

**Access to Justice Commission
Justice Building, 625 Marshall Street
Little Rock, Arkansas**

**Minutes of the Commission Meeting
Friday, October 15, 2004
11:00 a.m. – 1:00 p.m.**

In Attendance:

Members: Bill Brown, Steve Carter, Nate Coulter, Chief Justice Betty Dickey, Zina Frazier, Chuck Goldner, The Honorable Craig Hannah, J. Leon Johnson, The Honorable Jim Luker, Martha McCaskill, The Honorable Jim Spears, and Danyelle Walker.

Ex-officio Members: Jean Carter, Michael W. Mullane, Kelly Olson, and Mona Teague.

Liaisons and Guests: Justice James Hannah, Don Hollingsworth, and Mickey Quattlebaum.

The meeting was called to order by Chief Justice Betty Dickey at 11:00 a.m.

- I. Chief Justice Dickey welcomed the Commission members. She stressed the importance of the Commission and the commitment of the court to addressing the need for legal services. Chief Justice Dickey requested that Michael Mullane resubmit the request to establish and assign fees generated by the out of state attorney license fee; she further requested that he speak with the AOC to clarify the amount of dollars expected to be raised.

II. Arkansas Access to Justice Commission.

Justice Jim Hannah discussed the reasons why we need an Access to Justice Commission. Noting that equal justice requires that all Arkansans be empowered to make their case in a court of law, he noted the primary reasons for the Commission: the need for legal services to be provided to people who cannot afford them, resulting in better access to the court system; the need to educate Arkansans of the need; and the need for adequate funding. He stated that most of the funding has been from federal grants and that the state has never paid a nickel. Justice Hannah closed by noting that we have the greatest justice system in the world, but if low-income people cannot access the courts, then it doesn't mean anything. Justice Hannah committed "Whatever the Supreme Court of Arkansas can do, we will."

III. Access to Justice in Arkansas and Across the Nation.

Chuck Goldner discussed the history of the Access to Justice Commission in Arkansas. The Arkansas Access to Justice Conference brought 118 attorneys, judges and advocates representing Arkansas' justice community together on March 23, 2001 to identify challenges to access and develop a consensus about the most effective institutional vehicle to coordinate statewide efforts to improve access to justice. The conference concluded with a call to action to create a permanent Arkansas Access to Justice Commission. In response, the Arkansas Bar Association convened the Access to Justice Working Group, which held its first meeting in October 2002. The Working Group's purpose was to determine if a need exists for a permanent Arkansas Access to Justice Commission and, if so, to develop a recommendation for the governance bodies of the Arkansas Bar Association. Goldner noted that the Supreme Court adopted the proposal of the Arkansas Bar Association's working group on December 18, 2003.

Goldner stated that on the Access to Justice front, the good news is that there has already been a lot done. SPAN puts out ATJ information state by state. This is included in each Commissioner's packet and will be a good resource. A primary function of the Commission is coordinating efforts in order to avoid duplication. Virtually every state has done something on access to justice. Texas has a very successful program; Oklahoma is working towards a commission as well.

Goldner noted that in Arkansas we are well on the way to addressing access questions because we already have many people interested and involved, including judges, the state bar, county bar associations, the two legal services providers, and private attorneys. The Commission has an excellent resource in the Arkansas Legal Services Partnership that was formed by the two legal services organizations to assist in efficiency of operations. ALSP will provide support to the ATJ Commission.

The possibility of a needs study, education, public hearings and funding were discussed at length.

IV. Election of Chairman and Determination of Length of Terms.

Chief Justice Dickey nominated Charles W. Goldner, Jr. as Chairman of the Commission. Nate Coulter seconded the motion. No further nominations were made; on voice vote, Goldner was elected Chairman of the Arkansas Access to Justice Commission. Lots were drawn to determine the Commission members' terms.

Commission member terms are as follows: **One-Year:** Betty Dickey, Nate Coulter, Robert Compton, Danyelle Walker, and Steve Carter. **Two-Year:** Jim Spears, Chuck Goldner, Bill Brown, Zina Frazier, and Jim Luker. **Three-Year:**

Craig Hannah, Waymond Brown, Leon Johnson, Martha McCaskill, and the House of Representative's appointment.

V. Current Civil Legal Service System.

The Center for Arkansas Legal Services and Legal Aid of Arkansas are 501(c) 3 nonprofit/ charitable organizations that provide free legal services to low-income Arkansans in non-criminal cases, ranging from family to consumer and housing to individual rights cases. The Center serves 44 counties while Legal Aid of Arkansas serves 31 counties.

