed funding in year one, a sustainable budget would be developed with oversight by the Commission; materials will be developed, updated regularly, and disseminated to those faith entities choosing to participate. Each participant can choose among elements that are most appropriate to their needs; as a point of reference, the Tennessee Access to Justice Commission provides one-half a staff member's time to oversee the project.

KEY COLLABORATIVE PARTNERS

Faith community including churches, ministerial associations, and local community leaders.

EVALUATION MEASURES

To be developed in conjunction with the partners.

LEADERSHIP (OF THIS INITIATIVE)

- Faith Community Leaders
- Kentucky Access to Justice Commission

SUSTAINABILITY/OWNERSHIP

The program would be designed to be "owned" at the community level with the faith entities tailoring it to meet the needs of their constituencies with technical assistance and support provided by the Commission.

3. Kentucky's Faith and Justice Initiative is patterned on Tennessee Faith and Justice Alliance Project. Many thanks to them for sharing their expertise and materials.



CONCLUSION

When our Commission began the Justice for All project in October 2018, we did not know that by the end of the 18-month grant period, our state and our world would have shifted on their axes. We had no idea that when the structures of our society that were supposed to protect people were held up to a mirror, the reflections of those structures would be sorely lacking in justice, equality, and compassion. We did not see (and perhaps chose not to see) that Black and Brown people in our state and nation were killed in disproportionate numbers by law enforcement and the public at large. We have borne witness to the veil being pulled back on institutional racism, exposed by a pandemic that disproportionately affected people of color due to socio-economic and health inequities. We could not fully anticipate the changes that would come as our nation grapples with an unjust status quo that is no longer sustainable. We are only now seeing the fundamental changes to how we interact with people at every level of human activity.

In this time of change and sometimes utter chaos, we did realize one thing: the quest for justice for all and access to the judicial systems which mete out that justice cannot remain static and blind to the impacts of inequality, racism, and ignorance. We must examine those concepts and institutions, change what is wrong, preserve what is right, and fill in what is missing. This work must begin today so that our society can emerge from the challenges it is now facing - as well as prepare for the challenges to come - as a more resilient, just, and equitable society.

Our Justice in Action: Kentucky's Justice for All Strategic Action Plan is a beginning.

BE SAFE. BE WELL. BE JUST.

JUSTICE IN ACTION: APPENDIX A

WORKING GROUP

Wes Addington, Executive Director,
Appalachian Citizens Law Center

Dana Arnold, Executive Director,
Fayette County Bar Association

Doug Ballantine, KBA President,
Stoll Keene Ogden

Amanda Mullins Bear, Managing Attorney,
Children's Law Center

Acena Beck, Executive Director,
Children's Law Center

Aleta Botts, Executive Director, KCARD

Jerome Bowles, President, Northern Kentucky
Branch of NAACP

Elizabeth Brett, VA, Veterans Justice Outreach
Specialist & Intimate Partner Violence Coordinator

Lindsey Burke, Executive Director, Micah Legal
Services, Inc.

Brent Cooper, President & CEO, Northern
Kentucky Chamber of Commerce

Joshua Crabtree, Executive Director,
Legal Aid of the Bluegrass

Judge Roger Crittenden (Retired),
Former Chair KY Access to Justice Commission

Art Crosby, Executive Director, Lexington Fair
Housing Council

Lisa DeJaco Crutcher, Executive Director,
Catholic Charities

Kaitlin Dierking, Regional Staff Attorney,
CHFS Legal Services

Leah Engle, Program Director, KY Equal Justice
Center Maxwell Street Clinic

Bill Farmer, Executive Director, United Way of
the Bluegrass

Judge Tim Feeley, Oldham County

Scott Furkin, Executive Director,
Louisville Bar Association

Susan Gesser, Director, Catholic Charities

Melissa Goins, Director, Division of Family
Resource and Youth Services Centers,
Cabinet for Health and Family Services

