



Access to Justice Commission Foundation Joint Meeting
June 04, 2021 / 9 a.m.

ARKANSAS
ACCESS TO
JUSTICE
REPRESENTING HOPE

Commission (6 voting):

Mark Mayfield-Chair	Kendall Lewellen	Justice Robin Wynne
Dequeshia Prude-Wheeler	Kerri Michael	Prof. Tiffany Murphy
Jean Carter-ex officio	Cliff McKinney-ex officio	
Kelly Browe Olson-ex officio	Lee Richardson-ex officio	

Foundation (9 voting):

Cliff McKinney-Chair	Sainabou Sonko-Vice Chair	Brian Clary-Secretary
Hillis Schild-Treasurer	Harry Light	Aaron Brooks
Jonathan Warren	Stacey Pectol	Gwen Rucker
Tabitha Lee		

Unavailable

Commission: Rep. Andrew Collins, Skye Martin, Judge Carlton Jones-Secretary, Judge Holly Meyer, Samantha Blassingame, Judge Kim Bridgforth-Vice Chair, Dr. Chad Rodgers, Senator James Sturch, & Prof. Tim Tarvin-ex officio

Foundation: Chad Owens; Kristin Pawlik; Debby Thetford Nye, Vicki Smith, & Katie Stephens

Staff

Jordan Bates-Rogers, Tameka Parker, Desirae' Walker, & Cristy Park

Guests

Jamie Gamble	Chris Albin-Lackey	Mary Goff-LAA
Prof. Jessie Burchfield	Julie Norman-CALS	Victoria Frazier-LAA
Cecille Doan-CALS	Kevin De Liban-LAA	
Courtney Nosari-Wall	Tony Jones	

Justice Index: There was a presentation regarding the Justice Index presented by Jamie Gamble and Chris Albin-Lackey. It is a snapshot of how states are performing in providing access to justice for the most vulnerable members of society.

Legal Aid Attorney Panel: Legal aid attorneys from the Center for Arkansas Legal Services and Legal Aid of Arkansas discussed the challenges and rewards in their day-to-day work. They also described opportunities for collaboration with the private bar.

Joint Business - Executive Director's Report

Mr. Bates-Rogers welcomed new Foundation board member; Gwen Rucker. Ms. Rucker is a law clerk for U.S. Magistrate Judge Jerome Kearney. . He also welcomed Dr. Chad Rogers and Senator James Sturch to the Access to Justice Commission. Dr. Karama Neal has resigned from the Access to Justice Commission to accept a position with USDA.

Post-COVID: AATJ staff are still taking precautions post-COVID, although we are still working from home part-time, staff are rotating through the office.

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ABA Day: We met with the Congressional Delegation earlier this year to discuss funding for the Legal Services Corporation and the meetings were well received. Funding for Legal Services Corporation, which funds legal aid programs across the country, has received strong bipartisan support. Senator Boozman and Representative Crawford were very supportive. All the other staff from different offices were universally interested and supportive as well. When people see the good work that legal aid does it's just common sense to support that.

Collaboration: Courtney Nosari-Wall and Justice Wynne are helping to set up a meeting with Justice Wood regarding a possible collaboration with the judicial council on forms for common legal matters encountered by low-income Arkansans. We think this is a good opportunity to make forms more readily available.

Budget: The Commission budget for 2021-2022 has been approved, with a modest increase in funding.

Audit: The AATJ audit is still in process. We selected a new auditor and they appear to be operating efficiently, but got a late start due to our selection process. We expect to have the audit report at the next Foundation meeting.

Enforcement of Electronic Remittance Requirement: We are going to start enforcing an existing Arkansas Rule of Professional Conduct, which requires that all IOLTA banks remit interest payments electronically. We currently have two banks that are still submitting paper checks, but hope to have them on board with the rule soon. If banks do not follow the rule we will request that the Board terminate that bank from the IOLTA Program.

Trust Account Training: The Office of Professional Conduct has requested that AATJ develop training on trust accounts for attorneys. Those who may have an ethics problem or questions can be referred to a live or recorded training. We are partnering with the Office of Professional Conduct to develop that.

Future Meetings: After an open discussion, it was decided that the Commission and Foundation will continue to have our regular meetings virtually. It helps to save funds on travel and it's convenient for more participants to readily attend, without having to drive an hour or more. We will plan to have the joint meeting in person moving forward.

Project Reports

AR Free Legal Answers Clinic and Pro Bono-Focused CLEs:

Ms. Park reported that AR Free Legal Answers clinics are held twice a month. We usually get around 70 questions a month. A majority of the questions are about family law, housing eviction and a few regarding the pandemic unemployment assistance. We have two CLE's a month. They are focused on recruiting pro bono attorneys for legal aid. At each CLE we have had at least 10-15 attorneys say they will take a pro bono case and some say they will take on even more.

