

# JUSTICE FOR ALL NEWSLETTER

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## OUR MISSION:

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The Michigan Justice for All (JFA) Commission is committed to providing **100% access to our civil justice system**. The Commission will work from the JFA Task Force Strategic Plan that includes input from stakeholders and an inventory of various aspects of the civil justice landscape as it works to implement a comprehensive approach to fill justice gaps.

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Judge Tim Kelly and Katie Hennessey, co-chairs, share a summary of their progress – page 3

# Justice for All Commission Releases 2021 Annual Report

*Commission builds foundation for comprehensive steps to expand civil justice access in Michigan*

The Michigan Supreme Court released the Justice for All Commission (JFAC) [2021 Annual Report](#), which spotlights their efforts to expand access to civil justice in Michigan. The JFAC's goal is to ultimately help 100 percent of state residents access the resources needed to solve civil legal problems (landlord-tenant issues, parenting time or custody disputes, access to benefits, e.g.) through a comprehensive approach. This includes innovative technology, common sense procedural improvements, and creative steps to provide more ways for people to solve legal problems with or without a lawyer.

"Each year, more than 30 million Americans encounter a civil legal problem without the help of a lawyer. This is why the Justice for All Commission is working so hard to achieve 100 percent access to a civil justice system that is easy to navigate, understand, and use," said JFAC Chair Justice Brian K. Zahra. "This report shows the significant progress we have made in 2021 toward this goal and highlights the milestones we expect to reach this year toward justice for all."

JFAC Vice Chair Angela Tripp, director of [Michigan Legal Help](#), added, "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."

In addition, regarding technology, the report highlights how the JFAC 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 statewide data to improve equity and equal justice. The JFAC technology and data sharing committee then contributed suggestions in response to a request for input on what data the Judicial Data Warehouse should collect. Also 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.

The support from The Pew Charitable Trusts and the National Center for State Courts led to collaborations with civil justice experts nationwide. These partnerships have resulted in additional expertise as well as a wider lens through which to view potential solutions to identified problems.

[Click to view the complete 2021 Annual Report](#)

## JUSTICE FOR ALL COMMISSIONERS

Justice Brian K. Zahra (Co-Chair)

Angela Tripp (Co-Chair)

Hon. Margaret Zuzich Bakker

Jennifer Bentley

Kevin Bowling

Thomas P. Boyd

Rep. TC Clements

Peter Cunningham

Nicole Huddleston

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Ashley Lowe

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Bianca McQueen

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Amy Salminen

Brittany Schultz

Yusef Shakur

Carol Siemon

Kristen Staley

Clarence Stone

Hon. Cynthia Ward

Carmen Wargel

Dana Warnez

Michelle Williams

Lynda Zeller



## WORK GROUP SPOTLIGHT #1: PROCESS IMPROVEMENT WORK GROUP: SUMMARY PROCEEDINGS

Co-chairs Judge Cynthia M. Ward of the 54-A District Court and Karen Tjapkes, Director of Litigation with Legal Aid of Western Michigan, have guided members of the Process Improvement Work Group: Summary Proceedings through an effort to understand current challenges and shortcomings of the summary proceedings process in Michigan. A summary proceeding is the process in which a landlord must go through to remove a tenant from a rental property. With membership comprising diverse stakeholders with a wide range of experiences, the work group has striven to examine every aspect of summary proceedings. This undertaking was made possible by dividing and assigning the work through subcommittees and with the help and expertise of The Pew Charitable Trusts, design consultants, and data experts from January Advisors.

The subcommittees met regularly over the course of a year, tackling specific areas in summary proceedings such as court rules/court practice, availability of legal and financial resources, court forms, barriers, and the statutory framework. The work group is committed to including all voices in its work and the various member-stakeholders help facilitate a well-rounded perspective.

The Work Group took all the information generated by the subcommittees, and using a data design consultant, undertook the gargantuan task of mapping the process of Summary Proceedings in Michigan. This process has helped the group visualize and understand the process on a systems level. Work Group members have also received data regarding summary proceedings cases, such as number of filings, number of defaults, and comparisons across time and courts.

Recently, honoring the “nothing about us without us” approach, the subcommittee examining barriers to the process conducted actual tenant interviews by joining selected district judges’ virtual courtrooms and waiting until the conclusion of individual hearings before moving into breakout rooms for the interviews. While the work group started its work with hypothetical tenant personas, it became increasingly important to include actual tenant voices in any discussion about policy changes. The co-chairs are grateful to the Honorable Laura Schaedler (2A DC), Honorable Michael Carpenter (75th DC), Honorable Donald Allen (55th DC), and Honorable Richard Hillman (55<sup>th</sup> DC) for welcoming volunteers to their virtual courtrooms to conduct tenant interviews. Thank you also to the tenants who were willing to share their experiences.

