

## **Long-Range Issue #4—Enhancing Court Access and Services**

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Public access to the courts is a cornerstone of our justice system. Article I, section 21 of the Constitution of the State of Florida requires that “the courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.” Inherent in this mandate is the precept that our courts are neutral bodies that will interpret the law fairly, and will ensure equal treatment of all parties.

There are obstacles that litigants face, however, in seeking access to the courts. The cost of litigation, communication and language barriers, lack of information, complexity, cultural and attitudinal biases, and physical obstructions can be substantial impediments to accessing the courts. In addition, the experiences of court users can affect their perceptions of the courts’ fairness and impartiality. Numerous studies have shown that the perceived fairness of court outcomes influences the public’s evaluations of the courts, but is secondary to perceived procedural fairness. Litigants tend to comply with court decisions they understand and which are made through processes they accept as fair. *Florida’s judicial branch is committed to improving access to courts, and to providing the highest quality of services to everyone who enters a courthouse.*

To ensure meaningful access to courts, the judicial branch must actively identify and attempt to ameliorate barriers that exist. Procedural barriers include laws, rules, processes and forms that are overly complex or difficult for court users to understand. Obstacles of this kind are particularly difficult for the increasing number of pro se litigants in Florida’s courts; they may come to the courts for many reasons, but often have a minimal understanding of the law, little information about court procedures and rules, and limited access to assistance. Programs to assist self-represented litigants have suffered cuts in staffing and budgets in recent years, further impairing the ability of individuals to navigate through a judicial process without counsel. Economic, physical, and language obstacles may also act as barriers to limit access to the courts and court services.

Non-English speakers and those not fluent in English generally have significant difficulty understanding the court system and may not be able to fully participate in the court process. Our system of jurisprudence may be unfamiliar to citizens from other nations, and may present a level of complexity that is intimidating and frustrating. Florida’s need for interpretation and translation services is great and is likely to continue growing, given the ever-increasing diversity of Florida’s population. Communication barriers are not, however, limited to language; they also include barriers experienced by persons with developmental disabilities, mental illnesses, dementia, and visual and hearing disabilities. For such individuals, auxiliary aids and services may be required to enable their effective participation in court processes.

Finally, Florida’s population of individuals over the age of 65 is substantial and continues to grow at a faster pace than the general populace. Elders may experience difficulty in accessing the courts for a variety of reasons, including procedural, cost, physical, and communication barriers.

As reflected in the Code of Judicial Conduct, judges are to perform judicial duties without manifesting bias or prejudice based on race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status. The judicial branch must continue its vigilance in correcting any bias inherent in court processes and any conduct evidencing bias by attorneys, court personnel, judges, or litigants. *By continuing its active commitment to equal access, fairness, and justice, Florida’s judicial branch will ensure that all people will be treated with dignity when they appear in court.*

**Goal 4.1: Provide meaningful access to Florida’s courts for all people.**

***Strategies:***

- 4.1(a) Advocate for improved accessibility and modernization of court facilities.
- 4.1(b) Utilize scheduling practices whenever possible that provide maximum court access to parties in terms of convenient hours and locations.
- 4.1(c) Ameliorate the impact of economic barriers to accessing Florida’s courts.
- 4.1(d) Minimize the effects of physical barriers to Florida’s courts.
- 4.1(e) Reduce the effect of communication and language barriers to Florida’s courts.
- 4.1(f) Collaborate with justice system partners, professional associations, and community organizations to enhance access to the justice system.
- 4.1(g) Educate judges and court staff about barriers faced by court users trying to access the courts and how those barriers may be addressed or minimized.

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**Goal 4.2: Florida’s courts will provide the highest quality of services to court users.**

***Strategies:***

- 4.2(a) Improve and expand services, assistance, and information provided to self-represented parties.
- 4.2(b) Ensure that court information, resources, and services are made available and understandable to everyone.
- 4.2(c) Provide consistent levels of core services, information, resources, and assistance in all courts throughout Florida, to include conflict resolution, court reporting, and interpreter/translator services.
- 4.2(d) Collaborate with justice system partners to ensure delivery of appropriate services to court users.
- 4.2(e) Supply court users with current information on available community and justice partner programs and services.
- 4.2(f) Expand the use of existing and emerging technologies to enhance access to information and services.
- 4.2(g) Emphasize the use of standardized, simplified rules and practices for all case types.

**Goal 4.3: Florida’s courts will treat all people fairly and with respect.**

***Strategies:***

- 4.3(a) Ensure that all State Courts System employees understand the importance of providing procedural as well as substantive justice to all parties.
- 4.3(b) Emphasize the importance and relevance of interacting effectively with people of different cultures in performing duties and responsibilities in serving Florida’s diverse population.
- 4.3(c) Enhance training programs for judges on issues of fairness.
- 4.3(d) Augment training for court employees on issues of fairness and diversity.