

# Arkansas Access to Justice Commission Meeting

## Justice Index Discussion Points – Call on June 4 2021

Provided by National Center for Access to Justice – Jamie Gamble

### Justice Index Scores – National

#### ***National Composite Score Without Fines and Fees***

<b>Rank</b>	<b>State</b>	<b><u>Composite (without Fines and Fees)</u></b>
1	DC	64.80
2	Maryland	64.68
3	Massachusetts	63.71
4	Connecticut	62.53
5	California	61.60
6	Hawaii	61.41
7	New York	57.51
8	Minnesota	57.26
9	Illinois	56.03
10	New Jersey	53.92
11	Tennessee	49.78
12	Oregon	49.74
13	Wisconsin	49.51
14	Washington	47.75
15	New Mexico	46.83
16	Utah	45.06
17	Michigan	42.93
18	Colorado	41.69
19	Georgia	41.03
20	Pennsylvania	40.98
21	Iowa	38.68
22	Delaware	38.40
23	Vermont	36.86

# Arkansas Access to Justice Commission Meeting

## Justice Index Discussion Points – Call on June 4 2021

Provided by National Center for Access to Justice – Jamie Gamble

<b>Rank</b>	<b>State</b>	<b><u>Composite (without Fines and Fees)</u></b>
24	Ohio	36.40
25	Alaska	34.02
26	Oklahoma	32.26
27	Louisiana	32.11
28	North Carolina	31.94
29	Montana	31.30
30	Indiana	30.92
31	Nebraska	30.83
32	Kentucky	30.71
33	Virginia	30.29
34	Florida	29.35
35	Rhode Island	29.16
36	Arkansas	28.87
37	Maine	28.78
38	West Virginia	28.44
39	Mississippi	27.53
40	Wyoming	25.72
41	Idaho	25.66
42	Missouri	24.33
43	Kansas	23.87
44	South Carolina	23.69
45	Arizona	23.07
46	Puerto Rico	22.95
47	Texas	22.86
48	North Dakota	22.76
49	New Hampshire	21.45
50	Nevada	20.44
51	Alabama	18.98
52	South Dakota	11.36

# Arkansas Access to Justice Commission Meeting

## Justice Index Discussion Points – Call on June 4 2021

Provided by National Center for Access to Justice – Jamie Gamble

### ***National Composite Score With Fines and Fees***

<b>Rank</b>	<b><u>State</u></b>	<b>Composite (with Fines and Fees)</b>
1	Massachusetts	59.37
2	Maryland	56.14
3	California	56.08
4	DC	55.24
5	Hawaii	53.93
6	New York	53.81
7	Connecticut	52.62
8	New Jersey	52.33
9	Minnesota	52.21
10	Illinois	51.62
11	Washington	49.00
12	Oregon	45.59
13	Tennessee	45.02
14	Wisconsin	44.61
15	Utah	44.25
16	New Mexico	42.47
17	Michigan	40.74
18	Colorado	40.55
19	Georgia	39.22
20	Pennsylvania	37.19
21	Iowa	37.14
22	Ohio	36.72
23	Oklahoma	35.61
24	Vermont	34.49
25	Rhode Island	32.93
26	Montana	32.84

# Arkansas Access to Justice Commission Meeting

## Justice Index Discussion Points – Call on June 4 2021

Provided by National Center for Access to Justice – Jamie Gamble

27	Kentucky	32.57
28	Delaware	32.32
29	Nebraska	32.06
30	Alaska	30.41
31	Virginia	30.23
32	North Carolina	30.15
33	Louisiana	29.49
34	Mississippi	28.42
35	Indiana	28.34
36	West Virginia	28.15
37	Maine	26.22
38	Texas	25.89
39	Florida	25.88
40	Missouri	25.86
41	North Dakota	25.61
42	Idaho	25.53
43	New Hampshire	24.56
44	Arkansas	24.30
45	Arizona	24.25
46	Nevada	24.16
47	South Carolina	22.55
48	Wyoming	21.18
49	Kansas	20.50
50	Alabama	16.18
51	South Dakota	13.69
	Puerto Rico	NA