Sonny Hatfield, VA, Veterans Justice
Outreach Specialist

Britney Howard, Director 2-1-1, United Way
of the Bluegrass

Gretchen Hunt, Director, Office of Victims
Advocacy

Paula Hunter, FRYSCy Coalition President

Rob Johns, Executive Director, ApplReD

Julie Jones, Executive Director,
Northern KY Bar Association

Warren Keller, KY Access to Justice
Commission Board Member, Taylor,
Keller and Oswald

John Kohn, Director of Community Impact,
United Way of the Bluegrass

Adam Leisring, IT

Megan Metcalf, Legal Director, Doctors &
Lawyers for Kids

John Meyers, Executive Director,
Kentucky Bar Association

Mary Nichols, President, KY Paralegal
Association, Sturgill Turner Barker & Moloney

Dr. Kimberly Northrup, University of
Kentucky Pediatrics

Gary Palmer, Interim Associate Dean & Director
of Extension, UK College of Agriculture,
Food & Environment

Jessica Powell, Vice Chair KY Public
Library Association and Director,
Oldham County Public Libraries

Damon Preston, Kentucky Public Advocate

Diana Queen, Executive Director, KY Center
for Restorative Justice

Father John Rausch

Dennis Ritchie, Re-entry Workforce Mgr.,
Goodwill Industries of KY

Jean Rosenberg, Prestonsburg

John Rosenberg, Prestonsburg

Tamara Sandberg, Executive Director, KY
Association of Food Banks

Julie Schmidt, Senior Director External Affairs, KET

Joe Schuler, KY CASA Network Board Chair

Neva-Marie Polley Scott, Executive
Director, Legal Aid Society

Rich Seckel, Executive Director, Kentucky Equal
Justice Center

Corey M. Shapiro, Legal Director, American
Civil Liberties Union of Kentucky

Judge Kimberly Shumate, KY Access
to Justice Commission Board Member,
Hardin District Court

Steve Smith, President -Elect, Kentucky Bar
Association, Graydon Law

Erica Stacy Stegman, Attorney,
Campbell & Rogers

Bradley Stevenson, Child Care Council of KY,
Inc./Kids Matter Coalition

Kelly Stephens, Clerk, Kentucky Supreme Court

Scott Turner, Habitat for Humanity

Andrea Welker, Attorney,
Child Advocacy Today

Rep. Buddy Wheatley, Kentucky Legislature

Amanda Young, Executive Director,
Kentucky Legal Aid

Dr. Jeffrey Young, Director for
County Operations



JUSTICE IN ACTION: APPENDIX B

COMMUNITY LEADERS

Ronnie Bastin, Deputy Secretary, Cabinet for Justice and Public Safety

Lisa Beran, Interim Executive Director, Kentucky Housing Corporation

Donavan Blackburn, CEO, Pikeville Medical Center

Mike Bowling, Mike Bowling Law Firm

David Byerman, Board Member, Leadership Kentucky

Representative McKenzie Cantrell, 38th District

Veronica Cecil, Vice-President for Policy, Foundation for a Healthy Kentucky

Susan Clary, Retired, Clerk of the Kentucky Supreme Court

Bill Farmer, CEO, United Way of the Bluegrass

Morgan Patterson, Director of Legal Services, Kentucky League of Cities

Melony Cunningham, Executive Director, National Alliance for Mental Illness

Colin Crawford, Dean, Louis D. Brandeis School of Law, University of Louisville

Judith Daar, Dean, Chase College of Law

Mary J. Davis, Dean, University of Kentucky College of Law

Beth Davison, Executive Director, Kentucky Chamber Workforce Center

Linda Dawson, retired prosecutor, Bourbon Co.

