

Alaska Fairness and Access Commission

Name and Title of Commission Chair:

Alaska's Fairness and Access Commission is a commission with a broad membership composed of leaders representing the state courts, the bar association, private attorneys, rural and urban representatives, and legal aid providers. The commission is co-chaired by Alaska Supreme Court Justices Joel Bolger and Peter Maassen and Superior Court Judge Mark Rindner. The commission comprises two committees: the Fairness, Diversity and Equality Committee (chaired by Justice Bolger) and the Access to Civil Justice Committee (co-chaired by Justice Maassen and Judge Rindner).

Name and E-mail of Commission Staff:

Staff: Mara Rabinowitz, Communications Counsel: mrabinowitz@akcourts.us

Staff: Stacey Marz, Self-Help Services Director: smarz@akcourts.us

Mission

The commission's mission is to increase fairness and access to the courts for all Alaskans, particularly those who are members of cultural and minority groups, Alaskans of limited means, and self-represented litigants.

Goals

- Provide all Alaskans with access to justice. Through a Justice for All (JFA) grant from the Public Welfare Foundation, develop a statewide action plan to provide all Alaskans with 100% access to appropriate legal information and services. Identify essential services that constitute "justice," and expand access to those services. Utilize asset mapping, gap analysis, and an action plan to close justice gaps, focusing efforts on educating non-legal service providers.
- Develop a proof of concept for a legal access portal for an integrated service delivery system. A portal would be a centerpiece of the action plan to provide all Alaskans with access to justice.
- Support the work of the newly created Cultural Competence Subcommittee of the Fairness, Diversity, and Equality Committee, including the subcommittee's recommendation for annual cultural competency trainings for judicial officers.
- Create a subcommittee to work on expanding the *Bar to Bench Increasing Diversity in Alaska's Judiciary* CLE offered in 2016, and to possibly incorporate elements of Washington State's Judicial Institute which prepares qualified diverse attorneys for judicial positions through education and mentorship.
- Continue to promote and provide restorative justice options to Alaska tribes and communities.

Top Three Accomplishments to Date (since Commission began)

- Receipt of Justice for All (JFA) grant to move toward goal of 100% access to justice, and a Microsoft technical assistance award to create a legal access portal to help Alaskans find the appropriate level of legal assistance to meet their legal needs.
- Creation of an Access to Civil Justice pamphlet, "What is Civil Legal Aid?" translated into Russian, Tagalog, Korean, and Spanish. The pamphlets are being distributed at a variety of locations state and city wide.
- Continuing community outreach through programs such as Color of Justice, Supreme Court LIVE, the *Justice for All* Art Contest, and the "Bar-to-Bench" CLE *Increasing Diversity in Alaska's Judiciary*.

Recent and Current Initiatives

Current Fairness, Diversity and Equality Committee projects and strategies to improve fairness and access and increase diversity include:

- Promote a new court rule setting forth procedures by which a state court may refer cases to local restorative justice programs. The rule allows communities to play a role in assessing the impacts of criminal behavior and to help to shape the consequences through circle sentencing and other restorative justice programs. The rule provides an express mechanism for a tribal court to conduct their own restorative justice process, such as circle sentencing, and then propose to the state trial judge the sentence recommended by the participants in the restorative justice proceedings. The court system has formal plans with several tribes that allow for tribal courts to conduct their own restorative justice processes.
- Sponsor a diversity CLE to encourage diverse attorneys to apply for judgeships. Provide statistical data for the CLE. The CLE helps demystify Alaska's judicial selection process - from the application stage, to the Alaska Judicial Council's evaluation, to the Governor's appointment. The CLE highlights day-to-day lives of diverse judges.
- Co-sponsor diversity luncheons with distinguished and diverse panel members that address the topic of diversity and how diversity has impacted their lives.
- Provide the Color of Justice law-related education program for diverse youth including workshops, mentoring events, and hands-on learning to promote awareness about careers in law and the judiciary and to encourage youth of diverse backgrounds to pursue legal education and careers. Create a new Rural Student Initiative component to the Color of Justice Program. Information about the program and the initiative is available here: <http://courts.alaska.gov/outreach/index.htm#coj>
- Co-sponsor annual women judges events to promote and encourage women lawyers to consider applying for judicial positions.
- Provide the Supreme Court LIVE program, where the court holds oral argument at different high schools around the state before an audience of students. Teams of volunteer attorneys teach the students about the cases prior to the argument.
- Co-sponsor the Justice for All Art Contest where students submit artworks on the theme "Fairness, Diversity, Equality: Our justice system depends on them. What do they mean to you?"

