



**Arkansas Bar Association  
UALR-Bowen School of Law  
1201 McMath Avenue, Room 515  
Little Rock, AR  
October 12, 2007, 1:00 P.M.**

#### **MINUTES**

**Attending:** Dean Charles Goldner [Chair], Judge Jim Spears [Vice-Chair]; Mike Mullane, Mr. Bill Brown, Ms. Susie Pointer, Mr. Lee Richardson, Ms. Jean Carter, Ms. Danyelle Walker, Ms. Angela Duran, Ms. Zina Frazier, Mr. Ron Lanoue [Secretary], and Mr. Vince Morris [Staff]

#### ***Welcome by Chair Dean Goldner***

The meeting was called to order at 1:15 PM. Dean Goldner thanked the Commission for all their hard work during the summer. The chair asked for any additions or corrections to the June 29<sup>th</sup> minutes. The minutes were approved as written with unanimous approval.

#### **Committee Chairs: Report on August Meeting Recommendations**

Dean Goldner requested that the committee chairs provide a report to the commission of any committee meetings since the last Commission meeting.

#### **Pro Bono Committee**

Judge Jim Spears, Pro Bono Committee chairperson, provided the Pro Bono Committee objectives including the creation of two additional standing committees for Legislative and Education purposes. The committee recommended that the three current standing committees, pro bono, pro se, and legal services, remain as standing committees.

Judge Jim Spears also provided the following Pro Bono Committee recommendations:

1. Provide pro bono case priorities on the docket
2. Emeritus rule change (allowing inactive attorneys - teachers or retired - to do pro bono cases)
3. Better publicize pro bono malpractice benefit and free poverty law training

4. Pro bono awareness training for law students each year
5. Recruitment campaigns throughout the state
6. Conduct a survey to determine pro bono hours
7. Support lawyers voluntary reporting of pro bono hours
8. Report imputed value of volunteer services, especially for the legislature

### **Legal Services Committee**

Ms. Zina Frazier, Legal Services Committee chairperson, provided the Legal Services Committee objectives including the creation of two additional standing committees for Legislative and Education purposes.

Ms. Frazier reported that committee discussion, due to the creation of the new legislative committee, included the question of whether a legal services committee is still needed since the main function of the current legal services committee is fundraising through legislative efforts. The legal services committee determined that the Legal Services Committee is still needed; however, the Legal Services Committee recommended changing its name to Legal Services Support Committee rather than abandoning the committee for the following reasons:

1. The legal services/legal aid name carried weight
2. Legal services operations should always have the ear of the Commission
3. The committee was instrumental in putting together the DVD
4. A priority for this committee should be maintaining and enhancing technology

### **Pro Se Committee**

Mr. Mullane, Pro Se (Court Assistance) Committee chairperson, provided the pro se committee recommendations including:

1. Evaluate every training program we conduct to keep a pulse on needs and for future contacts
2. Educating judges, clerks, and others on pro se assistance resources [Judge Brown suggested one ethics hour on pro se be included in next May's District Judges meeting.]
3. Need to address market resistance by providing lawyer education
4. Expand Self-help centers
5. Continue standardization of forms
6. Unbundling of services
7. Review of local court rules (those that turn away pro se litigants).

Mr. Mullane also recommended that it is time for a statewide survey studying the use of the AATJC pro se online divorce kit. Mr. Mullane stated that the Pro Se Committee has had a success with the divorce process and now it is time that the committee selects the next type of case that can be done pro se. Discussion of possible additional packets included child support modification forms for pro se and order of protections. Mr. Morris requested that commissioners review the ALSP website to view current resources and recommend directions for future resource development.

### **Committee Selections & Composition**

The reports from all the committees resulted in a desire to retain the Legal Services, Pro Bono, and Pro Se (Court Assistance) Committees. Additionally, all committees recommended the addition of standing Education and Legislative committees. The recommendations were unanimous for a five (5) committee structure.

Dean Goldner shared with the commission the committees that the commissioners pre-selected that they wanted to participate in and requested that anyone desiring to change their selection do so at this time. Dean Goldner then stated that each committee already has a clear outline of goals and objectives as laid out in the strategy planning meeting early this summer.

