

# Court Review

THE JOURNAL OF THE AMERICAN JUDGES ASSOCIATION

Volume 56, Issue 1

2020

## EDITOR'S NOTE

**T**his special issue of *Court Review* presents a topic that is central to our republic: access to justice. Most agree that the United States of America being the greatest country on Earth is primarily owing to our unique and dynamic legal system. Courts are open, decisions are made by lay juries, and the common law is rich and enduring. But our freedom and the rule of law come with a bedeviling byproduct: access to advice, representation by a lawyer, and sufficient procedural fairness are dependent on resources. Low-income citizens are provided an attorney in criminal proceedings, of course, but what about the rest? There is no guarantee that the system is open to a single mom with an unscrupulous landlord. When civil legal problems arise, many Americans are unable to do anything. So it has become a partial system—one for those who get access—and none for those who cannot. Our contributors are seasoned observers of the many aspects of this crucial subject, and show extraordinary thinking upon which we can be well-informed, and ready to reflect going forward.

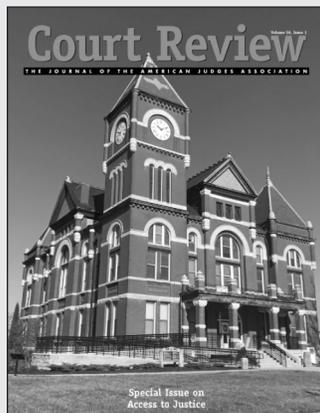
Judge Jonathan Lippman has forged an illustrious career in New York state courts and beyond. His leadership has brought much-needed action to address the problems of access to justice for all people. In our lead-off article, Judge Lippman carefully outlines the story of New York's efforts to provide a wider courthouse door. It shows a model of what can be accomplished, and inspires us to act in our own jurisdictions.

Professor Russell Engler is a renowned academic leader regarding access to justice. He has written often and brilliantly about unrepresented litigants in our legal system, including the role of judges. His important work and research in this issue provides an impressive exploration of the role of judges in access to justice issues—and for the growing efforts regarding a civil right to counsel. We are engaged to learn about how we got to where we are, and to remedy the increasing justice gaps. Our substantive understanding will be improved by Professor Engler's article and strategic thinking.

John Pollock is the longstanding Coordinator of the National Coalition for a Civil Right to Counsel, and a much-published researcher and commentator about access to justice. His masterful piece will provide comprehensive knowledge and history of civil right to counsel law and practice. The article in this issue provides interesting and practical tools for judges to find their own right path to ensure litigants have the best access possible.

Finally, we are always gratified to present Judge Wayne Gorman's work and scholarship. On the Canadian side, Judge Gorman reminds us of the continuous need to maintain and improve adequate criminal-indigent-defense counsel. His article reviews these issues viewed across the northern border—and will seem much like our own here in the U.S.

Access to justice is becoming a mainstay of judges' work. The assurance of due process is not just left to the various pro bono efforts of the private bar. It is crucial that the substantive work of courts include doing what is necessary to ensure full access. This special-topic issue of *Court Review* may help address this ongoing challenge.—David Dreyer



*Court Review*, the quarterly journal of the American Judges Association, invites the submission of unsolicited, original articles, essays, and book reviews. *Court Review* seeks to provide practical, useful information to the working judges of the United States and Canada. In each issue, we hope to provide information that will be of use to judges in their everyday work, whether in highlighting new procedures or methods of trial, court, or case management, providing substantive information regarding an area of law likely to be encountered by many judges, or by providing background information (such as psychology or other social science research) that can be used by judges in their work. Guidelines for the submission of manuscripts for *Court Review* are set forth on page 51 of this issue. *Court Review* reserves the right to edit, condense, or reject material submitted for publication.

Advertising: *Court Review* accepts advertising for products and services of interest to judges. For information, contact Shelley Rockwell at (757) 259-1841.

On the cover: The Miami County (KS) Courthouse was built in 1899 by architect George P. Washburn as Victorian with Romanesque Revival details. The building features a tower at each corner, and a clock tower that no longer has a clock. The courthouse features porches with brick columns, and the upper windows of the building are arched with stone which continues around the building in a band. The main part of the roof and the towers are hipped, with gable ends between the towers. The courthouse was added to the National Register of Historic Places on March 1, 1973. Photo by Michael Fairchild.

©2020, American Judges Association, printed in the United States. *Court Review* is published quarterly by the American Judges Association (AJA). AJA members receive a subscription to *Court Review*. Non-member subscriptions are available for \$35 per volume (four issues per volume). Subscriptions are terminable at the end of any volume upon notice given to the publisher. Prices are subject to change without notice. Second-class postage paid at Williamsburg, Virginia, and additional mailing offices. Address all correspondence about subscriptions, undeliverable copies, and change of address to Association Services, National Center for State Courts, Williamsburg, Virginia 23185-4147. Points of view or opinions expressed in *Court Review* are those of the authors and do not necessarily represent the positions of the National Center for State Courts or the American Judges Association. ISSN: 0011-0647.

Cite as: 56 Ct. Rev. \_\_\_\_ (2020).