Larry Ferguson, President, Ashland Community and Technical College

LeChrista Finn, Assistant Professor, Kentucky State University

Johnathan Gay, Director, External Affairs and Deputy Legal Counsel, Addiction Recovery Care

John Gillig, Volunteer Generation Fund Manager, Serve Kentucky

Zachary Hale, Paralegal, Kentucky Community and Technical College System

Mayor Jim Hamburg, Southgate

Tim Havrilek, Special Assistant to the Secretary/Ombudsman, Cabinet for Justice and Public Safety

Brad Holajter, Executive Director, Office of Management and Budget Services, Cabinet for Justice and Public Safety

Ben Haydon, Community Engagement Coordinator, Goodwill Industries of Kentucky

Van Ingram, Executive Director, Office of Drug Control Policy, Cabinet for Justice and Public Safety

Andrea James, Community Response Strategist, Office of the Mayor (Linda Gordon)

John Johnson, Former Executive Director, Kentucky Commission on Human Rights

Lonnie Lawson, President and CEO, Center for Rural Development

Tialisha Lumpkin, Advocacy Community Organizer, Catholic Charities (was at 2/14/20 meeting)

Christa Martin, Job Placement Specialist, Kentucky Career Center

Phyllis McKissack, President, Bluegrass Re-Entry Council, Community Action

David Nicholson, Jefferson Circuit Clerk, Past President, Kentucky Association of Counties

Mary Noble, newly appointed, Secretary, Cabinet for Justice and Public Safety

Martina Ockerman, Executive Assistant to the CEO, United Way of the Bluegrass

Sara Osborne, MMLK Government Solutions

Diana Queen, Kentucky Center for Restorative Justice

Gerry Roll, Executive Director, Foundation for Appalachian Kentucky

Rena Sharpe, COO, Goodwill Industries of KY

John Will Stacy, County Judge Executive, Morgan County

John Tilley, Former Secretary, Cabinet for Justice and Public Safety

Ashli Watts, Executive Director, Kentucky Chamber of Commerce

Janice Way, Executive Director, Leadership Kentucky

Alecia Webb-Edgington, President, Life Learning Center

Dr. Connie Gayle White, Senior Deputy Commissioner, Kentucky Department for Public Health

Tony Wilder, Executive Director, Kentucky Council of Area Development Districts

Sheriff Kathy Witt, Fayette County

Mike Whiteman, Acting Dean, Chase College of Law

JUSTICE IN ACTION: APPENDIX C

REGIONAL LISTENING SESSIONS

At the February 22, 2019 kick-off meeting, a separate session was held for **COMMUNITY LEADERS**. The Commission felt it was important to convene leaders from communities throughout the Commonwealth for the purpose of raising awareness of how the economic health and quality of life of all Kentuckians is impacted by unresolved civil legal needs, and to engage stakeholders for proposed solutions.

As a follow-up to that initial meeting, six listening sessions and numerous interviews with **COMMUNITY LEADERS** were held. Formalized sessions were held in six locations throughout the state. In each location, local leaders were engaged to invite participants they felt appropriate to answer three questions posed at each event:

- **What resources does Kentucky possess that can be leveraged to address civil legal needs?**

- **What gaps and barriers exist within those resources?**

- **What efficient and effective means can be taken to fill those gaps and/or remove those barriers?**

Invited guests included local social service agencies, churches, substance abuse treatment centers, legal aid offices, and consumers of the services. An agenda was provided with emphasis placed on “listening” and receiving feedback on the three questions posed. All meetings began with an introduction to the Commission and the Justice for All strategic action planning process. We explained to the largely non-lawyer participants the difference between civil and criminal legal issues. A fictional client, “Sam,” was discussed so that the group could understand Sam’s struggles as he sought to resolve his legal issues. Following the introduction, the group discussed each question. Each session lasted approximately two hours.

