



**UALR-Bowen School of Law  
1201 McMath Avenue  
Conference Room 515  
Friday, July 16, 2010  
11:30 AM – 1:30 PM**

**Members Attending**

Rose Adams	George Shelton
Jean Carter	Justice Annabelle Imber Tuck, <i>Incoming Chair</i>
Nate Coulter	Bill Waddell
Prof. Chuck Goldner, <i>Chair</i>	
Prof. Kelly Olson	

**Special Guests**

Brian Miles	Rev. Vic Nixon
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**Staff**

Amy Johnson, <i>Executive Director</i>	Ron Lanoue, <i>Secretary</i>
Chad Owens, <i>Assistant</i>	

**MINUTES**

**Welcome & Approval of Minutes from March 12, 2010**

Prof. Chuck Goldner opened the meeting at 11:52 AM. He introduced special guest Rev. Vic Nixon, who has been nominated to join the board of directors for the Arkansas Access to Justice Foundation, Inc.

He asked the Commissioners to review the minutes from March 12, 2010. Mr. Nate Coulter made a motion to approve the minutes, Ms. Rose Adams seconded the motion, and it passed unanimously.

**Foundation Report**

Ms. Amy Johnson discussed the new donor management software recently purchased by the Foundation. It is called eTapestry. It tracks email views, allowing staff to see who is showing an interest in the campaign. It will run weekly donor reports to show who is giving to the campaign. Overall, she said, it will improve the staff's ability to record gifts and contact information. Mr. Bill Waddell added that, over time, eTapestry will increase efficiency while saving money.

## **Fundraising Plan**

Ms. Johnson led the Commission in a review of the fundraising plan. She said the Foundation will probably call the campaign the annual fundraising campaign of the Arkansas Access to Justice Commission, rather than the Promise of Justice Campaign.

Ms. Johnson said the campaign will go into high gear by September 1. However, she said, the Foundation wants to be halfway to its fundraising goal by then.

This year's campaign will differ from last year's, Ms. Johnson said, because it will differentiate between individual donors, law firms, and corporations.

*Individual Donors:* The Foundation and VOCALS have formed a joint committee to coordinate campaign activities. The Foundation does not want to undercut the success of VOCALS, she said. In previous VOCALS campaigns, the standard level of giving has been \$400 for regular attorneys, and the Foundation will continue to promote this level of giving.

*Law Firms:* The Foundation wants to encourage firms to handle pro bono cases in addition to donating, Ms. Johnson said. The current fundraising plan does not give special recognition to firms that only give money.

*Corporations:* Ms. Johnson pointed out that corporate giving levels are different from the recognition levels for individual donors and law firms.

The Foundation's next step, Ms. Johnson said, is to recruit division leaders. The Foundation wants the campaign to consist primarily of personal solicitations made by division leaders of their fellow attorneys and local corporations.

Ms. Johnson also described "Jeans for Justice," which will encourage law firms, government agencies, law schools, and other legal groups to pay \$5 to wear jeans on Friday during the national Pro Bono Week in October.

Mr. Waddell discussed the small, specific objectives contained within the fundraising plan. These, he said, will increase involvement across different sectors. The campaign is largely financial, and small financial goals will help the Commission achieve its larger financial goal. Though last year's campaign was successful, he said, this year's campaign will provide the template for future campaigns.

Mr. Waddell added that the Foundation, CALS, and LAA are working together to create one unified statewide campaign.

Ms. Johnson said the Foundation does not want a statewide campaign to hurt the fundraising efforts of VOCALS or LAA. Instead, the Foundation wants this campaign to add to their bottom lines. VOCALS has established a firm identity in Pulaski County, she said, and the Foundation

wants to gain more support for VOCALS. She detailed a few highlights of the joint agreement between VOCALS and the Foundation:

- VOCALS has agreed to enclose Foundation materials in its mailings. Otherwise, VOCALS materials will remain largely unchanged.
- The Foundation and VOCALS will meet with law firms in Pulaski County to discuss the statewide campaign. These meetings will focus especially on those firms that have recently quit contributing to VOCALS.
- The Foundation will replace the statewide direct mail solicitation with a statewide email solicitation. The Foundation will accept donations online through eTapestry, and it will provide online donation capabilities for VOCALS.

Prof. Goldner thanked Ms. Johnson for drafting the fundraising plan, and he thanked Mr. Waddell and Mr. Coulter for reviewing the draft extensively. He added that these individuals have met with representatives from the VOCALS Board of Directors. Based on these meetings, Mr. Jim Hathaway and Ms. Johnson have worked together to develop a joint campaign plan. This plan, Prof. Goldner said, is an enormous step forward to achieving the Commission's objective. He pointed to paragraph six of the agreement, which states that fundraising is statewide. The accident of where a poor person lives, he said, should not hinder that person from receiving legal aid. Therefore, as part of the agreement, donations made out to CALS or LAA will go directly to them. However, donations made out to the Foundation will be used to equalize the amount received by the two providers according to the percentage of poverty population living in each service area.

