



ARKANSAS
ACCESS TO
JUSTICE
REPRESENTING HOPE

Arkansas Access to Justice Commission Meeting

Tyson Foods
Discovery Building and Boardroom
Springdale, Arkansas

October 3, 2014
12:00 p.m.

Attending Members:

Rose Adams
Jean Carter
Judge Robin Green
Judge Vic Harper
Rodney Nagel
Lee Richardson

Prof. Tim Tarvin
Justice Annabelle Tuck, *Chair*
Bill Waddell, *Vice Chair*
Andrea Walker

Absent Members:

Nate Coulter
Prof. Chuck Goldner
Samantha Leflar
Prof. Kelly Olson

Kerri Sernel
Sen. Robert Thompson
Rep. John Vines
Danyelle Walker

Staff:

Amy Johnson
Erin Jacobson
Kim Marshall
Vince Morris

Guests:

Janet Dyer, Center for Arkansas Legal Services
Rey Hernandez, Northwest Arkansas
Workers' Justice Center
Heidi Jamison, Legal Aid of Arkansas
Maria Tommey, Legal Aid of Arkansas

MEETING MINUTES

Welcome & Introductions

Following lunch, Justice Tuck opened the meeting at 1:01 p.m. Mr. Nagel welcomed everyone to Tyson. Justice Tuck introduced new Commissioner, University of Arkansas Law Professor Tim Tarvin. She then asked the other attending Commissioners and guests each give their own introductions.

NEW BUSINESS

Justice Tuck proposed modifying the order of business so that Partner Organization Reports would precede approval of the minutes from the previous Commission meeting. There being no objections, Partner Organization Reports commenced.

Partner Organization Reports

Northwest Arkansas Workers' Justice Center

Justice Tuck recognized Mr. Rey Hernandez from the Northwest Arkansas Workers' Justice Center and asked him to speak a bit about his organization.

Mr. Hernandez explained the mission of the Northwest Arkansas Workers' Justice Center (NWAJWC) as working to improve conditions of employment for low-wage workers in northwest Arkansas by educating, organizing, and mobilizing them, and by calling on people of faith and the wider region to publicly support the workers' efforts. He mentioned that his organization involves several workers committees, including poultry workers and a women's committee. Ninety percent of their clientele are Hispanic or Marshallese. He added that they are part of the Interfaith Workers Alliance out of Chicago and have several foundations that support their work. He asked to be remembered for cases or situations where his organization might be of assistance. They do not provide legal help, but help clientele connect with community resources, including legal aid. They do have a need for pro bono attorneys who can help with legal issues. They are also seeking additional funding sources. He concluded that his organization is growing and that they are looking to potentially open a new office in Central Arkansas.

Justice Tuck thanked Mr. Hernandez for his report and for attending meeting. She next asked Mr. Waddell to give a report on behalf of the Arkansas Access to Justice Foundation.

Arkansas Access to Justice Foundation

Mr. Waddell gave the report for the Arkansas Access to Justice Foundation. He stated that he believes there is a renewed energy that has followed the merger of that foundation with the former Arkansas IOLTA Foundation. He went over current projects of the Foundation, including updates in progress to financial and investment policies, housing grant review, and efforts to engage the business community, including the previous night's reception at Mitchell Williams law firm. He further talked about partnerships, including Bancorp South, and his desire for the Foundation to build relationships with non-lawyer groups including banks, adding that interested rates are expected to start rising in 2015. He mentioned the hiring of Lesley Roberts on a contract basis to work on Campaign for Legal Aid and her help with integrating the campaign efforts of both legal aid entities and the Foundation.

Ms. Johnson added Ms. Roberts is working with the Foundation to expand the annual campaign to include multiple "asks" throughout the year. She is also helping with an acquisition campaign and to replicate the VOCALS model in areas like NWA and Jonesboro. She explained that staff will be sending out letters and then steering committee members will be making follow-up calls to help establish the new campaigns.

Justice Tuck thanked Mr. Waddell for his report and asked Mr. Morris to present next for the Arkansas Legal Services Partnership.

Arkansas Legal Services Partnership

Mr. Morris presented for ALSP. He reviewed the many projects they do in support of legal aid, including justice and technology projects and grant-writing. He mentioned that ALSP has received two new grants to help improve the statewide website. One of the new grants will help to upgrade the website to be mobile friendly as many poverty populations have been shown to rely on their mobile devices for internet access. Ms. Adams added that Arkansas is actually number two in mobile usage of rural and low income persons. Other grants include a "Smart Content" project that will direct users to personalized content based on how they interact with the website, and the other is a grant for online intake that was procured by Mr. Richardson through LAA. Ms. A. Walker noted that there are currently at least three to four online intakes per day and that these numbers are starting to increase. Mr. Morris mentioned that CALS' online intake will be established in the coming weeks.

