

Task Force to Improve Access to Legal Counsel in Civil Matters
Dismantling Barriers Working Group Short Outline

1. Barriers to access to legal counsel

- Unavailability of attainable counsel
 - Lack of free or affordable attorneys for individuals who are ineligible for legal aid but unable to afford market rate representation
 - Inability of legal services providers to serve every eligible individual who seeks their services
 - Insufficient funding
 - Insufficient attorneys
 - Handle limited number of case types
 - Non-funding based restrictions
 - LSC-funded organizations barred from assisting with certain cases
- Unattainability of available counsel
 - Eligible individuals' lack of awareness of available free legal services
 - Providers' failure to sufficiently publicize their services
 - Reluctance of eligible individuals to seek and secure available legal help
 - Cultural, educational, linguistic, and mental health barriers
 - Distrust of and discomfort with legal system and professionals
 - Lack of offices in eligible individuals' neighborhoods
 - Inability of eligible individuals to seek and secure available legal help
 - Lack of resources for commuting to office, appointments, etc.
 - Unpredictable nature of eligible individuals' lives (job & housing insecurity, etc.)
 - Physical inability to commute to and access law offices, court, etc.

2. Proposals for dismantling barriers to access to legal counsel

- Addressing unavailability of attainable counsel
 - Addressing lack of free or affordable attorneys for individuals who are ineligible for legal aid but unable to afford market rate representation
 - Establish mandatory pro bono requirements
 - Incentivize provision of sliding scale representation
 - Enable and encourage provision of unbundled legal services
 - Authorize low-cost dispute resolution systems
 - Authorize limited license legal technicians (LLLTs) or other accredited representatives for appropriate categories of matters
 - Enable and encourage alternative fee arrangements
 - Addressing inability of legal services providers to serve every eligible individual who seeks their services
 - Increase state funding
 - Create universal representation programs for essential civil legal needs
 - Encourage law schools to fund fellowship programs for recently-graduated law students
 - Encourage privately funded post-graduate fellowships
 - Support law firm incubators
 - Develop and expand loaned associate programs
 - Simplify and encourage the utilization of *cy pres* award systems and other residual funds
 - Allocate a portion of punitive damage awards to legal services providers
 - Develop and support law student pro bono programs
- Addressing unattainability of available counsel

- Addressing eligible individuals' lack of awareness of available free legal services
 - Increase promotion and outreach
 - Have courts provide LSOs with list of serious/meritorious cases and initiate contact with client
 - Partner with non-legal organizations
 - Medical-legal partnerships
 - Community centers
 - Places of worship
 - Improve referral services
 - Educate the public about the court system and available services
- Addressing reluctance of eligible individuals to seek available legal help
 - Fear/distrust of courts
 - Create community-specific outreach programs
 - Require court staff to undergo implicit bias and cultural sensitivity training
 - Establish legal checkup programs
 - Linguistic barriers
 - Ensure that all forms are available in Spanish and other languages common to the population that the provider, court or agency serves
 - Ensure that qualified translators and interpreters are available
 - Encourage providers to hire more lawyers with relevant language skills
 - Create a standard protocol for court clerks and state agency representatives to use when communicating with non-English speaking individuals
- Addressing inability of eligible individuals to seek available legal help
 - Physical barriers, inconvenience, and cost
 - Expand physical and virtual/remote access to courts and legal services providers
 - Ensure all legal aid offices, law firms, and courts are accessible to those with physical disabilities
 - Create a transportation cost fund
 - Mental health barriers
 - Create and support programs that specialize in serving individuals with mental health issues
 - Require mental health training

3. Possible Priorities:

- Establish right to counsel in civil matters that implicate fundamental needs
- Expand funding for legal services providers
- Establish mandatory pro bono requirements for Connecticut attorneys and law students
- Enable and encourage the unbundling of services, alternative fee arrangements, and alternative business structures