

## Justice Index 2021 Findings in Discrete Categories May 18, 2021

I. **Attorney Access**: Justice Index 2021 tracks 26 policies for increasing access to a lawyer. Lawyers are expensive. The Justice Index leads with a unique “Count” of free civil legal aid organizations and civil legal aid attorneys. It also tracks civil right to counsel laws and best policies for promoting private sector pro bono legal aid. The findings include:

- There are 10,479 civil legal aid attorneys in the entire nation.
- There are only 1.12 civil legal aid lawyers per 10,000 low-income people.
- Just six states have more than 2 civil legal aid attorneys per 10,000 low-income people.
- 25 states have fewer than one civil legal aid attorney per 10,000 low-income people.
- The national average is approximately 40 attorneys per 10,000 people in the general population.
- New York ranks highest, with 4.39 civil legal aid attorneys per 10,000 low-income people. South Carolina ranks last, with only .44 civil legal aid attorneys per 10,000 low-income people.
- Washington State leads a nationwide movement with its statewide civil right to counsel for tenants – a new policy – as millions of people face eviction in cities across the country.
- Cities in at least eight states have adopted civil right to counsel laws for tenants: California (San Francisco), Kentucky (Louisville), Maryland (Baltimore), New Jersey (Newark), New York (New York City), Ohio (Cleveland), Pennsylvania (Philadelphia) and South Carolina (Charleston). None of these laws existed when the Justice Index was last updated in 2016.
- Policies adopted by greatest number of states include: recognizing a right to counsel for accused parents in abuse/neglect cases (44 states); waiving attorney license requirements for retired attorneys to provide pro bono services (44 states)
- Policies adopted by fewest number of states include: recognizing a statewide right to counsel for low-income tenants in eviction cases (1 state), recognizing a right to counsel for both sides in cases where someone seeks a domestic violence restraining order (1 state).

II. **Self-Representation**: Justice Index 2021 tracks 56 policies for increasing access to justice for people who do not have representation by attorneys. Our legal system was created for lawyers, not people. The findings include:

- California ranks highest, with a score of 91.36, followed by Massachusetts, Maryland, Illinois and Hawaii (note: DC is fourth, if included). Rhode Island ranks lowest, with a score of 5.12, preceded by South Dakota, Maine, New Hampshire and Texas.
- Policies adopted by greatest number of states include: maintaining a single web page with all forms for a domestic violence order of protection (47 states); maintaining a court website with plain language, consistent logos, and way-finding tools (46 states); maintaining a court website that is fully accessible on mobile devices (46 states); maintaining a single web page with all forms for an uncontested divorce (45 states); requiring all courts in the state to accept common forms (42 states).

- Policies adopted by fewest states include: publishing on court website statewide “navigator programs” that rely on non-lawyers who are not court staff to provide person-to-person assistance to people in court without lawyers (4 states); maintaining a computer-based document assembly self-help programs to assist litigants in defense of mortgage and tax foreclosure actions (2 states).

**III. Language Access:** Justice Index 2021 tracks 35 policies for increasing access to justice for people with limited English proficiency. Across the country, it is a challenge for people who don’t speak English to enforce their rights. The findings include:

- New Mexico ranks highest, with a score of 89.31, followed by Connecticut, Maryland, Minnesota, Wisconsin. Rhode Island ranks lowest, with a score of 5.12, preceded by South Dakota, Maine, New Hampshire and Texas.
- Policies adopted by more states include: requiring judges and court staff to offer language services when unable to understand person (42 states); certifying interpreters (42 states); requiring certified interpreters where available (37 states); providing a process to complain about denial of language services (36 states); maintaining a language services office (34 states).
- Policies adopted by fewer states include: including “in all notices” an “explanation in the most commonly spoken languages of how to file a complaint regarding the deficiency or poor quality of language services” (1 state), and providing notice that language services will be provided without charge upon request in all brochures, publications, notices (0 states)

**IV. Disability Access:** Justice Index 2021 tracks 29 policies for increasing access to justice for people with disabilities. Across the country, people with emotional and physical difficulties face barriers when attempting to protect their rights. The findings include:

- Connecticut and Hawaii tie for highest, with a score of 62.50, followed by Hawaii, New Jersey, and Massachusetts. South Dakota came in last, with a score of 5.0, preceded by Arizona (7.50), and by Louisiana, Mississippi and Nevada (all tied at 10.00).
- Policies adopted by more states include: providing sign language services at no cost (47 states)
- Policies adopted by fewer states include: collecting and publishing data on the number, type, and resolution of disability access complaints (0 states); ensuring that childcare staff trained in working with children with disabilities are available when needed to allow a litigant who is a parent or care-taker of such child to access court services (0 states).

**V. Fines and Fees Policies:** Justice Index 2021 tracks 17 policies to curb abusive use of fines and fees. Across the country, state and local governments impose exorbitant fines defendants cannot afford. Later, they lock the same people up for “failing” to pay and impose user fees on top of the fines. The findings include:

- Washington ranks highest, with a score of 54.00, followed by Oklahoma, Rhode Island, New Jersey, Massachusetts. Wyoming ranks lowest, with a score of 3.00, preceded by Alabama (5.00), Arkansas (6.00), Kansas (7.00) and Delaware (8.00).
- Policies adopted by more states include: providing a right to counsel in all proceedings where a person faces possible incarceration for failure to pay fines and fees (23 states); not conditioning restoration of voting rights on payment of fines and fees (27 states).
- Policies adopted by fewer states include: abolishing all fees, costs, surcharges and assessments in all matters involving a violation of law (0 states); publishing key data on fines and fees (0 states). For more information on Fines & Fees Justice Index Findings see our separate press release, [here](#).

**Contact:** David Udell, Executive Director, [dudell@fordham.edu](mailto:dudell@fordham.edu)