



ARKANSAS  
ACCESS TO  
JUSTICE  
REPRESENTING HOPE

## Arkansas Access to Justice Commission Meeting

Arkansas Bar Center  
2224 Cottondale Lane  
Little Rock, AR 72202

### Attending Members:

Nate Coulter  
Prof. Chuck Goldner  
Judge Vic Harper  
Judge Robin Green

Rod Nagel  
Lee Richardson  
Kerri Sernel

Justice Annabelle Tuck,  
*Chair*  
Bill Waddell, *Vice Chair*  
Andrea Walker

### Absent Members:

Rose Adams  
Jean Carter  
Prof. D'lorah Hughes

Judge Leon Jamison  
Samantha Leflar  
Prof. Kelly Olson

Sen. Robert Thompson  
Rep. John Vines  
Danyelle Walker

### Staff:

Amy Johnson

Erin Jacobson

Kim Marshall

Vince Morris

### Guests:

Paola Cavallari  
Matt Devlin

Zina Frazier  
Krista Selnau

Rebekah Tucci  
Courtney Yingling

### Meeting Minutes

NEW BUSINESS

#### Welcome and Introductions

Justice Tuck called the meeting to order at 12:15 p.m. and recognized several of the new Commissioners present, including Kerri Sernel, Judge Vic Harper, Judge Robin Green, and Rod Nagel. All present continued with introductions and their affiliations.

#### Approval of Minutes from October 25, 2013 Commission Meeting

Justice Tuck asked for a motion to approve the meeting minutes from the October 25, 2013 meeting of the Commission. Mr. Waddell moved to approve minutes and Prof. Goldner seconded the motion.

#### Study on Rural Legal Access

Justice Tuck introduced Cliff McKinney from the Arkansas Bar Association's Young Lawyers Section, prefacing that he had conducted a study of Arkansas's rural areas and the concentration of attorneys in these areas.

Mr. McKinney explained that he did quite a bit of preliminary research, including working with Commissioner D'lorah Hughes on conducting surveys of students and young lawyers. According to the American Bar Association, there are fewer than 6,000 active and resident attorneys in Arkansas, which represents a very low per capita concentration of attorneys—approximately 20 lawyers per every 10,000 residents. Additionally, many of the attorneys still present in rural areas were licensed long before the 1990s, including five counties with their most recent bar admissions falling in the 1990s. 28% of counties had no attorneys with a bar number in the current millennium. He stated that he had

initially thought that the driving factor was poverty (over 18% for Arkansas), but through his research, now believes the actual driving factor is distance. The population centers in the state are Little Rock, Fort Smith, Fayetteville, Jonesboro, and Memphis.

South Dakota is the leading state on similar research, with North Dakota, Missouri, and Nebraska also working on related initiatives. Part of the initiative to increase the concentration of attorneys in rural areas entails offering tours of small towns to give to new lawyers. Additionally, several of the aforementioned states have mandatory bars. He added that the Kansas bar has a rule and solo practice program, which does a program for students at the state's law school.

Mr. McKinney added that Calhoun County is the smallest county in the state consisting of 5300 people, but at the time of his study had only two attorneys. He continued that next steps will include surveying more young lawyers and students to judge some attitudes toward practicing in rural areas.

Justice Tuck added that along with Mr. McKinney, she, Deans Schwartz and Leeds, and Ms. Johnson were all present at the House and Senate Judiciary Hearing on Access to Legal Services the prior week. Rep. John Vines from the Commission was also present as a member of the hearing committee. The members' response to their joint testimony was to get a wish list together to present to the legislature during the next full session. She concluded that they will be working together to prepare such a proposal.

### Report on January 2014 Legal Services Corporation Meeting

Justice Tuck asked Judge Green to give a report on the Legal Services Corporation's Board of Directors meeting, in Austin, Texas. She attended the meeting with Mr. Morris and Ms. Johnson in Austin, Texas at the end of January.

Judge Green stated that she was pleased to be able to attend the meeting on behalf of the Commission. She mentioned that Harvard Law School's dean, Martha Minow moderated her panel focusing on the importance of access to justice in the judiciary. She continued, stating that she had sat on the panel with many other mainstays of the judicial access-to-justice community.

