

ANNUAL REPORT

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Introductory Letter

Justice Brian K. Zahra and Angela Tripp

Co-Chairs, Justice for All Commission



Justice Brian Zahra Michigan Supreme Court



Angela Tripp Director, Michigan Legal Help

To the People of Michigan:

Each year, more than 30 million Americans encounter a civil legal problem without the help of a lawyer¹. Ranging from child custody to debt collection to eviction, many of these cases are life-changing, and too many of our Michigan coworkers, friends, neighbors, and family members are left to navigate a complicated legal system without adequate resources or information. As described in our first annual report, this is why the Justice for All Commission (JFAC) is working so hard to achieve 100 percent access to a civil justice system that is easy to navigate, understand, and use.

The nation is recognizing that the massive civil justice gap is a crisis that must be addressed with a comprehensive approach to civil justice reform that includes innovative technology, common sense procedural improvements, and proven steps to provide more ways for people to solve legal problems with or without a lawyer. For example, a recent Fortune Magazine headlined proclaimed: "America needs civil justice reform. Unleashing technology is the first step."²

With respect to that important first step, the JFAC has made significant progress in 2021. For example, the JFAC supports the implementation of a statewide e-filing system (MiFILE) that is integrated with Michigan Legal Help's Do-It-Yourself tools. JFAC also supported adoption of the requirement for every court to submit case data to the Judicial Data Warehouse to facilitate transparency, standard treatment across courts, and the availability of complete and systemic data to improve equity and equal justice.

In 2021, JFAC committees and work groups developed plans for training to help courts build their capacity to serve self-represented litigants and are working to conduct usability testing of statewide triage and referral systems to identify areas for improvement. Work groups are diving deep into data analysis, process mapping, and national policy research to make recommendations on how to improve both the debt collection process and summary proceedings, as well as a wide range of other issues.

¹ <u>https://www.pewtrusts.org/en/projects/civil-legal-system-modernization</u>

² <u>https://fortune.com/2022/02/14/america-needs-civil-justice-reform-unleashing-technology-is-the-first-step-law/</u>

Looking ahead, 2022 promises to be a year of great progress for the JFAC, as projects move from a planning and data collection phase to recommendations and results. For example, we anticipate seeing court rule, practice, and policy recommendations for how to improve the ways in which debt collection and eviction cases are handled by the civil justice system. We expect to see enhanced structure, support, and data collection tools for self-help centers across the state to improve the services litigants receive there. In addition, we look forward to the results of an economic impact and return on investment study to demonstrate the effectiveness of civil legal aid and self-help centers. We are also studying whether we can expand access to legal services through non-traditional innovative models.

The importance of expanding access to our civil justice system cannot be emphasized enough. We believe that the success of this effort is central to strengthening the long-term health of Michigan's economy and the fabric of our society.

2021 Commissioners

Samantha Ashby Peter White Public Library

Hon. Margaret Zuzich Bakker *Circuit Court Judge*

Jennifer Bentley Michigan State Bar Foundation

Kevin Bowling Court Administrator

Thomas P. Boyd State Court Administrator

Rob Buchanan State Bar of Michigan

Rep. TC Clements Michigan House of Representatives

Nicole Huddleston Detroit Justice Center

Deborah Hughes Legal Assistance Center

Hon. Timothy Kelly *District Court Judge*

Loren Khogali Michigan Indigent Defense Commission

Bonsitu Kitaba-Gaviglio State Planning Body

Ashley Lowe Legal Services Association of Michigan

Hon. Allie Maldonado Tribal Court Judge Hon. Mabel Mayfield Probate Court Judge

Bianca McQueen Lakeshore Legal Aid

Alicia Moon Deputy Legal Counsel for Governor

Joshua Rivera Michigan Dept. of Health and Human Services

Brittany Schultz Ford Motor Company

Yusef Shakur Michigan Roundtable for Diversity and Inclusion

Carol Siemon Prosecuting Attorneys Association of Michigan

Clarence Stone Michigan State Housing Development Authority

Angela Tripp (Co-Chair) *Michigan Legal Help*

Hon. Cynthia Ward Association of Black Judges

Janet Welch State Bar of Michigan

Michelle Williams Michigan Department of Education

Hon. Brian K. Zahra (Co-Chair) Michigan Supreme Court

Lynda Zeller Michigan Health Care Endowment Fund

Executive Introduction

During 2021, the Justice for All Commission (JFAC) spent its first year laying the groundwork necessary to successfully advance the Commission's goal of ensuring 100 percent access to justice for the people in Michigan. With the <u>Strategic Plan and Inventory Report</u> published by the Justice for All Task Force as a guide, the Commission established committees and workgroups to begin work on the identified strategic pillars and tactics. Led by commissioners, civil justice stakeholders, and community partners, these committees and workgroups have engaged in exciting work that will continue to intensify in 2022.