# Arkansas Access to Justice Commission Meeting

## Justice Index Discussion Points – Call on June 4 2021

Provided by National Center for Access to Justice – Jamie Gamble

### Justice Index Scores – Regional

#### Composite Scores

<u>State</u>	<u>Composite (without Fines and Fees)</u>	<u>State</u>	<u>Composite (with Fines and Fees)</u>
Tennessee	49.78	Tennessee	45.02
Oklahoma	32.26	Oklahoma	35.61
Louisiana	32.11	Kentucky	32.57
Kentucky	30.71	Louisiana	29.49
<b>Arkansas</b>	<b>28.87</b>	Mississippi	28.42
Mississippi	27.53	Texas	25.89
Missouri	24.33	Missouri	25.86
Kansas	23.87	<b>Arkansas</b>	<b>24.30</b>
Texas	22.86	Kansas	20.50

#### Sub-Index Scores

<u>State</u>	<u>Attorney Access</u>	<u>National Rank</u>	<u>State</u>	<u>Self-Represented Access</u>	<u>National Rank</u>
<b>Arkansas</b>	<b>37.74</b>	8	Tennessee	59.07	
Tennessee	35.93		Louisiana	48.84	
Louisiana	35.64		Mississippi	48.84	
Kentucky	32.29		Oklahoma	33.49	
Oklahoma	32.28		Kentucky	29.77	
Kansas	29.47		Kansas	22.79	
Missouri	27.48		Missouri	20.93	
Texas	25.52		<b>Arkansas</b>	<b>20.00</b>	44
Mississippi	22.35		Texas	17.67	

# Arkansas Access to Justice Commission Meeting

## Justice Index Discussion Points – Call on June 4 2021

Provided by National Center for Access to Justice – Jamie Gamble

### Justice Index Scores – Regional - continued

<u>Language</u>			<u>Disability</u>		
<u>State</u>	<u>Access</u>	<u>National Rank</u>	<u>State</u>	<u>Access</u>	<u>National Rank</u>
Tennessee	59.12		Tennessee	45.00	
Arkansas	37.74	29	Kentucky	37.50	
Louisiana	33.96		Oklahoma	37.50	
Mississippi	28.93		Kansas	27.50	
Oklahoma	25.79		Texas	27.50	
Missouri	23.90		Missouri	25.00	
Kentucky	23.27		Arkansas	20.00	41
Texas	20.75		Louisiana	10.00	
Kansas	15.72		Mississippi	10.00	

  

<u>State</u>	<u>Fines and Fees</u>	<u>National Rank</u>
Oklahoma	49.00	
Kentucky	40.00	
Texas	38.00	
Mississippi	32.00	
Missouri	32.00	
Tennessee	26.00	
Louisiana	19.00	
Kansas	7.00	
Arkansas	6.00	49

# Arkansas Access to Justice Commission Meeting

## Justice Index Discussion Points – Call on June 4 2021

Provided by National Center for Access to Justice – Jamie Gamble

### Biggest Changes in Relative Justice Index Score from 2016 to 2021

#### Upward Moves

<u>State</u>	<u>2020 Rank</u>	<u>2016 Rank</u>	<u>Change</u>
Vermont	23	45	22
Pennsylvania	20	40	20
Georgia	19	36	17
Louisiana	27	44	17
Oklahoma	26	43	17
New York	7	22	15
Mississippi	39	52	13
New Jersey	10	23	13
Alaska	25	37	12
Indiana	30	42	12
Wyoming	40	50	10

#### Downward Moves

<u>State</u>	<u>2020 Rank</u>	<u>2016 Rank</u>	<u>Change</u>
Maine	37	13	(24)
Arizona	45	24	(21)
Texas	47	29	(18)
New Hampshire	49	32	(17)
Rhode Island	35	18	(17)
West Virginia	38	21	(17)
Colorado	18	6	(12)
Idaho	41	31	(10)
North Carolina	28	19	(9)
Arkansas	36	28	(8)
Virginia	33	25	(8)

# Arkansas Access to Justice Commission Meeting

## Justice Index Discussion Points – Call on June 4 2021

Provided by National Center for Access to Justice – Jamie Gamble

Tables of Justice Index Indicators for which 20 or more states received credit but Arkansas did not.