Ms. Johnson added that conference attendees were very interested in what Arkansas is doing, recognizing the work of Mr. Morris and Ms. Marshall. Mr. Morris also sat on a panel which focused on technological innovations which help to facilitate access to justice. Ms. Johnson concluded that the work Mr. Morris and Ms. Marshall do has put Arkansas in the spotlight.

Justice Tuck thanked Judge Green and Ms. Johnson for their reports, moving along to the partner organization reports, asking Mr. Waddell to begin his report for the Arkansas Access to Justice Foundation.

### Partner Organization Reports

#### *ATJ Foundation*

Mr. Waddell stated that the merger has been completed. He added that an Executive Committee meeting has been held and they have begun to work on issues like trying to approach banks about raising interest rates.

#### *ALSP*

Ms. Marshall presented for the Arkansas Legal Services Partnership. She began by stating that staff has just completed the joint annual report as well as the ALSP technology report. She explained that she helps develop and maintain content for the ALSP website and highlighted a few statistics from the technology report. She mentioned that page views for the site are up about 1,000 views from last year, and that the top ten legal content pages include divorce and related self-help forms, child custody and visitation, as well expungements and guardianships for minors. She added that Google Analytics is used to gauge these statistics, which can also track the top mobile devices people use and which will ultimately help develop a mobile application allowing the site to be better viewed on mobile devices. ALSP has just received word that their letter of intent was accepted and can now submit the full application for a grant to fund the development of a mobile specific/responsive device application. As poverty populations rely heavily on mobile devices and applications, streamlining the ALSP website for mobile use can significantly aid users. Ms. Marshall

concluded that a second letter of intent for dynamic content and content personalization or Smart Fact sheets was submitted. If granted, this project would enhance accessibility and efficacy of content based on users searches.

Mr. Waddell segued on the topic of accessibility of legal resources, stating that a public access terminal in every county would be a big help to people seeking such legal resources. Ms. Johnson added that the strategic plan adopted in July regarding self-represented litigants will look into this initiative and partnering with county law libraries.

### *CALS*

Ms. Zina Frazier gave a report for CALS in Ms. Jean Carter's stead. Ms. Frazier highlighted several statistics from the Center for Arkansas Legal Services 2013 Trends Report. She stated that CALS received 20,400 calls, closed 5,190 cases, and that staff and pro bono attorneys assisted 13,144 low-income Arkansas for the year. Pro bono attorneys gave a total of 3,679 hours of their time, valued at \$735,900 in donated legal assistance. She briefly spoke about increased work on housing cases with help from the housing grant. This included a case involving a landlord who turned off utilities to force a client out of Section 8 housing, as well as a foreclosure case involving flood insurance. Ms. Frazier concluded her report by stating that CALS is focusing on taking a holistic approach to helping clients.

### *LAA*

Mr. Richardson highlighted his program's report, indicating that it is a version of the report he gives to his Legal Aid of Arkansas board. He mentioned that the number of cases closed decreased for the first time in several years from 7,362 in 2012 to 6,574 in 2013. He believes this is due to the deliberate effort to screen out non-priority family law cases from completing a full intake. Nevertheless, family law cases are still the number one demand, followed by consumer cases, and then housing. Family law now represents 50% of LAA's caseload, while the national level is around 35%. This could be in part due to Arkansas having the second highest divorce rate in the nation.

He continued, stating that 4,500 hours worked by 803 pro bono attorneys on their panels, at \$190/hour equates to \$855,000 in donated legal assistance. LAA has had a strategic plan change, resulting in a major change and significant increase is the amount of money the program has been able to put back in clients' pockets. LAA has also moved from a four-region model to a two-region model. There are 14,000 eligible clients per attorney at LAA.

Mr. Richardson moved on to fundraising, stating they have received a grant from the King Foundation for kinship care. The low income tax clinic also applied for larger grant and that they recovered \$400,000 for clients from the 2013 clinic. He indicated that they will not be applying for AmeriCorps attorneys, but will still utilize Equal Justice Works. He mentioned that they applied for another grant to help offset costs of benefits for attorneys, as well as another to help support two attorneys in low income areas. They also plan to pursue an American Bar Association catalyst grant.

