

JUSTICE DETERMINANTS OF WELLBEING

How the Wellbeing Blueprint is a platform to increase the interface between the civil justice system and social sector to advance wellbeing.

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WELLBEING
BLUEPRINT >>>>>

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EXECUTIVE SUMMARY

The reach of the U.S. civil legal system is broad and deep and impacts people's livelihoods, families, health and homes. Civil legal issues range from debt collection to evictions to child custody and divorce to traffic violations. In the ideal, this system is unbiased and accessible for everyone, no matter one's income. It is meant to right wrongs and fairly resolve disputes.

Instead, the civil legal system primarily performs only for people who can afford an attorney. Attorneys know how the system works, since they designed it. As a result, our current civil legal system mirrors and contributes to the inequities in our society. Rather than a registrar of harms, what would it mean to transform the system so that there was an opposite effect - eliminating inequities, not amplifying them, through alignment with people's innate drive for wellbeing? This is where the conceptualization came for the justice determinants of wellbeing.

The **Wellbeing Blueprint** provides a scaffolding for change agents to transform the civil legal system to actually advance equity and justice. The **Blueprint** is premised on six principles:

1. Start with what matters to people: wellbeing.
2. Push against harms being concentrated in communities already facing the greatest adversity.
3. Build on, instead of undermining, social connections and social capital in communities.
4. Build financial security.
5. Span boundaries.
6. Set our default to sustaining transformation beyond the pandemic.

Guided by these principles, the civil justice system can help pave the way for a country where everyone has a fair shot at wellbeing, defined as the following needs and experiences required in combination and balance to weather challenges and have health and hope¹:

- **Social connectedness** to people and communities, in ways that allow us to give as well as to receive;
- **Stability** that comes from having things we can count on to be the same from day to day, and knowing that a small bump won't set off a domino-effect of crises;
- **Safety**, the ability to be ourselves without significant harm;
- **Mastery**, feeling that we can influence what happens to us, and having the skills to navigate and negotiate life; and
- **Meaningful access to relevant resources** to meet our basic needs without shame, danger or great difficulty.

The civil justice system is part of the larger social sector, but because of funding, policies and practices, it acts separately. Importantly, the **Wellbeing Blueprint's** principles provide a docking station for the civil legal system and larger social sector to connect. People with means live their lives horizontally, while people without means who interact with the legal and social sector systems (child welfare, affordable housing, etc.) live in the verticals of these systems where they are often tested and shamed. With shared language and understanding among stakeholders in these systems, the policies and practices of these verticals can be broken down and replaced with a cohesive, inclusive, and equitable system that truly advances wellbeing.

This is not aspirational. Justice change agents across the country are already working with a wellbeing frame, in concert with social sector partners. This report maps their work onto the **Blueprint's** six principles and 40-plus recommendations to introduce a subset of brave and bold alignments, approaches, interventions, structural reforms that illustrate concrete changes that the **Blueprint** calls on our country to make.

This is meant to invite action; show what is ripe for spreading beyond the hothouse where they were seeded; and support a shift in power so that all people have what "they need, when they need it, and in a format they can use"² to reach just and fair resolutions.

1 The following are the Five Domains of Wellbeing as described by the Full Frame Initiative that leads the Wellbeing Blueprint. <https://fullfra-meinitiative.org/wp-content/uploads/2020/12/Five-Domains-of-Wellbeing-Overview.pdf>

2 Self-Represented Litigation Network

SETTING THE CONTEXT

In the U.S., the laws and policies that give people rights and protections are part of the civil legal system. This system helps people stay safe, healthy and sheltered. While the history of this system is outside the scope of this paper, it is a system designed by and for lawyers with various actors and institutions assuming roles and responsibilities. This includes courts (and all the departments within – housing courts, family courts, traffic courts, etc.), law school clinics, legal aid organizations, self-help centers, plus attorneys, judges, court administrators and law and policy advocates.

In general, the civil legal system resolves matters and disputes such as divorce and evictions, and holds people and entities accountable to follow civil laws and policies (e.g. such as when harm is caused by discrimination due to race, gender, or other protected statuses). Though civil cases can have long-term negative impacts on a person's wellbeing, there is no overall right to counsel in the civil legal system,³ as there is in criminal cases.

An estimated 30 million people⁴ try to resolve civil issues on their own in state courts each year, mostly because they cannot afford an attorney or free assistance is not available. Unresolved legal issues harm the wellbeing of individuals, families, and communities, including:

- Workers cheated out of wages.
- Children denied access to special education or due process when expelled from school.
- Older adults denied health benefits.
- Consumers and students scammed by predatory debt collection practices.
- Tenants facing wrongful evictions.
- Parents losing custody of their children.
- Homeowners facing foreclosure due to fraudulent schemes.
- Victims of domestic violence (the abuse is criminal; the protections are civil).
- People with disabilities denied housing or employment.

These issues are more common than one might think, especially among people living at or near the poverty level. According to the Legal Services Corporation's [Justice Gap Report](#) released in 2017:

- Nearly 3 out of 4 households with low incomes in the U.S. experience at least one civil legal issue annually.
- 1 out of 4 households experience six or more civil legal issues.

This Report also found that over 86% of people at or near the poverty line do not receive adequate legal help. When it is necessary to go to court to protect one's rights or solve a dispute, people will encounter an adversarial⁵ process. This means two sides present/argue their case before a neutral party (usually a judge) who then decides the outcome. While "equal justice for all" is easily recited, this adversarial system is ripe for abuse when one side has more information/resources to make their case, regardless of merit.

A leading justice champion, Rebecca Sandefur, asserts that the solution to helping people address their issues and making the adversarial system work for all is not more lawyers as "justice is about just resolution, not legal services."⁶ This insight is shifting focus from a civil *legal* system to civil *justice* system with stakeholders working to ensure that every aspect of the system, inside and outside of the courtroom, advances a just resolution with changes to processes, forms and the roles and responsibilities of various actors and institutions.

