



Supreme Court of Kentucky

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John D. Minton, Jr.
Chief Justice of Kentucky

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Remarks

Chief Justice John D. Minton Jr.
News Conference: Kentucky Access to Justice Commission

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Supreme Court Courtroom, Capitol, Frankfort, Ky.

Good morning.

I take your presence here today as support for the important announcement we are about to make and I appreciate you being here.

As those of us in state government work to meet the challenges of the worst budget crisis in recent history, we tend to focus on the big picture – the major programs and services that are the most visible.

During fiscal difficulties, it is tempting to postpone action or support for programs that, while often less visible, are nonetheless critically important.

That's why I am pleased to announce today that the Supreme Court of Kentucky is making access to justice a priority for the Judicial Branch. We are partnering with the state's legal, business, civic and religious communities – as well as the Executive and Legislative branches – to create the Kentucky Access to Justice Commission.

Stated simply, 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.

Civil legal aid is legal assistance provided at no cost to low-income individuals and families for urgent, non-criminal legal matters.

In Kentucky and nationwide, those who live below the federal poverty guideline are often without the means to retain an attorney to handle important legal needs. Legal aid intervenes with legal advice and representation to protect vulnerable individuals who face threats to their safety, health, financial security and overall well-being. For example, legal aid staff help the elderly obtain government benefits; help victims of domestic violence escape abuse and rebuild their lives; prevent evictions, protecting children from homelessness and educational disruptions; and aid victims of consumer fraud and those facing bankruptcy.

Today Kentucky joins nearly two dozen states where supreme courts have formed Access to Justice Commissions to help their low-income citizens obtain this critical legal assistance.

The need in Kentucky is great and it is growing. Currently, Kentucky Legal Aid receives 4,000 calls a month requesting legal help. Legal Aid closes about 24,000 cases each year, providing assistance to 68,000 low-income families and children who can't obtain legal assistance anywhere else. While the number served may seem high, in fact less than half of those who need help actually receive it. About 55 percent of the people who apply and are eligible for legal aid services are turned away because of lack of resources.

That's an alarming statistic and the current economic downturn makes it even more difficult to close this gap.

The Kentucky General Assembly has funded legal aid for the poor since 1996. However, due to the budget crisis, the 2008 state appropriation for civil legal aid for poor Kentuckians was cut by nearly 67 percent, from \$1.5 million to \$500,000 per year. Budget cuts have resulted in the loss of at least 15 attorney positions and the closure of a branch office in a rural area of the state. The IOLTA (Interest on Lawyers Trust Accounts) annual dispersals to programs providing civil legal services have declined from \$1.6 million to \$400,000 in the last three years

We want to increase the amount of civil legal aid available to our fellow Kentuckians and we plan to do that by forming the Kentucky Access to Justice Commission.

The Commission has been established by Supreme Court order. I have appointed Judge Roger L. Crittenden, a retired Franklin County circuit judge with a distinguished reputation on the bench, to serve as interim chair of the commission. Judge Crittenden has the years of judicial and administrative experience, as well as the leadership ability and diplomacy, to effectively lead this group, and he has graciously accepted this challenge.

I am in the process of appointing members to the commission in preparation for the KAJC's first meeting on Jan. 28, 2011. There will be 25 appointed members and five ex-officio members. The names of the members will be announced in the coming weeks.

I have long been a supporter of attorneys doing pro bono work. Each year during my Law Day address, I tell the new lawyers that I believe it is the obligation of attorneys to make our system of justice available to all citizens by contributing a portion of their knowledge and skill pro bono and by participating in community and civic causes.

That idea has gained momentum in the last decade as the American Bar Association and the national Conference of Chief Justices have supported the creation of Access to Justice commissions.

In 2006, the Conference of Chief Justices, of which I am a member, passed a resolution that acknowledged the importance of judicial leadership in establishing partnerships with the state's legal community to ensure equal access to justice. The resolution called for states to seek results in three areas:

- 1) To remove impediments to access to the justice system, including physical, economical, psychological and language barriers;
- 2) To develop effective plans for funding for civil legal services for those who have no meaningful access to the justice system; and
- 3) To expand assistance available for self-represented litigants.

The key to the commission's success is teamwork. For us to be effective, the judiciary must partner with the state and local bar associations, legal aid providers, law schools, elected officials and other community leaders. Only together can we provide the level of legal aid services needed by our fellow Kentuckians.

Before I turn the program over, I'd like to give a word of appreciation to Jacqueline Duncan, director of the Kentucky Volunteer Lawyer Program. Jackie is so committed to the cause that she pushed to bring it to the attention of the Supreme Court. She has also been instrumental in preparing for the launch of the commission and I commend her spirit and her dedication to legal aid.

In addition, we wouldn't be here today without the groundwork laid by our next speaker, Supreme Court Justice Bill Cunningham, who represents 1st Supreme Court District in Western Kentucky. Justice Cunningham embraced the idea of the Judicial Branch playing a leadership role in access to justice. He formed a steering committee and researched the national Access to Justice movement before formally proposing to the Supreme Court that we make this issue a priority. Justice Cunningham's information, ideas and enthusiasm have been invaluable as we begin the process and I appreciate his support.

(Chief Justice Minton calls on Justice Cunningham and Judge Crittenden to speak and then they are available to take questions from the media.)

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