## Committee, Task Force, and Project Reports

### *Medical-Legal Partnerships*

Mr. Richardson reported on the medical-legal partnership programs that LAA is working with. LAA has five MLPs currently running. He noted that Mr. Waddell and his firm have donated over 200 hours in Clarendon at the federally qualified health clinic located there, which has been very successful and sustainable. The Marianna clinic is doing okay, as are the mid-south clinic in Memphis, the MLP at the VA clinic in Fayetteville, and the MLP at Children's in Little Rock.

Mr. Richardson deferred to Ms. Krista Selnau for further elaboration on the MLP at Children's. She indicated that they have given several lunch-and-learns with doctors to help identify legal issues. So far, they have received 40 referrals from doctors and social workers, with a total program-wide 690 legal issue referrals. Cases have primarily included disability and SSI denials, education needs, guardianships, adoptions, powers of attorney, divorce and custody. As of April 2014, 500 interviews have been conducted, and there are currently 151 active cases.

Mr. Richardson concluded, stressing that there is nothing Legal Aid of Arkansas cannot do outside of certain case restrictions. Complex litigation cases are a major focus of all LAA's work groups and their strategic plan.

## *Clinton School Practicum/Economic Benefit Study*

Justice Tuck recognized Clinton School students Ms. Paola Cavallari, Mr. Matt Devlin, Ms. Rebekah Tucci, to give their report on the economic benefits study they have been conducting over the last several months. Ms. Johnson added that the goal of this study has been to help illustrate that legal aid actually provides an economic stimulus.

Mr. Devlin began the students' report. The primary focus of the project was to analyze the direct costs/benefits of providing civil legal aid. He highlighted the direct benefits of job retention, the creation of new economic opportunities, as well as increased federal income to the state. The assessment was broken down into three parts, including the direct impact that legal aid can have on clients' lives, the big-picture of direct cost, as well as the big-picture of avoidances. He concluded that legal aid is saving the state of Arkansas close to \$8.4 million per year.

Ms. Tucci and Ms. Cavallari continued, stating that they focused on the qualitative side of the study through client and staff interviews. They focused on consumer debt, domestic relations, and housing issues, while attempting to qualify the economic impact and how the investment translated. They found passionate attorneys and grateful clients.

Ms. Cavallari presented a client story and the impact the client's legal aid case had on her life. The client reported gaining a sense of security and safety she had never felt before because of a restraining order legal aid helped her obtain. The client further relayed that it was the first time in her children's lives that they have felt happiness.

Mr. Devlin further added the savings legal aid provides, including document services equating to over \$1 million. He cited savings related to foreclosure cases and how neighborhoods are affected. He further explained the multiplier effect of income. They also took into account the employment of legal aid attorneys and how they stimulate Arkansas's economy. He concluded that \$25 million of total economic activity is what legal aid has on the state.

Ms. Johnson mentioned that there will be a public forum on May 5<sup>th</sup> at 5:30 p.m. and all are invited to attend to see the full report.

### *Resource Development Task Force*

Ms. Johnson called the Commission's attention to the memorandum of understanding located in the board packet. Mr. Waddell moved for approval and Mr. Coulter seconded the motion to accept the MOU. Mr. Coulter and Justice Tuck recognized the efforts of Don Hollingsworth in helping to get all stakeholders together. Due to resources dwindling, the goal of the task force is to help diversify the funding for both programs.

Prof. Goldner made the comment that this MOU represents a significant step forward in implementing a unified, statewide fundraising campaign.

Mr. Waddell called the question regarding the motion to approve execution of the MOU. All Commissioners agreed and it passed unanimously. Justice Tuck signed the MOU.