Current Access to Civil Justice Committee projects and strategies to improve fairness and access to justice include:

- Provide information to self-represented litigants. The court has created self-help website content that provides detailed information about court procedure and options for forms in the following areas: Family Law; Civil Appeals to the Supreme Court; Probate/Estates; Guardianship and Conservatorship; and Traffic.
- Support the Family Law Self-Help Center (FLSHC) to provide legal information to self-represented Alaskans in divorce, custody, paternity, and support cases. In addition to the website, the FLSHC staffs a statewide telephone helpline which assists approximately 7,000 callers annually with questions about procedure and forms. The FLSHC has created several short videos which are on the website in English, Spanish, and Tagalog, and domestic violence protective order videos in English, Yup'ik, and Spanish.
- Established court mediation programs for child custody and visitation, child protection, small claims, and adult guardianship and conservatorship cases. There is also a new court negotiation and resolution program for Forcible Entry Detainer (FED) cases.
- Support the court's language access initiatives. These include:

- Court's adoption of a new rule that addresses language interpreter services in court proceedings. The rule helps ensure that individuals who need an interpreter in court will be able to obtain services. Resources created to accompany the new rule include a guide for clerks and judges on proceedings involving interpreters and persons of limited English proficiency; revised instructions for accessing language line telephonic services; and frequently asked website questions (FAQs) about language interpreters. The commission will also regularly track efforts to facilitate access to the courts by Limited English Proficiency (LEP) populations.
- The court system hired a full-time statewide interpreter scheduling coordinator.
- The court system is also working with the Language Interpreter Center to create a Yup'ik legal glossary for court interpreters to use.
- The court system trained its first staff Yup'ik interpreter.
- The court created website information on interpreting for deaf and hard-of-hearing individuals and presented to newer judges on the topic.
- The court also conducted a training for ASL interpreters on interpreting in the legal environment.
- The court has advanced the use of video remote interpreting using certified and trained interpreters from in state as well as outside Alaska to provide the most qualified interpreters regardless of where the LEP litigant or witness is located.
- Support the Early Resolution Program (ERP) that has helped close to 1,500 families in four of Alaska's highest volume courts. Parties in newly filed divorce and custody cases can avoid protracted legal proceedings by working with volunteer attorneys coordinated by Alaska Legal Services who provide unbundled legal services, court mediators, and settlement judges who work with the parties at the ERP hearings to resolve their child custody, child support, and marital property disputes usually within weeks after their cases are filed. The court expanded the program to other court locations, including the state's most rural courts, and remote parties appear by videoconference or telephone into the ERP hearing at a different court location. The state's child support agency as well as attorneys from military legal assistance participate monthly in the program.
- Increase the range of user-friendly forms for the self-represented.
- Partner with public and private efforts to promote appropriate legal services to at-risk populations.
- Coordinate with the pro bono section of the bar association to develop methods for linking pro bono activities with court system improvements and self-help resources.
- Co-sponsor the MLK Day free legal clinic in three locations in Alaska, where volunteer attorneys provide free unbundled legal services on a range of topics to Alaskans without attorneys.
- The Access Committee is working on the Justice for All (JFA) project and developing the inventory of existing legal services. It will be doing a social network analysis to create the asset and gap map of services and information and how providers make referrals.
- Four primary JFA grant objectives include: Asset mapping - to identify the assets in place within the legal and service provider community to help meet the goal of justice for all; Gap analysis - to conduct an analysis of the service gaps that prevent Alaskans from securing justice for themselves and their families, including identifying connectivity (or the lack of) between service providers (legal and non-legal); Action plan - Upon completion of the asset map and the gap analysis, the commission will develop an action plan to address how to close the justice gaps; Development of metrics and evaluation protocols for success - adopt a system to collect data necessary to understand how Alaskans are accessing justice and whether those means are sufficient.

Planned Initiatives

- The Fairness Diversity and Equality Committee will continue to provide successful initiatives designed to increase equality and diversity, including the Color of Justice Program (and the new Rural Student Initiative component of that program), the Justice for All Art Contest, the Diversity Luncheon and the Bar-to-Bench program designed to encourage diverse attorneys to apply to the bench by offering them opportunities to learn about the application and appointment process from sitting judges, the merit selection screening council, and a representative of the appointing authority. The committee sent an observer to the Washington State Judicial Diversity Institute, and will explore also whether to create a similar program in Alaska.
- The Fairness, Diversity, and Equality Committee has created a subcommittee to work on expanding upon the *Bar to Bench Increasing Diversity in Alaska's Judiciary CLE* offered in 2016, and to possibly incorporate elements of Washington State's Judicial Institute.
- The Fairness, Diversity, and Equality Committee has formed a new Judicial Cultural Competence subcommittee and will support subcommittee efforts in this arena.
- Members of the commission will engage in outreach, including drafting opinion pieces on fairness, equality, and access to justice issues.
- The commission was awarded a project to work with Microsoft to develop a legal access portal. Alaska plans to include information about legal and non-legal service providers to holistically address Alaskan's varied needs to access to justice.