



**UALR William H. Bowen School of Law, 1201 McMath Avenue
Little Rock, Arkansas**

**Minutes of the Commission Meeting
Friday, April 15, 2005
1:00 p.m. – 3:00 p.m.**

In Attendance:

Members: Bill Brown, The Honorable Waymond Brown, Steve Carter, Nate Coulter, Zina Frazier, Dean Chuck Goldner, The Honorable Craig Hannah, J. Leon Johnson, Martha McCaskill, The Honorable Jim Spears.

Ex-officio Members: Jean Carter, Professor Michael W. Mullane, and Lee Richardson.

Staff: Ron Lanoue and Vincent Morris.

Dean Goldner called the meeting to order at 1:10 p.m. Discussion of pre-agenda items included election of a new secretary to replace Mickey Quattlebaum and the election of a vice-chair. With consent of the Commission Members, Dean Goldner appointed Ron Lanoue acting Secretary of the Commission.

I. Minutes of Previous Meeting

Minutes of November 15, 2004, meeting were unanimously approved.

II. Review of Priorities Format Worksheet

The chairman described the upcoming meeting as an effort toward creation of a roadmap to carrying out the mission of the Commission. The first step would be picking up the threads from the last meeting. He asked Ms. Frazier to discuss the framework developed after the last meeting. She presented a three-prong approach to the Commission's work:

- 1. Pro Se**
- 2. Legal Services**
- 3. Pro Bono**

For each leg of the "access to justice stool", four aspects must be considered:

- 1. Communication**
- 2. Education**
- 3. Court Improvement**
- 4. Resources**

Following a general discussion this concept was accepted as a way to organize the Commission's work.

Dean Goldner then asked Mr. Lanoue to present how these priorities would be integrated with the issues already cited in previous meetings. Mr. Lanoue presented the information in the meeting packet which reflected what the Commission had previously identified as priorities within this three-prong structure. Commissioners then reviewed each component to insure its proper location and to discuss its content.

III. Matching Priorities to Goals: Public Hearings and Role of Judges

Discussion focused on holding public hearings to determine both public need and public focus on the work of the Commission. It will also help with developing resources if the Commission can show the need for these resources through these meetings. Ms. McCaskill suggested using a town hall format as a better way of attracting citizens to these meetings. There was a consensus that using the town hall format had a stronger and more positive public imagery.

Judge Hannah raised the question regarding a judge's ability to raise contributions. Ms. Carter offered that the Judicial Cannons allow judges to give donations to charitable organizations but not to solicit funds. VOCALS recognizes both judge and lawyer contributions. Mr. Coulter stated judges cannot solicit donations but many judges in other states have approached big firms to urge them to provide *pro bono*. Judge Hannah stated that judges could do many simple things to help with *pro bono* such as allowing them to go first on the docket. With regard to the Commission's work, Judge Spears stated the Supreme Court appointed the Commission, the members of the Commission can certainly donate their time and interest. The cannon allows the Commission to promote justice and that is what the Commission intends to do. Judge Spears further stated that he did not believe this approach would be problematic. Professor Mullane offered that judges can go out and educate but they can't solicit. It was suggested that there are Commission members who can ask for the money.

Dean Goldner moved the discussion to the court improvement issue by using some of the examples that Judge Hannah had mentioned. The Commission should work towards making the courts work better. One such method in reference to legal services and *pro bono* attorneys would be allowing them to go first on the docket.

Matching Priorities to Goals: Public Recognition of Pro Bono

Dean Goldner asked the Commission to look at ways of increasing resources. He offered as an example the Supreme Court and the Arkansas Bar Association publicly acknowledging *pro bono* hours. Dean Goldner asked the Commission if any member knew if the bar re-applications have a mandatory line for *pro bono* hours. Judge Hannah believes such recognition could have a big impact in smaller areas where the list is released to media. Professor Mullane pointed out that the collected data is beneficial. The data can be used to interpret statewide averages; to honor attorneys who do the most; and to determine areas lacking in *pro bono* participation.