Mr. George Shelton recommended that in a few years, the Foundation should begin to consider hiring a professional fundraiser. Ms. Johnson agreed, adding that the campaign may be able to obtain free help from Clinton School students in the meantime. Ms. Adams pointed out that the Arkansas Coalition for Excellence offers free training for 501(c)(3) organizations.

## **Committee Reports**

### *Pro Bono Committee*

In the absence of Ms. Danyelle Walker, Ms. Johnson spoke on behalf of the Pro Bono Committee. She said the committee has met twice since the last Commission meeting. Its focus has been on a rule change allowing emeritus and attorneys licensed out-of-state to handle pro bono cases in Arkansas. The committee attached to the agenda an example rule from Colorado.

Mr. Waddell said he has spoken to a representative from the Arkansas Administrative Office of the Courts (AOC) about this rule change, and he discovered that the AOC has never considered such a rule change. Arkansas is very conservative when it comes to allowing people to act in the capacity of an attorney, he said, but the state needs to move forward on this issue. The idea for a rule change came from Mr. Jon Comstock, who wants Arkansas to allow attorneys in his

corporate department to handle pro bono cases. Pro hac vice will not suffice, Mr. Waddell said, because that process only applies when legal representation is needed for litigation.

Ms. Johnson said the committee has also talked about a model pro bono policy for government agencies. She said a good idea for the fundraising campaign would be to recognize agencies that adopt this model policy and keep track of their attorneys' pro bono hours. Both ideas will be considered further by the Commission during its strategic planning session, she said.

Justice Annabelle Imber Tuck said a proposed rule change should be requested of the Supreme Court by the Commission or by the Arkansas Bar Association. Prof. Goldner agreed and said the proposal would have to be approved during the spring meeting of the ArBA Board of Governors. He said the proposal would next have to be approved during the fall meeting of the ArBA House of Delegates.

Justice Tuck said the rule change would be better received if the committee has surveyed and researched other rules from around the nation. Prof. Kelly Olson agreed, saying her colleague, Prof. Kelly Terry, has a passion for this topic and could provide research assistance.

#### *Court Assistance Committee*

In the absence of Judge Jim Spears, Ms. Johnson spoke on behalf of the Court Assistance Committee.

Through the AOC, the committee has found an opportunity to work on a project funded by federal stimulus money geared toward meeting the needs of domestic violence victims. The project will entail the development of a uniform order of protection and automated packet for the AOC's website. The committee hopes these resources will reduce errors and delays experienced by victims.

Because of the Court's recent e-filing order, funding is available for the AOC to provide public access terminals. Prof. Jessie Burchfield submitted a proposal to the Court Automation Committee requesting that the Committee consider making the public access terminals available for use as self-help centers. She also proposed the creation of a court-funded facilitator position that would provide support to self-represented litigants who needed help finding and completing court forms made available through the self-help centers. Prof. Olson added that Prof. Burchfield and Prof. Felecia Epps are looking into terminals staffed by law students through law school clinics. These two professors are researching similar activities at law schools nationwide. Ms. Johnson said such a facilitator program will need the approval and involvement of the Commission, and it may even require the Commission to submit a recommendation to the Supreme Court.

Ms. Johnson said the committee has also worked toward developing a Justice Portal website, which would help nonprofit and government agencies direct clients to the proper nonprofit organization or government agency.

Prof. Goldner said these projects are evidence that the Arkansas Access to Justice Commission is making a difference in the lives of low-income Arkansans. He commended the Commission for its hard work.

### **Executive Report**

Ms. Johnson said the Commission has been very fortunate to have the high-profile support of Chief Justice Jim Hannah and Incoming ArBA President Jim Julian. She asked the Commissioners to read the guest column written by Jim Julian in the June 7, 2010, edition of *Arkansas Business*. She also asked them to read the transcripts of speeches given by Chief Justice Hannah and Mr. Julian at the 2010 Annual Meeting of the ArBA. (Videos of these speeches are available on the Commission's website: [www.ArkansasJustice.org](http://www.ArkansasJustice.org).)

Ms. Johnson said Arkansas Children's Hospital has approached the Commission to develop a statewide medical-legal partnership. This project is in the discussion phase only and, right now, is only a possibility. But, she said, it presents a very attractive opportunity.

Ms. Johnson said the ArBA Family Law Section has approached her about funding a project this year. It has asked the Commission to submit a proposal.

Prof. Goldner encouraged the Commissioners to thank Chief Justice Jim Hannah and ArBA President Jim Julian for their support.

### **Discussion Items**

#### *Conference*

Prof. Goldner said last year's conference was billed as an annual conference. However, given the costs and time consumption of the conference and the level of involvement needed for the 2010 campaign, he asked whether the Commission wanted to change it to a biennial conference.

Justice Tuck added that the Education Committee is having difficulty obtaining speakers. The committee does not want the conference to be half as good as it could be. Therefore, the committee has asked staff to begin finding speakers for next year's conference.

Hearing no dissent, Prof. Goldner asked the Education Committee to postpone the conference until 2011.