### *Self-Represented Litigant Task Force*

Justice Tuck called upon Prof. Goldner to provide an update of the SRL Task Force. He referenced the updates contained in the board packet, reviewed the three main goals of the task force, the most recent action steps and highlighted a little history of the task force and its leadership. He added that information is abundant for this committee. The committee furthest along is the Limited Scope Representation Committee. He reviewed each committee's progress and activities. Library-Based Self-Help Centers/Form Sustainability Committee is in the information gathering phase. The Policies and Training Committee is mainly for the benefit of judges and is working toward drafting suggestions for potential rule changes or clarifications. They are also focusing on what can be done when a SRL individual is in their courtroom. Training materials for court personnel and judges will also be developed, as well as for non-lawyers. An additional goal is to have a kiosk in each county where SRLs can access self-help resources. Main push is to move forward on limited scope representation, which has the most financial impact and immediate impact for both attorneys and individuals.

## *Law School Incubator*

Ms. Johnson gave a brief update on discussions with the UALR Bowen School of Law and the University of Arkansas School of Law. The current model involves a three-year program entailing relocation, mentoring and helping provide office space in rural areas. The Bowen School of Law plans to apply for an American Bar Association catalyst grant. The ultimate goal is to end up with an independent, nonprofit entity that would accept graduates from both law schools, and which would help the private market address the needs of those in the justice gap.

## *Town Hall Meetings*

Ms. Johnson stated that town hall meetings were one of the strategic priorities, and were intended to be held this spring; however they did not occur, in part due to the government shut-downs. Also, as there has been significant turnover in congressional delegation, it was determined prudent to wait until after elections have been decided. We may look to hold them next spring. She mentioned Mr. Kauffman and the Court's work with the ACCI program, which is working to hold courthouse open-houses this could present a nice opportunity to piggyback on these. Previous town hall meetings were an effective tool in educating legislators during the last go around in 2006.

## Executive Director's Report

Ms. Johnson moved on to the remainder of her report. She indicated that staff will be to applying for the Pro Bono Innovation Fund, which will ultimately seek to impact private attorney involvement. She suggested setting a meeting with Mr. Richardson, Ms. Carter, Mr. Morris, Ms. Marshall, and Ms. Jacobson to discuss this.

She mentioned the National Center for Access to Justice at Cardozo Law's Justice Index, which ranked Arkansas 37 overall. Arkansas ranked 48<sup>th</sup> for SRL, but would likely have ranked higher if the study had looked more broadly at self-help resources provided or endorsed by state courts. This information may be used to help with Court and Bar buy-in.

IOLTA revenues last year ended at the lowest point since the program's inception. Account balances are also declining, but this trend is out of the program's control even if we try to negotiate with banks for higher interest rates. Despite this, rates are projected to pick back up by early 2015.

## OLD BUSINESS

### Commission Structure

Justice Tuck referenced the committee structure overview contained in the board packet, indicating that under the current arrangement, committees only meet when there is some immediate matter to attend to. She suggested it is inefficient to have meetings just to meet, and therefore we are looking to move toward a task force format as the best way to continue.

We would like to move to a structure that involves an Executive Committee that may attend to business that comes up between meetings. Ms. Johnson mentioned that she would like for the Commission to help provide her annual review, work on the budget that she sends to the Court annually, among other things.

Another standing committee that would make sense to have is a Governance Committee, which would oversee the commission orientation process, do succession planning, and help with the development of a set of bylaws and policies.

Justice Tuck asked Mr. Waddell and Prof. Goldner to assist Ms. Adams and Mr. Nagel on reviewing the proposed committee structure and respective responsibilities. He agreed.

### Review of Strategic Priorities

Justice Tuck added that the Commission was originally organized based on per curiams, but as a maturing organization would like to do some regrouping. Justice Tuck reviewed the strategic priorities of the Commission. This may be something for the Governance Committee to look at.

## Open Discussion

Justice Tuck asked for any open discussion or further business. No further discussion or new business was raised.

## Adjourn

Justice Tuck adjourned the meeting at 3:01 p.m.

### ACTION STEPS:

- Contact Commissioners which of the three committees they have interest in; will look at appointments for standing committees
- Commissioners to think of individuals to serve on committees
- Governance Committee will meet and make recommendations

### NEXT MEETINGS:

- July 25, 2014, potentially in Jonesboro
- October 3, 2014, potentially in Fayetteville
- January 9, 2014, potentially in south Arkansas—Monticello?