

United States Department of Justice

Office for Access to Justice



Fiscal Year 2023 Performance Budget Congressional Justification March 2022

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I. OVERVIEW OF THE OFFICE FOR ACCESS TO JUSTICE

The Department of Justice is requesting **\$10.0 million and 42 positions (34 FTE)** in Fiscal Year (FY) 2023 to continue its efforts to reinvigorate the work of the Office for Access to Justice (“ATJ” or “the Office”) under the General Legal Activities (GLA). The Office serves as the U.S. Government’s central authority on access to justice issues and leads the twenty-eight federal agencies that comprise the Legal Aid Interagency Roundtable (“Roundtable”). By working with Federal agencies and state, local, tribal, and territorial stakeholders, the Office increases access to legal assistance and improves the efficiency and efficacy of justice delivery systems to ensure they serve everyone in America. Today’s challenges to accessing justice for all require the Justice Department to revitalize and expand the Office to develop new approaches and best practices.

A. Background

In 2010, the Justice Department established the Access to Justice initiative under the Office of the Associate Attorney General to address access issues in civil and criminal justice systems. The primary focus of the initiative was to improve indigent defense, enhance the delivery and efficiency of legal services, and identify and promote alternatives to court- and lawyer-intensive solutions.

“There can be no equal justice without equal access to justice. And because we do not yet have equal access to justice in America, the task before us is urgent.”

Attorney General Merrick B. Garland

In 2015, the Office for Access to Justice was formally established as a stand-alone component within the Justice Department. In addition, the Legal Aid Interagency Roundtable was launched. The Roundtable brings together federal agencies and departments to raise the awareness of executive branch agencies of the ways in which civil legal aid and indigent defense can help advance a wide range of federal objectives, including employment, family stability, housing, consumer protection, and public safety.

Beginning in 2017, the activities of the Office continued in a more reduced capacity than what is now warranted to address the present access to justice issues occurring in the United States. For this reason, on May 18, 2021, the President issued a memorandum reaffirming the Justice Department’s role in leading efforts across government to seek and secure meaningful access to justice and reconvening the Legal Aid Interagency Roundtable. In response to the Presidential Memorandum, the Attorney General launched a review process led by senior officials in the Justice Department’s leadership offices aimed at “identifying access-to-justice policy initiatives of high priority in light of today’s most pressing challenges.”¹

The Justice Department’s extensive review process engaged a wide range of stakeholders nationwide at all levels of government and beyond. It revealed that longstanding justice gaps in our country have been exposed and exacerbated by COVID-19. Also, as set forth in the Attorney General’s phased strategic plan to reinvigorate the Department’s role in advancing access to justice, it identified a clear and immediate need for restoration of a stand-alone office within the

¹ Memorandum from the Attorney General, *Access to Justice* (May 18, 2021).

Justice Department dedicated to the mission of closing those gaps.² On October 29, 2021, the Office for Access to Justice was formally re-established as its own component within the Justice Department.

Building upon the FY 2022 President’s Budget, the FY 2023 Budget request for \$10.0 million will enable the Department to further its revitalization efforts and bolster the work of the Office to narrow the most urgent justice gaps between legal needs and services available in United States and around the world.

B. Mission and Objectives

Millions of people across the country face barriers and inefficiencies in our legal systems that undermine trust in government and the rule of law. While legal assistance is a constitutional right in criminal cases, public defenders handle extremely large caseloads that jeopardize their ability to provide quality and timely representation. Moreover, many people face barriers to accessing legal aid in civil cases and other court proceedings. These barriers and inefficiencies undermine a wide range of critical federal government objectives – from increasing access to good jobs, health services, and housing to safeguarding family stability, consumer protection, and public safety.

