



ARKANSAS
ACCESS TO
JUSTICE
REPRESENTING HOPE

Arkansas Access to Justice Commission Meeting

UALR William H. Bowen School of Law
1201 McMath Ave., Room 515
Little Rock, AR 72202
October 25, 2013
12:00 p.m.

Commissioners Present

Nate Coulter
Prof. Chuck Goldner
Judge Leon Jamison
Samantha Leflar (phone)

Prof. Kelly Olson
Lee Richardson
Justice Annabelle Tuck
Bill Waddell

Andrea Walker (phone)
Danyelle Walker

Guests

Zina Frazier
Sam Kauffman
Lindsay Kuehn

Hannah Minchow-Proffitt
Rod Nagel (*pending appointee*)
Amy Lafont

Staff Present

Amy Johnson
Erin Jacobson

Kim Marshall
Vince Morris

Minutes

Welcome and Introductions

Justice Tuck called the meeting to order at 12:32 p.m.

She welcomed new appointees Samantha Leflar and Rod Nagel. Mr. Nagel is the Senior Vice President of Human Resources at Tyson and is the Chamber of Commerce appointee. Ms. Leflar is a Kutak Rock associate and former Skadden Fellow who worked with Legal Aid of Arkansas and who will be joining the Pro Bono Committee.

Justice Tuck added that pending appointments include the opening for the non-attorney governor's appointee spot; Rose Adams has offered suggestions of two community action agency staff members and Ms. Johnson has been in contact with the Governor's office about them. Circuit Judge Robin Green's appointment is also pending approval from Chief Justice Hannah and she will be serving in Judge Spears's place.

Justice Tuck recognized outgoing Commissioners including Chuck Roscof, George Shelton, Judge Jim Spears, and Judge David Switzer.

Guests were welcomed and all present and those on the phone were asked to introduce themselves and indicate their affiliation.

Approval of Minutes from July 26, 2013 Commission Meeting

Justice Tuck called for a motion to approve the meeting minutes from the July 26, 2013 meeting of the Commission. Judge Jamison moved to approve the minutes. Ms. D. Walker seconded the motion. All members voted for approval of the minutes.

Election of Commission Vice-Chair

Ms. D. Walker nominated Mr. Waddell to serve as Vice-Chair of the Commission. Mr. Coulter seconded the motion. Justice Tuck asked for any discussion. With no discussion, all members voted in favor of the motion and it passed unanimously.

Clinton School Study Report

Ms. Minchow-Proffitt, a first year student at the Clinton School of Public Service, gave a report on a project that she and three other students are conducting in partnership with the Commission that will study the economic benefit study of Arkansas's legal aid programs. She stated that the project is currently underway, pending review by the Clinton School Institutional Review Board. Once it passes review they will begin conducting interviews and collecting data. The study will look at how legal aid affects the economy in Arkansas, with both direct and indirect impacts to citizens, specifically focusing on three areas: housing, domestic violence, and consumer debt cases. The students will be review both HelpLine matters and more extended representation. The study will include an assessment of financial recoveries and avoidances, as well client interviews that will attempt to capture aspects of the qualitative impact of civil legal aid. One of the goals is to clarify how legal aid is "an investment, not a charity".

Prof. Olson asked if the project will attempt to address the people who do not seek legal assistance. Ms. Minchow-Proffitt responded that it is not within the scope of the project as they are only looking at people who have been helped by legal aid. They hope to illustrate the return on investment for those who legal aid has helped in the past year. Prof. Olson asked if the impact of poorly constructed laws will be considered. Ms. Minchow-Proffitt answered that this concern is also out of the scope of the project as well.

Mr. Waddell asked if there is any peer review or testing before the project results are published. Ms. Minchow-Proffitt responded that the project design will have to go through an approval process with the Institutional Review Board and that the Clinton School faculty advisor will review drafts of the study and provide input.

Mr. Waddell added that part of what we are trying to do through the Commission is change the culture and attitude toward access to justice in Arkansas. He suggested that this study may help with messaging about the impact of our work, particularly among members of the business community. Ms. Johnson agreed, indicating that similar studies have been conducted in a number of other states in an effort to demonstrate the positive impact of civil legal aid not only on clients and their families, but on the broader community.

Mr. Richardson remarked that while Arkansas has a comprehensive civil legal needs assessment that was completed last year in partnership with the Clinton School, there is no Arkansas-specific study of the economic benefits of civil legal services.

Ms. Lafont—one of the Clinton School students who worked on the civil legal needs study that Mr. Richardson mentioned—briefly reported on her capstone project. She stated that her project will focus on using mediation to help address access to justice. She will be working with Baseline School, which represents a part of the population the needs assessment identified required more study. She will primarily be identifying issues requiring conflict resolution with third graders. Part of her methodology will involve person-to-person surveys. The needs assessment helped as a jumping off point, but still working with a broad project.

