

Article: The Access To Justice “Sorting Hat” Towards A System Of Triage And Intake That Maximizes Access And Outcomes (Zorza 2012)



In this seminal article, Richard Zorza discusses the fact that we know little of the processes by which the millions of people who approach courts, legal aid intake systems, and hotlines are directed into them, or the access services they do or do not receive, or indeed the consequences of those choices. Zorza notes in the introduction:

All we really know is that these processes are fragmented, inconsistent, and non-transparent. We also know that these access systems feed into a relatively predictable court process, in which procedures are governed by case type, such as

family law, landlord tenant, small claims, or subsets of those, and, with the exception of some jurisdictions, in which relatively few access services are as yet provided to litigants as part of the processing of the case. The very differing needs of cases are not reflected in the ways those cases are processed by the courts. The importance of building a transparent and defensible sorting system has recently increased dramatically.

When the Supreme Court in [Turner v. Rogers](#) reversed a child support civil contempt incarceration for failure to provide procedures that would ensure sufficient fairness and accuracy to a self-represented litigant, and indicated that the procedures needed would depend on the particular circumstances of the case, it was in effect endorsing the need for triage, at least in cases in which such accuracy and fairness were not protected by the provision of counsel. It is of interest that in a recent speech Justice Breyer, the author of *Turner*, urged those with views to engage in the debate on the need for triage.

This article is essential reading for anyone considering how to deliver justice in an efficient and transparent manner.

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