Fundamentally, the mission of the Office for Access to Justice is to help the justice system efficiently deliver outcomes that are fair and accessible to all, irrespective of wealth and status. Three strategic pillars guide the work of the Office for Access to Justice: (A) promoting justice system accessibility; (B) accelerating justice system innovation; and (C) safeguarding justice system integrity. Pursuant to 28 C.F.R. §0.33, the Office is responsible for “[p]romot[ing] uniformity of Department of Justice and government-wide policy and litigation positions relating to equal access to justice” and “[e]xaminin[g] proposed legislation, proposed rules, and other policy proposals to ensure that access to justice principles are properly considered in the development of policy.”

STRATEGIC PILLARS OF PROGRAM ACTIVITY

- A. Promoting Justice System Accessibility*
- B. Accelerating Justice System Innovation*
- C. Safeguarding Justice System Integrity*

² *A Report to the President of the United States from the Attorney General of the United States* (September 15, 2021).

C. Challenges and Environmental Accountability

External Challenges. The COVID-19 pandemic has further exposed and exacerbated inequities in the Nation's justice system. Domestic violence cases and unemployment assistance cases have soared at the same time that court closures and trial postponements stemming from COVID-19 have caused delays. Indigent defendants in pre-trial detention and individuals who are incarcerated have been more vulnerable to the virus. Meanwhile, the expiration of moratoriums on evictions and increased bankruptcies filings have taxed our justice systems at every level. All of these challenges continue to increase the need for legal aid and assistance and further widen the gap in access to justice.

Internal Challenges. As a newly reestablished office, ATJ is recruiting staff, building organizational systems, creating partnerships with stakeholders at all levels, refining its strategies to advance equal justice, and prioritizing efforts for effective impact, within the limitations of provided resources. The Department will work with multiple components to develop operating, staffing, and performance plans as the work of the Office for Access to Justice is reinvigorated, while also addressing the challenges to shrink the justice inequality gaps.

Environmental Accountability. Good stewardship of the environment is not just a responsibility; it is a public value. The Office is therefore committed to being a good steward of the environment and performing, as well as encouraging, sustainable best practices. ATJ is working toward meeting all Administration and Department of Justice guidelines for improving environmental and energy performance. ATJ is also looking at ways to reduce its carbon footprint, acquire green products and services, and establish cost-effective waste prevention and recycling programs.

II. SUMMARY OF PROGRAM CHANGES

Item Name	Description	Pos.	FTE	Dollars (\$000)	Page
Access to Justice Programs	Funding requested is to reinvigorate and re-establish the Office for Access to Justice.	16	8	\$3,810	13

III. APPROPRIATIONS LANGUAGE

General Legal Activities language is displayed in the GLA rollup budget submission.

IV. PROGRAM ACTIVITY DESCRIPTION AND JUSTIFICATION

Access to Justice	Direct Pos.	Estimate FTE	Amount
2021 Enacted	0	0	\$0
2022 Annualized CR	0	0	0
2022 Rebaseline Adjustment	8	8	6,000
Adjustments to Base and Technical Adjustments	18	18	205
2023 Current Services	26	26	6,205
2023 Program Increases	16	8	3,810
2023 Request	42	34	10,015
Total Change 2022-2023	34	26	\$4,015

Access to Justice - Information Technology Breakout	Direct Pos.	Estimate FTE	Amount
2021 Enacted	0	0	\$0
2022 Annualized CR	0	0	0
2022 Rebaseline Adjustment	0	0	0
Adjustments to Base and Technical Adjustments	1	1	240
2023 Current Services	1	1	240
2023 Program Increases	3	3	391
2023 Request	4	4	631
Total Change 2022-2023	4	4	\$631

A. Promoting Justice System Accessibility

The Office for Access to Justice will promote justice system accessibility by working to eliminate barriers to just and efficient outcomes for everyone in the United States.