In addition to the civil justice system stakeholders from Michigan, in its first year the JFAC received significant grant funding and in-person assistance from the Pew Charitable Trust and the National Center for State Courts, which lead to collaborations with staff from those organizations as well as national consultants January Advisors, Voices for Civil Justice, Stout, Rebecca Michelson, and Lindsay Wagner. These partnerships have resulted in additional expertise as well as a wider lens through which to view potential solutions to identified problems.

Justice for All Commission

Based on the key recommendation of the Justice for All Task Force, the Michigan Supreme Court created the Justice for All Commission on January 26, 2021 (<u>Administrative Order 2021-</u><u>1</u>). The purpose of the Commission is to expand access to and enhance quality of the civil legal justice system in Michigan. The leadership, direction, and administrative support for the Commission activities is provided collaboratively by the State Court Administrative Office, State Bar of Michigan, and the Michigan State Bar Foundation.

The JFAC has received funding to implement goals from the National Center for State Courts and The Pew Charitable Trusts. The Michigan State Bar Foundation is serving as the fiscal agent for these grants. In addition, the judiciary received state legislative funding for fiscal year 2022, which was used in part to hire staff within the State Court Administrative Office to support the work of the JFA Commission, and in part to advance form simplification efforts.

Committees and Work Groups

Based on the Strategic Plan developed by the Justice for All Task Force, the Executive Team identified strategic priorities for the Justice for All Commission. Based on these priorities, the Executive Team created several committees and work groups to accomplish these goals. The committees and work groups meet independently and submit reports on their progress in advance of each Commission meeting. This report provides a summary of their progress in 2021 and highlights plans for 2022.



Activities of the Standing Committees and Work Groups

- Delivery of Services Committee
 - o Self-Help Centers Work Group
 - Process Improvement Work Group Debt Collection
 - Process Improvement Work Group Summary Proceedings
 - Triage and Referral Work Group
- <u>Resource Committee</u>
- <u>Technology and Data Sharing Committee</u>
- Training and Outreach Committee
- <u>Reimagining Courthouses Work Group</u>

Delivery of Services Committee Chair: Angela Tripp

The objective of this Committee is to facilitate collaboration and information sharing of the Chairs of the following Work Groups whose work is interrelated:

- Process Improvement Summary Proceedings Work Group;
- Process Improvement Debt Collection Work Group;
- Triage and Referral Work Group;
- Self-Help Centers Work Group.

2021 Goals and Objectives. The Committee meets regularly to discuss topics that crossover or are of interest to all the work groups, overlapping policy questions, how to collaborate with external and internal groups with shared goals, interviewing end-users, surveying community partners; and working with consultants to achieve JFAC goals.

2022 Goals and Objectives. The goals will remain similar to those established for 2021 but evolve as the work of each work group continues and the needs of the Committee change.

<u>Self-Help Centers Work Group</u> Co-Chairs: Deborah J. Hughes and Nora E. Mahlberg

The work group is focused on improving self-help center (SHC)³ resources throughout Michigan and includes:

³ The <u>Michigan Legal Help Program</u> (MLH) supports the operation of <u>26 self-help centers</u> statewide where the public can access computers and the Internet in order to take advantage of the wide range of MLH resources and DIY tools

- developing SHC standards;
- developing systems for SHC data collection and data sharing;
- identifying and sharing operational and service-enhancing technology solutions for SHCs;
- strengthening SHC partnerships with justice partners throughout the state; and
- developing a framework for SHC and partner-based clinics.

2021 Goals and Objectives. In its initial year, the work group developed, distributed, and analyzed a survey of existing SHCs to identify core components of an effective, efficient, and sustainable self-help center. The work group collaborated with the Resource Committee to conduct an economic impact study and identify resources to facilitate the expansion of SHCs and develop a pilot remote navigator project.

