

Strategies for Continuing Court Based Advocacy During the COVID-19 Pandemic

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Vivianne Mbaku, Justice in Aging

Key Challenges

The widespread closure of courts due to the COVID-19 pandemic has forced court-based legal services to become remote. When pivoting to remote legal services, advocates face many challenges. Common challenges include: clients having limited access to technology, older adults possibly sheltering in place with abusers, and the difficulty in disseminating information about remote clinic changes. Successfully navigating these challenges as advocates will ensure that clients know that legal services are still willing and ready to assist them, despite the pandemic.

Strategies for Continuing Court Based Advocacy Remotely

1. Set up multiple, simple ways to receive referrals

Setting up a voicemail and email address to receive referrals should be one of the first steps in going remote. You should consider if you need to expand your hours of availability when in-person advocacy is impossible.

2. Ensure the courts and other community partners are aware of your clinic changes

Reach out to all community partners (i.e. APS, prosecutors, court clerks, senior centers) and referral sources and inform them of any changes to your clinic intake system. Your website should have any changes prominently displayed in English and any other languages spoken in your community.

3. Explain your role as an advocate

When speaking over the phone or email, we lose the many social cues that are exchanged during a face-to-face conversation. It may be harder to ensure that clients understand you, your role, and what you can do in their case. Therefore, it is important that your relationship with the client is clearly explained. Make sure to also explain any limitations that might exist due to the court's limited capacity during the pandemic. Is the case one that is not being prioritized by the courts at the moment? Inform the client there may be a delay because of court priorities.

4. Ensure you can serve all clients, regardless of language

Make sure all staff have the phone numbers and access codes for language interpretation services and deaf/hard of hearing interpretation services.

5. Insist on telephonic/video court appearances for older adults

Older adults are at higher risk of COVID-19 infection. Advocating for remote appearance at hearings will protect older adults and ease the burden of coming in to court. Your court may have template motion forms to request a telephonic hearing. If your court does not already have remote appearance rules, you can contact the court's ADA liaison to request a reasonable accommodation based on a client's age or disability.

6. Look to telephone based intake models

Legal Hotlines have successfully done remote legal work for years. These hotlines can serve as good resources for establishing remote legal services.

7. Consider Pro Bono assistance

Consider reaching out to your pro bono network to assist in serving clients. With litigation paused for the moment, they may have additional time to draft documents, take on cases, or do legal research.

8. Embrace trauma-informed lawyering practices

The COVID-19 pandemic is an international traumatic event. Keep in mind that the pandemic may serve to increase stress among clients who have already experienced trauma. One way to engage in trauma-informed practice is to reach out to current and former clients and inform them that your organization is still open and ready to assist.

9. Prepare for after the pandemic

It is very likely that there may be more cases to attend to after the pandemic has ended. Think ahead about your clinic's capacity to assist those who have held off on addressing their legal issues until after the pandemic has ended.

10. Look to the future

Some of the changes being made right now might be useful in the future. Take time to consider the benefit of advocating to keep increased remote court appearances, easier filings processes for pro se litigants, and increased access to your clinics. This time may be helpful in proving these changes are not only feasible but also helpful in increasing access to justice.

Additional Resources

- [National Center for State Courts](#): The National Center for State Courts has information on court closures and changes for all 50 states
- Self-Represented Litigant Network: [Resources for Pro Se Litigants](#): The SRLN is holding regular calls for advocates that serve pro se litigants to troubleshoot issues related to COVID-19
- [NCLER Senior Legal Hotline Resources](#)
- [NCLER COVID-19 Resources](#)
- NCLER Issue Brief: [Trauma-Informed Lawyering](#)
- [National Notary Association](#): the Association has up-to-date information on remote notarization changes throughout the country

Please contact ConsultNCLER@acl.hhs.gov for free case consultation assistance. Sign up for our email list and access more resources at [NCLER.acl.gov](https://www.ncler.acl.gov).

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