



The U.S. Commission on Civil Rights Highlights the Need for the Department of Justice to Reopen the Office for Access to Justice

March 16, 2018

The U.S. Commission on Civil Rights, by majority vote, calls on Attorney General Jeff Sessions to ensure the Department of Justice's Office for Access to Justice [hereinafter "Office"] is fully operational and able to perform its functions. The Office safeguards access to justice on behalf of people who cannot afford lawyers so that the justice system delivers outcomes that are fair and accessible to all, regardless of income. The Commission is concerned about reports that the Attorney General has functionally closed the Office by reducing its staff and shifting its resources elsewhere within the Department.¹ We call on Attorney General Sessions to immediately reconstitute the Office with dedicated staff and to rescind any efforts otherwise.

Since its inception in 2010, the Office has worked within the Department, across federal agencies, and with various stakeholders in an effort to focus the country's attention on the right to counsel.² To that end, the Office has engaged in filing a series of Statements of Interest and amicus briefs related to access to justice issues,³ launched an interagency collaboration,⁴ and served as the U.S. Government's central authority on access to justice.⁵

The work of the Office was also critical in informing the Commission's findings and recommendations following our investigation into excessive fines and fees that target low-income people of color.⁶ In the area of fines and fees, the Office multiple times convened policymakers, judges, prosecutors, defense attorneys, and advocates to discuss how certain practices with respect to the imposition and enforcement of fines and fees can result in unlawful and harmful conduct. In addition, the Office, along with the Department's Civil Rights Division, issued "Dear Colleague" letters to State Administrators and Chief Justices in each state to provide greater clarity to state and

¹ Katie Benner, Justice Dept. Office to Make Legal Aid More Accessible is Quietly Closed, NYTimes, Feb. 1, 2017, nytimes.com.

² Deputy Attorney General Rosenstein Delivers Remarks at the Right to Counsel National Consortium Third Annual Meeting, November 2, 2017, justice.gov.

³ U.S. Department of Justice, Court Filings in Support of Access to Justice, <https://www.justice.gov/atj/accomplishments> (noting nine court filings between 2013 and 2016).

⁴ U.S. Department of Justice, Accomplishments, <https://www.justice.gov/atj/accomplishments>

⁵ *Id.*

⁶ U.S. Commission on Civil Rights, Targeted Fine sand Fees Against Low-Income People of Color: Civil Rights and Constitutional Implications, September 2017, http://www.usccr.gov/pubs/Statutory_Enforcement_Report2017.pdf

local courts regarding their legal obligations.⁷ The Commission majority recognized in our report on fines and fees that these convenings and guidance letters influenced local and statewide reformed practices, increasing access to justice consistent with constitutional commands.

The Commission is concerned that the work of the Office in convening stakeholders, issuing guidance, litigating noncompliance, and serving as a central authority will end without dedicated staff. Ceasing that work risks ending, in practical terms, the mission of the Department of Justice itself for many millions of low income Americans. Access to justice is core to effective democracy and also a core component Congress has charged the Commission with safeguarding. Thus, the Commission urges Attorney General Sessions to immediately shift resources back to the Office and to rededicate staff to the important mission of access to justice.

Chair Catherine E. Lhamon stated: “The Department of Justice disserves all Americans by turning its back on access to justice for those with the lowest income among us. We strongly urge renewed, immediate fidelity to the core justice mission.”

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The U.S. Commission on Civil Rights, established by the Civil Rights Act of 1957, is the only independent, bipartisan agency charged with advising the President and Congress on civil rights and reporting annually on federal civil rights enforcement. Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: in our 7th decade, a continuing legacy of influence in civil rights. For more information about the Commission, please visit <http://www.usccr.gov> and follow us on [Twitter](#) and [Facebook](#).

⁷ U.S. Department of Justice, Dear Colleague Letter, March 14, 2016, <https://www.justice.gov/opa/file/832541/download>; U.S. Department of Justice, Advisory for Recipients of Financial Assistance, January 2017, <https://ojp.gov/archives/documents/AdvisoryJuvFinesFees.pdf>. Both of these guidance documents were withdrawn by Attorney General Jeff Sessions in December 2017. See U.S. Department of Justice, Attorney General Jeff Sessions Rescinds 25 Guidance Documents, December 21, 2017, <https://www.justice.gov/opa/pr/attorney-general-jeff-sessions-rescinds-25-guidance-documents>.