Professor Mullane suggested a letter to the Supreme Court for the fee charged for reciprocity (not just *Pro Hoc Vice*). He believes the *Pro Hoc Vice* would generate money

from attorneys who are not in our bar. This will provide the court with knowledge of how many attorneys are *pro hoc vice* and also provide an incentive for joining the Arkansas Bar. Dean Goldner added that such a fee for admission into the bar could be as small as the cost of application if an out of state attorney is doing public service. This could increase *pro bono* resources. Mr. Richardson stated that the *pro hoc* fee as \$200 in Mississippi.

Matching Priorities to Goals: *Pro Se*

Mr. Richardson reflected that many on the bench had resistance to *pro se* litigants. Mr. Richardson asked the Commission what could be done about judge resistance to *pro se* efforts. Professor Mullane stated that some judges think people should be urged not to file *pro se*. Mr. Richardson told of having to pull forms from the legal services web site because of judges' reactions to the Commission providing *pro se* help. Responding from a judge's perspective, Judge Hannah said that he believes *pro se* is fine as long as the individual receives a form *and* directions. He believes the resistance is to bad *pro se* not just *pro se*. He further stated that judges are frustrated by bad *pro se*. Judge Hannah stated he would be in favor of video *pro se* instruction presented monthly and suggested such instruction be held at a public library or the courthouse as a way of better educating individuals who choose to represent themselves. Professor Mullane suggested that in addition to bad *pro se* there is also inappropriate *pro se*. He suggested that it would be helpful to identify what can and cannot be handled through *pro se* representation.

Dean Goldner recapped *pro se* issues:

- Determine what forms of *pro se* are and are not appropriate.
- Work with judges to explain the benefits of *pro se* as it relates to their caseload.
- Improve communication with the *pro se* litigant so they are aware of all available resources.
- Coordinate user testing for content and appropriate reading level.

Matching Priorities to Goals: Resources for *Pro Se*

- 1. Public libraries**
- 2. University to help produce a video**
- 3. *Pro bono* graphic and video donations**

Judges could require that *pro se* litigants watch the video. Access to the video could be provided on a regular basis (monthly). Judges should reinforce to *pro se* litigants that they always have a right to defend themselves – being careful in what they must demand from a *pro se* litigant. Transportation would also pose a problem in this regard.

Mr. Coulter suggested that the clerk's office might be a resource if it could be shown that it is cost effective. Ms. McCaskill suggested that the video/training be made available in both the library and the courthouse. Professor Mullane asked how many communities have a courthouse but not a library. Dean Goldner agreed that this is something the Commission needs to know. Judge Spears suggested the Commission meet at the

annual meeting of judges. It was also suggested that the Commission should consider involving the clerks in the town hall meetings as well.

Matching Priorities to Goals: Legal Services

Having worked for a non-profit agency, Mr. Carter stated that he never knew where to send people who needed help. He suggested that the Commission needs to educate community organizations.

Ms. Carter mentioned a **Virtual Law Office** project that ALSP has already accomplished in libraries throughout the state that could be built upon.

Mr. Richardson and Ms. Frazier described what happens when someone calls the **HelpLine**. Judge Spears stated that he was unaware of the **HelpLine**. It was agreed the Commission should circulate this telephone number to case coordinators and clerks, possibly on cards printed solely for this purpose. Dean Goldner noted the irony in that by educating the public, the Commission will increase demand, which in turn will require that the Commission have additional resources. Success could melt down legal services. Professor Mullane made the point that creating demand was the first step. Dean Goldner agreed with Professor Mullane's point but asked the Commission to recognize the second step as well.

Mr. Richardson stated that 477, 000 people in Arkansas, 1 out of every 5 Arkansans, qualify for legal services. Professor Mullane added that it is probably 1 out of every 2 Arkansans that cannot afford a lawyer. If the process was simplified through court improvement, then legal services could do more.

Acknowledging increasing need, Mr. Brown asked if the Commission could lobby. Dean Goldner responded that the Commission could lobby. Dean Goldner further explained that the Commission is a "creature" of the Supreme Court, and as such, the Commission is basically an operating committee of the court. Mr. Richardson offered that the Commission could lobby for its own funds. Mr. Coulter said it would be hard to imagine the existence of the Commission without lobbying. He pointed out that one reason for creating the Commission was for sustainability of funding for legal services. The Access to Justice Commission provides stewardship and credibility. Mr. Coulter also noted that the Commission will not get very far without the ability to lobby.