**Attorney Access Policy**  
None

Number	Self-Represented Litigants	Weight	# of YES States
1	MAINTAIN AN ACCESS TO JUSTICE (ATJ) COMMISSION WITH A DISCRETIONARY BUDGET. Maintain an ABA-recognized ATJ commission (or equivalent entity) that has discretion over its own budget to support ATJ initiatives throughout the state?	5	28
5	MAINTAIN A STRATEGIC ATJ ACTION PLAN. Post online a strategic action plan, adopted or updated in the past five years, describing the State's plan to reach the Conference of Chief Judges' and Chief Court Administrators' goal of 100% meaningful access to justice?	5	27
7	CONSULT COMMUNITY ON ATJ ISSUES. Concluded a formal process in past 12 months of consulting with key stakeholders on ATJ issues, including but not limited to: the judiciary, the bar, low income communities, civil legal aid bar, and social services providers)?	5	28
16	USE PLAIN LANGUAGE COURT FORMS. Use plain language court forms for all matters in which SRLs frequently appear (including at a minimum: housing, debt collection, family law and civil violations)?	10	24
18	FUND IMPROVEMENT OF FORMS IN PAST 12 MONTHS. Funded staff and/or activities intended to improve the quality of self-help forms in the past 12 months, including consultation with key stakeholders inside the courts (such as, judges and court staff) and outside the courts (SUCH AS members of low-income communities and advocates for SRLs)?	5	26



# Arkansas Access to Justice Commission Meeting

## Justice Index Discussion Points – Call on June 4 2021

Provided by National Center for Access to Justice – Jamie Gamble

Number	Self-Represented Litigants	Weight	# of YES States
Introduce Q19-23	<p><b>REQUIRE ALL COURTS TO ACCEPT COMMON FORMS.</b> Require that all courts in the state accept common statewide court forms for all critical steps (including to: initiate action, respond to action in manner that avoids default, assert available affirmative defenses, and request temporary relief where available), in the following actions):</p>		
19	Uncontested divorce without children?	1	38
20	Uncontested divorce with children?	1	36
21	Modification of a child support order?	1	35
22	Order of protection?	1	42
23	Debt collection?	1	21
27	<p><b>SIMPLIFY PROCESS FOR DETERMINING FINANCIAL HARDSHIP WAIVER.</b> Simplify financial hardship waiver prior to filing, by (i) reviewing applications filed in person, and filed on-line, and (ii) awarding waiver where applicant receives other public benefits based on poverty (e.g., Medicaid benefits; LSC services); or, where applicant's income level is beneath specified income level, documented by current W-2 or tax filing)?</p>	5	24
29	<p><b>FUND REMOTE ACCESS SELF-HELP SERVICES.</b> Fund remote access self-help services offering live assistance by telephone or internet during the past 12 months?</p>	10	23
36	<p><b>MAKE STATE JUDICIARY WEBSITE EASILY NAVIGABLE.</b> Maintain a Court website with these features: (1) clear, consistent, plain language names for services,                      (2) consistent and recognizable logos and                      (3) navigation or “way-finding” tools widely used on consumer-facing internet portals to allow people to easily locate and access the help they need?</p>	1	45

