



ARKANSAS
ACCESS TO
JUSTICE
REPRESENTING HOPE

Commission Meeting Minutes
February 15, 2013
12:00 PM

Commissioners Present

Rose Adams (*phone*)
Jean Carter
Judge Leon Jamison
Prof. Kelly Olson

Lee Richardson
George Shelton (*phone*)
Judge Jim Spears (*phone*)
Judge David Switzer (*phone*)

Justice Annabelle Imber Tuck
Andrea Walker (*phone*)
Danyelle Walker

Guests

Amy Lafont

Staff Present

Amy Johnson
Erin Jacobson
Kim Marshall
Vince Morris

Welcome & Introductions

Justice Tuck called the meeting to order at 12:15 p.m.

Approval of Meeting Minutes from November 1, 2012 and November 16, 2012

Justice Tuck asked if there were any amendments, corrections, or additions to the minutes from the November 1, 2012 telephone meeting of the Commission or the November 16, 2012 in-person meeting of the Commission. Ms. D. Walker motioned to approve the minutes, and Judge Jamison seconded the motion. All voted unanimously to approve the minutes.

Committee and Project Reports

Court Assistance Committee

Judge Spears presented the Court Assistance Committee report. He began by briefly reviewing the Spanish fact sheet updates, CourtHelp, automated documents, and the Foreclosure Settlement project. Funding for court assistance projects.

Justice Tuck asked about the ShareLaw and CourtHelp projects. Mr. Morris explained that ShareLaw is a website that centralizes information from legal aid organizations around the country using a “feed.” CourtHelp will assist pro se users in navigating the court system by providing basic information about various types of courts, as well as information about the processes involved in civil cases.

Judge Jamison stated he believes there is a great need for more information about how parties can properly serve opposing parties in civil cases. Justice Tuck agreed and suggested getting feedback from the Administration Office of the Courts as well as the bench.

Mr. Morris provided a report on usage of online automated documents. For 2012, there were over 12,000 interviews for the uncontested divorce packet, approximately 8,000 of which were completed. There were a total of over 145,000 visits to the website in 2012, with over 647,000 page views. The ALSP website continues to be a vital resource to and self-help tool for people seeking legal information.

Pro Bono Committee Report

Mr. Waddell reported that there will be a Responders First event in Helena on March 9, 2013, in partnership with Southern Bancorp and its "Super Saturday" Volunteer Income Tax Assistance program. The police chief has signed up and have one lawyer from Helena signed up so far. Attorneys will get one hour of CLE credit through the training.

Mr. Waddell mentioned speaking at the fall Practicum event with Justice Tuck. He added that the Commission needs to continue having an annual presence during the Practicum and should continue to be on their schedule.

He further spoke of his firm's work through and visits to the medical-legal partnership in Clarendon on the first and third Tuesdays of each month.

Mr. Morris added that Entergy's corporate counsel has agreed to help pro bono with LiveHelp. Ms. Carter added that some of their attorneys participated in one of our previous pro bono events and wanted to help in other ways.

Legal Needs Assessment

Ms. Lafont presented for the Clinton School students conducting the Legal Needs Assessment, advising that so far they have received 250 mailed responses of the 7500 surveys that were sent. The electronic survey went out to 405 attorneys, with the survey period of February 1st to March 1st. The students are also collecting data from HelpLine calls. Finally, they are conducting a series of focus groups in Little Rock, Pine Bluff, and Forrest City. She advised that so far they are finding that people find the pro se forms very useful, but that there are problems with perception of what types of cases legal aid accepts.

Mediation Project Proposal

Ms. Lafont reported that she is presently in Prof. Olson's mediation clinic. She stated that she saw a parallel between the needs assessment project and ways to better address the needs of low-income Arkansans with domestic issues. She would like to pursue a project that would examine the impact of mediation through a possible externship with the Commission. The project would entail data collection during the fall semester, which would include a literature review, statistics from Arkansas counties that utilize mediation, as well as qualitative measures.

Judge Spears moved for the Commission to support the project through a possible externship. Mr. Waddell seconded the motion, and it passed unanimously.

AG Housing Project Update

Mr. Richardson reported that LAA has hired two full time attorney positions with the foreclosure money and are looking to hire a paralegal. LAA has received 94 housing law applications so far this year. Next steps will include serious outreach and education about the availability of these services needed now.

Ms. Carter added that so far to date have had 88 housing and 36 consumer cases that would fall within the guidelines of this grant. CALS staff members have meeting about every two weeks via conference call. An online intake system has been developed, along with a button on the front page of the website. Other

marketing ideas that have been discussed include putting together information packets to give to partners who work with low to moderate income population, including community action agencies.

Justice Tuck added that we need to educate people on how to get direct payments if we can. Press releases to the media and key partners, including the Attorney General should be planned.

Legislative Update

Justice Tuck advised of a recent conference call with Prof. Goldner, Mr. Coulter, and Ms. Johnson. She has been in touch about several legislative matters regarding access to justice issues, including the Administration of Justice Fund and reform of the state's landlord-tenant laws.

Ms. Johnson advised that Mr. Gingerich is actively involved and is in discussions with the lobbyist for the Judicial Council regarding the Administration of Justice Fund. He anticipates that the shortfall will be addressed through a bill that will shore up some loopholes in provisions dealing with filing fees. Support was voiced for trial court assistants being state employees and having general revenues set aside for them, rather than receiving their sole funding through the AOJ Fund. The current process that essentially requires court staff to collect court costs that fund their salaries seems to be a conflict of interest.

Ms. Johnson reported on current work and progress on seeking reform of landlord-tenant laws. The Non-Legislative Commission on the Study of Arkansas Landlord-Tenant Laws was issued in January. In addition, Human Rights Watch issued a report last week that was highly critical of Arkansas's criminal eviction statute. A website and Facebook page are up, and a few potential sponsors, including both Republicans and Democrats, have been identified.

