



ARKANSAS  
ACCESS TO  
JUSTICE  
REPRESENTING HOPE

**Commission Meeting** Arkansas Bar Center, 2224 Cottdale Ln., Little Rock, AR 72202

August 12, 2011  
12:00pm – 3:00pm

Commissioners Present

Zina Frazier, Judge Leon Jamison, Nate Coulter, Prof. Chuck Goldner  
Prof. Kelly Olson, Prof. D'Lorah Hughes, Justice Annabelle Tuck, Rose Adams,  
Lee Richardson (by phone), Jean Carter, Al Lopez, Judge Jim Spears

Staff Present

Amy Johnson, Vince Morris, Kim Marshall, Samantha Tobias

Guests

Dean John DiPippa, Dean Stacy Leeds, Victor Richardson,  
Tonya Both, Prof. Jay Barth, Prof. Kelly Terry

**Welcome & Introductions**

Justice Tuck called the meeting to order at 12:17 p.m. She began by introducing the Commission's newest member, Al Lopez, who fills the slot set aside for a non-attorney working full time for a nonprofit that serves low-income Arkansans. She continued by introducing Dean John DiPippa of Bowen Law School, and Dean Stacy Leeds, the new dean of the University of Arkansas School of Law. Next, she introduced two of the Commission's non-commissioner committee members, Prof. Jay Barth of Hendrix College and Prof. Kelly Terry of the UALR Bowen School of Law. Everyone continued by introducing themselves for those new to the Commission.

**Approval of Minutes from April 1, 2011**

Justice Tuck called for a motion to approve the minutes from April 1, 2011. Judge Jamison so moved and Prof. Olson seconded. The minutes were approved unanimously.

**Committee Reports**

Arkansas Access to Justice Foundation

Ms. Johnson presented a report on the Arkansas Access to Justice Foundation. She stated that although the Foundation has not met since the previous Commission meeting, they have begun discussions with the IOLTA Foundation concerning consolidation. She also reported that the Foundation had appointed two new board members, Shane Bridgforth and Ray Fulmer. Ms. Johnson continued by reporting that this year's campaign will not be a joint campaign as in previous years. The tentative plan is to use a portion of this year's funds to hire a fundraising consultant, and then distribute the remaining funds to other organizations. She stated that more information would be available after the Foundation's August 24<sup>th</sup> meeting. Justice Tuck then encouraged all present donate to the Foundation during the upcoming campaign.

### Pro Bono Committee

Ms. Johnson continued by presenting the minutes of the Pro Bono Committee, due to Mr. Waddell's absence. She elaborated on the meetings held by the Commission's Pro Bono Committee and the Arkansas Bar's Legal Services Committee concerning a civil right to counsel initiative that the Commission is planning to undertake. Prof. Terry presented a memo on the Turner vs. Rogers case, a US Supreme Court case that addresses the issue of a right to an attorney in civil cases where the defendant is facing prison time. Even though the court concluded that there was no right to counsel, they stated that it was the responsibility of the state to have alternative procedures that ensure fundamental fairness in accordance with the 14<sup>th</sup> Amendment. Prof. Terry stated that this could be something that the Pro Bono Committee could undertake as a push for a statutory right to counsel.

Justice Tuck continued the Pro Bono Committee report by reporting that during her time at the Arkansas Bar Association's annual meeting, she spent a good deal of time recruiting section member attorneys as mentors for pro bono attorneys. She also mentioned meeting that took place earlier in the day with the Arkansas Bar Association's Long Range Planning Subcommittee concerning ways that the Bar can work with the Commission to increase access to justice.

In relation to the Pro Bono Committee, Mr. Morris discussed the implementation of an iPhone, Blackberry, and Android app that would allow pro bono attorneys to track their cases and view other available cases. The projected release date is slated for October.

### Education Committee

Justice Tuck presented a brief Education Committee report, detailing the moving of the conference to 2012 due to Justice John Paul Stevens's availability at that time. She also discussed the conference's shift from being CLE-oriented to policy-oriented.

### Court Assistance Committee

Mr. Morris gave a report on the Court Assistance Committee, beginning with the efforts to translate pro se resource into Spanish. He continued by discussing recently completed initiatives including the Serving Our Seniors event at the Arkansas Bar Meeting, and the new Guardianship of a Minor packet. He finished by relating that Arkansas was currently seventh in the nation for generated pro se documents.

### Legislative Committee

Prof. Goldner presented the Legislative Committee report concerning the planning and implementation of another series of town hall meetings. He gave a brief recap of the Town Hall Meetings organized in 2006, relating that it resulted in the first time that the entire Arkansas delegation voted to increase LSC funding. Ms. Johnson reported on proposed cuts to LSC funding for FY2012 and advised that assistance would be needed in contacting our current delegation to oppose cuts. Talking points and sample letters will be distributed to Commission members and other stakeholders.