Ms. Frazier motioned that the new committee structure be implemented. Ms. Walker seconded the motion and it was passed unanimously.

### **IOTLA Comparability Rule Update:**

In an update regarding the AATJC recommendation that the Arkansas IOLTA Foundation pursue enforcement of the comparability rule, Susie Pointer, IOLTA Foundation Director, stated that \$25,000 has been set aside to hire a consultant to help implement the comparability rule in Arkansas. Ms. Pointer was hopeful that this action would result in income increases, however, she warned that there are several states where IOLTA accounts are down and the reasons are unknown.

Susie Pointer also stated that the IOLTA grant that funded the research coordinator position for the ATJC will continue at its current funding level for 2008. Dean Goldner thanked the IOLTA board for their actions and support.

### **Proposed Policy Recommendation for Non-Commission Committee Members**

Dean Goldner reminded the Commission of the strategic planning discussion concerning the benefit of including non-commissioners on ATJ projects and committees. All three committees recommended inclusion of non-Commission members on some committees, but with the committee chair always being a Commissioner. Specific suggestions in this regard were: recruitment of people based on the Commission's specific needs for expertise; and identification of time commitment.

Discussion began concerning the proposal set forth in the staff memorandum concerning non-commission committee members. Dean Goldner stated that he felt the recommendation in the staff memorandum of short-term (a project only basis duration) appointment of non-commission committee members was the wrong approach. Dean Goldner urged that the non-commissioners should have a period of time appointed to a committee and not on a project by project basis.

Mr. Mullane agreed that accepting non-commissioners as full fledged members of the committee is a good workable model. He further stated that the more recognition that you give someone for volunteering their time then the more success you may have with recruitment. There was a motion that non-commissioners be included in committee composition that was unanimously passed.

Dean Goldner stated that accepting this model, however, would not eliminate the possibility of having someone come in and help on a particular project. He further stated that with five (5) committees it is likely that there will only be three (3) or four (4) Commissioners per committee. A discussion on the size and compositions of the committees began resulting in a goal of having a minimum of 5 people (Commissioners and Non-Commissioners) per committee and an outer limit of 9 people.

### **Staff Outline of the Commission's First Annual Report**

The chair asked Mr. Ron Lanoue to discuss the current plan for the first annual report of the Commission. Mr. Lanoue explained that \$2,800 from a Rockefeller Grant awarded to Arkansas Legal Services Partnership (ALSP) earlier this year could be used for printing and development cost.

Mr. Lanoue presented the proposed outline to the Commission including the following: History; Needs; Accomplishments; Funding; and Future Directions. A discussion began about the First Annual Report and the proposed outline.

Dean Goldner requested a discussion on whether or not the Commission would like to direct the staff to create an annual report. The Commission moved that an annual report be created. The motion that an Annual report be developed was seconded and unanimously approved.

The following recommendations resulted from the discussions following the approval of creating an annual report:

- The report should be officially submitted to the Arkansas Supreme Court.
- The report should be officially submitted to the Arkansas Bar Association.
- The report should be ten (10) pages or less with heavy use of executive summaries.
- Mr. Mullane suggested a change in the proposed outline and that the order should begin with the mission statement, accomplishments, and then unmet needs with a very short history at the conclusion.
- The report should be very specific, pointed and short.
- The report should include committee structure and contact information.
- The report should be used in the State of the Judiciary speech by the Chief Justice.
- The staff should work with the education/marketing committee and the chairs of the other four committees in preparing the report.

## **Information Requests Update**

Early this summer the Commission requested information on various national and local ATJ issues. The following documentation was provided to the Commission:

- ATJC staffing and funding across the states
- LSC Restrictions on Legal Aid Providers
- ATJC Website Report

## **Other Business**

Mr. Lanoue (Secretary) stated that a review of the ATJC travel budget will provide enough funds for some Commissioners to attend the 2008 Equal Justice Conference on Access to Justice. Mr. Lanoue requested that any commissioners that would like to go to the 2008 Equal Justice Conference please contact him. Commissioners who have attended in the past stated that it is well worth the time and effort in attending.