Prof. Olson advised that the clinic has a special grant to help fund work with special needs children who have IEPs, and this study will help to determine what children are getting and what they still require.

Long-Range Planning

Justice Tuck addressed the Commission's committee structure, strategic planning and leadership development, stating she would like to see folks more task-focused and engaged. She added that she wants a committee of four people to look at systems operations. She asked Mr. Nagel and Ms. Adams if they would like to serve on this committee. Both agreed to serve.

Ms. Johnson added that the Commission needs to plan for the development of new members to serve and get involved. Present goals include looking at the long-term sustainability of the Commission and its relationship with the Court and the Arkansas Bar Association. A predominant concern linked to this relationship is that legal aid and pro bono attorneys are essential to meeting the need of low income Arkansans, but these two alone are insufficient to address the tremendous unmet legal needs of Arkansans. Addressing the needs of self-represented litigants by implementing the recommendations that the Commission adopted at its July meeting is also essential.

Mr. Morris remarked that there will be challenges in getting the full support of the Court and Association for the recommended strategies for dealing with self-represented litigants because of resistance that the private bar has demonstrated to the free automated documents made available through the Arkansas Legal Services Partnership. Prof. Olson suggested engaging representatives of the private bar in the work of implementing the recommendations. By bringing everyone to the table and addressing objections and obstacles head-on, we are more likely to make headway on access to justice issues.

Partner Organization Reports

Arkansas Community and Courts Initiative

Mr. Kauffman, who serves as the Director of the Arkansas Courts and Community Initiative of the Administrative Office of the Courts, gave a report on the initiative, which he was recently hired to lead. He stated that most citizens have a negative view of the courts and the judicial system. Through ACCI they are trying to implement civic education and awareness. They will be implementing a series of programs, including speakers' bureau involving judges and lawyers; a "View from the Bench" opportunity similar to a judicial ride-along program; and court open houses. The goal is to have all three programs in each county. The court open houses might present a good opportunity for collaboration with the Commission, which has discussed planning for town hall meetings.

Ms. Lafont suggested incorporating ALSP's resources, which include information and videos developed for the general public, into ACCI's work.

Judge Jamison stated that he would like to see something educational about what one should expect about a court proceeding. He stated he would like to have an informational piece available that can counter the common public perception that courts operate like “Judge Judy.”

Mr. Morris added that in Garland County there is a looping Power Point that informs individuals about to enter court what to expect. He stated that a similar tutorial could be developed for each court. He offered to work with Mr. Kauffman on this project with the support of the Court. Mr. Nagel added that this would be an orientation to the court similar to what businesses already do. Such an orientation would benefit everyone facing a courtroom, especially those who do not have internet access. Prof. Olson added that even the basic information about how to get into the court, including special instructions for specific courthouses would be beneficial.

Arkansas IOLTA Foundation

Ms. Johnson reported on the recent per curiam opinion issued by the Court that approves the planned January 1, 2014 merger of the Arkansas IOLTA Foundation and Arkansas Access to Justice Foundation. That order also amends Arkansas Model Rule of Professional Conduct 1.15 and Section 28 of the Procedures Regulating the Practice of Law to reflect the name of the surviving entity, which will be named the “Arkansas Access to Justice Foundation.” She reported that the Foundation’s revenues for 2013 are projected to come in at all-time low of approximately \$100,000. Principal account balances for IOLTA accounts have been trending downward during the past year, on top of the already low interest rates. The merger will help save overhead costs while increasing the Foundation’s ability to raise revenues from other sources. The merger will go into effect on January 1, 2014. A work group committee is in the process of tying up all of the loose ends. The Foundation will not have sufficient revenues to make grants to legal aid in 2014, other than the Housing Foreclosure Settlement grants.

Center for Arkansas Legal Services

Ms. Frazier gave a report on behalf of the Center for Arkansas Legal Services in Ms. Jean Carter’s stead. Ms. Frazier reported on a successful statewide legal aid staff training conference held last week. Despite staffing shortages on the CALS HelpLine, CALS has completed about 4,200 intakes so far this year. Family law continues to be the main service area, but there have been increases in numbers for consumer and housing cases. For housing matters funded by the Housing Foreclosure Settlement Grant, about 841 new cases were opened during the first few months of the grant, including matters related to probate, foreclosure/housing-retention, cash-for-keys, debtor defense, bankruptcy, and loan modifications.

She briefly touched on the current status of Legal Services Corporation funding, stating that 2013 funding was not affected but CALS is now awaiting the status of 2014 funding.