³ States have enacted right to counsel for some civil cases. The [National Coalition for Civil Right to Counsel](#) provides this information.

⁴ [Self-Represented Litigation Network](#)

⁵ https://en.wikipedia.org/wiki/Adversarial_system

⁶ https://www.amacad.org/sites/default/files/publication/downloads/19_Winter_Daedalus_Sandefur.pdf

Importantly, as justice champions are making this shift, more social sector advocates are working upstream on intervention and prevention efforts. These change agents are adaptive leaders who embrace⁷:

- **Divergent thinking:** Capacity and practice of reframing issues and their solutions in ways that challenge dominant institutional logic and think beyond the traditional set of choices.
- **Pioneering attitude:** Propensity and competency to be leaders beyond their institutional boundaries and set the pace of evolution in the sector.
- **Systemic perspective:** Insight to see that they operate in a larger system and have broad market intelligence and, therefore, are better able to anticipate the emergence of new dynamics that open up new possibilities and options for change.

These champions face immense challenges to change as funding and policies have created “verticals” or separate systems that tend to reduce the complexity and interplay of numerous issues facing people down to the one issue a given system was designed to address.

However, with a greater focus on equitable outcomes that are driven by those most impacted by the systems, evidence and data, change agents are shifting attention and power to people and, without always having the language for it, equitable access to wellbeing. This is as true for the civil justice field as it is for the social sector — both frequently impact people and families simultaneously, yet often operate at cross purposes. The **Wellbeing Blueprint** provides a docking station for transformational efforts that center justice, equity and wellbeing.

For the civil justice field, it offers:

- Shared language to move work from a legal frame to a justice frame where efforts to help people know their rights, protect their rights, solve their legal issues, and have procedural fairness without bias are part of a larger opportunity system that fully supports people’s drive to have a “fair shot at wellbeing.” For early adopters already working with a wellbeing frame, it can be hard to find the right “words” or the “language” to describe why and how they are working the way they are, because it’s so different from traditional practices.
- Compelling examples and action steps to help the early adopters persuade others to join them on the skinny branch as they transform the civil justice system and fully connect with the social sector.
- Examples to show how upstream civil justice interventions can help prevent people’s churn in and out of poverty and remove barriers to advance economic mobility.

For the larger social sector, the **Blueprint** offers:

- Shared language to translate what the people in the legal aid office or in the court room are doing. Because the current legal system is designed by and for lawyers, their vital role and value is often made inaccessible by legal terms and Latin words.
- Examples to help the social sector better understand how their supports can be derailed or undermined when legal barriers persist and action steps to show how they may be removed with effective access to civil justice supports.
- Examples to demonstrate how the social sector is positioned to see early warning signs when a person’s economic and social issue is about to become a legal one and how they can work upstream to prevent that from occurring which is less costly and devastating for people, families, and communities.

⁷ These are three of the characteristics described in *Assessing Generativity – The Capacity to Innovate While Adapting*, by Shena Ashley, Ph.D., Vice President, Urban Institute (Publication to be available by spring 2021).

MAPPING TO THE WELLBEING BLUEPRINT

Extraordinary justice leaders are responding to needs at their front door (literally), while also working to reinvent and reimagine the system, as are their colleagues in the social sector. The **Wellbeing Blueprint** is the platform to connect these bright spots of action with aligned efforts across many other fields and sectors. The ultimate goal is a country where everyone has a fair shot at wellbeing. In this section, examples of these bright spots are presented to provide affirmation, knowledge and inspiration.

Each heading provides a hyperlink to the relevant portion in the Blueprint for easier cross-reference.

PRINCIPLE 1: Start with what matters to people: wellbeing.

Discussion

An overarching foundation of the **Wellbeing Blueprint** is that "People need to be connected to others and to be helpful. We all need to feel we belong and are safe."

But, how can one feel that they belong to or can participate in a justice system when its language and processes exclude them? Who understand forms with the words *ex parte*, *ad litem*, *praecipe*? Who understands that unlawful detainer means eviction? Only attorneys. As Jim Sandman, former head of Legal Services Corporation has said many times, "the current justice system was designed for and by lawyers."⁸

While lawyers, like surgeons, are important in specific cases, not every legal or medical issue requires an "expert." Using human-centered design processes and a wellbeing frame, justice champions are breaking through the walls that lawyers have erected around the justice system and driving bold changes to reform and reinvent the system so that all people can fully participate in resolving their legal issues because they have the "information they need, when they need it, and in a format they can use."⁹

This principle in action:

[Justice for All](#) (JFA) is a game-changing initiative to reframe what is a justice system. Underway in 14 states, it is led by state and national justice champions who are developing and implementing policies and practices to manifest a justice system that it is effective, accessible, and meaningful for all.¹⁰

To move beyond rhetoric, stakeholders created [inventory tools](#) to assess where states are in their access to justice efforts and [guidance materials](#) to advance their work. Recognizing the pioneering work of judges, court administrators, private bar leaders and civil legal providers, JFA seeks to bring together and build on innovative practices in the field including:

- Integrating justice and social sector systems to more effectively support people when they are in court and prevent issues from becoming legal matters in the first place;
- Focusing on the user (rather than lawyers or courts);
- Measuring outcomes (not outputs);
- Re-engineering procedural processes to ensure fairness; and
- Re-imagining what is effective civil legal assistance, especially when a person does not have attorney representation.

JFA's work in several specific areas is included as examples in a number of recommendations below.

8 https://harvardlpr.com/wp-content/uploads/sites/20/2019/02/20180313-1_SandmanFlagg.pdf page 3

9 Katherine Altener, [Self-Represented Litigation Network](#)

10 <https://www.ncsc.org/jfa/about> Justice for All website including link to seminal call for action, [Resolution 5](#)

Sub-recommendations for Principle 1:

Recommendation 1.2.4: Use person-centered language in policy and practice.