Judge Hannah stated that he was asked to provide a 2-3 minute presentation on the accomplishments of the Commission to the Judiciary Conference he was attending the week of October 19<sup>th</sup>. He requested that Mr. Lanoue provide support with this presentation by Thursday, October 18, 2007.

Dean Goldner stated that the Commission needs to determine future meeting dates and that, traditionally; the Commission has met on the second Friday of every quarter. The Chair recommended that the Commission continue with the quarterly meeting schedule and meet on Friday so that the Commissioner's who are judges may participate. Due to legislator demands it was requested that meetings take place on the third Friday rather than second Friday. Dean Goldner requested that Mr. Lanoue send out a conflict request for the third Friday of the meeting months and for Commissioners to respond.

The meeting was adjourned at 2:31.

## **ACTION ITEMS FOR STAFF**

Ron Lanoue, Secretary

- ❖ Revise Commission annual report outline to incorporate comments/suggestions made by Commissioners at October 12, 2007 meeting
- ❖ Prepare "accomplishments of the Commission" brief report to Judge Craig Hannah that he could present at the October 19<sup>th</sup> Judiciary Conference – he needs materials by October 18<sup>th</sup>.
- ❖ Send out a conflict request to all commissioners to determine if second or third Friday of the month on a quarterly basis will garner better member attendance.

Gina Cothorn, Research Coordinator

- ❖ Research emeritus rule change and prepare memo on Arkansas rule and other states' handling of this matter
- ❖ Insert section into "Justice: The Pro Bono Component" CLE Ethics course to emphasize the secondary malpractice benefit (the poverty law training is currently discussed and constitutes half of the hour devoted to the course).
- ❖ Pro bono awareness training at law schools – ensure that law school deans and legal clinic faculty have the "Justice: The Pro Bono Component" CLE outline and provide any technical support needed
- ❖ Confirm status of ATJC slot on mandatory Practicum agenda
- ❖ Present the "Justice: The Pro Bono Component" CLE course at the ABA Bridging the Gap seminar
- ❖ Assist with development of pro bono hours survey tool – contact other states to determine their mechanism
- ❖ Draft voluntary pro bono hours reporting form
- ❖ Maintain imputed value of pro bono volunteer hours; to be reported in Arkansas Justice Report quarterly and presented in packet and testimony to Legislature through Legislative committee and Commission members
- ❖ Draft memo to Legal Services and Legislative committees regarding fundraising efforts in other states and other charitable organizations in Arkansas
- ❖ Compile evaluation data on training programs presented to keep a pulse on needs and develop future contacts
- ❖ Present CLE course on pro bono and pro se assistance resources (responsibility to be shared with Vince) in particular for presentation at May 2008 District Judges meeting
- ❖ Research self-help centers in courthouses around the nation (responsibility to be shared with Vince)
- ❖ Address market resistance to pro bono and pro se through CLE education. Evaluate other states efforts to overcome pro se market resistance and develop plan of attack
- ❖ Research unbundling of legal services – Arkansas rule and how other states are addressing
- ❖ Review of local court rules – those that turn away pro se litigants
- ❖ Revise non-commissioner committee members participation memo to incorporate Commission comments at October 12, 2007 meeting
- ❖ Prepare pro hac vice fee report from other states
- ❖ Prepare PAC/501(c) 3 report

Vince Morris, Technology and Justice Projects Director

- ❖ Work with Legal Services committee to maintain and enhance existing technology
- ❖ Work with Court Assistance (Pro Se) Committee to conduct state-wide survey concerning the usage of the pro se online divorce kit
- ❖ Work with CAP committee to select additional cases that can be done pro se
- ❖ Present CLE course on pro bono and pro se assistance resources (responsibility to be shared with Gina) in particular for presentation at May 2008 District Judges meeting
- ❖ Continue gathering data from judges and clerks to further standardization of court and pro se forms
- ❖ Continue adding standardized forms to pro se and pro bono sides of the website
- ❖ Touch base with Commissioners after they have reviewed ALSP website to view current resources and determine their recommendations for future resource development
- ❖ Research self-help centers in courthouses around the nation (responsibility to be shared with Gina)