### Resource Development Committee

Ms. Johnson presented the first report of the newly formed Resource Development Committee. She related that one of the first tasks of the committee is going to be engagement of a fundraising consultant to develop and assist in implementing a statewide fundraising plan in cooperation with the Center for Arkansas Legal Services (CALs) and Legal Aid of Arkansas (LAA). The Commission will also work to develop a cy pres toolkit. She mentioned the possibility of seeking cy pres funds in actions involving consumer cases prosecuted by the Attorney General. She reported recent discussions with representatives from the Attorney General's Office on this topic, as well as discussions regarding possible modification of the statute that prevents attorneys employed by the Attorney General's Office from doing pro bono case work. Justice Tuck called for volunteers for others who would like to join this committee, as well as for a chair of this committee. Mr. Coulter volunteered move from the Education Committee to the Resource Development Committee, and he agreed to consider chairing the Resource Development Committee. Prof. Olson volunteered to replace Mr. Coulter on the Education Committee.

### Executive Director's Report

Ms. Johnson presented her executive director's report, beginning with the recently distributed Annual Report. She then elaborated on several recent CLE presentations, as well as some of the planned future presentations.

Ms. Johnson then reported on proposed plans to relocate the Commission offices from the CALs office suite to another suite on the same floor. These plans were prompted by potential regulatory concerns raised by the Center for Arkansas Legal Services regarding LSC program integrity and discussed at the last Commission meeting. The proposal will also result in additional sharing of resources between the Commission and the Arkansas IOLTA Foundation, as the IOLTA Foundation has authorized relocating from the Justice Building to the office suite adjacent to CALs. The Arkansas Supreme Court will review the proposed relocation and resource sharing arrangement in September, at which time plans will be finalized.

### Commission Website Portal

Ms. Marshall and Ms. Tobias then gave a brief presentation on the planned creation of an online portal for the Commission. Ms. Marshall gave a tour of the Arkansas Legal Services Partnership board portal that already exists for CALs and LAA board members, while Ms. Tobias gave a demonstration of how she was in the process of creating a similar Commissioner and Foundation Board Member area on the arkansasjustice.org website.

### Report from Arkansas Advisory Committee to the U.S. Commission on Civil Rights/2011 Equal Justice Conference

Prof. Goldner gave two brief reports, one on the Arkansas Advisory Committee to the U.S. Commission on Civil Rights. The Committee met at the UALR Bowen School of Law and expressed an interest in speaking with the Commission regarding the formation of an Arkansas branch of the U.S. Commission on

Civil Rights. His second report concerned the Equal Access to Justice Conference in May 2011. He reported that it was clear to him that *all* programs with successful fundraising campaigns used professional consultants. He also noted that Arkansas is now one of only five states that provides less than \$20 per person in legal aid funds. He discussed the need for an economic impact survey, as one does not currently exist that represents smaller southern states. He then discussed the Nevada IOLTA Foundation and its work involving getting banks to provide substantially higher interest rates. He finished by noting the use of regional subcommittees in Colorado to help improve fundraising participation in all geographic areas.

### **Pro Bono Week Planning (October 23-29)**

Justice Tuck continued by discussing the planning for National Pro Bono Week, including another Serving our Seniors event as well as a repeat of the Just Jeans casual day event. She called for the formation of a committee to work on planning events, for which Prof. Terry, Prof. Hughes, and Ms. Frazier all volunteered.

### **Strategic Plan**

Justice Tuck moved on to the Commission's strategic plan, calling for committee review and finalization. Prof. Olson and Ms. Adams volunteered to serve in this capacity.

### **Possible Consolidation of Commission or Foundation with IOLTA Foundation**

Ms. Johnson revisited the topic of possible consolidation of the IOLTA Foundation with the Arkansas Access to Justice Commission or Foundation, relating that the IOLTA subcommittee assigned to review this matter wanted to explore the topic with representatives of both entities. Justice Tuck and Prof. Goldner volunteered to meet with subcommittees from both the IOLTA Foundation and Access to Justice Foundation to decide which approach will be best and to make recommendations to each organization and to the Arkansas Supreme Court.

### **Clinton School Capstone Project**

Ms. Johnson presented the results of the Clinton School Capstone project conducted by Ms. Chanley Painter. The findings of the report were that an overwhelming proportion of defendants and respondents are self-represented in court cases involving matters likely to affect low-income Arkansans. Prof. Hughes mentioned the possibility of the aforementioned economic impact study being an excellent capstone project for students in the UALR College of Business and the University of Arkansas School of Business. She also mentioned the possibility of an interdisciplinary project between both law schools and a business such as Wal-Mart. Justice Tuck recommended looking into studies done in other states for examples of methodology. Prof. Hughes volunteered to take the idea to the University of Arkansas School of Business.

### **Arkansas Children's Hospital Medical-Legal Partnership Update**

Justice Tuck then handed the floor to Victor Richardson and Tonya Both to detail the Medical-Legal Partnership between Arkansas Children's Hospital, Wal-Mart, and legal aid. Infrastructure has been fully set up, and a soft launch was held earlier in the summer. About 30 patients have been served so far. Wal-Mart attorneys are currently undergoing training on Medicaid and education issues, with a planned full integration to occur in the coming months. Ms. Carter detailed a case that came about as a result of the launch intake, resulting in the adoption of an abandoned premature baby. Prof. Hughes also mentioned the potential for a social work independent study program that would be working on creating a module to help attorneys and doctors with cases involving clients below the poverty line.

Justice Tuck announced dates scheduled for upcoming Commission meetings as follows: October 14, 2011; January 20, 2012; April 20, 2012; August 17, 2012.

Justice Tuck adjourned the meeting at 2:20 p.m.