



DISTRICT OF COLUMBIA COURTS ADMINISTRATIVE ORDER

ORDER

(FILED – July 19, 2023)

Civil Legal Regulatory Reform Task Force of the District of Columbia Courts

WHEREAS, a strategic goal of the District of Columbia Courts' 2023-2027 Strategic Plan, Open to All, Trusted by All, Justice for All, is "Access to Justice for All," which seeks to reduce barriers to full participation in the judicial process and to enhance legal assistance for litigants without attorneys.

WHEREAS, the District of Columbia Courts have a long history of striving to achieve equal access to justice for all persons as demonstrated by the establishment in 1990 of the Courts' Task Forces on Racial and Ethnic Bias and Gender Bias, the establishment in 1996 of the Courts' Standing Committee on Fairness and Access, and the establishment of the D.C. Access to Justice Commission in 2005, as well as numerous innovations to increase access to justice such as the establishment of on-site Self-Help Centers, partnerships with legal services providers to offer court-based legal services, community outreach/listening sessions, conversion of court forms and documents to plain language, creation of informational videos, self-guided on-line interviews to complete court forms, a dedicated section on the Courts' website for self-represented litigants, establishment of a Court Navigators Program and remote sites in the community for persons without internet access, and opportunities to participate in many court proceedings without traveling to the courthouse via on-line access as part of the D.C. Courts' Reimagining the Courts initiative following the Covid-19 pandemic.

WHEREAS, in 2008 the D.C. Access to Justice Commission (Commission) released the report "Justice for All? An Examination of the Civil Legal Needs of the District of Columbia's Low-Income Community" which identified significant unmet needs for civil legal services among low-income District residents, and led to greater coordination, information-sharing and service innovations among local legal service providers; in 2009, the Commission and the D.C. Consortium of Legal Services Providers jointly released a report "Rationing Justice: the Effect of the Recession on Access to Justice in the District of Columbia" which documented the devastating effects of the 2008 recession on the provision of free or low-cost legal services in

the community; in 2016, the D.C. Consortium of Legal Services Providers released “The Community Listening Project” which found that many community members faced serious legal problems but did not seek assistance as they were not aware of the availability of free and low-cost legal services in the District; in 2018, the D.C. Bar established the Global Legal Practice Committee (now the Innovations in Legal Practice Committee) as a successor to the Global Legal Practice Task Force which formed a subcommittee that has studied regulatory innovations for delivering legal services for low- and moderate-income District residents; in 2019, the Commission released “Delivering Justice: Addressing Civil Legal Needs in the District of Columbia” which reported a persistent and growing “justice gap” in the District of Columbia represented by large numbers of people in poverty, disproportionately residing in majority-Black Wards in the District but also including persons with disabilities, persons with limited English proficiency, persons returning from incarceration, and the elderly among others, and found that these groups disproportionately face a variety of civil legal problems in areas such as housing, employment, immigration, family law, public benefits, consumer debt/protection, and education and are unable to afford an attorney to represent them in such matters; in 2020, Chief Judge Blackburne-Rigsby participated in the Conference of Chief Justices’ midyear meeting wherein members adopted Resolution 2 - Urging Consideration of Regulatory Innovations Regarding the Delivery of Legal Services; in 2021 a District of Columbia team, which included Chief Judge Blackburne-Rigsby and Chief Judge Josey-Herring, participated in the CCJ/COSCA Western Region Summit “Regulatory Reform and New Ways to Deliver Services”; and in 2022, Chief Judge Blackburne-Rigsby participated in the Conference of Chief Justices’ mid-year meeting which endorsed Standards for Regulatory Reform Assessment Metrics published by the National Center for State Courts.

WHEREAS, available data collected by the District of Columbia Courts indicates that there are a high proportion of unrepresented litigants in certain civil case types as well as high numbers of unrepresented parties who face opposing parties that are represented by an attorney. In the Court of Appeals, for example, there are pro se parties in approximately half of all civil cases. In Superior Court, approximately 88% of petitioners and 95% of respondents in domestic violence cases do not have an attorney; 83% of plaintiffs and 93% of respondents in divorce and custody cases are not represented by an attorney; 97% of respondents in paternity and support cases are unrepresented; 88% of designated respondents in landlord and tenant cases are unrepresented whereas 95% of plaintiffs are represented; 75% of plaintiffs in housing conditions cases are unrepresented; and 97% of the small estate cases involved unrepresented litigants.