2022 Goals and Objectives. The JFAC is seeking funding to staff a statewide coordinator position within Michigan Legal Help (MLH) to facilitate the opening of more SHCs throughout the state and, with the work group, to strengthen the statewide SHC alliance, and research, develop, and implement statewide standards for services, including determining costs and data collection needs. In addition, the work group is planning to launch a pilot project within MLH to support virtual self-help center navigator services. Progress on these projects will depend in part on the timeline for the funding, hiring, and onboarding of staff support. The SHC Work Group will move forward with guidelines, data, and alliance frameworks in anticipation of future staff support.

Process Improvement Work Group: Debt Collection Co-Chairs: Hon. Tim Kelly and Katie Hennessey

The work group was established with the goal of increasing access to justice in debt collection proceedings by streamlining and creating uniform statewide process for debt collection cases that are understandable and accessible to self-represented litigants through recommended court rule and legislative changes.

2021 Goals and Objectives. In its initial year of work, the work group partnered with subject matter experts at The Pew Charitable Trust and January Advisors to conduct data analysis and court observations to better understand debt collection proceedings in Michigan, as well as research laws and processes across jurisdictions to gain a better understanding of national best practices. The work group also partnered with the Center for Plain Language at Cooley Law School to develop a plain language version of the SCAO summons form. In addition, work group members are in the process of developing several policy proposals to improve debt collection proceedings including:

• improving and modernizing service of process rules;

- requiring debt collectors to include additional information in the complaint that aligns with the new U. S. Consumer Financial Protection Bureau regulation to help defendants be better able to identify the underlying debt;
- creating an advice of rights to be included with the complaint to allow defendants to understand what it means to be sued, the potential consequences of a judgment, and how they can get help; and
- creating a user-friendly form response.

The work group also developed a process to obtain stakeholder feedback on policy proposals, which will occur prior to any policy recommendations being presented to the JFAC.

2022 Goals and Objectives. The work group expects to complete its first round of policy recommendations for the projects listed above; publish a report on debt collection data in Michigan; identify how, if at all, the data supports the policy recommendations; engage in stakeholder outreach for further feedback on the policy recommendations; and submit its first round of policy proposals to the JFAC.

Process Improvement Work Group: Summary Proceedings Co-Chairs: Hon. Cynthia M. Ward and Karen Tjapkes

The work group was established to apply process improvement and mapping strategies to summary proceedings. The initial efforts of this work group are focused on creating process maps and engaging in data analysis to thoroughly understand current processes in place for resolving summary proceedings cases, and what changes might result in increased access to justice in summary proceedings. The work group will document its approach and work to improve summary proceedings so the process can be applied to other legal problems such as divorce, debt collection, etc.

2021 Goals and Objectives. With the assistance of consultants Lindsey Wagner and Rebecca Michelson, the work group engaged in a thorough process mapping effort to understand current challenges and shortcomings of the summary proceedings process in Michigan. This process included identifying issues and challenges with the statutory framework, court procedures, court forms, availability of legal and financial resources, and barriers litigants face accessing both virtual and in-person court proceedings. To assist in its work, the work group created six user profiles as examples of how litigants – both represented and unrepresented – navigate through the system in various contexts, including issues related to public housing, domestic violence, mobile home parks, and people with disabilities. With the assistance of the Pew Charitable Trust and data consultants January Advisors, the work group has started identifying questions related to summary proceedings data to help inform future policy proposals.

2022 Goals and Objectives. The work group will focus on what it has learned from process mappings, data analysis, tenant interviews, and court observations on summary proceedings to serve as a basis for policy proposals, which will be presented to the JFAC for consideration.

<u>Triage and Referral Work Group</u> Co-Chairs: Ashley Lowe and Anne Vrooman

The work group was established to define triage and referral, map existing triage and referral systems, and to identify ways in which to improve existing triage and referral systems through usability testing. In addition, the work group was tasked with developing a common framework for ongoing assessment and data sharing for triage and referral systems.

2021 Goals and Objectives. In its initial year of work, the work group identified and interviewed potential consultants to help assess and evaluate the effectiveness of Michigan's current intake and referral systems. A grant from the National Center for State Courts will support this work. A consultant, Stout (in collaboration with Just-Tech, LLC), was selected to complete this project in 2022.