Discussion

The language we use in any setting communicates much more than simple information. Our choice of words and use of jargon signals – explicitly and implicitly – who “belongs” and who doesn’t. A system that is built by and for specialists creates and sustains a power dynamic that privileges the in-group at the expense of the out-group. In partnership with the people seeking access to civil legal supports, justice champions are reinventing the system and shifting power by adopting:

- **Plain language** – i.e., using language or words that most people use to describe their situation.
- **Simplified forms and processes** that make sense for people and the times.

This recommendation in action:

Florida Commission on Access to Civil Justice

Led by the Florida Commission on Access to Civil Justice, this JFA initiative demonstrates the transformative power of focusing on the people accessing the civil legal system. Their voice is captured in the [Civil Justice System: Learning from Self-Represented Litigants and their Trusted Intermediaries](#), a seminal report helping the civil justice field better understand both the process to be person-centered and what that process might reveal as discovered in an “empathy” session (pages 52-53 and elsewhere), which highlighted:

- **Need for Human Connection.** *Being at a court is isolating. The questions SRLs (self-represented litigants) ask are most often about navigation and identifying resources and many initially perceived legal questions are indeed basic process questions. SRLs deeply value the human interaction with court and clerk staff, who recognize this, which in turn perhaps creates more pressure on court staff and gives them a feeling of “letting down” SRLs because they don’t have the time to give the emotional support and attention SRLs are seeking. Help and information is always helpful when it comes from someone an SRL can interact with in person and they are deeply grateful when treated in a kind and compassionate way. The issues surrounding—and importance of—this core factor of human engagement was verified by the results of the user testing, observations, and interviews. Consultants verified this need for human help when they reviewed and tested information on the court website and Florida Court Help App, finding human reassurance and encouragement essential for users to make progress—whether online or in-person. It is worth noting that this need for human connection and navigation support was not a demand for legal advice, but rather a desire for human assurance and support. Such efforts to help in navigating the building or accessing and using self-help tools and resources should not be construed as legal advice that conflicts with unauthorized practice of law (UPL) limitations, but rather recognized as administrative and emotional in nature.*¹¹
- **Need for Harmonization.**¹² *Consultants note that developing the time and opportunity for multidepartmental process mapping and harmonization of resources and activities will be essential in simplification efforts. The need for harmonization was also surfaced by SRLs, albeit in a slightly different way. Most notably, SRLs were keen to point out that because information is presented differently for each case type (i.e. certain forms and programs exist for some issues and not for others), SRLs feel disoriented and frustrated by the inconsistencies. For instance, SRLs find comprehensive (albeit confusing) web pages and information about family law but little about debt or housing issues. It seems to them like they are “missing something.” Although this is a result of limits and circumstances unique to a jurisdiction, it may be helpful to recognize that SRLs must shoulder the burden of developing different skillsets to handle the variety of case types they may need to navigate.*

¹¹ Katherine Alteneider also discusses how a better prepared SRL helps make the court more efficient in a “Reimagining Justice” podcast <https://podcasts.apple.com/us/podcast/how-self-help-makes-legal-practise-easier-improves/id1449701070?i=1000492858632>

¹² In many states, each court and each vertical within it – housing, family, small claims, etc. – can have its own forms, process, and procedures so a person with multiple legal issues (The [Justice Gap Report](#) found that 1 in 4 people with low-incomes experience six or more civil legal is-sues in one year) must figure out the different rules for each case.

Michigan Legal Help/Michigan Advocacy Program

[Michigan Legal Help](#) (MLH) is exemplary of what person-centered, structural change looks like in a state. This free platform offers do-it-yourself forms in plain language to address a number of issues, including how to file for [divorce](#); seek [custody of children](#); [fight an eviction](#); [request that a landlord make repairs to make a home safe](#); and obtain a [personal protection order](#) when faced with violence.

Importantly, a 2015 independent evaluation of divorce cases in Michigan¹³ found that “Self-represented litigants conclude the divorce process in less time than attorney-represented litigants, with MLH litigants concluding slightly more quickly than other self-represented litigants. This finding is true even when controlling for other factors, such as complexity.” In other words, with the right tools, people can solve their legal issues on their own.

Self-Represented Litigation Network

[Self-Represented Litigation Network](#) (SRLN) is a national network of justice stakeholders and the primary vehicle for lifting up efforts, like MLH, and sharing information on practices and policies. SRLN also develops content materials so that people without attorneys have the “information they need, when they need it, and in a format they can use” to solve their legal issue. They’ve produced a seminal publication, called [Brief on Plain Language Resources](#) and, well-before COVID-19, had prepared a [Resource Guide on Serving Self-Represented Litigants Remotely](#). Despite resistance from the general legal community, SRLN works to enhance and expand the role of [navigators](#), who are not attorneys, but can help by providing legal information (not legal advice – which is restricted by law to only be given by attorneys).

Listen for Good

Part of being person-centered includes having real constituent or consumer-focused feedback loops that move beyond annual surveys. [Listen for Good](#) is part of the Fund for Strategic Insight that is supporting the social sector’s efforts to use constituent feedback to inform and drive efforts. Five legal services organizations received funds from Listen for Good to embrace this practice: Community Legal Services of Mid-Florida, Greater Boston Legal Services¹⁴, Law Foundation of Silicon Valley, Children’s Law Center in D.C., and Open Door Legal Services in San Francisco.