WHEREAS, one of the solutions to the civil access to justice gap that is currently being explored and implemented in other states is the use of legal paraprofessionals to provide limited legal services to low- and moderate-income individuals who have civil legal needs and are not able to afford an attorney. Further, a subcommittee of the D.C. Bar's Innovations in Legal Practice Committee has prepared a draft report proposing the implementation of a legal paraprofessional program for select civil cases in the D.C. Court of Appeals and D.C. Superior Court, which it has shared with the Chief Judges of both courts. After consultation with the Chief Judges of both Courts and the Acting Executive Officer of the D.C. Courts, it is

ORDERED that a Civil Legal Regulatory Reform Task Force of the District of Columbia Courts is hereby established effective **Wednesday, July 19, 2023**, with the purpose of: 1) obtaining input from the Courts and other key stakeholders on the draft report of the Specially Licensed Legal Professional Working Group of the Innovations in Legal Practice Committee of the D.C. Bar; and 2) preparing a report (a) describing the process by which the Task Force obtained input from the Courts and other stakeholders; (b) summarizing the input received and addressing any issues raised by stakeholders; and (c) proposing any revisions to the initial recommendations contained in the draft report of the Specially Licensed Legal Professional Workgroup of the D.C. Bar's Innovations in Legal Practice Committee; and (d) proposing a prioritized implementation plan if the recommendations were to be adopted by the District of Columbia Courts. It is

FURTHER ORDERED that, in seeking stakeholder input, the Task Force shall conduct outreach to a broad array of stakeholders including but not limited to:

1. D.C. Court of Appeals and D.C. Superior Court Judicial Officers and Court Administrative Leadership
2. Private Bar
3. Legal Services Providers
4. Area Law Schools
5. Area Paralegal Organizations
6. The Committee on Unauthorized Practice of Law
7. The Committee on Admissions
8. The Board on Professional Responsibility
9. Office of Disciplinary Counsel

The report shall be submitted to the Chief Judges of the District of Columbia Courts, with a copy to the President of the D.C. Bar, on or before **July 19, 2024**. The report

will then be shared with the Boards of Judges of the D.C. Court of Appeals and the Superior Court of the District of Columbia for further input. In addition, it is essential that potential consumers of a legal paraprofessional program have an opportunity to provide their input on the Task Force Report. Accordingly, the Task Force Report shall be released for notice and public comment for a minimum of **60 days**. It is

FURTHER ORDERED that Roy W. McLeese, III, D.C. Court of Appeals Associate Judge and Alfred Irving Jr., Superior Court Associate Judge are hereby appointed Co-Chairs of the Civil Legal Regulatory Reform Task Force for a term of 1 year, effective **July 19, 2023**. It is

FURTHER ORDERED that the following individuals are appointed as Members of the Civil Legal Regulatory Reform Task Force, for a term of 1 year, effective **July 19, 2023**:

1. Laura A. Cordero, Associate Judge, D.C. Superior Court
2. Darlene M. Soltys, Associate Judge, D.C. Superior Court
3. Herbert Rouson Jr., Acting Deputy Executive Officer, D.C. Courts
4. Julio Castillo, Esq., Clerk of the Court, D.C. Court of Appeals
5. Rachel Ferguson, Esq., Special Counsel to Chief Judge, D.C. Court of Appeals
6. Willa Obel, Esq. Special Counsel to the Chief Judge, D.C. Superior Court
7. James Sandman, Vice Chair, D.C. Access to Justice Commission
8. Nancy Drane, Executive Director, D.C. Access to Justice Commission
9. Charles (Rick) Talisman Co-Chair, Innovations in Legal Practice Committee, D.C. Bar
10. Amy Neuhardt, Co-Chair, Innovations in Legal Practice Committee, D.C. Bar
11. Carla Freudenburg, Regulation Counsel, D.C. Bar
12. Kirra Jarratt, Chief Executive Officer, D.C. Bar Foundation
13. Sharon Goodie, Administrative Law Judge, D.C. Office of Administrative Hearings
14. Toni Marsh, President, American Association for Paralegal Education

BY THE D.C. COURTS:


Anna Blackburne-Rigsby
Chief Judge
D.C. Court of Appeals


Anita M. Josey-Herring
Chief Judge
D.C. Superior Court


Dr. Cheryl R. Bailey
Acting Executive Officer
D.C. Courts