Ms. Carter raised the issue of student credits for volunteering. She suggested that law schools could help provide resources for legal services, perhaps through a joint partnership between legal clinics and legal service organizations. Professor Mullane mentioned new accreditation standards that encourage *pro bono*. He noted that externships for credit are different than *pro bono* because credit is not provided for *pro bono*.

Judge Hannah asked about non-lawyer representation. Professor Mullane responded that is accepted in CASA in domestic violence cases. It is also accepted for law students to work through CASA as well.

IV. Developing Objectives for Goals – Process Overview

Mr. Lanoue provided an overview of the strategic planning process and terminology. He read the Commission's *Mission Statement* followed by eight [8] *Goals* which had been formulated earlier by the Commission. He then defined *Objectives* as precise and measurable statements used to determine performance.

He next provided a reference point for the difference between strategic and operational plans. A *Strategic Plan* involves decisions that are fundamental to the direction and focus of the organization. An *Operational Plan* reflects the day-to-day work [management] of an organization.

Finally, Mr. Lanoue addressed the importance of *Assessing the Environment*. This step is critical to understanding the reality of the world the Commission is attempting to effect. Mr. Lanoue is creating a package of information to help the Commission better assess the environment and will send it out to Commission members in the near future.

Professor Mullane noted if the Commission adopts the three-prong approach, it will be necessary to create sub-committees [task groups] and identify objectives in each of these groups. He suggested placing five people on each sub-committee. Mr. Lanoue stated that the staff role is to move the work of each task group along. Dean Goldner agreed that the Commission needed to begin this effort and asked for the creation of the task groups. Dean Goldner also asked each group to develop an environment package with Mr. Lanoue's help. Mr. Lanoue pointed out the potential need to create an overarching marketing and development committee as well crossing the work of all three task groups. He suggested that this committee could emerge after each group had built its objectives. Dean Goldner suggested that the sub-committees set their priorities or areas of focus. Mr. Johnson agreed that each task group should come up with its own game plan. The Commission members agreed on this process. Dean Goldner next asked members to self-identify what area they would work on -- *Pro Bono*, *Legal Services* or *Pro Se*. Responses were:

Pro Bono	Judge Spears, Judge Hannah, Nate Coulter
Pro Se	Judge Brown [Judge Spears]
Legal Services	Bill Brown, Martha McCaskill, Zina Frazier, Steve Carter

V. Legislation

Mr. Richardson gave an overview of the legal services lobbying effort for the 2005 session. The Commission congratulated that successful effort, which will bring to the legal services operations \$342,106 in new revenue.

VI. Other Business: Attendance at the Equal Justice Conference

Dean Goldner informed the group that he plans to attend the conference utilizing law school funds. The law school in Fayetteville is sending someone also. Dean Goldner is also speaking at the conference. Judge Hannah plans to attend the conference and will be supported by the courts. Ms. Frazier plans to attend the conference supported by legal services. Mr. Johnson will attend the conference if the Commission can get funds for this purpose. Dean Goldner agreed to contact the Bar. Judge Spears agreed to

attend the conference if the courts would support it and his calendar is free.
[Subsequent contact on Monday, April 18, from Judge Spears indicated he cannot attend due to a conflict].

Other Business: Mileage Reimbursement for Commission Meetings

Dean Goldner believes the Commission needs a small operating budget. He further agreed to ask the Supreme Court for funds.

Other Business: Commission Meeting Locations

Ms. McCaskill raised the issue of moving Commission meetings around the state. In response, Judge Spears invited the Commission to next meet in Fort Smith. It was agreed that the next scheduled meeting of the Commission, July 15, will be held in Fort Smith.

Dean Goldner and Mr. Lanoue agreed to finalize and distribute subcommittee assignments and named chairs to all members.

There being no further business, Dean Goldner adjourned the meeting.

Respectfully submitted,

Ron Lanoue
Acting Secretary