



**UALR-Bowen School of Law
1201 McMath Avenue**

**Friday, April 21, 2006
Conference Room 515
1:00 P.M.**

MINUTES

Attending: Dean Charles Goldner [Chair], Mr. Bill Brown, Ms. Zina Frazier, Judge Craig Hannah, Justice Annabelle Clinton Imber, Mr. Leon Johnson, Mr. Mike Mullane, Ms. Kelly Olsen, Ms. Suzie Pointer, Mr. Lee Richardson, Judge Jim Spears, Mr. Ron Lanoue [Secretary], Mr. Vincent Morris [Staff]

Attending from the Arkansas Bar Association: Mr. Don Hollingsworth [Executive Director]

Dean Goldner opened the Commission meeting at 1:10 PM reporting that he had attended the Board of Governors meeting of the Arkansas Bar Association. At that meeting the Bar Association took up the Commission Recommendation regarding Rule 6.1 requesting mandatory reporting of pro bono hours, an aspirational goal of 50 hours per year of pro bono work, and provision of a \$500 payment in lieu of providing pro bono services. After debate the motion passed overwhelmingly with only three dissenting votes.

Also, Dean Goldner asked the Bar Association to endorse state funding for the Commission and civil legal services. No amount was discussed pending conclusion of the Town Hall Meetings and creation of subsequent legislation. However, when a request is made during the next legislative session, the Bar Association lobbyist will be available to help the Commission efforts. This motion was unanimously accepted.

Both approved motions now move to the House of Delegates at the June 2006 Bar Association meeting. The Dean will update the Commission after the June 2006 meeting on these motions.

The Dean then called for review and approval of the January Commission Meeting minutes. The minutes were approved unanimously.

The Dean then asked Mr. Lanoue to report on the Equal Access to Justice Conference in Philadelphia that he attended earlier this month. Mr. Lanoue highlighted the following:

The ***Access to Justice Movement*** is the third critical event in the civil legal history of the United States. The first was the creation in 1974 of the Legal Services Corporation by Congress and the Executive. The second was the development of IOLTA funding in the 1980's.

The ABA will have on its agenda at its summer meeting in Hawaii a recommendation to advance the concept of a ***civil Gideon***. Bar members from Arkansas should be encouraged to support this recommendation at that meeting.

National funding data presented at the conference examining changes from 1980 to 2005 clearly show a shift of funding support away from Federal to state and local resources. This trend is likely to continue into the foreseeable future. For example: in 1980, LSC funding represented 88% of total civil legal aid funding; in 2005 it represented only 31%.

Important lessons/opportunities from other state Access to Justice Commissions include:

1. The Chief Justice should speak to the Legislature about access to justice. Legislators have responded positively to such appeals.
2. A share of the surcharge on all civil fines in Maine goes to support the Access to Justice Commission.
3. Judges can and do contribute to state and local bar campaigns; they just cannot solicit.
4. A "united way" approach can be sold if individual bar campaigns are anemic. In any case a hold harmless clause must be included for the successful programs.
5. A First Circuit Court of Appeals justice is on the Maine commission.
6. Maine access to justice funds go the Bar Foundation and are then divided among the legal services providers.

National Public Awareness and Attitude Survey Results

1. The concept of free legal aid is accepted by 89% of the public.
2. Some 82% of the public would agree to be taxed to provide this funding.
3. Legal aid is not well known among non-profits. [Therefore commissions need to educate about legal aid and the problems poor people face.]
4. Individual client stories are our greatest asset to educate and convince the public to support civil legal aid.
5. The highest support would be for legal services to:
 - Children
 - Domestic violence victims
 - Veterans
 - Elderly
 - Disabled

6. Values that under gird this support of civil legal aid include:
 - Fairness
 - Equality
 - Responsibility to help others

Ten Principles on Access of Justice and a Survey Self-Assessment tool were included in Mr. Lanoue's report packet and were suggested as a way for the Commission to examine how it compares with current activities across the nation.

With regard to the national effort to provide **comparability for IOLTA** invested funds, Ms. Pointer stated that the current IOLTA percentage rate is 0.8%. The IOLTA Board has urged that the rules resulting in this low percentage rate be changed and that request is making its way to the Supreme Court. Any changes allowed would utilize the concept of comparability.

Legal Services Committee Report

Ms. Frazier reported that two **production companies** had responded to the committee's Request for Proposal of an Access to Justice DVD. The Jones Production Company's proposal was most favored due to both their excellent work and their understanding of our project. Jones, Inc. did the work featured at the IMAX Theater's introduction to Arkansas. The committee recommended that the Commission go forward with the Jones Production Company. Judge Spears moved, Mr. Brown seconded and the motion to approve Jones was unanimously accepted by the Commission.

Ms. Frazier next discussed the **client stories** that will be used in the DVD production. Each Commissioner will submit their final client story selections via email ranked 1 – 5. Mr. Lanoue will send the story list out early next week. It was noted that the project must include an elderly client story due to the use of \$7,500 previously granted to AVLE that will be applied to this production.

Mr. Mullane stated that if we ran into problems with **actual clients** the project could use actors as the clients. He further stated that some of the directness may be lost but many of the problematic issues of using clients will not have to be addressed and it will still help clients by advancing future support for legal aid. Mr. Richardson noted that the committee has not included a request for actors in the RFP and therefore none were budgeted. However, following a general discussion among the Commissioners it was felt that a high probability exists to find a theater group or individual actors who would do the performing for free. Ms. Olson added that we need to be careful to not use stories of great complexity because of the short time limit and Mr. Mullane agreed stating that we are reaching for hearts and not an exposition of the legal issues involved. Ms. Frazier asked the Commission how the committee should make this decision: as a committee or a commission? The Commission thought this should be resolved at the committee level.