ALSP has also been partnering with the Commission in developing a self-help divorce resource for couples with children. In 2013, the uncontested divorce packet for couples without children resulted in 10,881 document generations, while AOC filings reflected that nearly 15,000 divorces without support were filed. While not conclusive, these numbers suggest that the current resource for uncontested divorce without children has about a 70% market share.

Mr. Morris concluded his report, relaying that the Statewide Legal Services Staff Conference will be coming up mid-month and be held at DeGray Lake.

Center for Arkansas Legal Services

Ms. Carter gave report on behalf of the Center for Arkansas Legal Services. She mentioned the fundraising MOU and efforts to integrate statewide fundraising, reporting that letters went out to VOCALS prior-year donors to solicit renewal of annual contributions. She added that in less than two weeks, they have received \$23,000. Their goal is to raise \$175,000 among lawyers in Pulaski County. The next step will be to reach out to attorneys who are not contributors or pro bono attorneys.

She continued, stating that CALS will participate in about seven or eight pro bono events throughout the state this month, during which time the justice community is observing National Pro Bono Month. The first clinic was held earlier in the morning in Fayetteville. She added that there will be an expungement clinic tomorrow in Pine Bluff, with nearly 70 clients anticipated. A similar clinic will be held at Shorter College in North Little Rock later in the month, as well as clinics for UAMS for cancer patients in Little Rock and for families of Arkansas Children's Hospital patients. Additionally, an ongoing monthly veterans clinic has been created in partnership with the Day Treatment Center in Little Rock; Entergy's corporate legal department attorneys are volunteering. Ms. Carter concluded her report by stating that these events help show donors that their contributions help fund people with specific needs, not just the lawyers that assist them.

Legal Aid of Arkansas

Mr. Richardson reported for Legal Aid of Arkansas. He opened his report by stating that they are in the new federal fiscal year as of October 1st. He mentioned a continuing resolution that had minimal impact on LAA's funding, adding that national funding is in a holding pattern. Despite this, he added that there really is not too much change up or down and that he does not project significant changes. Nationally, cases closed are down about 18% since 2011; his program is following this trend, due in large part to the program's strategic priority changes.

He mentioned procuring a catalyst grant to help address the aging out of attorneys in rural areas. LAA is placing attorneys in rural counties, including Newton, Madison, Cleburne, and Woodruff counties. They are hoping to create "low bono," or moderate-means panels out of these projects.

Justice Tuck asked about support from Arkansas Children's Hospital. Mr. Richardson stated he is optimistic that support will be forthcoming and that they are currently putting together information to give to potential funders.

LSC 40th Anniversary Conference

Mr. Nagel reported on the Legal Services Corporation's 40th Anniversary Conference in Washington, D.C. He touched on Ms. Carter's comment about getting non-lawyers focused in the cause for legal aid and access to justice. He stated that he believes there is great opportunity to improve fundraising by making connections to people beyond the legal community and by focusing on clients and their stories. He felt the opportunity was a good orientation for his service on the Commission and that he was surprised most by the deficit of services to people who require assistance the most. Despite this service gap, he believes there are great stories and great opportunities to do more.

Justice Tuck added that she was interested in the "pro bono departments" of larger law firms. She, Mr. Nagel, Ms. Leflar, Mr. Richardson, and Ms. Carter had all attended the conference.

Limited Scope Pilot Project – Divorces with Support Self-Help Demonstration

Mr. Morris and Ms. Marshall presented the Limited Scope Pilot Project on divorce involving children. Ms. Johnson gave some background about the project, including the ABA grant that funded development of the resource as part of a larger program to pilot limited scope services to address simple legal issues.

Mr. Morris continued, stating that this project entails an innovative business model with unbundled representation and will involve a two-step process, and two interfaces: one for public access through a Turbo-Tax-like form, and the other for attorneys. Commission and ALSP staff will soon begin a program in the Pulaski County Court to help individuals attempting to file divorces with children while at the court.

Project partners have discussed ultimately including a mediation component. Individuals can be directed to the Alternative Dispute Resolution Commission's Access and Visitation program if there is a contested issue and both parties agree to mediation.