# Arkansas Access to Justice Commission Meeting

## Justice Index Discussion Points – Call on June 4 2021

Provided by National Center for Access to Justice – Jamie Gamble

Number	Self-Represented Litigants	Weight	# of YES States
41	DESCRIBE FINANCIAL HARDSHIP WAIVER ON WEBSITE. Describe on the state judiciary website that a financial hardship waiver of fees and court costs will be granted if a person meets the eligibility standard?	10	31
Introduce Q42-47	MAINTAIN A WEBPAGE LINKING TO REQUIRED FORMS AND LISTING REQUIRED MATERIALS. Maintain on the state judiciary website a single, easily located page that provides SRLs with links to all required forms (in MS Word and PDF format), and identify all required supporting materials for all critical litigation steps (including, to initiate an action, respond to an action in a manner that avoids default judgment, assert available affirmative defenses and to request temporary relief where available) in the following types of matters:		
42	DIVORCE WITHOUT CHILDREN. All court forms necessary to fulfill the minimum filing obligations for a couple without children to obtain an uncontested divorce, and all supporting materials necessary for a court to consider the merits of the case?	1	45
43	DIVORCE WITH CHILDREN. All court forms necessary to fulfill the minimum filing obligations for a couple with children to obtain an uncontested divorce, and all supporting materials necessary for a court to consider the merits of the case?	1	41
44	CHILD SUPPORT MODIFICATION. All court forms necessary to fulfill the minimum filing obligations for a petitioner to obtain a modification of a child support order, and all supporting materials necessary for a court to consider the merits of the case?	1	40
45	DOMESTIC VIOLENCE. All court forms necessary to fulfill the minimum filing obligations for a domestic violence victim to obtain an order of protection, and all supporting materials necessary for a court to consider the merits of the case?	1	47

# Arkansas Access to Justice Commission Meeting

## Justice Index Discussion Points – Call on June 4 2021

Provided by National Center for Access to Justice – Jamie Gamble

Number	Self-Represented Litigants	Weight	# of YES States
	47 EVICTION. All court forms necessary to fulfill the minimum filing obligations for a defendant in an eviction action brought by a landlord to both prevent a default and to assert defenses, and all supporting materials the defendant must provide for a court to consider the merits of the case?	1	24
Introduce Q49-50	MAINTAIN DOCUMENT ASSEMBLY PROGRAM FOR MATTERS IN WHICH SRLs ARE COMMON. Maintain computer-based document assembly self-help programs to assist litigants in the following types of actions:		
	49 UNCONTESTED DIVORCE WITHOUT CHILDREN. Actions seeking an uncontested divorce for a couple without children?	1	25
	50 UNCONTESTED DIVORCE WITH CHILDREN. Actions seeking an uncontested divorce for a couple with children?	1	20

# Arkansas Access to Justice Commission Meeting

## Justice Index Discussion Points – Call on June 4 2021

Provided by National Center for Access to Justice – Jamie Gamble

Number	Language Access	Weight	# of YES States
1	<p>MAINTAIN A LANGUAGE ACCESS PLAN WITH SPECIFIC ELEMENTS. Maintain a Language Access Plan that requires the courts to do, at a minimum, the following (all elements must be in the plan): (a) perform a periodic needs assessment;</p> <p>(b) monitor and evaluate language assistance services on an ongoing basis;</p> <p>(c) train judges and staff on working with LEP persons;</p> <p>(d) provide interpreter services or the assistance of authorized bilingual staff at key points of contact between the public and the court system;</p> <p>(e) provide in-person interpreter services when not unreasonably costly and remote services when in-person services are not available;</p> <p>(f) translate documents and signage identified through the needs assessment as important to assure access to language access to all persons using court services?</p>	5	29
13	<p>REQUIRE CONTINUING EDUCATION FOR INTERPRETERS. Require all certified interpreters to receive at least a specified number of post-certification continuing education credits annually to maintain certification?</p>	1	28
17	<p>PROVIDE LANGUAGE SERVICES AT KEY CONTACT POINTS. Provide interpreter services or the assistance of authorized bilingual staff at key points of contact in the court system other than courtrooms, including self-help centers, clerk's counters, court-annexed ADR and all court-controlled services?</p>	5	21
Services Delivery			
20	<p>IDENTIFY DOCUMENTS AND SIGNAGE TO TRANSLATE TO ASSURE ACCESS. Identify, based on the needs assessment, which documents and signage must be translated and into which languages, to assure language access?</p>	10	23

