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**Component Assessment: Limited Scope Representation**

Key Elements

The responses in this assessment provide a snapshot of Limited Scope Representation in your state. All responses are meant solely to inform assessment of this component.

Key elements of **Limited Scope Representation** include:

* Adoption of rules that support limited scope representation;
* Full acceptance by the judiciary of the practice, and court rules and procedures to ease attorney entry and withdrawal;
* Education and advertising to recruit lawyers;
* Training and resources to support participating lawyers, including templates for representation agreements and contemporaneous record keeping;
* Community of practice for limited scope representation attorneys to share best practices and problem-solve;
* Screening, triage and referral pipelines from self-help centers, legal aid organizations, and community partners to limited scope representation attorneys to connect them with self-represented litigants; and
* Online education and advertising connected to lawyer referral services.

Need

1. Does limited scope representation exist in your state?

Yes  No  Unsure

Additional information:

Remarks on strengths and gaps:

1. To what degree is limited scope representation available at the county level?

*Tips:* Suggested sources of information include reportedservice areas, attorney density data and court records.

No counties  Few counties  Half of counties  Most counties  All counties

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. What is your best estimate of the demand for limited scope representation?

*Tips:* Suggested sources of information include legal aid referrals and other intake, limited scope representation pro bono referrals/intake, private bar limited scope representation case numbers (not pro bono or legal aid).

Please provide a brief explanation of the calculation below under "Additional information".

Number or % of households in need of limited scope representation:

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Response

1. What is your best estimate of how much of the demand has been met?

*Tips:* Suggested sources of information include limited scope representation pro bono cases accepted, other limited scope representation cases (Note, it will likely be difficult to get accurate private bar numbers).

Number or % of households with limited scope representation:

To calculate the percentage below =

Number or % of households with limited scope representation *divided by*

Number or % of households in need of limited scope representation (Question 3).

Please provide a brief explanation of your calculation below under “Additional information”.

Percentage:

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. What case types have limited scope representation available? (select all that apply)

*Tips:* A suggested source of information is court statistics/caseloads. Please indicate any distinctions within contract cases below under “Additional information”.

Contract (includes landlord/tenant, debt collection & mortgage foreclosure)

Small Claims

Tort

Probate

Real Property

Mental Health (includes civil commitment, guardianship)

Family (includes divorce, protection orders)

Other

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. At what stage in the case is limited scope representation provided? (select all that apply)

*Tips:* Suggested sources of information include legal aid, bar and court records.

Pre-filing

Post-filing, uncontested

Post-filing, contested

Through entry of judgment

Post-judgement

Appellate

No case stage data is collected

Other

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Technology Integration

1. Is limited scope representation available remotely (via video or telephone)?

*Tips:* Suggested sources of information include court rules allowing remote appearances, limited scope representation attorney surveys. Please identify any barriers below under “Additional information”.

No counties  Few counties  Half of counties  Most counties  All counties

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. Is technology being optimized (e.g., technology utilized to the extent possible where practicable and feasible)?

*Tips*: Suggested sources of information include opinion surveys of the private bar, legal aid, court staff, judicial officers and client focus groups or interviews. States might also identify additional technology examples. Please discuss any limitations in broadband access and infrastructure challenges below under “Additional information”.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Never** | **Rarely** | **Sometimes** | **Often** | **Always** |
| ***Administration*** |  |  |  |  |  |
| Case management tools |  |  |  |  |  |
| Litigation e-tools (discovery, filing) |  |  |  |  |  |
| Work & data sharing tools |  |  |  |  |  |
| Other: |  |  |  |  |  |
| ***General Education/Information*** |  |  |  |  |  |
| Communication tools (email/text notices) |  |  |  |  |  |
| Information-sharing tools (websites) |  |  |  |  |  |
| Other: |  |  |  |  |  |
| ***Service Delivery*** |  |  |  |  |  |
| Remote communication tools (videoconference) |  |  |  |  |  |
| Case resolution tools (online dispute resolution) |  |  |  |  |  |
| Other: |  |  |  |  |  |

