

District of Columbia Court of Appeals

M-220-04

BEFORE: Wagner, Chief Judge; Terry, Schwelb, Farrell, Ruiz, Reid, Glickman, and Washington, Associate Judges.

ORDER ESTABLISHING DISTRICT OF COLUMBIA ACCESS TO JUSTICE COMMISSION

WHEREAS, the judicial system of the District of Columbia is founded upon the fundamental principle that justice is accessible to all persons, the advancement of which is of fundamental interest to the District of Columbia Bar, the District of Columbia Bar Foundation, and the members of the D.C. Consortium of Legal Service Providers;

WHEREAS, this Court recognizes the importance of responding to the unmet legal needs of low and moderate income people in the District of Columbia and others who suffer disparate access barriers, the increasing complexity of civil legal services delivery, the importance of civil equal justice to the proper functioning of our democracy, and the need for leadership and effective coordination of civil equal justice efforts in the District of Columbia;

WHEREAS, the Conference of Chief Justices has adopted Resolution 23 which concludes that “the Judicial Branch, in our constitutional structure, shoulders primary responsibility to preserve and protect equal justice and take action to ensure access to the justice system for those who face impediments they are unable to surmount on their own” and which calls on members of the Conference “to establish partnerships in their respective states with state and local bar organizations, legal service providers, and others” to address access to justice issues; and

WHEREAS, the District of Columbia Bar, the District of Columbia Bar Foundation, and the D.C. Consortium of Legal Service Providers have jointly requested that the Court establish an Access to Justice Commission for the purposes stated below:

Now, therefore, it is hereby

ORDERED:

That a Commission known as the “District of Columbia Access to Justice Commission” is hereby established and is charged with responsibility of assuring high quality access for low and moderate income residents and others in the District of Columbia, who suffer disparate access barriers to the civil justice system, and with raising the profile in our community of the need for equal access to justice.

The Access to Justice Commission shall consist of fifteen persons appointed by this Court as follows:

Four (4) judges nominated by the Joint Committee on Judicial Administration in the District of Columbia;

Two (2) persons nominated by the District of Columbia Bar;

Two (2) persons nominated by the District of Columbia Bar Foundation; and

Four (4) persons nominated by the Consortium of Legal Service Providers, at least one of whom shall be a leader of a community-based organization serving persons living in poverty or a client of a D.C. legal services provider.

The remaining three (3) members shall be selected on the basis of a demonstrated commitment to, and familiarity with, access to justice issues.

The Bar, Bar Foundation, and Consortium shall submit to the Court a list containing at least one more candidate than the number of allotted slots.

The Court shall designate one member as the chairperson of the Commission who shall serve a term of two (2) years and who shall be eligible for reappointment.

The Court, the Bar, the Bar Foundation, and the Consortium commit to work together to achieve the jointly shared goal of improving access to justice in our community. While the Commission will be independent and its members will be expected to conduct their deliberations exercising independent judgment and with the perspective of what will best achieve access to justice, each stakeholder will endeavor to facilitate the work of the Commission.

The Commission will consult extensively with members of communities that experience barriers to justice, including persons living in poverty, language minorities, persons with disabilities, and others, to obtain their views regarding the barriers to equal justice and proposed solutions.

Any recommendations by the Commission shall be made in the name of the Commission only, and not in the name of the individual members or the institutions they represent.

The Commission will be established for an initial term of three years. The Court will extend the term of the Commission if the Commission has demonstrated significant progress toward the goals of a significant increase in funding for access to justice, improved planning and coordination in legal service delivery, and reduction in the barriers to access to justice.

The Access to Justice Commission shall work to:

1. Establish a coordinated planning process that involves all members of the community who are affected by the crisis in equal access to justice in an effort to develop strategies to improve access and reduce barriers;

2. Facilitate efforts to create improved coordination and support of civil legal services programs;
3. Work with the courts, administrative agencies and lawmaking bodies to propose and promote rules and systemic changes that will open greater access to the justice system; and
4. Propose and promote strategies to generate adequate levels of public, private, and volunteer resources and funding for the District's civil justice network and the access to justice initiatives identified by the Commission.

The Commission may adopt internal operational procedures pertinent to these responsibilities and may appoint advisory committees to assist in its work.

It is anticipated that support services will be provided for the Commission's work through private sources, such as the Bar Foundation or other charitable organization.

The Commission shall file with the D.C. Court of Appeals an annual report outlining its work during the prior 12 month period.

ENTERED BY DIRECTOR OF THE COURT:

GARLAND PINKSTON, JR.
Clerk

DECEMBER 29, 2004