# Arkansas Access to Justice Commission Meeting

## Justice Index Discussion Points – Call on June 4 2021

Provided by National Center for Access to Justice – Jamie Gamble

Number	Language Access	Weight	# of YES States
21	TRANSLATE ALL DOCUMENTS NECESSARY TO ASSURE ACCESS. Translate all documents identified as necessary (see Question 23) pursuant to a protocol that provides for quality assurance?	10	20
24	PROHIBIT ALL CHARGES FOR INTERPRETERS. Prohibit requiring payment (including fees, costs, or other expenses) for court-provided interpreters?	10	28
Communicating Court Services			
25	POST SIGNS IN COMMONLY SPOKEN LANGUAGES AT ALL ENTRY AND MAJOR ACCESS POINTS. Post signs that language services will be provided without charge, upon request, at all entry and major service access points and in the most common languages spoken?	5	22

# Arkansas Access to Justice Commission Meeting

## Justice Index Discussion Points – Call on June 4 2021

Provided by National Center for Access to Justice – Jamie Gamble

Number	Disability Access	Weight	# of YES States
14	PROVIDE A QUALIFIED SIGN LANGUAGE INTERPRETER FREE OF CHARGE WHEN NECESSARY FOR EFFECTIVE COMMUNICATION. Provide sign language services at no cost to the litigant, when requested by a litigant with hearing impairment or otherwise deemed necessary by the court?	10	47
16	REQUIRE SIGN LANGUAGE INTERPRETERS HAVE COURTROOM TRAINING. Require interpreters be trained on how to interpret in a legal setting?	5	23
19	REQUIRE ACCESS FOR SERVICE ANIMALS AT ALL TIMES, WITHOUT ADVANCE NOTICE. Require courts to allow service animals used by people with disabilities at all times and without any need to provide advance notice?	10	39
23	EXPLAIN ON STATE JUDICIARY WEBSITE HOW TO REQUEST ACCOMODATION OF DISABILITY, WITH EXAMPLES?	5	25
26	PROVIDE NAME AND CONTACT INFORMATION ON STATE JUDICIARY WEBSITE FOR ACCOMMODATION REQUESTS. Provide on the state judiciary website the name, phone number, address, and email address of a designated person to contact to request an accommodation?	5	25
27	PROVIDE ON STATE JUDICIARY WEBSITE OPTION TO SUBMIT A COMPLAINT ABOUT DENIAL OF ACCESS. Explain on court website how to file a complaint about denial of access to court facilities or court services?	5	33
28	PROVIDE NAME AND CONTACT INFORMATION ON STATE JUDICIARY WEBSITE TO SUBMIT COMPLAINTS ABOUT DENIAL OF DISABILITY ACCESS. Provide on the state judiciary website the name, phone number, address, and email address of a designated person to contact to file a complaint about denial of disability access?	5	25

# Arkansas Access to Justice Commission Meeting

## Justice Index Discussion Points – Call on June 4 2021

Provided by National Center for Access to Justice – Jamie Gamble

Number	Disability Access	Weight	# of YES States
29	MAINTAIN DISABILITY ACCESS WEBPAGE ON STATE JUDICIARY WEBSITE. Maintain a disability access webpage that sets forth comprehensive written policy for serving people with disabilities in the court system, including all rights of people with disabilities?	5	33

Number	Fines and Fees	Weight	# of YES States
6	PROOF OF WILLFUL FAILURE TO PAY. The state requires the government to prove that a person's failure to pay any fine, fee, cost surcharge or assessment was willful, before incarcerating or imposing any other sanction on an individual for failure to pay.	10	21
12	RIGHT TO COUNSEL WHEN INCARCERATION IS POSSIBLE. The state has codified a right to counsel in all proceedings where a person faces possible incarceration for failure to pay fines, fees, surcharges and assessments.	6	27
13a	MEETS BUT FOR SOME DRIVING-RELATED OFFENSES. The state does not suspend licenses for failure to pay, except that state law provides that licenses may be suspended for nonpayment of fines and fees imposed for some driving-related offenses.	2	21
14	VOTING RIGHTS. The state does not condition restoration of voting rights on payment of fines, fees, costs, assessments or surcharges, including any payments that are a condition of probation or parole.	6	27