

Relationship of Justice for All Components and ABA Futures Commission Recommendations: Potential for Support and Collaboration

Justice for All Component

ABA Commission Recommendation

Design, Governance & Management

6. The ABA should establish a Center for Innovation.
7. The legal profession should partner with other disciplines and the public for insights about innovating the delivery of legal services.
11. Outcomes derived from any established or new models for the delivery of legal services must be measured to evaluate effectiveness in fulfilling regulatory objectives.
12. The ABA and other bar associations should make the examination of the future of legal services part of their ongoing strategic long-range planning.

Resource Planning

10. Resources should be vastly expanded to support long-standing efforts that have proven successful in addressing the public's unmet needs for legal services.
 - 10.1. Legal aid and pro bono efforts must be expanded, fully-funded, and better-promoted.

Triage, Referral, & Channel Integration

1. The legal profession should support the goal of providing some form of effective assistance for essential civil legal needs to all persons otherwise unable to afford a lawyer.
 - 2.1 Courts should consider regulatory innovations in the area of legal services delivery.
 4. Individuals should have regular legal checkups, and the ABA should create guidelines for lawyers, bar associations, and others who develop and administer such checkups. Among the proposed protections: "Affordability: Legal checkups should be available free of charge or at low cost to people of limited or modest means. If providers charge for legal checkups, the price should be commensurate with the user's ability to pay and clearly disclosed in advance."
 - 10.2. Public education about how to access legal services should be widely offered by the ABA, bar associations, courts, lawyers, legal services providers, and law schools.

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Technology Capacity

- 2.3. States should explore how legal services are delivered by entities that employ new technologies and internet-based platforms and then assess the benefits and risks to the public associated with those services.
- 5.1. Physical and virtual access to courts should be expanded.
- 5.4. Court-annexed online dispute resolution systems should be piloted and, as appropriate, expanded.
- 6. The ABA should establish a Center for Innovation.

Judicial Education Programs

No reference.

Community Integration & Prevention

8. The legal profession should adopt methods, policies, standards, and practices to best advance diversity and inclusion. The Legal Checkups Recommendation (4) states that they -- "should be available to the public in a wide variety of venues (for example, public libraries, domestic violence shelters, social services of ces, membership organizations, etc.)."

Plain Language Forms

- 5.2. Courts should consider streamlining litigation processes through uniform, plain-language forms and, where appropriate, expedited litigation procedures. **In a very important advance**, the ABA Report recommends: "The ABA, the National Center for State Courts, the Conference of Chief Justices, and the Conference of State Court Administrators should collaborate to create a National Commission on Uniform Court Forms, similar to the National Conference of Commissioners on Uniform State Laws. The purpose of the Commission would be to generate model forms to be used by both represented and unrepresented litigants on a multi-state basis in ways that create consistency and accommodate simplified technological document preparation."
- 5.3 Multilingual written materials should be adopted by courts, and the availability of qualified translators and interpreters should be expanded.

Broad Self-Help Informational Services

- 5. Courts should be accessible, user-centric, and welcoming to all litigants, while ensuring fairness, impartiality, and due process.
- 5.1. Physical and virtual access to courts should be expanded.
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<u>Language Services Integration</u>	5.3 Multilingual written materials should be adopted by courts, and the availability of qualified translators and interpreters should be expanded.
<u>Expansion and Efficiency Improvements of Full Service Representation</u>	1. The legal profession should support the goal of providing some form of effective assistance for essential civil legal needs to all persons otherwise unable to afford a lawyer. 7.2 Law schools and bar associations, including the ABA, should offer more continuing legal education and other opportunities for lawyers to study entrepreneurship, innovation, the business and economics of law practice, and other relevant disciplines. 10.1. Legal aid and pro bono efforts must be expanded, fully-funded, and better-promoted.
<u>Unbundled (Discrete Task) Legal Assistance</u>	Discussion in status of innovations section (at p.30, but no recommendations.
<u>Courtroom Assistance Services</u>	5. Courts should be accessible, user-centric, and welcoming to all litigants, while ensuring fairness, impartiality, and due process.
<u>Compliance Assistance</u>	5. Courts should be accessible, user-centric, and welcoming to all litigants, while ensuring fairness, impartiality, and due process.
<u>Alternative Dispute Resolution Integration</u>	5.4. Court-annexed online dispute resolution systems should be piloted and, as appropriate, expanded.
<u>Simplification</u>	5.2. Courts should consider streamlining litigation processes through uniform, plain-language forms and, where appropriate, expedited litigation procedures.
<u>Non-Lawyer Role Flexibility</u>	2.1 Courts should consider regulatory innovations in the area of legal services delivery. (Specific Recommendations suggest how this might be done, including adoption of regulatory objectives, and state action.) Pp. 19-23 of the ABA Commission Report contains a detailed review of the status of non-lawyer innovations.