Increasing Access to Legal Representation

The Office for Access to Justice works to pursue expanded access to legal assistance in civil and criminal legal systems. The Office serves as the principal legal advisor for the Justice Department on the constitutional right to counsel and the other rights guaranteed under the Sixth Amendment to the Constitution of the United States. The Office works to identify and elevate opportunities to enhance the availability and quality of representation; foster collaboration to share best practices and identify achievable solutions; lift up the voices and perspectives of legal aid attorneys and public defenders in regulatory, enforcement, and policy discussions, and on government commissions, committees, working groups, and in the review of legislation; educate the public; and encourage diverse stakeholders to develop strategies that will overcome endemic barriers to effective representation. The Office also works to advance federal priorities through partnerships with legal aid service providers, including through the development of new and existing grant programs, research, training, and technical assistance for providers to address the substantial “justice gap” between truly meeting the needs of low- and moderate-income people and the resources available for civil legal services.

Leading the Federal Government’s Legal Aid Interagency Roundtable

The Office is responsible for leading the Legal Aid Interagency Roundtable, which comprises twenty-eight federal departments and agencies. The goal of the Roundtable is to foster innovative interagency collaborations that succeed in advancing fair, just, and efficient outcomes for everyone in America. The Roundtable identifies opportunities for: federal funding to improve outcomes and efficiently reach program goals; agency collaborations with legal services to improve enforcement and outreach activities; and the reduction of barriers that prevent underrepresented and vulnerable populations from effectively accessing legal assistance.

Increasing Language Access

While timely and accurate communication with the public is essential to the Department’s mission, language barriers often prevent many communities from understanding their rights, reporting crimes, or otherwise having full and equal access to the Department’s services and resources. In May 2021, the Attorney General committed to establishing a full-time, permanent Language Access Coordinator to increase the Department’s language access capabilities including expanded translations of its public-facing content and ensuring culturally competent and community-driven approaches to Department work.

Leveraging and Modernizing Pro Bono Programs

As part of a holistic approach to expanding access to justice, the Office also leads the Federal Government Pro Bono Program, which was established more than a quarter century ago pursuant to Executive Order 12988. The Program facilitates pro bono legal and other volunteer services by federal government employees that is performed on their own time, as permitted by statute, regulation, and ethical rules. In FY 2023, the Office will lead the modernization and expansion of the Federal Government Pro Bono Program nationwide, including by expanding and deepening relationships with legal services organizations, developing and providing training to prepare federal government attorneys to volunteer, overseeing the ethics review of specific opportunities, and providing mentoring to volunteer attorneys to ensure successful outcomes in pro bono matters.

Leading Stakeholder Access and Engagement

To help ensure that all communities have equitable access to, and benefit from, the Justice Department's work and services, the Office will serve as the principal liaison and point of contact between the Justice Department and legal assistance organizations, including public defender organizations. The Office will work to establish and deepen enduring lines of communication between the Department and traditionally underserved communities by coordinating stakeholder engagement efforts across components, identifying opportunities to engage new stakeholders, and implementing new engagement strategies. To increase transparency and accountability with stakeholders, the Office will provide updates on the implementation of its program activities.

Central Authority for the U.S. on Access to Justice Before International Organizations

The Office for Access to Justice serves as the central authority of the executive branch on access to justice issues before international and multilateral organizations. In consultation with the Department of State, the Office will lead the U.S. government's efforts to implement Goal 16 of the United Nations Sustainable Development Goals, to promote peaceful and inclusive societies, ensure equal access to justice for all, and build effective, accountable, and transparent institutions at all levels.

B. Accelerating Justice System Innovation

There is a sizeable gap between where our civil and criminal legal systems stand today and where they must be to meet the needs of our society. Court personnel and legal service providers have responded with innovative solutions that need to be researched, evaluated, and expanded. In courts and communities across the country, people are working every day to simplify processes and bring new service delivery models to those who need it most.