Rhode Island Legal Services

What happens when an entity organizes itself around supporting a person, rather than “lines of business” driven by funding restrictions? Rhode Island Legal Services (RILS) did just this when it created the [Holistic Legal Assistance Network](#) (HLAN aka “Helen”). Traditionally, clients receive legal assistance for one issue with success often only measured by whether a case is closed, not what outcome is achieved for the client, especially an outcome as bold as economic stability. However, with a goal to help move people out of poverty, HLAN offers a holistic legal check-up, like what is expected when a person has a complete medical exam. The check-up brings various legal departments (housing, employment, etc.) within RILS to the table to address multiple legal issues impeding a person’s economic stability. Social sector partners, operating with formal MOUs, also provide support to help HLAN participants achieve their goals.

Recommendation 1.3: Center power for community decisions in the community.

Discussion

“Power lies in who frames an issue.” With the “current justice system created for and by lawyers,” the frame mostly used to address the justice gap is more lawyers. However, as outlined in the section around **Principle 1**, power is shifting so that more people have the tools and resources to know and protect their rights, and when appropriate to solve their civil justice issue.

13 <https://www.srln.org/node/450/evaluation-michigan-legal-help-evaluation-report-michigan-2015>

14 <https://www.fundforsharedinsight.org/feedback-stories/greater-boston-legal-services/>

Recommendation 1.3.4: Change structures before adding programs.

As MacArthur Fellow, Rebecca Sandefur wrote in her essay, "[Access to What?](#)", "If the problem is unresolved legal needs, the solution is more legal services. If the problem is unresolved justice problems, a wider range of options opens up." She goes on to say that "Requiring every person facing eviction, debt collection, or loss of their livelihood to find a lawyer simply to make sure that the court follows its own rules places responsibility with the wrong party."

This recommendation in action:

Courts are flooded with debt collection cases.¹⁵ Often, these claims are by third-party debt buyers and are based on "bad paper" with insufficient and inaccurate documentation¹⁶ to support the claim to the amount demanded. As a result, individuals must go to court to defend/correct each debt owed. Sandefur describes a change in court rules to illustrate her point to reform the system or change the structure, instead of adding more programs or hiring lawyers. Then New York State Chief Judge Jonathan Lippman issued an order in 2014 requiring debt-owners to produce documentation, proving the amount owned by a person. As a result, the number of debt lawsuits against New York consumers significantly dropped. Consumers were no longer fighting fraudulent claims and courts were no longer complicit in unjustly harming people.¹⁷

Recommendation 1.6.3: Examine emergency policies to ensure they don't replicate the harms they are meant to address.

Discussion

Except for rural and remote areas, like Alaska, most courts operate like old video rental stores – requiring that you go to a brick-and-mortar building to pick up your video (obtain and file your paperwork) and then come back to return it (appear in person in the courthouse) with consequences, i.e., fees, if not returned in a specific period of time (default, dismissal).

Well before COVID-19 pandemic, many people didn't go to court when they had a hearing, which results in a default (they lose their case). Some feel the system is rigged so why bother? Others cannot take an unpaid day off from work or find childcare—another tradeoff faced by people without means that was not contemplated by the designers of the system. (Note: see [recommendation 1.4 in the Wellbeing Blueprint](#) regarding the need to change structures that force unsustainable tradeoffs). Now with many courts physically closed due to health concerns, courts have embraced technology to remain open for business – creating a form of Netflix for civil justice. This shift seemingly addresses the tradeoff issue described above, but it also opens up another set of issues.

¹⁵ <https://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2019/01/online-dispute-resolution-offers-a-new-way-to-access-local-courts>

¹⁶ <https://www.nytimes.com/interactive/2014/08/15/magazine/bad-paper-debt-collector.html>

¹⁷ As of 2019, 12 states have made changes to policy to improve courts ability to meet the needs of people being sued by debt collectors, including that all parties must be notified of the lawsuit (imagine being sued and you did not know it), required documentation, and confirmation that the right to sue has not expired. <https://www.pewtrusts.org/en/about/news-room/press-releases-and-statements/2020/05/06/pew-growth-in-debt-lawsuits-presents-challenges-for-courts-consumers>

This recommendation in action:

Virtual/Remote Court Hearings

Reliable remote court hearings could be a game-changing innovation for the civil justice field. On the surface, these efforts increase accessibility by making it easier to “appear” in court¹⁸, but there is increasing concern that people who don’t have the internet and/or those who have limited cell phone data and minutes still cannot participate. Some courts are responding by offering paid cell phone cards and libraries are extending their Wi-Fi to their parking lots for people to use but these localized efforts are still Band-Aids for larger issues. Remote hearings are replicating the harms of inequitable access to the system. Even when issues of access are set aside, there are matters of process that need attention. Some judges have considered dropped calls as defaults¹⁹. Depending on the platform used, there is concern that there is no privacy for an attorney (when available) to confer with a client.²⁰

“E-filing” or electronic filing options

We have the option to file our taxes, bank, and renew our drivers’ licenses online, but many courts still require paper to be submitted, often in person. Due to COVID-19, filing options have expanded with many more courts allowing documents to be mailed in, emailed, or completed using an online form (like Turbo-Tax) where a person fills in the blanks and the completed form is electronically submitted.²¹ There remain the issues around computer and Internet access for the online options as well as additional concerns about passing new costs for e-filing on to people. Imposing fees for e-filing paperwork further replicates the harms of the system by making it financially inaccessible for many.

PRINCIPLE 2: Push against harms being concentrated in communities already facing the greatest adversity.

Discussion

Imagine if Social Security did a cost-of-living increase for seniors, but required everyone to individually apply for the increase? It would not be acceptable. Instead, the system takes responsibility for the change and automatically makes the adjustment. This is not the case in the civil legal system where individuals often must do the heavy lifting to benefit from a system change. That is, if they even know about a change.

With people living at or near the poverty level (1 in 4 households face six or more civil legal issues annually) already facing hardship and adversity, justice advocates are pushing for reforms to be a system’s responsibility.

Sub-recommendations for principle 2:

Recommendation 2.2.1: Remove criminal history as an automatically disqualifying event.