Lastly, Ms. Frazier spoke to the **funding** situation and possible funders of the project. Mr. Richardson stated that the committee had \$7,500 pledged from AVLE and that request and packets have been sent to many other possible donors including Entergy, Tyson and IOLTA. Mr. Hollingsworth stated that the Arkansas Bar Association/Foundation could likely help with some money and asked when it would be needed. Mr. Lanoue stated in early June. On behalf of the Commission, Mr. Lanoue will work with Mr. Hollingsworth to develop a request for the Foundation. However, to ensure coordination in the Commission's fundraising efforts Dean Goldner requested that all communications first go through Mr. Lanoue. Judge Spears stated that he would contact the Reynolds Foundation.

Pro Bono Committee Report

Dean Goldner asked Judge Spears to update the Commission on the **Town Hall Meetings** in Pine Bluff and Springdale. Judge Spears stated that the Springdale meeting was well attended and he was very pleased with the response from the Congressman of the 3rd District, John Boozman. Dean Goldner agreed stated that it was suggested by the Congressman that after all four meetings were completed and recommendations made, the Commission should convene the four congressmen and the U.S. senators together for a discussion in Little Rock.

Dean Goldner then discussed Tuesday's Town Hall Meeting in Little Rock. The turnout was not large but it was very good insofar as substance and content from the speakers and audience. Minutes of the Pine Bluff and Little Rock meetings were included in the Commission information packet.

Dean Goldner asked if a date has been set for the last Town Hall Meeting in the first Congressional District? Mr. Lanoue replied that Jonesboro is the likely location in late May-early June. Congressman Berry's staff will be back to him early next week about a final schedule. Dean Goldner concluded the report stating that the three town hall meetings have worked well and have met the Commission's purposes.

Pro Se Committee Report

Mr. Mullane suggested that the Committee as its first effort create a **pro se divorce packet** to be distributed throughout the state. He stated that this will be a major project but it is the area of biggest need as determined in our survey of circuit judges and clerks. Plus, it is achievable. However, several issues must be addressed during the project such as domestic violence and property considerations. Other issues will include training in various communities throughout Arkansas concerning these documents. Mr. Richardson stated that there are pro se divorce packet models out there that we can utilize in developing this packet. Mr. Brown recommended the Commission contact library convention training leaders because most libraries are looking for ways to be more useful in the community and this project would help them do so. Dean Goldner stated that this process is going to be a complex task involving judges,

clerks and the Bar Association. A motion was made, seconded, and unanimously approved to create a pro se divorce packet.

Ms. Olson stated that there is also a need for follow up to the divorce packet. Her clinic has seen a need for a parenting plan – a basic form to state what custody and property settlement orders mean. Judge Spears stated that standard orders are a judge’s best friend because of the efficiency they provide. For example, we have standard Child Support Guidelines and now we need the same for Visitation.

Joint Legal Services Annual Report

Dean Goldner asked Mr. Lanoue to report to the Commission on the Joint Legal Services Annual Report. Mr. Lanoue stated this is the first joint annual report for the two legal service organizations in Arkansas. It is designed as a major educational vehicle to use for legislative contacts for both 2006 and early 2007 when the Commission will be attempting to secure state funding. It is designed for the legislature and potential major donors.

June 2006 Bar Association Meeting

Dean Goldner stated that the Commission has a two-hour block of time for an Ethics CLE at the June Bar Association meeting. The Dean stated that the time block allotted is competing against Ethical Negotiation, Elder Law, Employment Law, and some all day programs. A discussion was opened regarding what the Commission should do for those two (2) hours. Suggestions included:

- A discussion of mandatory reporting and other requirements for pro bono under Rule 6.1 as recommended by the Commission.
- A discussion about the Civil Gideon proposal which will be an agenda item for the ABA meeting in Hawaii in late summer.
- A flier/brochure will be produced by staff and made available through the Bar Association with information about the CLE Commission session.

Dean Goldner requested that the Commission reflect upon possible topics and presenters for the CLE and the thoughts will be pooled and a program developed by early May. Mr. Lanoue will email members seeking their input.

Other Commission Business

Ms. Olson presented reports on the cost of domestic violence in the workplace and the healthcare system in the United States in response to an issue raised by Justice Imber at the Little Rock Town Hall Meeting. Mr. Richardson noted that in studies on domestic violence the most effective expense in these cases is money spent on an attorney.

Dean Goldner reminded the Commission that there are two more meeting dates for 2006 [July 21 & October 20]. Anyone wishing to host should notify Mr. Lanoue.

Meeting adjourned at 2:34

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ACTION ITEMS

Commissioners

- Each Commissioner will submit their final client story selections via email ranked 1 – 5.
- To ensure coordination in the Commission's fundraising efforts for the DVD, all communications should first go through Mr. Lanoue.
- Bar Association Meeting in June: Commissioners should develop possible topics and presenters for the 2-hour CLE and those thoughts will be pooled and a program developed by early May.
- There are two more meeting dates for 2006 [July 21 & October 20]. The Commission has held one meeting a year outside of Little Rock. Anyone wishing to host should notify Mr. Lanoue.

Ms. Frazier

The Legal Services Committee will make the decision about using actual clients or actors.

Mr. Lanoue

- Send the client story list out to all Commissioners early next week [April 24].
- Work with Mr. Hollingsworth to develop a DVD funding request for the Foundation.
- Finalize 1st Congressional District Town Hall Meeting.
- Email members seeking their input on Commission CLE program content for bar meeting.

Mr. Mullane

Create a pro se divorce packet.

Judge Spears

Will contact the Reynolds Foundation.