

## **JUDICIAL CROSSROADS TASK FORCE ACCESS TO JUSTICE COMMITTEE RECOMMENDATIONS**

1. **Ongoing Planning and Coordination** Create a Justice Advisory Board for Access and Fairness that includes members from key judicial and extra-judicial stakeholders to provide statewide leadership and to coordinate planning and evaluation efforts throughout the justice system.

2. **Self-Help** Implement a pilot project to establish a statewide self-help website with affiliated local self-help centers, complemented by a comprehensive self-help curriculum for judges, court staff and others. Ensure appropriate rule and ethics changes and improved consistency and understandability of forms, including addressing literacy/language barriers whenever possible and uniform acceptance of SCAO forms.

### **3. Disparate Treatment**

- Promulgate a Commitment to Service and Procedural Fairness pledge.
- Educate judges and quasi-judicial officers about implicit and explicit bias, procedural fairness, and the impact of discrimination and stereotyping on court processes.
- Evaluate all relevant written court system documents for Plain English, cross-cultural and bias issues.

### **4. Language**

- Advocate for revisions to statutes concerning use of foreign language interpreters and for adequate funding. In the interim, direct all judges to appoint state certified/approved interpreters for limited English proficient and non-English speaking litigants in as many court proceedings as possible, recognizing fiscal and other limitations, and establish a process for enforcing judicial compliance.
- Use technology to identify, collect data, track needs, and monitor use of interpreters.
- Educate judges and quasi-judicial officers about the use of foreign language interpreters and the impact of culturally based behaviors on court processes.

### **5. Child Welfare**

- Direct scarce resources to early childhood community-based services.
- Use judicial leadership and case docket management more effectively to reduce the length of time children wait for a permanent home.
- Ensure quality representation for children and parents.
- Provide training for judges and lawyers in child welfare proceedings.
- Collect, analyze, and report data that can be used to improve the performance of the system as measured by outcomes for families and children at each critical decision-making point.
- Review child welfare policies, procedures, programs and contracts to determine if they disadvantage children, youths and families of color, and develop and enforce policies and practices that create a culture of inclusion, embrace diversity, and engage families and communities of color.

- Institutionalize partnerships between the Michigan Supreme Court/SCAO and tribal courts, the Michigan Indian Judicial Association, lawyers, and other stakeholders in Indian/First Nation issues to improve meaningful access to justice in Michigan state courts.
- Support the adoption of Federal Indian Child Welfare Act concepts into Michigan law.

#### **6. Indigent Defense**

- Make indigent defense reform in support of the 11 Principles for an Effective Public Defense System the top legislative priority.
- Advocate for the state's full assumption of funding for the constitutionally-mandated right to counsel for juveniles and indigent defendants.
- Facilitate collaboration of indigent defense service providers with civil legal aid providers to help defendants and their families have access to necessary civil assistance.

#### **7. Indigence, Fees, Fines and Costs**

- Establish clear and consistent standards, court rules, and legislation about indigence and enforcement, including the definition of "sufficient bona fide efforts" to repay and alternatives to immediate payment and to incarceration, and reinforce with SCAO policies and MJJ training.
- Ensure that any statewide court data system includes information the number of fee waivers requested and granted, when fees and fines are imposed, and collection/enforcement efforts.
- Limit the extent to which court fines, fees, and costs are relied upon to address budget problems.
- Reform the driver responsibility law.

#### **8. Problem-solving (Specialty) Courts**

- Expand eligibility criteria for specialty courts to include nonresidents of the court's jurisdiction, allow transfer to a specialty court closer to the defendant's residence.
- Expand eligibility criteria for specialty courts to include and target high risk offenders, and/or restrict local control by modifying the definition of "violent offender," and make admission contingent on completion of a risk and needs assessment.
- Encourage shared funding unit resources for specialty courts and/or regional specialty courts.
- Make access to mental health and substance abuse treatment easier in all specialty courts.
- Make pre-sentence reports in specialty courts discretionary with the sentencing judge.
- Convene stakeholders to identify gaps and reduce duplication of services, and coordinate and train across systems to save costs and improve outcomes.
- Change the law to allow some OWI defendants to receive a limited restricted license while they are participating in sobriety/OWI court.
- Amend the Michigan Code of Judicial Conduct to make it clear that judges may engage in ex parte communications expressly authorized by law when serving on therapeutic or problem-solving courts, mental health courts, or drug courts.
- Refer the issue of discretionary use of presentencing reports to the Judicial Council.