Justice Tuck also discussed concerns related to an anticipated attempt by the legislature to require Bar of Arkansas Funds to go through an appropriate process. If successful, this effort would result in Commission staff becoming state employees. The crux of the dispute is over the Court's authority to do things like create staff positions and establish a retirement program.

Civil Right to Counsel

Mr. Waddell reported an update to issue of civil right to counsel relating to the adoption case that terminated a mother's parental rights and whose attorneys argued that she should have had an attorney appointed to represent her. The Court handed down the opinion that the mother did not properly preserve her right to counsel. Her attorneys filed a motion for a rehearing, but the petition was denied. He stated that the issue on appeal was a narrow one based on state procedural grounds. He added that there is very little process in these types of cases, and is presently looking for other civil right to counsel cases. He speculated that a case where an individual is evicted on criminal grounds may be another way to address this matter with the courts.

Mr. Waddell also mentioned *Turner v. Rogers*-type cases and the implications of having a pro se individual in court who cannot pay child support. Judge Jamison stated that he has seen a shift in the Fourth Division, from people going to jail to more toward rehabilitative type actions. He added that in Jefferson County they require affidavits of financial means, but that they should probably be streamlined for child support cases.

SJI Study on Self-Represented Litigants

Ms. Johnson reported that the SJI-funded study on self-represented litigants is currently underway. She and the consultant engaged to help with the project, John Greacen, have begun meeting with judges, local bar members, court staff, pro se individuals, legal aid attorneys, state bar leaders, and other stakeholders. She expects to see the final recommendations include increased support for unbundling of legal services,

sustainability for the work that Vince Morris and Kim Marshall do with regard to self-help resources, possible repurposing of the Arkansas Supreme Court library to focus on providing legal information to the self-help public, judicial training and education, court staff and librarian training on legal advice vs. legal information.

Fundraising Consultant

Ms. Johnson reported that the fundraising consultant had completed his initial draft report, which was included in the meeting packet.

Ms. Carter and Mr. Richardson spoke to ongoing issue and fallout of funding cuts and holes in funding sources and how such affects their programs. Justice Tuck cited Dorgan's recommendation that fundraising has to be local, e.g. VOCALS as connection for Pulaski Co. Have "to get local" all over the state, though.

Mr. Waddell mentioned the need to follow up with Farm Bureau regarding their offer to provide brochures on legal aid in each of their offices. Farm Bureau may be another conduit for promotion of the housing program.

Pro Bono Counsel Connect Project

Ms. Johnson reported that the next step for implementing this project was the creation of a web page. Rather than calling this a mentorship program, as had originally been suggested, staff recommend calling it "Counsel Connect" so as not to get the program confused with the Arkansas Bar Association's mentorship program.

Pro Bono Week

Ms. Johnson expressed a desire to begin planning for Pro Bono Week in the near future and to coordinate efforts with the Young Lawyers Division of the Arkansas Bar as a possible lead partner. Ideally, a committee could be assembled to do planning for the week. Commission staff would still provide behind-the-scenes-support, with the committee taking the lead with promotion. Mr. Waddell made motion to support asking the Young Lawyers Division to chair Pro Bono Week 2013, and Judge Jamison seconded the motion. The motion passed unanimously.

February Landlord-Tenant Symposium

Ms. Johnson reported that the Landlord-Tenant Symposium at the law school earlier this week was a success. The symposium, combined with the recent issuance of the report on the Non-Legislative Commission for the Study of Landlord-Tenant Law, seemed to offer momentum needed to move forward with reforms to existing laws.

Executive Director's Report

ATJ Campaign

Ms. Johnson reported that the "soft" campaign conducted for 2012 raised close to \$110,000. This was an "off" year because efforts were focused on working with the fundraising consultant to develop a comprehensive plan for 2013.

Ms. Carter reported that the VOCALS campaign had brought in about \$136,000 as of yesterday. This amount is down considerably from previous years and from the campaign goal of \$180,000.

Mr. Morris spoke about his recent speaking engagement at the Mississippi Access to Justice Commission Meeting. While there, he heard discussions about the concept of in-house pro bono coordinators at large law firms and thinks this might be a good idea to explore for Arkansas.

Education/Outreach

Ms. Johnson reported that she has begun making annual presentations to the Arkansas Bar Association Board of Governors and House of Delegates. The Commission had a booth at the January Midyear meeting, and she will be giving a presentation to the Craighead County Bar Association, where they will be collecting contributions to ATJ and provide a CLE.

IOLTA Foundation Update

Ms. Johnson reported that the transition of administrative responsibilities for the IOLTA program from Supreme Court staff to Commission staff was completed in October, and that a new contractor has been engaged to assist with maintaining the database. She stated that the program's revenues for 2012 were right around \$158,000, which is the lowest the program has seen even when participation was voluntary.

ATJF/IOLTA Merger

Ms. Johnson reported that the next step for the process of merging the Arkansas Access to Justice Foundation and Arkansas IOLTA Foundation is the drafting of a petition. Mr. Frank Sewall, Mr. Nate Coulter, and Prof. Chuck Goldner are working on a draft to be presented at the Joint Board Conference in April.

Unbundling

Ms. Johnson reported that the unbundling resolution that the Commission voted to support at its last meeting was passed by the American Bar Association at its recent Midyear Meeting.

Upcoming Meetings

The next meeting of the Commission will be the Joint Board Conference on April 26-27, 2013. Details, including location and agenda, will be emailed out to Commissioners in the coming weeks.

Justice Tuck adjourned the meeting at 2:44 p.m.