

Supreme Court of Florida

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Florida Supreme Court

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Access to Civil Justice Commission Becomes Permanent

TALLAHASSEE – Thousands of Floridians struggling to make ends meet, including many Floridians with moderate incomes, still face barriers when they seek meaningful access to civil justice. So the work to bring down those barriers must continue, Florida Chief Justice Jorge Labarga said Tuesday.

“We are dealing with complex issues and much remains to be done,” Labarga said as he signed an administrative order re-establishing the Florida Commission on Access to Civil Justice, which expired on June 30, as a standing committee. “By working collaboratively, we will be able to make meaningful progress toward closing the civil justice gap.”

The original Access Commission made just one recommendation in its final report to the Florida Supreme Court this summer: Establish a permanent commission. The Supreme Court agreed.

The new permanent Access Commission will “study the remaining unmet civil legal needs of disadvantaged, low income and moderate income Floridians,” Labarga’s administrative order reads. The order directs the commission to examine the issue from all perspectives and not be limited to the viewpoint of any one institution. It is to consider staffed legal aid programs, resources designed to help people representing themselves, legal advice specifically limited to a single issue in a case, pro bono services, technology solutions and “other models and potential innovations.”

In 2015, legal aid programs funded by The Florida Bar Foundation helped more than 80,000 people settle civil justice cases. In addition, Florida's lawyers provided more than 1.6 million pro bono hours from July 2015 through June 2016.

But far too many people still don't have the access to civil justice they deserve, Labarga said, pointing to research that indicates most people living in poverty face a civil justice issue every couple of years. More than 3 million Floridians live at or below the poverty line.

"The inability of so many poor and vulnerable Floridians to get legal help often threatens their health or safety, undermines their family structure or puts their housing or employment at risk," Labarga said, adding that barriers also block people with moderate incomes from meaningful access to civil justice.

"Courts exist to provide justice and that means justice for all," Labarga said. "When access to justice is limited for some, the foundation supporting our democracy, civil society and healthy economy is weakened."

Labarga will chair the permanent 23-member commission through mid-2018. Meanwhile former Florida Bar president Gregory Coleman, a West Palm Beach lawyer, will serve as chair of the commission's executive committee. Other members include judges and attorneys from around Florida, a federal judge, a trial court clerk, a law school dean, a legal aid director and the chief counsel for Walt Disney Co.

"The mission of helping the poorest of our citizens and our working middle class families obtain true access to our courts is critically important," Coleman said. "The permanent commission will continue to educate and engage Florida businesses to help us in this worthwhile cause and we look forward to building on the progress made by the temporary commission."

Over the last two decades, many states have established Access to Civil Justice Commissions. The Florida Bar and the Florida Bar Foundation were co-equal partners in Florida's original Access Commission. The Florida Bar will provide staff support for the permanent commission, working in cooperation with the Office of the State Courts Administrator.

More information can be found on the Commission's website at <http://www.flacesstojustice.org/>.

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Supreme Court of Florida

No. AOSC16-71

IN RE: FLORIDA COMMISSION ON ACCESS TO CIVIL JUSTICE

ADMINISTRATIVE ORDER

The purpose of the Florida Commission on Access to Civil Justice is to study the remaining unmet civil legal needs of disadvantaged, low income, and moderate income Floridians. The Commission encompasses the viewpoints of multiple constituencies and stakeholders and is not limited to those of any one particular institution. The Commission considers Florida's legal assistance delivery system as a whole, including but not limited to staffed legal aid programs, resources and support for self-represented litigants, limited scope representation, pro bono services, innovative technology solutions, and other models and potential innovations. In carrying out its purpose, the Commission shall perform its responsibilities consistent with Long-Range Issue 2 (Enhance Access to Justice and Court Services) of The Long-Range Strategic Plan for the Florida Judicial Branch 2016-2021.

The Commission was originally established for a term to expire on June 30, 2016, and tasked, among other things, with making recommendations on the need

for a permanent access to justice commission in Florida. In its June 30, 2016, report the Commission recommended that it be reappointed on a continuing basis, as a means to enhance its effectiveness in addressing the long-term and complex barriers that create difficulties for those Floridians seeking meaningful access to civil justice. The Supreme Court concurs with this recommendation and the Commission is hereby re-established as a standing committee.

The Honorable Jorge Labarga is appointed as Commission Chair through June 30, 2018.

The Governor's designee, the Senate President's designee, and the House Speaker's designee shall serve as Commission members during their tenures in those respective designations.

The remaining members' terms will be staggered to ensure continuity and experience on the Commission. The initial appointments shall be for one, two, or three years in order to implement a system of staggered terms; future appointments shall be for terms of three years. Accordingly, the following persons are appointed to serve on the Commission for the initial terms indicated.

Group One: Term Expires June 30, 2017:

Mr. R. Alexander Acosta
Dean, College of Law, Florida International University

The Honorable Timothy J. Corrigan
Judge, United States District Court, Middle District of Florida

Mr. Thomas S. Edwards, Jr.
Attorney, Jacksonville

The Honorable Robert Lee
County Court Judge, Broward County

Ms. Robin Hassler Thompson
Attorney, Tallahassee

Mr. William A. Van Nortwick
Attorney, Jacksonville

Group Two: Term Expires June 30, 2018:

Ms. Nikki Ann Clark
Attorney, Tallahassee

Mr. Jeffrey S. Craigmile
Chief Counsel, Walt Disney Company

Mr. James A. Kowalski, Jr.
Executive Director, Jacksonville Area Legal Aid

The Honorable Jorge Labarga
Chief Justice, Supreme Court of Florida

Ms. Kathleen Schin McLeroy
Attorney, Tampa

The Honorable Terence R. Perkins
Chief Judge, Seventh Judicial Circuit

The Honorable Olin W. Shinholser
Circuit Judge, Tenth Judicial Circuit

Group Three: Term Expires June 30, 2019:

