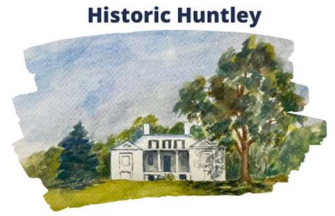




Commonwealth of Virginia

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Joint Board Matter

Franconia District Supervisor Rodney Lusk

and

Chairman Jeff McKay

March 21, 2023

Mr. Chairman - access to justice for self-represented litigants is a significant issue facing the legal community today. Many litigants who access the courts are unrepresented. A significant portion of individuals either choose to represent themselves, or they do not have the means to hire an attorney to represent them.

The barriers faced by self-represented litigants include cultural and language barriers, procedural hurdles, and general difficulty navigating the court process and understanding legal terminology, from what forms to file, to where and when to appear, and what to say in court.

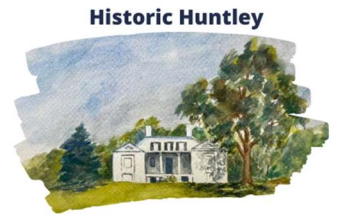
In 2017, the National Center for State Courts published a study entitled Virginia Self-Represented Litigant Study: Outcomes of Civil Cases in



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General District Court, Juvenile & Domestic Relations Court, and Circuit Court. This study revealed that the traditional adversarial model, where both parties are represented by counsel, occurred in only 1 % of General District Court cases, 6% of Juvenile & Domestic Relations Court cases, and 38% of Circuit Court cases. Poverty was the reason most often associated with not being represented by counsel.

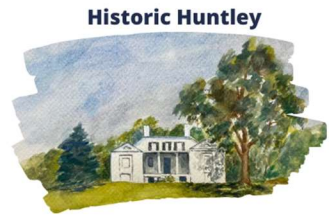
According to a 2019 study by the Fairfax Bar Association in collaboration with the George Mason Honors College, the top reasons litigants did not have a lawyer were the cost of hiring an attorney and the belief that the case could be handled alone. Additionally, the study showed many litigants felt overwhelmed and lacked awareness of free legal aid resources.



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The Virginia Supreme Court's Access to Justice Commission acknowledged the need for services to self-represented litigants when it adopted a resolution on December 9, 2021, approving the creation of pilot self-help centers within courthouses to increase public trust in the courts and to provide unrepresented litigants with information necessary to participate meaningfully in proceedings and protect their interests.

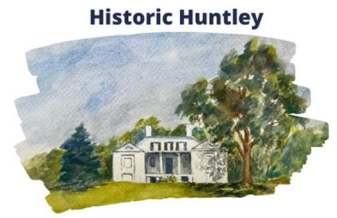
The Fairfax Bar Association, which runs the Law Library, is proposing the creation of a self-help resource center located in the Law Library in the Fairfax County Courthouse Complex. The proposal is being led by Judge Susan Stoney and Judge Dipti Pidikiti-Smith from the Fairfax County General District Court.



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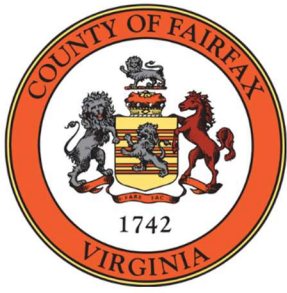


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The Self-Help Resource Center would be the first of its kind in Virginia.

The Center would serve as an alternative option for those who are unable to afford legal services and for whom pro bono help is not available. The types of assistance provided would include the provision of legal information, referrals, forms, and resource materials on topics related to various court matters. Because the Center would be providing legal information only, not advice, the rules pertaining to unauthorized practice of law and conflicts would not be implicated.

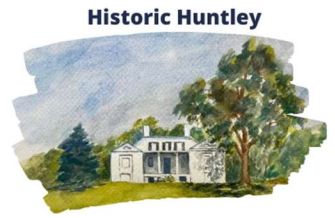
In my District we have had constituents contact my office desperate for legal direction as they were unable to obtain legal aid services, in one instance, a child custody case, the parents had no idea what to expect at their court hearing and thus were not able to prepare for or understand the court process. Economically challenged residents and



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residents from our black and brown communities are impacted the most.

Keeping in line with our One Fairfax policy, a self-help resource center will confirm that self-represented litigants are entitled to be able to understand and interact meaningfully with a judicial system that determines their rights and affects their lives in so many significant ways, from housing to child custody cases.

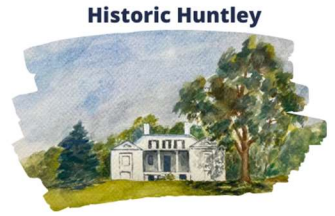
My office reached out to our Chief Financial Officer, Christina Jackson for direction on establishing the self-help resource center. Ms. Jackson instructed NCS to review all county funded programs that might be similar, the determination was made that there are no similar programs in existence.



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Mr. Chairman, I move that the County Executive prepare a budget consideration item for review by this board in the amount of \$96,000 which will be a recurring item as part of the FY2024 budget. This funding will be designated for establishing a Fairfax County Self-Help Resource Center within the Law Library at the Fairfax County Courthouse.