- Together, the two programs provided legal services to 13,333 households in 2003, providing services in every county of the state. Legal Service providers in Arkansas help abused women get free from violence, help elderly people keep their homes, and help ensure that disabled children have access to benefits.
- Legal Services in Arkansas gives hope to people who have nowhere else to turn.
- Legal Services staff and volunteer attorneys make it possible for thousands of low-income Arkansans to have access to the justice system.
- Helping people in need empowers them and strengthens communities.
 - 16% of Arkansans live below the federal poverty level, compared to 12.4% nationally.
 - In nine Delta counties, more than 25% of the population lives in poverty.
 - One-quarter of Arkansas adults lack a high school diploma, compared to 20% nationwide.
- Not only is justice not served when self-represented litigants are unprepared, but these individuals also affect the functioning of the courts. Not surprisingly, the increase in self-represented litigants is occurring at the same time that funding for legal services for the poor is declining
- Legal Services staff and volunteer attorneys represented 13,330 low-income families and individuals, but many clients do not get help due to a lack of resources.
 - In 2003, more than 17,000 individuals called the HelpLine seeking legal assistance. Just 21% received full representation, while the remainder were given advice and counsel. While advice met the

needs of some, a significant number would have benefited from full representation. An additional 2,402 cases were pending at the end of the 2003.

- In addition to completed cases, the legal services providers had to reject 3,698 cases due to conflicts and other factors. This number does not include individuals who call and no case is opened.
- Legal Services staff and volunteers work tirelessly to serve people who have nowhere else to turn. Demand for civil legal services for the poor is increasing. Requests for assistance are expected to continue to accelerate due to the declining economy, at a time when staff reductions at Arkansas' legal services providers will make it difficult to maintain the current level of services.
 - Despite the growing need, the number of cases handled on a pro bono basis was more or less flat from 2001 to 2003.
 - Due to a decline in Arkansas' share of the national poverty population, federal funds declined in 2003 and 2004.
 - At the same time, Arkansas IOLTA funding has **decreased** 72% (\$684,249) due to low interest rates.
 - Legal Services has seen revenue slashed more than 20%, making it necessary to eliminate 4 support staff and 6 attorney positions in 2003 and 6 support staff and 5 attorneys so far in 2004, resulting in the elimination of 11 attorneys and 10 support staff in the past two years.
 - The Legal Service providers in Arkansas currently receive **two million dollars less** than were funded in 1995.
 - Statewide there are currently only 31 attorneys and 9 paralegals in Arkansas providing services through Legal Aid of Arkansas and Center for Arkansas Legal Services.

In comparison, Don Hollingsworth added that in 1979 the legal services organization with which he was affiliated was responsible for 3 central Arkansas counties and had 29 full time attorneys on staff. Jim Spears noted the need to research quantitative studies regarding Pro Bono.

VI. Expectations and Interests.

Nate Coulter facilitated a discussion by Commission members regarding interests and expectations regarding the Commission. A number of Commission members shared their backgrounds and contributions they expect to make on the

Commission. Multiple courses of action were discussed. Many of the courses of action are included in the resources material provided and include research/evaluation, public education/hearings, funding, and outreach/awareness among lawyers, judges and policy makers. A three tiered fee structure for out of state attorneys was introduced as was the use of KIOSKs in the courthouse. The need to follow the Texas Supreme Court Justices' advice to break the tasks into manageable assignments was suggested.

VII. Possibilities and Successes

Judge Craig Hannah reviewed many of the Access to Justice successes in other states. Specifically he and others discussed Texas and Mississippi's efforts. The powerful impact of Texas' public hearings were noted. Also discussed were potential programs for Arkansas, including: simplifying the process for Child Support Reduction and mediation for divorce; eliminating fees charged in divorce cases where couples with children earn under \$30,000 in income per year; and the benefit of appointing a guardian ad litem for children during a divorce. Simple solutions like allowing legal services and pro bono attorneys to be placed first on the docket and standardized forms were discussed. The success of on-line legal libraries in providing information to both the client and pro bono attorneys was also discussed.

Nate Coulter noted that people listen to the justices; their stories are powerful. Both the lawyers and the judges across the state need to be educated on the needs of low income Arkansans.

VIII. Closing

Chuck Goldner stated that, working with Mickey Quattlebaum, he will prepare and distribute to Commission members a list of action items for consideration, as well as a method for setting the next meeting of the Commission.

There being no further business, Goldner adjourned the meeting.

Respectfully,

Mickey Quattlebaum
Acting Secretary