In the next several months, the Work Group will use the process mapping, data, and tenant interview information to develop recommendations regarding ways the summary proceedings process can be changed to better ensure access for all.



(Subcommittee members discussing process mapping with design consultants. Photo courtesy of Judge Cynthia Ward.)



## WORK GROUP SPOTLIGHT #2:

### PROCESS IMPROVEMENT WORK GROUP: DEBT COLLECTION

#### LINKS OF INTEREST

##### **National Center for State Courts – Justice for All**

<https://www.ncsc.org/jfa>

##### **Self-Represented Litigants Network – Justice for All Project**

[www.srln.org/justiceforallproject](http://www.srln.org/justiceforallproject)

##### **American Bar Association – Access to Justice**

[www.americanbar.org/justiceforall](http://www.americanbar.org/justiceforall)

The Debt Collection Work Group is tasked with increasing access to justice in debt collection proceedings. This is being accomplished by streamlining and creating uniform statewide processes for debt collection cases that are understandable and accessible to self-represented litigants.

Recommendations from the group will be provided through court rule and legislative changes.

Working with The Pew Charitable Trusts and January Advisors, the Work Group has been analyzing court data to better understand the debt collection landscape in Michigan. This process has been comprised of identifying problems and reviewing policy reforms in other jurisdictions to pinpoint potential solutions. The Work Group has also focused on reforming service of process to ensure that defendants have meaningful notice that a lawsuit has been filed against them. Some areas that are being explored include utilizing GPS technology, creating a plain language summons, and advice of rights for defendants that would include information on how to obtain legal assistance.

The Work Group has also concentrated on increasing the documentation required for plaintiffs to obtain default judgments in consumer debt collection lawsuits. Some of this documentation would include the signed agreement for the debt; statements showing actual use by the defendant; charge-off statements itemizing principle, interest, and fees. Regarding debt buyers, they would need to identify chain of title and name of the original creditor and, for store-sponsored credit cards, the sponsoring store.

Another area the Work Group is working on includes development of content for a plain language complaint form and answer form; the answer would contain common defenses including violations of the Fair Debt Collections Practices Act. The Work Group is engaged in creating pilot projects focused on alternative dispute resolution for medical and landlord-tenant debt. Finally, the Work Group is developing affordability guidance so that consumers can understand how much they can afford prior to entering into a settlement agreement with the creditor.

**January**Advisors



## SCAO STAFF UPDATES

The State Court Administrative Office (SCAO) acknowledged early in the Justice for All Commission's inception there would be a need for staff specifically assigned to the Commission, as well as other councils and commissions both formed by the judicial and executive branch. As such, SCAO recently formed the Councils and Commissions team within the Field Services Division. The Councils and Commissions team is staffed by Noah A. Bradow, Emilie Tarsin, Troy Evans, and Samantha M. Bigelow who is specifically focused on supporting the Justice for All Commission. The team also currently supports the Michigan Judicial Council; Michigan Jail Reform Advisory Council; and the Commission on Diversity, Equity, and Inclusion in the Michigan Judiciary.

**Noah Bradow** has served with the State Court Administrative Office (SCAO) since March 2013. He first joined SCAO in the Child Welfare Services Division and moved to the Field Services Division in August 2015. Noah managed the Court Analyst Team until transitioning to the role of Councils and Commissions Manager in January 2022. Before joining SCAO, Noah was in private law practice. He holds a J.D. from Thomas M. Cooley Law School, as well as a B.A. in Political Science from Michigan State University.

**Samantha Bigelow** joined the State Court Administrative Office in March 2022. She comes to the State with extensive knowledge of the civil justice system, as she was previously a Chief Clerk at the 55<sup>th</sup> District Court specifically assigned to the civil department. During her time at the trial court level, Samantha played an intricate role in many of the issues the Commission plans on addressing. Samantha's professional experience, coupled with her education, will make her an asset to the Commission's continued work in 100% access to the civil justice system. She holds a Master of Public Administration from Western Michigan University, as well as a B.S. in Psychology and B.A. in Criminal Justice from Adrian College.

## For More Information

Email: [JFAC@courts.mi.gov](mailto:JFAC@courts.mi.gov)

Website: <https://www.courts.michigan.gov/administration/special-initiatives/justice-for-all-commission/>