Discussion

According to the National Employment Law Project – 70 million people in the U.S. have a criminal record – approximately one-third of the U.S. population.²²

¹⁸ Information about default rates for remote hearings in civil and criminal cases is not widely available yet. [National Center for State Courts](#) indicates that “initial evidence suggests that remote hearings are reducing the likelihood that litigants will fail to appear for their day in court.”

¹⁹ This was indicated by participants in [SRLN’s Problem-Solving Calls](#) held twice a week in the spring 2020 to discuss impact of COVID-19 on access to justice issues.

²⁰ Blog – [“Zoom Courts Raise Privacy and Due Process Concerns”](#)

²¹ [Pew Trust: Response to Pandemic Pushes State Courts to Modernization](#)

²² [NELP](#).

A publicly available criminal record can include much more than felony convictions. It might also include²³:

- An arrest for trespassing when a person was a teenager, but the record might not say that the person was released without charges.
- The warrant issued when a person was late paying traffic tickets, even if it was dismissed upon payment.
- A not-guilty verdict from a trial.

In other words, a "criminal record" can actually be a record of the criminal justice system's interactions with an individual—not a record of that person's criminal history.²⁴ The disproportionate rates of arrest of people of color and differential policing and punishment of the same crimes depending on the race of the person in question can further concentrate negative consequences among those who have already faced discrimination.

This recommendation in action:

Michigan

States allow certain criminal records to be expunged and the who/what/when is determined by each state. Only [five states](#) have made this a system's responsibility with records automatically expunged when eligible. Most require that a person initiate the process through a civil legal procedure and submit the required documentation.

Because it can be a complicated process and/or people are not aware of their options, many people don't try to clear their records.²⁵

In Michigan, only 6.5% of people eligible for expungement applied for it. At the same time, [research](#) conducted by the University of Michigan Law School, which was recently published by the Harvard Law Review, found that people who receive expungements see over 22% increase in income within a year. This was among the factors that led to Michigan becoming one of the five states to make expungement automatic.

Maryland

Until expungement is automatic across the country, technology is allowing workaround efforts to scale to some degree. In Maryland, where criminal records are open, Matthew Stubenberg, then an attorney with Maryland Volunteers Legal Services, created a web-based search program to find people eligible for criminal records expungement. He geo-coded the information and used it to inform where to offer expungement clinics. This effort now lives on the MDExpungement website.

Recommendation 2.4: Track workarounds and adjust policy to reduce the need for workarounds.

Discussion

For many years, direct civil legal providers and law and policy centers²⁶ (known as "back-up centers" in the legal community) worked hand-in-hand to eliminate structural barriers. Providers would identify systemic barriers from the cases that people brought to them and provide these insights to the back-up centers who would advocate at the wholesale level for statewide reforms or new laws and policies that address the issues.

23 <https://www.nytimes.com/2016/05/24/opinion/have-you-ever-been-arrested-check-here.html>

24 <https://www.nelp.org/publication/faulty-fbi-background-checks-for-employment/> (The REDEEM Act has not been passed yet) and <https://www.nclc.org/images/pdf/criminal-justice/exec-sum-broken-records-redux.pdf>

25 Some states and companies have "ban the box" policies so a person's criminal history does not immediately disqualify a person from employment or housing. It should be noted, however, that many states have open records so this information is public and can easily be found, regardless of a "ban the box" on a form. It's unclear whether Ban the Box measures are helping to address discrimination against people with criminal convictions. [US News - Ban the Box laws could negatively impact minorities](#)

26 [Article by Alan Houseman](#) describes this history.

These back-up centers were decimated when [Legal Services Corporation \(LSC\)](#) funding was cut in 1974 with many closing or merging with other organizations, which left direct providers working primarily case by case. These direct providers also had new restrictions added to their LSC funding to limit the types of cases they could take and their involvement in lobbying and class action suits.

However, efforts are underway to strengthen what is left of this critical back-up center infrastructure.

This recommendation in action:

Legal Impact Network

To help restore and strengthen the roles of those back-up centers that remained, the [Legal Impact Network \(LIN\)](#) was formed in 2016 and has grown to a collaborative of 34 statewide law and policy advocacy organizations working to end poverty and achieve racial justice. Through this Network, advocates share model policies, communication strategies, and legal information to be more effective in their respective states as well as at the national level, such as:

- In some states, nuisance laws are allowing people to be evicted if they call the police too many times.²⁷ This means that a survivor of domestic violence must choose between personal safety or housing stability. A LIN member, [Empire Justice Center](#) helped to pass a "Right to 911 Call" legislation so people do not have to choose between these two critical well-being matters. This is also an example of **recommendation 1.4: Change structures that force unsustainable tradeoffs.**
- Another LIN member, the [Western Center on Law and Poverty](#) and a coalition of advocates, published, [Not Just a Ferguson Problem: How Traffic Courts Drive Inequality in California](#), a report analyzing racial disparities in traffic court fees. Drawing on the report's findings, the coalition advocated for a new state program that allowed motorists with outstanding tickets to pay them off at a reduced amount. As a result, 4.2 million Californians, including a disproportionate number of Latinos whose licenses were suspended because they could not afford the fees, had the right to get their licenses back. They also advocated for and achieved a change in law so that motorists would no longer have their licenses suspended for failing to pay traffic fines and fees. This is also an example of **2.6.1 Vacate or reduce sanctions and 4.3 Don't fund staffed anti-poverty programs when what's needed are direct payments.**

Medical Legal Partnerships

[Medical Legal Partnerships](#) (MLP), which integrate legal support into health care settings, work at both the individual and policy levels to address the structural issues that prevent people from being well. [See also **5.3 Expressly engage across sectors and with community leaders to make the transformation.**] The MLP model has been adopted by nearly 450 health care organizations in the United States, including hospitals, health systems, federally qualified health centers, Department of Veterans Affairs (VA) medical centers, primary care and behavioral health clinics, home health nursing programs, public health departments, and primary care associations.