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Language

1. Are language access services and supports provided?

*Tips:* Respondent might replicate this question for “in court” and “out of court” or discuss any distinctions in the “Notes” section. Suggested sources for “in court” information include language access plan, policies and protocols around supports and language services available. “Out of court” include attorney/law office policies and protocols, language services, state-level language coalitions/access to justice commissions. The Justice Index: Language Access Index might also inform responses to this question.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| ***Services & Supports*** | **Never** | **Rarely** | **Sometimes** | **Often** | **Always** |
| Interpretation (in-person, certified) |  |  |  |  |  |
| Translated materials (signage, orders, general information) |  |  |  |  |  |
| Bilingual employee support |  |  |  |  |  |
| Training |  |  |  |  |  |
| Outreach |  |  |  |  |  |
| Other: |  |  |  |  |  |

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. Does limited scope representation reflect plain language principles and practices?

*Tips:* Example: Communications are concise.

Visit [plainlanguage.gov](https://plainlanguage.gov/) for additional examples of plain language principles and practices.

Respondent might replicate this question for “in court” and “out of court” or discuss any distinctions in the “Additional information” section below. Suggested sources for “in court” information include language access plan, policies and protocols around plain language, survey on existence and use of plain language tools and resources “out of court” include attorney/law office policies and protocols, plain language services/tools/resources, survey on existence and use of plain language tools and resources.

Never  Rarely  Sometimes  Often  Always

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Special Populations

1. Does limited scope representation comply with disability access requirements?

*Tips:* Respondent might replicate this question for “in court” and “out of court” or discuss any distinctions below under “Additional information”. Suggested sources for information include state accommodations compliance and rules, evaluations and reports on compliance status. The Justice Index: Disability Access Index might also inform responses to this question.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| ***Access Requirements*** | **Never** | **Rarely** | **Sometimes** | **Often** | **Always** |
| ADA[[1]](#footnote-1) Title 1: Employment |  |  |  |  |  |
| ADA Title 2: State and Local Government Services |  |  |  |  |  |
| ADA Title 3: Public Accommodations |  |  |  |  |  |
| ADA Title 4: Telecommunications |  |  |  |  |  |
| ADA Title 5: Miscellaneous |  |  |  |  |  |
| Rehabilitation Act, Section 504 |  |  |  |  |  |

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. Are safeguards in place for vulnerable populations? (For example, individuals with trauma, cognitive impairment, learning disabilities, homebound, etc.)

*Tips:* Suggested sources of information include opinion surveys from self-help center staff, legal aid, court staff, judicial officers, user focus groups and interviews and community and social service provider interviews or focus groups.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| ***Safeguard*** | **Never** | **Rarely** | **Sometimes** | **Often** | **Always** |
| Trauma-informed responses |  |  |  |  |  |
| Accommodations for remote appearances |  |  |  |  |  |
| Appropriate modalities to support user comprehension and participation |  |  |  |  |  |
| Additional time for client review |  |  |  |  |  |
| Confidentiality practices |  |  |  |  |  |
| Other: |  |  |  |  |  |

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Ecosystem Ties & Voice

1. Are principles of diversity, equity and inclusion being applied to content development and/or service delivery? (e.g., Do limited scope representation practices reflect cultural sensitivity? Is language gender-neutral? Is the impact of bias being considered?)

*Tips:* Suggested sources of information include opinion survey from limited scope representation attorneys, legal aid, court staff and judges; client focus groups/interviews and community/social service provider interviews/focus groups. Respondents may discuss content development and service delivery separately. Respondents may discuss content development and service delivery separately.

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. What financing structures are in place to support limited scope representation? (select all that apply)

*Tips:* Suggested sources of information include interviews with limited scope representation attorneys, bar association and pro bono program representatives.

Budget line items

Fees

Private funding

Grants

Endowment

None

Other

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. Is financing for limited scope representation sustainable (able to be maintained at a certain level)?