#### *Unbundling*

During the last Commission meeting, special guest Mr. Woody Mosten spoke about unbundled legal services. Prof. Goldner said unbundling will be a key component of access to justice. However, he suggested that the Commission not make it an action item until the Commission can organize its priorities during the upcoming strategic planning session.

Ms. Adams asked the Commission, as it thinks about unbundling, to remember to protect clients from themselves.

### *Strategic Planning Retreat*

Ms. Johnson asked the members whether they would like to attend a two-day strategic planning retreat. Mr. Chad Owens said he had weeks earlier polled the Commissioners about their availability to attend a retreat in September or October. He said there were no good dates for everyone to meet.

Prof. Goldner said a retreat is a good idea, and Mr. Shelton agreed.

Mr. Coulter stated a preference for a one-day retreat, and Ms. Adams agreed. Mr. Coulter also stated a preference for a retreat in January rather than in October. He said it would be easier to assemble the Commission during the winter than during the fall. Ms. Johnson agreed, saying the fall campaign will consume too much time to allow for a strategic planning retreat.

Mr. Coulter asked the group to organize the retreat by dividing the day into small work sessions. Mr. Shelton agreed. Justice Tuck suggested planning the retreat for a Friday in January.

Ms. Johnson pointed out that a strategic planning session in January will be too late to develop legislative ideas for the 2011 legislative session. However, she said, Ms. Adams is a member of a legislative task force that can promote legislative policy initiatives that would help further the Commission's goals. Ms. Adams said the task force has already begun to narrow down its legislative goals. She asked the Commission to draft something and send it to her by August 4.

Justice Tuck suggested a legislative proposal to fund public access terminals with facilitators. Prof. Goldner agreed, adding that Prof. Burchfield may be able to help draft a proposal. All agreed.

### *Joint Meeting with IOLTA*

Ms. Johnson, who also staffs the Arkansas IOLTA Foundation, said it has suggested meeting with the Commission annually. She said IOLTA's next meeting will be sometime in September. Mr. Coulter said IOLTA will benefit from hearing the perspectives of Commissioners. Prof. Goldner asked Ms. Johnson to schedule a joint meeting in September.

### **Other Business**

#### *Circuit Court Decision about Corporate Practice of Law*

Ms. Jean Carter told the Commission about a lawsuit filed last year in Judge Chris Piazza's circuit court. It involved a car accident. The insurance company used an in-house attorney rather than a private attorney. The other party filed a motion to exclude the insurance company's staff

attorney because of an Arkansas statute that makes it illegal for any corporation to appear as an attorney-at-law in an Arkansas court. Judge Piazza granted the motion. The case is being appealed.

Ms. Carter is concerned about the implications of this case. She said several nonprofit corporations practice law and represent people, including CALS, LAA, disability groups, and the ACLU. She asked the Commission whether it wanted to pursue an exception to this rule during the 2011 legislative session.

Ms. Johnson said she would present this possibility to the Legislative Committee. Through Sen. Robert Thompson and Rep. Bubba Powers, she said, the Commission may be able to work through the Bureau of Legislative Research to draft a bill.

## **Membership**

### *Upcoming Term Expirations*

Prof. Goldner pointed out that several Commissioners' terms will expire this year. They are Judge Waymond Brown, Ms. Angela Duran, Judge Craig Hannah, and Mr. Leon Johnson.

Justice Tuck mentioned that Ms. Johnson should contact the secretary for the chief justice about replacing or reappointing Judges Brown and Hannah.

Mr. Waddell nominated Judge Kim Smith and Mr. Chuck Roskopf for positions on the Commission.

Prof. Goldner mentioned that Ms. Johnson should contact Mr. Jim Julian about replacing or reappointing Mr. Johnson. He added that the Commission should ask CALS and LAA for nominations.

Prof. Goldner said the governor's office wants three nominations for someone to replace Ms. Angela Duran.

Ms. Adams said Mr. Clevon Young could suggest a few good nominees.

### *Presentation of Certificate to Mr. Chad Owens*

Prof. Goldner informed the Commission that Mr. Owens is leaving the Commission's staff to attend the UALR-Bowen School of Law and the Clinton School of Public Service. Prof. Goldner presented a card and certificate to Mr. Owens and thanked him for his service.

### *Election of a New Chair*

Prof. Goldner announced that he was stepping down as chair of the Commission. He said he plans to remain an active member. He asked the members to nominate a new chair.

Mr. Waddell made a motion to nominate Justice Annabelle Imber Tuck, Ms. Adams seconded the motion, and it passed unanimously.

Justice Tuck thanked Prof. Goldner for his leadership, saying he has provided the Commission and the State of Arkansas with a great legacy. She presented Prof. Goldner with a plaque, and he received a standing ovation.

Justice Tuck asked staff to schedule the next Commission meeting to take place immediately before or after a joint meeting with the Arkansas IOLTA Foundation. She suggested Oct. 1 or Sept. 17. In meantime, she said, the Commission will work to appoint division leaders for the campaign.

Justice Tuck adjourned the meeting at 1:34 PM.