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Commission Action Items-Mr. Mayfield:

Approval of Minutes: Mr. Mayfield asked for a motion to approve the Commission minutes. Professor Murphy made a motion to approve the minutes as presented, motion seconded by Ms. Michael, motion failed due to lack of a quorum.

Policy Committee-Ms. Park & Prof. Olson:

One-Page Resource Guide: Ms. Park provided information regarding the one-page resource guide, to make available on the AATJ website and distribute to court clerks. There was a brief discussion. Ms. Park reported that Judge Meyers made a suggestion to make the document left justified, after which Ms. Michael made a motion to approve the One-Page Resource guide as presented, motion seconded by Professor Murphy, motion failed due to lack of a quorum.

In Forma Pauperis Instructions: Ms. Park provided information on the *in forma pauperis* instructions and reported that staff will request that the AR Supreme Court make the instructions available on the courts self-help webpage and work with AOC staff on implementation. After discussion, Ms. Browe Olson made a motion to approve the *in forma pauperis* instructions as presented, motion seconded by Professor Murphy, motion failed due to lack of a quorum.

Presentation of Rule 8.4(g) Resolution: Mr. Richardson led a discussion on Rule 8.4(g) Resolution. Mr. Richardson provided different examples of harassment that Legal Aid of Arkansas attorneys have experienced from colleagues, including on the basis of sex and race.

Mr. McKinney condemned the described harassment. He had concerns about the breadth and constitutionality of the proposed rule, as written by the American Bar Association. He suggested that alternatives were possible to address harassment and discrimination without overbreadth or impinging on the free exercise of religion.

Mr. Mayfield stated that he read through the opinion that dealt with the constitutionality of the model rule. He felt that we all recognize that something needs to change, but he wonders if this is something that is appropriate for the Commission to address.

Ms. Rucker said that this is a serious issue and being a former staff attorney for the Office of Professional Conduct knows that this issue has come up several times.

Professor Olson said that she recognizes this is an issue, with former students experiencing discrimination in practice.

With no further discussion Mr. Richardson made a motion to approve Rule 8.4(g) Resolution as presented, motion seconded by Ms. Michael, motion failed due to lack of a quorum.

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Foundation Action Items-Mr. McKinney

Approval of Minutes: Mr. McKinney asked for a motion to approve the Foundation minutes. Mr. Light made a motion to approve the minutes as presented, motion seconded by Mr. Clary, motion passed unanimously.

Election of Members/ Officers: Mr. McKinney led a discussion regarding election of Board members and election of officers. There was discussion and Mr. Light made a motion to elect to the Board Tabitha Lee-as at-large member and Jonathan Warren-re-election as at-large member. Officers nominated consisted of Cliff McKinney–President, Sainabou Sonko–Vice President, Hillis Schild–Treasurer and Brian Clary–Secretary. Motion was seconded by Mr. Brooks, motion passed unanimously.

Credit Card Resolution: Mr. Light made a motion to approve the Credit Card Resolution, giving approval for Cristy Park to have a corporate card, motion seconded by Mr. Warren, motion passed unanimously.

Financial Reports: Ms. Schild informed the board that the committee met the previous week and approved the December 2020 financials to present to the full board for discussion and approval. Ms. Sonko made a motion to approve the individual reports as presented, motion seconded by Mr. Clary, motion passed unanimously. Ms. Schild also presented and discussed the financials dated January 2021-April 2021, which came recommended for approval from committee, motion seconded by Mr. Clary, motion passed unanimously.

Proposed Changes to the Reserve Policy: Ms. Schild discussed the proposed changes to the Reserve Policy. The changes increase the floor amount of the reserve to \$750,000 and include grant amounts from the most recent year in which grant awards were made. The motion was presented by the committee, Mr. Light seconded the motion, which passed unanimously.

Account Modification & Closure Resolution: Ms. Schild discussed the reasons for Account Modification and Closure Resolution. The committee approved consolidating some of our accounts. The proposal called for converting the Simmons Operating Account to an Insured Cash Sweep Account. After which the Equity Account would be closed and the funds transferred to the Simmons Reserve Account. The accounts will be easier to manage and will be more simplified. Mr. Light made a motion to approve the Account Modification and Closure Resolution as presented, motion seconded by Mr. Clary, motion passed unanimously.

Waive the Moderate-Risk Portfolio's Mixed-Asset Fund Cap: Ms. Schild reported that the committee discussed waiving the moderate-risk portfolio's mixed-asset fund cap through June 30th, 2022. The Foundation has not been in compliance with this limit because of the cycle of liquidating equities at Stephens and then paying out the cash in grant awards. This date was chosen because this is when the Bank of America grant cycle will conclude. Mr. Clary made a motion to waive the moderate-risk portfolio's mixed-asset fund cap through June 30th, 2022, motion seconded by Mr. Brooks, motion passed unanimously.

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Meeting adjourned.