The Office will serve as a partner for courts, legal service providers, and others who have a vision for creating responsive, effective solutions to legal challenges. In particular, the Office is committed to:

- Accelerating innovation in the proceedings managed by the Department of Justice;
- Reducing structural barriers that hold back courts and legal service providers from successful transformation;
- Amplifying and promoting the efforts of those who are successfully closing the justice gap by changing their courts and legal services;
- Reducing inefficiencies and expanding service delivery solutions across governments to help revitalize our justice systems; and
- Identifying and spotlighting innovative strategies to close the gap between the need for, and the availability of, quality legal assistance.

C. Safeguarding Justice System Integrity

The Office for Access to Justice will advance equal access to justice by promoting the integrity and accountability of justice systems. The Office will work to combat economic barriers, such as unjust fines and fees, bail, warrants, citations, and improper ability-to-pay processes. The Office will also work to ensure economic opportunity and fairness for all, including in bankruptcy, consumer protection, and eviction and foreclosure proceedings. ATJ strives to remove obstacles that prevent meaningful access to counsel and the courts for members of underserved communities, and to address laws and policies that unjustly criminalize poverty. The Office will promote uniformity of Department of Justice and government-wide policies and litigation positions relating to equal access to justice.

The Office will also continue to play an active role in ensuring that the Justice Department fully implements the First Step Act of 2018, including by leading efforts of the Reentry Coordination Council convened by the Attorney General in October 2021. In support of the Council, ATJ will work to increase support for legal services in the areas of employment, education, housing, food insecurity, and healthcare to improve outcomes for people transitioning back into society at the completion of a prison sentence.

In addition, the Office will continue to build on its work and successes over the past decade. Details on past activities and accomplishments can be found here <https://www.justice.gov/archives/atj/accomplishments> and <https://www.justice.gov/atj>.

PERFORMANCE AND RESOURCES TABLE

Decision Unit: Access to Justice

RESOURCES (\$ in thousands)			Target		Actual		Target		Changes		Requested (Total)	
			FY 2021		FY 2021		FY 2022		Current Services Adjustments and FY 2023 Program Changes		FY 2023 Request	
Total Costs and FTE (Reimbursable: FTE are included, but costs are bracketed and not included in totals)			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			0	\$0 [\$0]			8	\$6,000 [\$0]	26	\$4,015 [\$0]	34	\$10,015 [\$0]
TYPE	STRATEGIC OBJECTIVE	PERFORMANCE	FY 2021		FY 2021		FY 2022		Current Services Adjustments and FY 2023 Program Changes		FY 2023 Request	
Program Activity	3.2, 3.3, 3.4, 3.5, and 5.1	Access to Justice	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			0	\$0 [\$0]			8	\$6,000 [\$0]	26	\$4,015 [\$0]	34	\$10,015 [\$0]
APG Measure:	To be determined											
KPI:	3.4	Number of strategic partnerships established by the Office for Access to Justice to improve equal access to justice.	N/A				6				10	
Performance Measure:	To be determined											
Performance Measure:	To be determined											

**Data Definition, Validation, Verification, and Limitations: Since ATJ is still in the early stages of being re-established, the Office's performance measures are still under development.*

Strategic Objective	PERFORMANCE MEASURE TABLE				
	Decision Unit: Access to Justice				
	Performance Measures ^{1/}	FY 2021	FY 2022	FY 2023	
		Actual	Target	Target	
N/A	Agency Priority Goals	N/A	N/A	N/A	N/A
3.4	Key Performance Indicator	Number of strategic partnerships established by the Office for Access to Justice to improve equal access to justice.	N/A	6	10
TBD	Performance Measure	TBD	N/A	TBD	TBD
TBD	Performance Measure	TBD	N/A	TBD	TBD
TBD	Performance Measure	TBD	N/A	TBD	TBD

1/ Due to ATJ recently being re-established, the Office is still in the process of developing performance measures.