Sessions were held as follows:

- April 24, 2019, Purchase Area Development District, Mayfield – small rural city in far western Kentucky (15 participants)
- May 20, 2019, Life Learning Center, Covington, KY – urban city in northern Kentucky (23 participants)
- May 30, 2019, Hazel Hills Women’s Treatment Facility, Owingsville, KY – small rural city in eastern Kentucky (30 participants)
- June 26, 2019, Foundation for Appalachian Kentucky, Hazard, KY – a center of commerce in eastern Kentucky (9 participants)
- August 15, 2019, The Rural Development Center, Somerset, KY – a regional hub for services in southeast Kentucky (35 participants)
- August 26, 2019, Shiloh Baptist Church in Lexington (30 Participants consisting of African American ministers in the central Kentucky region)
- Finally, on February 14, 2020, the original Community Leader group of 25 that met during the kick-off meeting in February 2019 came together as a group that had grown to over 50 leaders and included those people with whom we engaged throughout the year-long process both in the formalized sessions and who we came to be acquainted with the Commission’s Justice for All project along the way. The purpose for this formal gathering was to review the eight initiatives finalized by Working Groups on November 8, 2019 and explore partnerships and availability of resources for implementation.

Participants at sessions held at the Life Learning Center, Hazel Hills Women’s Treatment Facility, Foundation for Appalachian Kentucky, and the Rural Development Center included those in substance abuse treatment and recovery who reported barriers to re-entering the job market and other aspects of life due to lack of access to civil legal resources. In addition, attendees at the August 26 session at Shiloh Baptist Church in Lexington included 30 African American ministers. Though formal listening sessions were not held with other marginalized groups, interviews were held with representatives of the LGBTQ+ and immigrant communities.

FULL LIST OF JFA TASK FORCE PROPOSALS GROUPED BY KAJC MISSION

Develop systems to help people identify when they have a civil legal issue that needs attention and ways of dealing with the issue without going to court

- Regional lists of services, regional service provider meetings, create an app containing all providers
- Civic education/education on court processes in schools
- Create and promulgate specific/clear standards to delineate between legal advice v. legal information. Share information with circuit clerks and others. Train individuals on this information
- Offer training to organizations on legal issue spotting/ how to access on-line legal check-up tool
- Develop database/on-line access to legal resource directory
- Develop on-line check-up tools that identify what problems a person has that might involve legal issues and what kind of help would be sufficient to solve the problem
- Develop a good referral services/process. Legal Aid is not able to do it all and is often conflicted out of some cases/issues
- Write brochures in available languages (includes ASL) and minimal legalese
- Rebrand materials as "Action Plan" or something that actually tells people what it contains
- Create 'volunteer' legal squad. Provide outreach, mentor-system of lay people (retired attorneys, etc.) to serve as liaisons to agencies like libraries and FRYSCs that would provide legal information, then if needed, warm handoff to legal aid for more in-depth needs and lay persons/experienced mentors/volunteers to guide clients through the process
- Produce video on 'Legal KYnect' website with guidance on providing legal info on simple issues (for librarians, clerks, etc.)
- Create network of competent advocates who are aware of all possible civil legal issues with the ability to refer to the most appropriate organization for each issue
- Free printing at libraries for all court-related legal forms...this would replicate kiosk-type models in Jefferson Co. Courts in the local libraries
- Hire a statewide pro bono coordinator to arrange advice clinics at every legal aid. It is not successful if you put this on an already overworked staff attorney
- Expand to use more one-off legal advice clinics, ie those offered by the TN Supreme Court Faith-Based Program or Metro Christian clinics

If the issue can't be resolved, then we offer ways of getting people access to the courts and have information about the court processes and procedures.