2022 Goals and Objectives. The work group, with the assistance of consultants, will evaluate the effectiveness of Michigan's current intake and referral platforms that are used by low- and moderate-income residents when they perceive a legal need or issue. Through interviews, usability testing, and data analysis, they will work to better understand the usability of these platforms and systems and evaluate whether the referrals provided to end-users were effective. The work group will make actionable recommendations for modifications to triage and referral systems, as well as strategize for future analysis of these platforms and systems.

<u>Regulatory and Practice Reform Committee: Filling Gaps in the Legal</u> <u>Marketplace</u> Co-Chairs: Justice Brian Zahra and Janet Welch

The committee was established to determine whether current regulations impede access to justice and whether there are changes to rules or regulations that appear likely to advance the goals of the Commission.

2021 Goals and Objectives. The committee's goal for its initial year was to determine baseline informational needs, and organize subcommittees to advance the committee's purpose.

2022 Goals and Objectives. The committee will formulate and advance its recommendations on nonlawyer regulation, modernized attorney regulation, and nontraditional legal service business models.

<u>Resource Committee</u> Co-Chairs: Jennifer Bentley and Peter Cunningham

The Resource Committee was established to seek funding from the state legislature and other sources for access to justice improvements, including increased funding for legal aid representation of lower-income individuals and increased funding for Self-Help Centers (SHCs).

2021 Goals and Objectives. In this initial year of work, the committee focused on:

- Legislative funding. The committee developed advocacy plans to support FY 22 and FY 23 funding requests for the JFAC, including contracting with a consultant to conduct an economic impact and return on investment study to demonstrate the effectiveness of civil legal aid and SHCs. The state legislature and governor approved the judiciary's request for funding in FY 22 to support the goals of the commission.
- Self-Help Center funding. The committee collaborated with the SHC Work Group to develop a plan to provide the infrastructure and support necessary to develop and expand self-help centers throughout the state.
- **Communications.** The committee created a Communications sub-committee to develop a strategic communications plan in collaboration with stakeholders <u>Voices for</u> <u>Civil Justice</u>.

2022 Goals and Objectives. The goals and objectives of the committee are ongoing and expected to remain similar in 2022.

<u>Technology and Data Sharing Committee</u> Co-Chairs: Justice Elizabeth Welch and State Court Administrator Tom Boyd

The committee was established to identify ways in which data can be used and shared to better understand the existing civil justice system and identify opportunities to increase access to justice. The committee is also responsible for providing expertise and guidance on technology and data-related aspects of projects undertaken by the Commission and its partners.

2021 Goals and Objectives. In this initial year of work, the committee focused on:

- Understanding technology and data needs: The committee coordinated and communicated with internal and external partners and stakeholders to determine the greater technology and data needs of the JFAC.
- **Court access to data and technology:** The committee supported efforts to help ensure that courts have access to data, can report data, and are uniformly using technology. The committee also drafted a comment in support of the Administrative Order requiring

courts to contribute data to the Judicial Data Warehouse, a first crucial step to reliable data-gathering efforts that provide accountability and transparency. The committee has also been supportive of efforts related to implementation of the statewide e-filing system and integration with self-help platforms, pursuit of a unified case management model given current state of fragmentation and difficulty to implement changes as a result, and data convening efforts to assess existing data and gaps for the justice system as a whole.

2022 Goals and Objectives. The committee will continue to focus on its current goals and objectives by:

- Identifying model local courts. The committee will identify and recruit model local courts to enhance stakeholders' understanding of their role in increasing access to justice through analyzing data and performance measure results.
- **Data development.** The committee will focus on various data quality and development projects, which will include the following:
 - collaboration with the SCAO Trial Court Performance Measures Committee to identify the most meaningful measures for enhancing data quality.
 - coordination with MiFILE for the development of integration between MLH's DIY Tools and the statewide MiFILE e-filing system.
 - developing data standards for submission to the Judicial Data Warehouse with an emphasis to be placed on fidelity to a single data dictionary.
 - establishing a subcommittee to obtain a more thorough understanding of what data justice system stakeholders have and need to further the goal of increased data sharing.