V. PROGRAM INCREASES BY ITEM

Item Name: Access to Justice Programs

Budget Decision Unit: Access to Justice

Organizational Program: General Legal Activities

Program Increase: Positions 16 Agt/Atty 5 (est.) FTE 8 Dollars \$3,810,000

Program Description

The Department of Justice is requesting an additional **\$3.8 million and 16 positions (8 FTE)** over the President's FY 2022 Budget to enhance and expand ATJ core activities, as well as broaden the scope of programs and activities that improve equal justice outcomes. This includes, but is not limited to, increasing pro bono services, improving language access coordination, expanding engagement and partnership building with stakeholder communities, and developing and implementing legal innovations to transform justice delivery systems.

Program Justification

The extensive review and stakeholder engagement conducted during the process of re-establishing ATJ identified areas where the Department should expand and modernize its access-to-justice functions. This includes enhancing the navigability of the justice system through technology, disability, language, and cultural access; expanding civil legal representation through wider pro bono efforts; and pursuing racial equity as a cornerstone of access-to-justice efforts and all Departmental work among others.

With additional resources for language access coordination, ATJ will work to centralize and expand language access resources and promote language access directives across the Department; improve awareness by staff of the Department's telephonic language service and other language contracts that may be used by all components and staff; and work with components with constituencies with particularly high language access needs to make programs more language accessible. With additional resources for stakeholder research and engagement, ATJ will work to coordinate stakeholder engagements across components and track how the input informs policies and practices. ATJ will also plan new stakeholder engagement activities in response to identified gaps in order to move from simply informing to consulting, involving, and collaborating with stakeholders to improve justice outcomes. Finally, the additional resources will enable ATJ to identify and elevate the most innovative solutions across all levels of government to ensure the effective, efficient and, most importantly, equitable delivery of fair justice to all individuals across this Nation.

Impact on Performance

By enhancing and expanding ATJ, the Department will develop new approaches and best practices for expanding inclusive and equal access to justice. Through integrating access to justice approaches into programs that support vulnerable and underserved communities, not only are outcomes improved, federal programs that focus on poverty, hunger prevention, health, education, the empowerment of women, employment, inequality, and safety are also strengthened.

Funding

Base Funding

FY 2021 Enacted				2022 President's Budget				FY 2023 Current Services			
Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)
0	0	0	\$0	8	6	8	\$6,000	26	7	26	\$6,205

Personnel Increase Cost Summary

Type of Position/Series	Positions Requested	Annual Costs per Position* (\$000)			FY 2023 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Clerical and Office Svcs (0300-0399)	8	97	88	186	776	707	4
Attorneys - GS (0905)	4	130	145	277	519	578	12
Attorney – SES (0905)	1	146	130	276	146	130	1
Info Technology Mgmt. (2210)	3	130	138	271	391	414	8
Total Personnel	16				1,833	1,830	25

* Annual Costs per Position:

1st Year Adjusted Cost assumes hiring at the minimum grade level and applies a 50% lapse to pay and benefits, reflecting the distribution of hiring new personnel throughout an entire year.

2nd Year Adjusted Cost restores the pay and benefits lapse, removes one-time only costs that are applicable only to the first year, and assumes an increase in pay grade where applicable.

3rd Year Full Cost (Modular) is the standardized full-year cost for each position which includes pay and benefits at the full performance or journeyman level, equipment, training, and miscellaneous expenses.

Non-Personnel Increase Cost Summary

This request will be used to expand and enhance the work of ATJ.

Non-Personnel Item	FY 2023 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Advisory and Assistance Services	1,977	1,977	1	\$0	\$0
Total Non-Personnel	1,977			\$0	\$0

Total Request for this Item

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/Atty	FTE	Personnel	Non-Personnel	Total	FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Current Services	26	7	26	\$4,812	\$1,393	\$6,205	\$0	\$0
Increases	16	5	8	\$1,833	\$1,977	\$3,810	\$1,830	\$25
Grand Total	42	12	34	\$6,645	\$3,370	\$10,015	\$1,830	\$25

Impacted Crosscut
 Civil Rights
 Access to Justice

VI. PROGRAM OFFSETS BY ITEM

N/A

VII. EXHIBITS

Exhibits begin on the following page.