- Expand the role of law schools and law students in access to justice issues and projects
- Continue to be involved with the Administrative Office of the Courts in development of on-line forms, especially divorce
- Look to other states that solve issues without court appearances, ie community collaboration of public/private/landlords to prevent evictions
- Landlord-tenant mediation
- Hire full-time, paid case managers at every Legal Aid office...don't just give the title to an overworked staff attorney that won't be able to do the job
- Explore the role of county attorneys, county judge execs, city officials, law enforcement as points of entry for people with civil legal aid issues
- Help centers housed in courthouses, including both technology and people
- Create articles on innovative strategies like limited scope representation, a la carte services and sliding scale representation to address the private bar reluctance to utilize these tools
- Eliminate local civ pro rules, which hinder uniformity and thereby make it more difficult to provide advice for pro se litigants

Develop policies that enable people to obtain at least some representation by an attorney, but if they have to go to court alone, then provide sufficient information so they can be heard and get a decision based on the rule of law.

- Seminars on how to successfully implement limited scope representation, a la carte services and sliding scale representation
- Proliferation of sliding scale attorneys for individuals who do not qualify for Legal Aid but also do not have money to hire an attorney at the market rate
- Kentucky Access to Justice Commission should propose rules (look at models from other places) that let them know they can do limited scope representation
- Amend the rules of professional conduct/rules of civil procedures to clarify how limited scope representation can be provided without compromising attorney-client ethical considerations
- Partner with civil legal aid programs to develop strategies to increase pro bono lawyer participation and options for pro bono opportunities
- Enhance the role of the judiciary in increasing pro bono representation by attorneys
- Amend pro bono rules and requirements
- Partner with the KBA to develop statewide lawyer referral services, including a pro bono component
- Increase availability of alternative ways of attorney representation - limited scope representation, low bono, sliding fee scale - by educating the public, attorneys and judges
- Explore alternative dispute resolution

When people are in court, we work to make sure the process and the people within the court system treat them with dignity, respect and allow their grievances to be heard.

- Increase awareness of judges as to the tools and techniques for engaging with self-represented litigants. Offer training on implicit bias and cultural sensitivity, engaged neutrality, language access, availability of community resources and other referral opportunities.
- Add more judgeships and make more effective use of limited funds
- In rural areas, allow telephonic and skype hearings in courts, allowing attorneys in urban areas to remotely represent rural clients
- Produce a video from the Chief Justice to educate the courts and local bar that expansion of pro se and sliding scale modes are not a threat to them
- Educate the judiciary on how limited scope representation can assist in caseflow, docket control and litigants' satisfaction with judicial system and process
- Create a bench book for judges on how to deal with pro se litigants
- Create a staggered dockets for attorneys to be able to cover multiple dockets in a 5 - 7 county area
- Create a pro se portal for skype-like interpretation during 'off the record' time if interpretation by the Administrative Office of the Courts is cost-prohibitive

JUSTICE IN ACTION: APPENDIX E

ADDITIONAL DOCUMENTS AVAILABLE IN THE GOOGLE DRIVE.

SELECT THE MONTH OF THE MEETING TO VIEW
THE DOCUMENTS.

FEBRUARY 2019 MEETING MATERIALS

- KY JFA PowerPoint Presentation (2.21.19)
- Community Leader PowerPoint Presentation (2.21.2019)
- Sam's Story
- KY JFA Taskforce #1 Worksheet with Compiled Data
- KY JFA Taskforce #2 Worksheet with Compiled Data
- KY JFA Taskforce #3 Worksheet with Compiled Data

JULY 2019 MEETING MATERIALS

- KY JFA PowerPoint Presentation (7.17.2019)
- Taskforce #1 Brainstorming Sheet
- Taskforce #2 Brainstorming Sheet
- Taskforce #3 Brainstorming Sheet
- Taskforce #1 Proposed Initiative Chart
- Taskforce #2 Proposed Initiative Chart
- Taskforce #3 Proposed Initiative Chart

OCTOBER 2019 MEETING MATERIALS

- KY JFA Evaluation Worksheet

NOVEMBER 2019 MEETING MATERIALS

- KY JFA PowerPoint Presentation (11.8.2019)
- Final JFA Proposed Initiatives with Feasibility Scores

FEBRUARY 2020 MEETING MATERIALS

- KY JFA Community Leaders PowerPoint
Presentation (2.14.2020)