Training and Outreach Committee Co-Chairs: Shoshana Hurand and Elinor Jordan

The committee was established to identify educational opportunities for stakeholders to better understand issues impacting access to justice, as well as identify and improve resources available to the public to better enable the public to access the courts.

2021 Goals and Objectives. To further these goals, the committee focused on:

- **Evaluation tool.** The committee developed a draft evaluation tool to allow the committee members to review existing training options based on consistent criteria.
- Learning objectives. The committee drafted a document setting forth key learning objectives to ensure a baseline of content for each training priority. By establishing

baseline criteria, the committee will be better able to make meaningful recommendations for allocation of resources to accomplish the training objectives.

To begin outreach for increased access to justice, the committee set the following objectives:

- Access points to legal resources. Identify and map access points for the public to connect with the <u>Guide to Legal Help</u> and other resources to assist community members in accessing online resources and virtual court proceedings.
- **Promoting legal resources to the public.** Explore how to help the public learn about and access the Guide to Legal Help,⁴ Alternative Dispute Resolution, and the MI Resolve online dispute resolution system. Explore how resources made available through the American Rescue Plan Act may help support community organizations to provide access to virtual courts, ADR, and the Guide to Legal Help.

2022 Goals and Objectives. In 2022, the Committee's work will move more fully into implementation, including:

- Core competencies. The committee will develop recommended core competencies for court stakeholders at various stages of their professional development that are related to the topics highlighted by the Justice for All Taskforce. The committee will also begin the process of identifying existing training opportunities to meet those objectives. Working closely with Michigan Judicial Institute and other leaders, the committee hopes to expand opportunities for court staff to access training.
- **Outreach.** The committee will reach out to organizations in communities to promote and provide resources and will study structured outreach efforts in other jurisdictions that have identified and trained individuals who are information hubs in their communities (*e.g.*, religious leaders, school staff, public librarians, etc.).
- Access points. The committee will continue to assess deficits in training and access, as well as identify organizations that can serve as successful models for innovative problem solving that could be broadly implemented by different courts and communities.

Reimagining Courthouses Work Group Co-Chairs: Hon. Mabel Mayfield and Kevin Bowling

The work group was established with the goal of reimagining courthouses – both physical and virtual – to be welcoming safe places where people can easily find where they need to go and get the services they need. In addition, the work group was tasked with revising procedures to

⁴ The Guide to Legal Help is a tool featured on the MLH website to help the public find the best available legal information and lawyer referrals for their problem.

promote the ability of attorneys to provide legal assistance wherever it is needed throughout the state.

2021 Goals and Objectives. In this initial year of work, the work group focused on identifying ways to enhance both in-person and virtual court experiences, including identifying the existing state of access to court records, strategizing ways to identify existing programs that enable people to better access courts, and exploring new technology that may be implemented to improve access to the legal system. For example, individual work group members conducted research on improving courthouse signage and customer service, how to make certain court environments "family friendly", development of concierge services, emerging technology trends for courts, the advent of "remote" courts, and related progress made by other state ATJ commissions.

2022 Goals and Objectives. While the Reimagining Courthouses work group has made progress, particularly in identifying methods to enhance the court user experience, more time is needed with the current goals and objectives. The work group will continue to focus on already established goals and objectives in 2022 with the intention of providing recommendations and written work product reflecting research and sharing information from jurisdictions that have implemented various tactics to improve court experiences. To actively pursue these goals and objectives, the work group conducted a survey of Michigan Court Administrators and Probate Registers to share information about the work of the JFAC and to determine what efforts, if any, have already been implemented to improve access to civil justice. In addition, survey participants were asked to identify barriers to providing 100% civil access. Analysis of the survey results is underway, and the data will help inform the four work group teams currently developing recommendations on the court user experience, use of technology to enhance access to justice, access to court records, and language access/interpreter needs.

Conclusion

The work of the Justice for All Commission is critical to ensuring that everyone can access and trust Michigan's civil justice system. The work of the Commission demands a considerable investment of time and effort from the commissioners and members of the various committees and work groups. The JFAC thanks all of the listed individuals who have demonstrated their commitment to advancing our shared goal of ensuring 100 percent access to justice.

