

## DETAILED SUMMARY OF THE ARTICLE

### **Dream Big and Lay the Groundwork: How Rhode Island Can Improve Access to Civil Justice for Self- Represented Litigants**

Amanda Rotimi's article published in the RWU Law Review in 2023,<sup>1</sup> examines the growing crisis of self-represented litigants (SRLs) in Rhode Island's civil courts and argues that the state must adopt systemic reforms, most importantly, establishing a statewide Access to Justice (ATJ) Commission to ensure meaningful access to civil justice. The article blends empirical findings, legal obligations, and comparative models to show that Rhode Island's current efforts remain fragmented and insufficient.

#### **I. The Scope of the Problem**

Rhode Island courts face a massive influx of SRLs:

- **36,885 cases** in 2019 involved at least one SRL
- **District Court** handled the overwhelming majority (33,815)
- **Family Court** handled 2,300
- Even during COVID disruptions, **20,806 SRL cases** were filed in 2020

The justice system is designed for lawyers, not laypeople. SRLs must navigate:

- complex procedures
- legal jargon
- confusing forms
- inconsistent self-help resources

This mismatch creates **barriers to justice** and **judicial inefficiency**, especially when SRLs face represented opponents.

#### **II. Current Efforts and Persistent Barriers**

The **National Center for State Courts (NCSC)** conducted a comprehensive study of Rhode Island's SRL experience. They identified **seven major problem areas** and issued **eight recommendations**.

##### **1. Self-Help Information Is Disorganized and Hard to Use**

Problems include:

- forms buried in small scroll boxes
- forms not written in plain language
- lack of instructions
- website not mobile-friendly
- self-help page cluttered with irrelevant information

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<sup>1</sup> Rotimi, Amanda (2023) "Dream Big and Lay the Groundwork: How Rhode Island Can Improve Access to Civil Justice for Self- Represented Litigants," Roger Williams University Law Review:Vol.28:Iss.3,Article14.

### **NCSC recommends:**

- multimedia resources (videos, flowcharts, checklists)
- plain-language forms
- mobile-optimized tools
- in-person kiosks with staff support

## **2. Inconsistent Assistance from Judges and Court Staff**

Court personnel vary widely in:

- willingness to help
- understanding of what counts as legal information vs. legal advice
- ability to assist traumatized, low-literacy, or LEP litigants

### **NCSC recommends:**

- regular training
- clear guidelines
- better staff education on SRL needs

## **3. Limited Awareness of Legal Aid Resources**

Stakeholders often:

- don't know what resources exist
- have outdated information
- fail to refer SRLs to appropriate services

### **NCSC recommends:**

- stronger collaboration with legal aid, libraries, law schools
- updated referral lists
- coordinated clinics (lawyer-for-a-day, expungement days, etc.)

## **4. Barriers for Low-Literacy and LEP Court Users**

Court forms are:

- jargon-heavy
- not written in plain language
- not consistently translated
- not WCAG-compliant

### **NCSC recommends:**

- multilingual forms
- "I Speak" cards
- accessibility-compliant online tools

## **5. Confusing Court Rules and Procedures**

Example: Many SRLs fail to finalize divorces because they don't know they must submit a final judgment order.

NCSC recommends:

- templates for final orders
- "prescription pads" guiding SRLs through required steps
- process maps and instructions

## **6. Rhode Island Lacks an Access to Justice Commission**

Rhode Island is one of the few states without an ATJ Commission, despite ABA recommendations.

### **NCSC argues an ATJ Commission would:**

- unify stakeholders
- coordinate reforms
- expand pro bono services
- standardize resources statewide
- Issue public reports summarizing findings, trends, and recommendations.

## **7. Need for Large-Scale, Low-Cost Reforms**

### **NCSC suggests:**

- CLE credit for pro bono
- non-lawyer navigator programs
- streamlined e-filing
- fee-waiver applications without court visits

## **III. Legal and Ethical Duties to Improve Access**

Rotimi argues that improving access to justice is not optional; it is a **legal, constitutional, and ethical obligation**.

### **1. Federal Law**

- Title VI requires language access
- ADA requires accessibility for disabled court users
- DOJ previously investigated Rhode Island for failing to provide interpreters

### **2. Rhode Island Constitution**

Guarantees justice “freely... completely... without denial... promptly... without delay.”

### **3. Rules of Professional Conduct**

Lawyers have an ethical duty to support equal access to justice.

## **IV. The ATJ Office: Progress but Insufficient**

In 2021, Rhode Island created an **Access to Justice Office**, which has:

- redesigned forms
- created multimedia divorce resources
- updated translations
- collaborated with legal aid and community groups
- improved the website

However, the ATJ Office:

- is entirely internal to the Judiciary
- lacks external stakeholder leadership
- cannot coordinate statewide reforms
- perpetuates Rhode Island’s “siloed ecosystem”

Thus, it cannot replace an ATJ Commission, nor does it meet the ABA’s definition of a Commission.

## **V. The Case for a Rhode Island ATJ Commission**

### **1. Rhode Island Already Designed One**

In 2013–2014, the Judiciary:

- received an ABA grant
- hired a consultant
- convened stakeholders
- drafted an administrative order
- designed a 19-member Commission

**But it was never launched.**

### **2. The Proposed Commission Aligns with NCSC Recommendations**

It would:

- include judges, legal aid, bar leaders, law school, social services, and government
- meet quarterly
- create standing committees
- coordinate statewide reforms
- report annually to the Supreme Court
- Issue public reports summarizing findings, trends, and recommendations

### **3. What an ATJ Commission Could Achieve**

Drawing from Massachusetts and Texas models, a Rhode Island ATJ Commission could:

- expand pro bono programs
- create appellate clinics
- develop navigator programs
- coordinate statewide training
- create standing committees on family law, housing, racial equity, etc.
- support the ATJ Office’s work
- Issue public reports summarizing findings, trends, and recommendations.

## **VI. Addressing Counterarguments**

### **1. “We already have an ATJ Office.”**

Rotimi argues:

- the Office is internal and limited
- a Commission brings external leadership
- both can coexist (as in Massachusetts)
- the Commission addresses statewide, not just judicial, issues

### **2. “More self-help resources threaten lawyers’ business.”**

Rotimi responds:

- SRLs using free resources are not potential clients
- legal aid is overwhelmed
- self-help tools serve people who cannot afford lawyers
- these tools do not replace legal representation

In addition to all of the above, Rhode Island must change their Judicial Rule 2.2. **Fundamental rights are not optional.** Excluding Comment [4] and requiring SRLs to meet attorney-level knowledge, access to justice becomes illusory: ordinary citizens held to impossible standards while safeguards of due process and equal protection are withheld defies logic. When judges withhold accommodations, they are not neutral, they tilt the scale toward represented parties. The decisions below expose these tensions, showing how ordinary citizens are forced to navigate a system without the protection fairness demands.

### **Conclusion**

Rhode Island faces a growing crisis of self-representation in civil courts. While the ATJ Office is a meaningful step, the state needs a **systemic, coordinated, statewide approach.** Establishing an ATJ Commission using the blueprint Rhode Island already created would unify stakeholders, expand resources, and fulfill the Judiciary's constitutional, statutory, and ethical obligations to ensure equal access to justice.