Legal Aid of Arkansas

Mr. Richardson added that if the government shuts down again in January when the Continuing Resolution to fund the federal government expires, there will be a potential impact. He expects that 2014 federal funding will be affected by 2-3% and that the program will take a hit with the loss of IOLTA funding. He added that our current estimates on the ratio of legal aid attorneys to Arkansans living at or below 125% of the federal poverty level need to be adjusted to reflect 1 attorney for every 18,667 client-eligible Arkansans.

He mentioned that he was at a LSC board meeting in Pittsburgh earlier this week, where he sat on a panel with Lori Chumbler and they talked about pro bono partnership delivery models. They spoke about the Arkansas Children's Hospital Medical Legal Partnership and the rule change that allowed for out-of-state individuals to be engaged.

He highlighted a few other program specifics, including staff changes and the organizational chart for LAA's workgroups. He mentioned recent grant submissions, including an ADR grant for landlord-tenant mediation and the program's three-year LSC application. LAA had a site visit earlier in the year by LSC's Office of Compliance Enforcement report, and the program is awaiting issuance of the report.

Mr. Richardson concluded his report, stating that LAA has purchased billboard space in several locations in the Delta region for a rather minimal expense, anticipating that they will help with marketing to eligible Arkansans who can be helped by legal aid.

Arkansas Legal Services Partnership

Mr. Morris briefly reported on recent grants received, adding that the CourtHelp grant will be wrapping up this year. He and Ms. Marshall are in the process of reviewing and updating all of ALSP's automated documents, which presently number about 160. He highlighted events from the staff conference ALSP hosted the previous week in Little Rock.

Committee, Task Force, and Project Reports

Resource Development Task Force

Ms. Johnson advised on recent meetings of the task force, including the goals of deciding on overarching theme, a unified message, and developing a transition plan. Don Hollingsworth, former director of legal aid and Arkansas Bar Association has been consulting with the task force. She concluded stating that they are working on an MOU.

Task Force on Self-Represented Litigants

Ms. Kuehn, who is the Fendler Fellow working with the Commission this semester, reported that the first meeting of the newly-formed Commission Task Force on Self-Represented Litigants occurred in September. The main goal was to develop a plan for implementing the recommendations contained in the plan for addressing needs of self-represented litigants that the Commission adopted in July. The Task Force will work on developing guidelines for the judiciary, court staff, and librarians that lay out parameters for the types of assistance that they can provide to self-represented litigants; studying the possibility of repurposing the Supreme Court Library as a statewide "hub" of a network of self-help centers around the state; and promoting the adoption of limited scope legal services by the private bar as a means of delivering legal assistance. The plan will include provision for the sustainability of existing resources for self-represented litigants developed by ALSP in partnership with the Commission.

Pro Bono Week 2013

Ms. Jacobson reported on the events of Pro Bono Week 2013. Arkansas attorneys and law students celebrated National Pro Bono Week during the week of October 20 - 26, 2013 with a series of free events that included free legal services to patient families at Arkansas Children's Hospital and to veterans and their families in central Arkansas.

Additional events included free legal advice in Fayetteville, Arkansas, for the area homeless; legal aid office open house, student award receptions; and the release of an “iProBono” video featuring attorneys giving testimonials about pro bono service.

Prof. Olson suggested having judges see videos from the pro bono service events. Students and staff love these events, and this could build on the ACCI ride-along ideas and promote more student involvement. Mr. Morris suggested expanding future events that incorporate intake tool and client workshops.

Law School Incubators

Justice Tuck reported that she, Ms. Johnson, and Prof. Olson met with Dean Schwartz to discuss the possibility of partnering in the establishment of an incubator for recent law school graduates. Dean Schwartz is very supportive of the incubator concept, the development of which was among the recommendations included in the report on self-represented litigants. The incubator model typically entails setting up a small law-school or nonprofit-based law firm where incubator participants are supervised and receive training on the business of running a law firm. Attorneys would be licensed and would take cases for reduced fees, with a significant component of the work including unbundled legal services. Justice Tuck mentioned the need to reach out to University of Arkansas School of Law Dean Leeds about the possibility of coordinating with both law schools in the development of a model. Ms. Johnson and Justice Tuck will reach out to Dean Leeds to discuss the concept.

Town Hall Meetings

Ms. Johnson reported that the recent government shutdown has led staff to put planning efforts on hold. They will be reaching out to congressional staff post-shutdown to inquire about availability of members of the Arkansas delegation in the spring.

Executive Director’s Report

Ms. Johnson referred to items in the meeting packet, including the most recent edition of the Commission’s e-newsletter, the *Justice Report*. She called attention to the compilation of activities of other commissions around the country and commended the Commission on having already accomplished many of the things that other commissions are now achieving.

The meeting adjourned at 2:54 p.m.