Executive Team Members

Jennifer Bentley

Tom Boyd

Katie Hennessey

Angela Tripp Janet Welch Justice Brian K. Zahra

Delivery of Services Committee Members

Jennifer Bentley	Alicia Moon
Katie Hennessey	Karen Tjapkes
Deborah Hughes	Angela Tripp (Chair)
Hon. Timothy Kelly	Anne Vrooman
Ashley Lowe	Hon. Cynthia Ward
Nora Mahlberg	

Self-Help Centers Work Group Members

Samantha Ashby	John Nizol
Caitlin Hoag	Lynn Reeves
Deborah Hughes (Co-Chair)	Hon. Michelle Rick
Sheri Lankheet	Hon. Matthew Stewart
Ashley Lowe	Hon. Margaret Zuzich Bakker
Nora Mahlberg (Co-Chair)	

Process Improvement Work Group Members – Debt Collection

Hon. Nance Adams	Hon. Peter Jaklevic
Matthew Andres	Hon. Timothy Kelly (Co-Chair)
Lester Bird	Natasha Khwaja
Chris Blythe	Kathleen Klaus
Lorray Brown	Aaron Levin
Hon. Michael Carpenter	Susan McBride
Lori Frank	David McClendon
Elisa Gomez	Mike Nelson
Katie Hennessey (Co-Chair)	Robert Phillips
Nicole Huddleston	Jeff Reichman
Tera Jackson-Davis	Scott Teter

Process Improvement Work Group Members – Summary Proceedings

Lester Bird	Kelly Rose
James Gibbs	Jim Schaafsma
Mary Kavanaugh-Gahn	Clarence Stone
Natasha Khwaja	Todd Stuart
Jarrett Levine	Karen Tjapkes (Co-Chair)
Kellie Maki Foster	Angela Tripp
Sara Orris	Hon. Cynthia Ward (Co-Chair)
Liza Rios	Michelle Williams
Joshua Rivera	Lynda Zeller

Triage and Referral Work Group Members

Amy Billmire	Bianca McQueen
Tina Burroughs	LeeAnn Mulligan
Socorro Godoy	Amanda Puffhausen
Mia Harnos	Nicole Smithson
Jennifer Hartke	Kristen Staley
Loren Khogali	Sandra Vanderhyde
Ashley Lowe (Co-Chair)	Anne Vrooman (Co-Chair)

Regulatory and Practice Reform Committee Members: Filling Gaps in the Legal Marketplace

Mark Armitage	Bonsitu Kitaba-Gaviglio
Amy Billmire	Ken Mogill
Rob Buchanan	Dan Quick
Dean Dan Rodriguez	John Reed
Bill Dunn	Brittany Schultz
Cami Fraser	Janet Welch (Co-Chair)
Rick Hoeg	Justice Brian Zahra (Co-Chair)
Deborah Hughes	

Resource Committee Members

Jennifer Bentley (Co-Chair)	John Nevin
Kevin Bowling	Cami Pendell
Peter Cunningham (Co-Chair)	Marjory Raymer
Pam Hoekwater	Ann Routt
LaDierdre McKinney	Justice Elizabeth Welch

Technology and Data Sharing Committee Members

Lester Bird	Jonah Siegel
Kevin Bowling	Katie Strickfaden
Tom Boyd (Co-Chair)	Angela Tripp
Rep. T.C. Clements	Hon. Ray Voet
Laura Hutzel	Justice Elizabeth Welch (Co-Chair)
Natasha Khwaja	Janet Welch
Joshua Rivera	Lynda Zeller
Yusef Shakur	

Training and Outreach Committee Members

Ramzi Badwi	Jill Nylander
Martha Gonzalez-Cortez	Nick Schroeck
Kara Hart-Negrich	Rebecca Shiemke
Shoshana Hurand (Co-Chair)	Carol Siemon
Elly Jordan (Co-Chair)	Peter Stathakis
Hon. Allie Maldonado	Hon. Cynthia Ward
Dawn McCarty	Michelle Williams
Bianca McQueen	

Reimagining Courthouses Work Group Members

Kevin Bowling (Co-Chair)	Bonsitu Kitaba-Gaviglio
Rob Buchanan	Dennis Mac Donell
Kristi Cox	Hon. Mabel Mayfield (Co-Chair)
Kim Cramer	Paul Paruk
Nicole Huddleston	Hon. TJ Phillips (ret)
Elizabeth Hundley	Brittany Schultz