The Honorable Pam Bondi
Attorney General

Mr. Gregory W. Coleman
Attorney, West Palm Beach

The Honorable Linda Doggett
Clerk of Court, Lee County

Mr. Gordon J. Glover
Attorney, Ocala

Mr. Dominic C. MacKenzie
The Florida Bar Foundation's Designee

The Honorable Bertila Soto
Chief Judge, Eleventh Judicial Circuit

Ms. Gwynne Young
The Florida Bar's Designee

I. EXECUTIVE COMMITTEE

The Executive Committee is hereby established and Mr. Gregory W. Coleman is appointed to serve as chair through June 30, 2018. The Executive Committee is composed of the chairs of Commission committees, the business partner liaison, and the chief justice. During the 2016-18 term, the Executive Committee shall perform the following tasks:

- a. Establish a Council of Business Partners to cultivate a collaborative relationship between the corporate community and the civil legal services community. Mr. Jeffrey S. Craigmile is designated to serve as the business partner liaison through June 30, 2018.

- b. Oversee the development of a long-range plan for the Commission. If it is determined to be necessary, the Executive Chair is authorized to establish a work group to assist with development of the plan.
- c. Examine proposals that have been identified, researched, and recommended by Commission committees. After reviewing a proposal, the Executive Committee may take one or more of the following actions:
 - i) refer the proposal and/or funding plan to the Council of Business Partners for critical review; ii) refer the proposal back to the committee for further study; iii) recommend that the Supreme Court refer the proposal to another court committee or bar committee for further study or development; iv) refer the proposal to the Resource Evaluations Committee for development of a funding plan; or v) reject the proposal in whole or in part.
- d. Review the evaluation of each Commission initiative.
- e. Identify and submit to the Supreme Court those Commission matters that require further guidance from the Court.

II. SERVICE OPTIONS COMMITTEE

The Service Options Committee is hereby established and Judge Olin Shinholser is appointed to serve as Chair through June 30, 2018. In developing its recommendations, the Service Options Committee should be guided by the current

best research and evidence of what is working in Florida and in other states, and must include an evaluation component for every proposed project. During the 2016-18 term, the Service Options Committee shall perform the following tasks:

- a. Evaluate the existing civil legal services delivery system to identify opportunities for enhancing coordination and employing business efficiencies.
- b. Examine and recommend proven components of a continuum of services that includes resources for self-represented litigants such as interactive forms; unbundled legal services; the involvement of court, law, and public libraries; and other options and alternatives.
- c. Collaborate with other entities, as appropriate, to review the Florida Rules of Court Procedure for the purpose of identifying barriers to access.

III. RESOURCE EVALUATION COMMITTEE

The Resource Evaluation Committee is hereby established and Ms. Kathleen Schin McLeroy is appointed to serve as Chair through June 30, 2018. During the 2016-18 term, the Resource Evaluation Committee shall perform the following tasks:

- a. Inventory existing federal, state, and private funding opportunities that might be used to help support components of a continuum of services that afford access to the Florida civil justice system.
- b. Research the effect of the unmet civil justice needs on Florida's businesses and economy.
- c. Upon referral by the Executive Committee, review or develop funding plans for projects endorsed or approved by the Commission. Any funding plans that involve legislative budget requests must be approved in advance by the Florida Supreme Court.

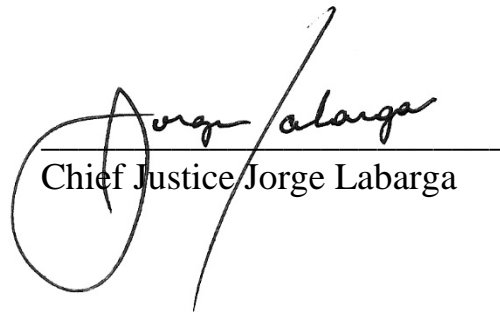
The Commission chair and the Executive chair shall serve as ex officio members of all committees. In the event of the Commission chair's absence, the Executive chair will preside over Commission meetings. The Commission chair is authorized to make adjustments to the above committees, if the chair determines such action is required to effectuate the Commission's charges.

The Commission shall submit reports on its progress on June 30 of even-numbered years, beginning on June 30, 2018. Copies of those biennial reports should be provided to the Chief Justice of the Supreme Court of Florida, the Governor of Florida, the President of the Florida Senate, and the Speaker of the Florida House of Representatives.

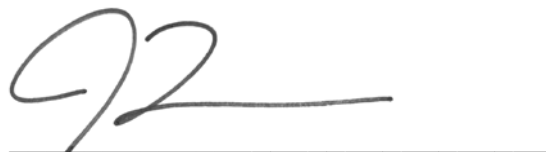
The Commission is directed to establish the necessary liaison relationships with other Supreme Court and Florida Bar committees, as appropriate.

The Florida Bar shall provide the necessary staff support to enable the Commission to carry out its duties, and shall work in cooperation with the Office of the State Courts Administrator. Members shall serve without compensation. The Commission must be cognizant of the limitations on the resources available to support its efforts as it develops a work plan that will accomplish the important tasks assigned in this administrative order. With regard to meetings, the Commission and committees should strive to utilize the most economical means appropriate to the type of work being accomplished.

DONE AND ORDERED at Tallahassee, Florida, on October 10, 2016.


Chief Justice Jorge Labarga

ATTEST:


John A. Tomasino, Clerk of Court