*Tips:* Suggested sources of information include interviews with private bar, and pro bono program leadership representatives.

Yes  No  Unsure

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. How does the access to justice governance/leadership support limited scope representation? (select all that apply)

*Tips:* Suggested sources of information include opinion surveys from limited scope representation attorneys, legal aid, court staff and judges; strategic plans; bar association/law school information on incubators and other incentive programs (e.g., rural fellowships) to support representation.

Promoting limited scope representation programs

Funding

Marketing

Support legal aid initiatives

Support complementary initiatives

Other

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Measurement

1. What data do you collect on limited scope representation? (select all that apply)

*Tips:* Suggested sources of information include limited scope representation programs and services, self-help center reports and court case management data.

Number of attorneys

Number of referrals

Cases with representation

Case type use

Number of pro bono cases

No data is collected

Other (can add multiple options):

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

17.i. How is the data used to inform access to justice strategy/policy?

17.ii. Who sees the data?

1. Are there accepted practices for documenting limited scope representation?

*Tips:* Examples of accepted practices include uniform data definitions, collection techniques and collection frequency. Suggested sources of information include collection manuals or interviews with bar association officials, court self-help centers and limited scope representation programs/attorneys.

If yes, please explain practices below under “Additional information”.

Yes  No  Unsure

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Cumulative Component Assessment

Please score your overall progress on limited scope representation based on the compiled information and additional data used to inform this assessment. The scoring should use the following scale:

**None:** In this category, component key elements, content or services are not available; no data is being collected; there is no sustained funding and there are many gaps to providing this service or content.

**Minimal levels:** In this category, very little demand for component key elements, content, or services is estimated to be met, potentially only in a few counties. There may be only a few (1-2) case types or litigation stages in which component key elements, content, or services are available. The majority of responses focusing on technology, language supports, access requirements, and safeguards, are ‘Rarely’ with a few ‘Sometimes’ selections. There are limited examples of diversity, equity, and inclusion as well as weak, unsustainable financing structures and data collection practices.

**Partial:** In this category, it is estimated that between a quarter and half of the demand for component key elements, content, or services is estimated to be met. Component key elements, content or services may not be statewide and in less than half of all counties. There may be only three to four case types and few litigation stages in which component key elements, content or services are available. The majority of responses focusing on technology, language services, access requirements and safeguards are ‘Sometimes’ with a few ‘Rarely’ or ‘Often’ selections. Additionally, only a few examples of diversity, equity and inclusion are present. Financing structures are somewhat stable while data collection is sporadic and rarely informs strategy or policy.

**Sufficient:** In this category, it is estimated that more than half of the demand for component key elements, content or services is being met. The component key elements, content or services may exist statewide and if not statewide, in many of the counties. Component key elements, content or services are provided to most case types and at multiple stages in the case. The majority of responses focusing on technology, language supports, access requirements, and safeguards are ‘Often’ with a few ‘Always’ or ‘Sometimes’ selections. Additionally, there are more than 2-3 examples of diversity, equity, and inclusion present. Stable and sustainable financing structures are listed; data collection may be established and occurring but there is room for advancement in how it informs the design, delivery and sustainability of the component.

**Advanced:** In this category, greater than 75% of the demand for component key elements, content or services is being met. The component key elements, content or services are statewide and are provided to almost all cases and at every feasible stage in the case. The majority of responses focusing on technology, language services, access requirements and safeguards are ‘Always’ with a few ‘Often’ or ‘Sometimes’ selections. Additionally, there are numerous examples of diversity, equity, and inclusion. Financing structures are described as robust and sustainable. Data collection and sharing occur regularly to inform component design and delivery with strong feedback loops in place to guide future development.

*Overall progress on Limited Scope Representation:*

None  Minimal levels  Partial  Sufficient  Advanced

1. Americans with Disabilities Act. For more information on ADA access requirements see, <https://www.ada.gov/>. [↑](#footnote-ref-1)