

VIRGINIA ACCESS TO JUSTICE COMMISSION

Quarterly Report to the Supreme Court of Virginia

December 23, 2014

The Virginia Access to Justice Commission submits this report in accordance with the order entered by the Supreme Court of Virginia on September 13, 2013 establishing the Commission. That order requires quarterly reports on Commission progress during the first two years of the Commission's existence.

During this quarter, six members, whose initial terms were ending, received reappointment letters from the Chief Justice and all accepted reappointment to another term. Commission member Daniel E. Ortiz, recently elected to the Fairfax Circuit Court bench, plans to resign his seat on the Commission but may continue to serve on the Pro Bono Committee.

The fourth meeting of the Commission was held on December 5, 2014 at the Virginia Supreme Court building. A quorum of the Commission was present. At the December 5 meeting, a presentation was given by Mark O'Brien of Probono.net, a non-profit that partners with state courts, legal aid programs, and others across the country to promote access to justice through innovative uses of technology. Mr. O'Brien's overview of his projects sparked a discussion in which members expressed interest in expanding the use of technology to promote access to justice in Virginia. The Commission's four committees will discuss technology at their next meetings and designate a liaison to the Commission on technology issues. A Technology Committee and a strategic plan may be created in the future.

The Commission received reports from its committees. Three of the four committees met at least once during this past quarter, and new committee members were added. Each committee presented a report at the December 5 meeting.

The Public Relations/Communications/Education Committee requested, and the Commission approved, a change in its name to the "Outreach and Education Committee." This committee had not met during the fourth quarter but had made progress on its outreach campaigns to promote access to justice. The Virginia Bar Association (VBA) Executive Committee has been contacted. Volunteers are being enlisted through the VBA Young Lawyers Division. Discussions are underway with the Community Idea Stations of central Virginia to develop media public service announcements, while sponsorship of specialty license plate remains under consideration.

The Judicial Education Committee reported concerning a presentation on procedural fairness to general district court judges at the recent mandatory conference. The presentation was favorably received. The participation of Chief Justice Kinser and Justice Goodwyn underscored the importance of the message. Similar presentations are being planned for the May 2015 Judicial Conference of Virginia and for new and substitute judges. The committee's draft document "Practice Points for Civil Matters Involving Self- Represented Litigants in District Court" was included in conference materials for all district court judges. Plans are being made to adapt the practice points to circuit courts and for publication in district and circuit court benchbooks. The committee is monitoring efforts to increase data collection on legal representation in the Case Management System and is exploring ways to increase the use of mediation in the courts. Christine E. Marra, Esq. of the Virginia Poverty Law Center has joined this committee.

The Pro Bono Committee has endorsed in concept a proposal to amend the emeritus rule to facilitate pro bono service by retired members of the Virginia State Bar. Progress has been made on two initiatives to encourage pro bono participation: Bench-Bar pilot programs in the 10th, 25th, and 31st judicial circuits and introducing the Richmond "Firms in Service" model in Hampton Roads and Northern Virginia. Work continues to develop a recognition program for pro bono contributors. The committee would like to see the Rules of the Virginia Supreme Court amended to allow lawyers to provide limited scope representation, or "unbundled" legal services in civil matters. Members continue consideration of a proposal for mandatory reporting of pro bono activity.

The Committee on Access for Self-Represented Litigants has surveyed trial judges about the handling of pro se litigants who appear before them. A related survey has been developed for clerks. It is designed to gather information about clerks' experiences assisting pro se litigants, with a particular focus on court forms and informational resources. The Commission approved dissemination of the survey to clerks. The Commission also approved the committee's proposed "Resolution regarding Alternate Dispute Resolution," which recognizes the importance of mediation services in promoting access to justice in the courts. Deborah Wood Smith, Esq., Senior Analyst, National Center for State Courts, has joined this committee. Kim McKittrick, Clerk of the Montgomery County General District Court, has been invited to join this committee.

The next Commission meeting will be held on March 30, 2015, at the Virginia Supreme Court Building. Commission meetings are also scheduled for June 5, September 18, and December 10, 2015.