Approval of Minutes from July 25, 2014 Commission Meeting

The Commission returned to the regular order of business, beginning with approval of the minutes of the July 25, 2014 Commission meeting. Justice Tuck directed the group to the meeting packet, which Commissioners received. She briefly recapped the discussion and resulting action that occurred at that meeting regarding self-help forms on the Arkansas Legal Services Partnership website that have historically identified the Commission as a partner. After hearing concerns conveyed by Arkansas Bar Association President Brian Ratcliff, who reported on a meeting with the Arkansas Supreme Court where concerns were raised, the Commission voted to add a disclaimer to the cover sheet and take the Commission's name off of the form header. Since that time, ALSP staff have taken the requested action with regard to the divorce resource for couples without children. The Commission's name was to remain on the guardianship and order of protection forms. However, the resource for divorces with children that was developed as a result of a grant that the Commission received from the ABA will necessarily need to identify the Commission as a partner. Furthermore, self-help resources have been at the core of the Commission's work since its inception. Justice Tuck stated that she believes this is an issue that is ongoing given the nature of the Commission's work.

Mr. Waddell asked to be recognized and stated that he regretted that he was not able to attend the July 25 meeting. He had seen the agenda and meeting materials, but did not know that any action was requested regarding the forms. He said that he had reviewed the minutes and believed that the concerns raised were legitimate but that action prior to any opportunity for study was premature. Mr. Waddell moved at that time to rescind the action taken at the last meeting regarding the forms and to create a committee to study the issue and make a recommendation to the Commission. He stated that we did not have adequate warning and that not all Commissioners were present for the discussion. He added that we are a leadership organization for access to justice and that we have to stand behind our core values and mission. A process problem got us to the point, and this new action is not meant to be offensive to the court or to the bar president. Ms. A. Walker seconded the motion. Justice Tuck opened up the floor for discussion.

Prof. Tarvin stated that he would like to speak in support of the motion, though he acknowledged his status as a new ex officio Commissioner. He stated that he would like to know more about the ABA Limited Scope Pilot Project and about the mechanics of the project, including the technology used. He stated that he sees the issue being as tension between judicial economy and economics of law practice.

Ms. Adams asked whether referring this issue for further study would affect the Pilot Project or the availability of the resource for divorces with children. She wondered, too, how this might impact the other forms that the Commission discussed changing. Mr. Morris stated that there would be no delay. Even though the Commission's name has been on them, they were developed through legal aid and will still be available for low income Arkansans to use, with or without the Commission's support.

Ms. Carter clarified that the divorce with no children resource has already had the disclaimer added and the Commission's name removed, and that this would not be changed back while the issue was still under consideration.

Justice Tuck asked for clarification on availability of packet for the pilot project. Mr. Morris stated the resource will not be publicly launched during the pilot phase of the project, but instead will be made available to legal aid clients who call the HelpLine, to court patrons who come to the Pulaski County help desk, and others who are provided direct links. Ms. Johnson added that several members of the bar in key leadership positions (including Board of Governors members) are serving on the Self-Represented Litigant Task Force that is currently overseeing the pilot project.

Judge Harper called the question to a vote. Justice Tuck called the roll and asked voting members to raise hands in favor of the motion. All voting members voted in favor of the motion.

Justice Tuck will reach out to Mr. Ratcliff to discuss this action and how the committee designated to study the issue, which she will appoint, can involve appropriate leaders from the Association in the discussion. Prof. Tarvin offered his assistance.

Justice Tuck asked for a motion to approve the meeting minutes from the July 25th meeting of the Commission. Ms. Adams moved to approve the minutes and Judge Harper seconded the motion. All members voted in favor of approving the minutes.

OLD BUSINESS

Commission Appointments

Justice Tuck mentioned that Mr. Waddell, as well as several other Commissioners, have served their maximum terms. Arkansas Bar Association President Brian Ratcliff has appointed Mark Mayfield and Glenn Vasser, with a third appointment pending. These appointments are for vacancies from termed-out Commissioners Danyelle Walker, Nate Coulter, and Bill Waddell, all of whom will be honored at the February Commission Meeting. Ms. Johnson is working with Administrative Office of the Courts staff on a possible amendment to the per curiam order creating the Commission that provides for the Executive Director of the Arkansas IOLTA Foundation to serve as an ex officio commissioner. She hopes to receive approval of an amendment that would replace that position with the Chairperson of the Arkansas Access to Justice Foundation board.

Executive Director's Report and Future Meetings

Ms. Johnson noted the dates of upcoming Commission meetings: February 5, 2015 in Little Rock; April 24, 2015 in Clarendon; and July 24, 2015 (location TBD).

The February 5 meeting will be followed by a day-long symposium at the UALR Bowen School of Law on access to justice. Speakers will include Justice Dickinson, James Sandman, and Stephanie Kimbro. Limited scope representation will be a big focus of the symposium. Mr. Richardson, Ms. Carter, Mr. Morris, and Prof. Goldner will be part of a panel discussion. She encouraged Commissioners to attend the event.

Adjourn

Ms. Adams moved to adjourn and Mr. Nagel seconded the motion. The meeting adjourned at 3:30 p.m.