Like other direct providers, MLPs often identify patterns in their patient populations and then work on changes in policies, laws, and regulations so that barriers are removed and access is expanded at the system level.

²⁷ ACLU - [Calling the Police Can Get You Evicted](#)

As described in this October 2020 publication "[Making the Case for Medical Legal Partnerships](#)":

- **Helping Kids Get At-Home Care.** When children on ventilators were unable to leave the hospital due to a home-nursing shortage caused by low Medicaid reimbursement rates, the MLP at Seattle Children's sued the state Medicaid Director and the Director of the Healthcare Authority to help kids return home. They then turned their attention to advocacy with the state agencies to fix the reimbursement rate.
- **Increasing Nutritional Supports for Newborns.** The MLP team at Cincinnati Children's Hospital Medical Center worked with the agency that administers food benefits in the county to eliminate administrative barriers to enrolling newborns in benefits.

Recommendation 2.7: Make access meaningful.

Discussion

With the current civil legal system designed for and by lawyers, access for whom is a key question as advocates shift to a civil justice system. As mentioned, many civil justice advocates are flipping the script and putting the people at the center of the system. When people have meaningful access to justice, stigma, danger and logistical hurdles are reduced and there is a more level playing field for all. This work goes beyond the important, but not sufficient, work to remove physical and language barriers with champions reinventing processes and procedures so that a person, without a lawyer, can effectively make their case and achieve a just resolution. (Note the connection between the examples below and those given for [recommendation 1.2.4 Use person-centered language in policy and practice](#) above.)

This recommendation in action:

The Justice Index

The [Justice Index](#), developed by the National Center on Access to Justice, is a major undertaking that scores and ranks the 50 states, District of Columbia, and Puerto Rico on their adoption of selected best practices for ensuring access to justice. Using 112 indicators and over 6,000 data points, the Index examines four significant determinants that make access meaningful: availability of civil legal aid attorneys; support for people without an attorney; and accessibility for people with disabilities and for those with limited English proficiency. By unpacking these determinants, this Index is helping justice champions take concrete steps toward meaningful access.

California JusticeCorps

Even when a person is English-speaking or the materials are available in their native language, they may not be able to access the information because they do not entirely comprehend what the words mean on the legal forms or what are the steps in the legal process. Increasingly, trained and supervised navigators or people who are not lawyers help "translate" the legal jargon and obscure process with plain language and practical information (not legal advice), including where to get information or the right forms, what the words on the document mean, how to submit the forms, and next steps in the process. Importantly, navigators are part of the shift in power from an attorney-controlled civil justice system.

The California JusticeCorps provides neutral assistance—not legal advice—that helps people who are representing themselves in court better understand their options so they can more confidently move forward with their legal matter. A 2018 one-week snapshot satisfaction survey found that 83% said they were seeking services because they were unable to afford a lawyer. After receiving help, 98% of people reported feeling more confident that they understood the legal steps in their cases; 97% knew what to do next in their cases; and 95% felt able to prepare and file their court forms. Overall, 97% of people reported that the service received was very helpful.²⁸

Recommendation 2.7.1: Improve access to and use of tech to reduce barriers.

²⁸ [Nonlawyer Navigator: State Courts: An Emerging Consensus](#)

Discussion

See the discussion of [recommendation 1.6.3](#) above. While technological interventions are sorely needed to increase access to the legal system through the pandemic, systemwide infrastructures investments are also needed to achieve equitable access. Efforts already underway demonstrate how the use of technology can improve access while simultaneously creating new efficiencies for the justice system.

This recommendation in action:

Online dispute resolution

Online dispute resolution (ODR) is a term to describe a web-based platform for people to resolve their claims against each other without going to court. Small claims of \$5,200 or less between landlords, tenants, merchants, etc., clog up the courts because of the arcane way of operating (remember the video rental store process described earlier). Other industries have found ways to modernize the dispute process to most people's mutual satisfaction. Major online retailers and auction sites use ODR to settle more than 60 million disputes a year, with 90 percent of financial cases resolved without the engagement of a judge or mediator.²⁹ Not only does this expediate a resolution ("time is money" and "justice delayed is justice denied"), it can free up court resources for other matters.³⁰

Many courts are purchasing the technology to allow for ODR. However, as the recommendation **1.6.3 Examine changes in hastily made, emergency policy to ensure policies don't replicate traumas**, courts need to be mindful about adding extra fees to use this service and people's access to computers and the Internet. Also, as courts sign contracts with technology companies to provide/administer these platforms, they need to clarify who "owns" the data/information and how it may be used.

JustFix NYC

Eviction is a civil legal process that landlords use to require tenants move from rental properties due to nonpayment or other lease violations. Tenants have rights and protections too from landlords who violate leases when they do not provide a safe and healthy place to live or charge new "fees" beyond a lease agreement. JustFix NYC provides tenants with web-based tools to get their landlords to address housing issues and defend against evictions. For example, a letter of complaint tool creates and sends a formal letter via USPS Certified Mail® to a landlord for free, requesting repairs in an apartment. The letter also includes penalties that the landlord could incur by not making the place habitable by law. Having a record of notifying a landlord makes for a stronger legal case, if it is necessary to go to court.

Upsolve

Declaring bankruptcy is also a civil legal issue and can be expensive (sad irony). [Upsolve](#) and its free online platform provides people with tools to declare bankruptcy and clear their debt.³¹

Recommendation 2.7.2: Ensure that professional, credentialed translation and interpretation services are available.

Discussion

While friends and family members who speak English may want to help, it is vital that a foreign-language interpreter who is familiar with the legal terms and system be made available to everyone who needs that service and that resource materials be accurately translated in multiple languages, relevant to community residents.

²⁹ [Technology and the Future of Dispute Resolution](#)

³⁰ [Pew Trust: Online Dispute Resolution Offers a New Way to Access Local Courts](#)

³¹ Chicago Sun Times, "[Founder of Start-up Helping Poor Erase Debt for Free: Legal Fees Block Civil Right](#)"

Even when a person is English-speaking or the materials are available in their native language, they may not be able to access the information because they do not entirely comprehend what the words mean on the legal forms or what are the steps in the legal process. Increasingly, trained and supervised navigators or people who are not lawyers help “translate” the legal jargon and obscure process with plain language and practical information (not legal advice), including where to get information or the right forms, what the words on the document mean, how to submit the forms, and next steps in the process. Importantly, navigators are part of the shift in power from an attorney-controlled civil justice system.

PRINCIPLE 3: Build on, instead of undermining, social connections and social capital in communities.

Discussion

There is a significant focus on the individual (or at best the immediate family unit) in both the civil and social sector systems. Consequently, the social connections that allow people and communities to thrive are either underutilized or undermined.

Sub-recommendations for Principle 3

Recommendation 3.1: Remove obstacles to family members helping family members.

Discussion:

Under federal law, families receiving public assistance, known as Temporary Assistance for Needy Families (TANF), must assign their rights to child support payments to the state. This means that when a parent can (re)start paying child support, those funds (considered child support arrears or debt) actually go to the state to pay back the TANF funds that the family received. States can allow all or a portion of this child support to “pass through” and go directly to the family. Half of the states have chosen various ways of passing through child support without reducing the family’s TANF assistance.³²

This recommendation in action:

Child support debt relief

Child support debt as well as ongoing child support is modified through a civil legal process. If the goal is child wellbeing, an [Urban Institute's report on child support debt](#) and [blog](#) describes how this is achieved when child support debt is forgiven:

- Parents make more consistent and timely payments
 - Parents who participated in the pilot consistently made their monthly child support payments on time. Their payment consistency was 18 to 28 percent higher, depending on the month, than for similar parents who had not received debt relief.
- Parents' housing status and credit scores often improve, and their employment barriers are reduced.
- Relationships between parents and children improve.

³² [State Support Pass-Through and Disregard Policies for Public Assistance Recipients](#)

PRINCIPLE 4: Build financial security.

Discussion

It's critical to support efforts to increase people's income and wealth such as higher minimum wages, home ownership, and opportunities that lead to better paying jobs. At the same time, it's important to examine and reform policies and practices that strip people of their income and wealth.

Sub-recommendations for Principle 4.

Recommendation 4.3: Don't fund staffed anti-poverty programs that help people survive being poor, when what people need is money to be less poor.

Discussion

There are negative assumptions that people have low-incomes because they don't know how to manage their money. With this frame then, the "solution" is to create more "opportunities" and sometimes, requirements, for people to attend budget workshops or have financial coaches. Instead, an appropriate solution may be to help people keep more of their paycheck by not paying excessive fees and fines that they can't afford.

This recommendation in action:

The Fees and Fines Justice Center

[The Fees and Fines Justice Center's](#) Freedom to Drive campaign indicates that "38 states and the District of Columbia suspend, revoke or refuse to renew driver's licenses for unpaid traffic, toll, misdemeanor and felony fines and fees, resulting in more than [11 million debt-related suspensions nationwide](#). These suspensions not only prevent people from earning the money they need to pay their 'court debt,' but also undercut their ability to support themselves, their families and the community." Due to over-policing in Black and Brown communities, these families are most likely to get trapped in a cycle of debt and criminalization simply because they can't afford something as minor as a traffic ticket.³³

It's a civil legal process to restore a driver's license. Rather than working to make that individual process easier, the better fix is to eliminate policies that suspend licenses over fees and fines altogether. Using data and research, the Center is successfully building community-based coalitions that are changing these policies in states across the country.

LIFT Dane

Until state and local policies change, [LIFT](#) (Legal Interventions For Transforming) Dane in Wisconsin is creating a free [Legal Tune-Up App](#) that will access public information to help people identify and clear their civil legal issues. By interfacing with public data, they are creating a "one-stop" simplified process. They plan to build out several modules with the first focused on restoring drivers' licenses that have been suspended due to fees and fines. Their technology platform will be open source so other groups can adapt the Tune-Up to the specifics in their states.

33 [DOJ case against the City of Ferguson; People with criminal records not able to vote until fees and fines paid.](#)

PRINCIPLE 5: Span boundaries.

Discussion

As change agents shift from loving the problem to loving the solution, they are no longer staying in their lanes. A person-centered focus demands that work occur at the intersection of all the verticals (at least until they are taken down altogether). This is resulting in new (real) partnerships where funding and practices are integrated.

Sub-recommendations for principle 5

Recommendation 5.3: Expressly engage across sectors and with community leaders to make the transformation.

Discussion

By focusing on outcomes for people and communities, such as student academic progress or a person's good health, those traditionally responsible for that work (i.e., education and health systems, respectively) are asking different and difficult questions to unpack what is preventing success. The answers are often outside their lanes, causing change agents to cross boundaries to address root issues or undermining barriers.

This recommendation in action

Standing with Our Neighbors

Atlanta Volunteer Lawyers Foundation works with the Atlanta School System to reduce student churn that undermines academic progress, by providing legal assistance to prevent evictions. [Standing with Our Neighbors](#) program helped to reduce student turnover by 14% in a pilot elementary school in 2016-17 (most recent information available).

Justice for All: Alaska

[Alaska](#), another state participating in the national Justice for All (JFA) initiative, provides an example of spanning boundaries to view the wider ecosystem of supports available in communities. Guided by Bryan Stevenson's observation that "the opposite of poverty is not wealth. The opposite of poverty is justice," the Alaska JFA stakeholders redefined justice as an "ecosystem of services to address issues essential to ensuring wellbeing, including housing, family, education, financial security, jobs, food, information, health, safety, and access to legal information." For those who are more affluent, this ecosystem is seamless and robust.

With an ecosystem lens, they mapped the state's educational, health, justice, and social sector assets and anchors (compelling [visuals](#) created). Then, they layered the prevalence and geographic distribution of four common types of civil cases in Alaska – domestic violence, divorce and custody, eviction, and debt collection – along with an estimate of the unmet legal needs of the population living in the communities. This information identified gaps as well as opportunities for JFA stakeholders to span boundaries and integrate justice efforts into existing assets to advance a more holistic and seamless ecosystem.

More on Medical Legal Partnerships

[Medical Legal Partnerships](#) (MLP), which integrate legal support into health care settings, work at both the individual and policy levels to address the structural issues that prevent people from being well. [See also [2.4 Track structural barriers to progress and workarounds. Adjust or eliminate policies being worked around whenever possible.](#)] The MLP model has been adopted by nearly 450 health care organizations in the United States, including at hospitals, health systems, federally qualified health centers, Department of Veterans Affairs (VA) medical centers, primary care and behavioral health clinics, home health nursing programs, public health departments, and primary care associations.

Many times, MLPs help address the tradeoffs that people face between housing and their health. As described in this New York Times' article, [When Poverty Makes You Sick, a Lawyer Can Be the Cure](#), families were told that they would be evicted by their landlord, if they used the air-conditioner units in their apartments, even though the doctors at Cincinnati Children's Hospital Medical Center were urging families of children with asthma to use air-conditioning due to a heat wave.

Recommendation 5.3.1: Use funding across systems to address structural barriers.

Discussion

"Follow the money" is an important way to stress test whether partnerships are authentic and the work is truly integrated. Examples in federal and state funding show how funding is crossing systems to address structural barriers and achieve better outcomes.

This recommendation in action:

Public Health Service Act

The Public Health Service Act, the federal law which authorizes the health center program nationwide, recognizes that health centers will offer "wrap-around" or "enabling" services. In the fall of 2014, Health Resources and Services Administration (HRSA) clarified that such "enabling services" may include civil legal aid services to address social determinants of health, e.g., housing repairs to reduce asthma attacks or falls. These resources help support Medical Legal Partnerships.

Legal Aid Interagency Roundtable

[DOJ's Legal Aid Interagency Roundtable](#) was a seminal effort "to raise federal agencies awareness of how civil legal aid can help advance a wide range of federal objectives including employment, family stability, housing, consumer protection, and public safety." Its first [annual report](#) in 2016 outlines how "adding civil legal aid to their toolbox, federal agencies can more efficiently and effectively address the serious problems that affect our communities and the most vulnerable among us.."

- In 2015, a survey of veterans by the U.S. Department of Veteran Affairs (VA) found that four of their top 10 unmet needs involved legal assistance for eviction/foreclosure prevention, child support issues, outstanding warrants/fines, and restoring a driver's license. Accordingly, in response to these needs, the VA allowed their grant funds to be used to support civil legal aid. As an example, VA's Supportive Services for Veteran Families (SSVF) program allowed using program funds for legal aid for issues that affect a veteran's employability and encouraged SSVF program grantees to provide, or assist participants in obtaining, legal aid in order to help remove obstacles to employment when it can help with permanent housing.
- Treasury's Internal Revenue Service (IRS) supported legal clinics that provide representation for little to no cost for low-income individuals seeking to resolve disputes with IRS to ensure fairness and integrity in the tax system.

The Justice in Government Project

The [Justice in Government](#) project has taken the federal Roundtable work to the state and local level and helps public officials and their partners leverage civil legal aid to accomplish shared policy and program goals.

Workforce Tulsa

Using Workforce Innovation and Opportunity Act (WIOA) federal formula funds, Workforce Tulsa adopted a new supportive services policy that includes providing legal aid to jobseekers to help with barriers to employment such as expunging or sealing old criminal records, obtaining or reinstating a revoked driver's license or occupational license, resolving credit report problems, filing for domestic violence restraining orders, and assisting veterans with accessing healthcare, education grants, and housing services.

CONCLUSION

At a meeting of foundations and grantee partners, a food executive admonished the group for what it considered to be innovative. She said the innovative practices of the philanthropic, nonprofit and public sectors were akin to putting the word “midnight” on a bag of chips – as if eating food at a different time of day was a breakthrough. Rather, in the marketplace, innovation happens when a business model is reinvented to remain relevant and effective. She gave the example of Amazon embracing Kindle, even though it could have replaced its dominant market position for selling hard copy books.

What will create the enabling conditions to upend and reinvent the current civil justice system to align with people's innate drive for wellbeing and where inequalities are eliminated, not amplified? What's the Kindle version for the civil justice sector? The answer lies, in part, in the sparks highlighted in this report.

Brave and courageous leaders in both civil justice and the social sector are creating those enabling conditions by deconstructing their business and practice models and breaking free of institutional mindsets to champion transformation at all levels.

This Report is meant to be a springboard for more action. We encourage you to:

- Learn more about and connect with the organizations and leaders who are taking action to advance the Blueprint;
- Bring the Blueprint principles and recommendations to your own work and tell us about it to catalyze further change;
- Connect with the Wellbeing Blueprint community to create docking stations linking your efforts with others;
- Enhance the relevancy of this report by letting us know what is missing.

Let's not tinker at the edges anymore. Let's not be satisfied with workarounds either. We have the **Blueprint** to change muscle and connective tissue and create an integrated system that addresses structural issues and values social connectedness, stability, safety, mastery, and meaningful access to relevant resources. These are the needs and experiences universally required to have health and hope.

For more information or to share your thoughts, please email Sandra Ambrozy at sandy@fullframeinitiative.org.