

**Representing Hope
New Paradigms for Access to Justice
2012**

Workgroup Notes

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Putting the Pieces Together

Creating a Comprehensive Community Resource Guide

Needs to Address

The interrelated causes of poverty can create a complex tangle of needs not readily addressed by any single service provider. For example, clients in poverty might have difficulty accessing proper nutrition or proper housing, which could lead to or worsen recurring medical problems. If they go to a free clinic, a client is only getting their medical problem addressed, and the root cause of their issue—inadequate housing and food—would remain.

A comprehensive community resource guide allows service providers to refer clients with multiple needs to other service providers who could properly address those needs. This creates a network of service that can adequately care for the multitude of concerns a single client might have.

Implementation

Because this project requires a lot of initial research, it will be necessary to try to gather all necessary resources before any work is done. This includes forming partnerships and reaching out to organizations on a county by county level.

While the bulk of the work will come in compiling the guide, there will also need to be a publicity campaign in order to make service providers and clients aware of the guide. This could include PSAs, webinars, and other advertising.

After the guide is compiled and advertised, there will also need to be a system in place to ensure that the guide is regularly updated.

Challenges

Creating a comprehensive guide that spans the entire state would require a great deal of work, not just in the initial research and gathering of resources but in the necessary maintenance required to keep the guide relevant.

Because nonprofits might have limited resources, this amount of work could create a financial strain. However, if the guide is maintained by volunteers, there is no guarantee that it would regularly and reliably be updated.

Unique Factors to Arkansas

Transportation: Rural areas or urban areas with little public transportation might make it difficult for low-income clients to travel to different service providers.

Low Literacy: The guide would need to be easy to comprehend and easy to use for those who read at lower levels.

Accessibility: Internet access is not a given in rural areas, so the guide would need to be available in both digital and print.

Language Barriers: Clients may have limited knowledge of English, meaning it might be necessary to make the guide available in Spanish, Marshallese, or other languages.

Potential Partners

Arkansas Access to Justice Commission
Arkansas Children's Hospital
Arkansas Coalition for Excellence
Arkansas Community Foundation
Center for Arkansas Legal Services
Department of Human Services
Department of Nonprofit and Volunteer Services
Legal Aid of Arkansas
United Way
University of Arkansas for Medical Sciences

Increasing Access to Education Establishing Education-Legal Partnerships

Needs to Address

Students can face difficulties at home that impact their education. Much in the way that a medical-legal partnership can address some of these issues, an education-legal partnership could help relieve some of the burden and ensure that children get the help they need in order to focus on their education.

However, many parents are not aware of their rights for their children. For example, one group member who has a disabled child pointed out that many parents have difficulty maneuvering through programs mandated by the Individuals with Disabilities Education Act (IDEA). This is something a lawyer could assist with.

Many lawyers are not familiar with issues like disability law, though, as there are few classes being offered on the subject. Attorneys, as well as parents, need to be educated on these topics in order to properly address them.

Implementation

A task force would need to be set up to gather information on what issues are currently impeding students' access to education. This would also entail identifying areas for pilot programs, researching funding sources, gathering necessary resources, and contacting several other organizations to find out how their services might be folded into the partnership.

It will also be important to set up a structure for classes that teach a variety of audiences about legal issues, including teachers, parents, attorneys, and students. Teaching students might be particularly impactful, as they'll learn how to avoid legal pitfalls that might cause problems later in their lives (the Street Law program already does work similar to this). Attorneys could learn through a series of CLEs or through extended training. A legal guide could be created for parents in addition to regular classes.

Proper training will be necessary for creating a smooth-flowing intake process. School staff and volunteers will need to know how to recognize legal issues, and attorneys will need to know how to address these issues. Practical concerns like intake forms and eligibility requirements will also need to be addressed.

Challenges

Focusing on the individual needs of each community will be vital to making this program a success. Since each community has its own concerns, it will be important to interact with community members and tailor the program to their needs.

A lack of funding might put extra strain on cash-strapped schools if the partnership does not have a streamlined infrastructure and adequate outside funding. It could also increase strain on students and teachers who might not have the time or energy to learn about legal issues in addition to their academics. It will be important to be sensitive to their constraints when planning any educational programming.

In addition, newly empowered parents and students might be a source of tension for school staff, as parents and students begin to question the administration. Lawyers and volunteers should be prepared to mediate these potential conflicts.

Unique Factors to Arkansas

Cultural Barriers: Groups like the Marshallese population might be resistant to having people from outside of their community attempt to give them instruction.

Lack of Available Resources: Rural areas may not have the ability to house a partnership or may be lagging in service providers or attorneys. It might be necessary to instead use a traveling attorney who could visit these communities and provide these services instead.

Potential Partners

Law schools would be particularly well-suited for this program, as this partnership could provide a valuable educational opportunity for law students. Seattle University has already shown this to be true; they have adopted a nearby high school where they provide tutoring and access to legal aid.

Arkansas Access to Justice Commission
Center for Arkansas Legal Services
Legal Aid of Arkansas
Rockefeller Foundation
University of Arkansas School of Law
Wal-Mart Foundation
William H. Bowen School of Law

Raising the Bar for Health Replicating the Medical-Legal Partnership Model

Needs to Address

A medical-legal partnership (MLP) is already in place in Arkansas, so it would be a matter of replicating the success of that program and tailoring the model for individual communities.

The MLP model takes a more preventative approach to the health and legal problems of low-income Arkansans. MLPs treat the patient holistically by recognizing the relationship between health and poverty and the role that the legal community can play in easing the burden of poverty. By replicating this model in other communities, more low-income Arkansans would get the help they need.

Implementation

Since there is already a working MLP in Arkansas, any subsequent MLPs would need to look into how the current MLP operates and try to make use of any resources it might already have available (such as intake forms and structural precedents) and then tailor those resources to the needs of other communities.

This means that communities that would benefit from an MLP would need to be identified, and their specific issues would need to be addressed. Funding sources would also need to be taken into account (most likely LSC and/or corporate funding), which might in turn have an impact of eligibility requirements for clients.

The process for recruiting and utilizing pro bono attorneys would also need to be streamlined in order to ensure that it is easy for pro bono attorneys to sign up and that they are used quickly. Corporate attorneys (such as those from Wal-mart) can be a good resource for MLPs because the area of law is well-defined and, if their corporation has an investment in the program, they have extra incentive to participate. Involving both medical and law students in the MLP would also help students recognize the severity of this issue early in their careers.

A publicity campaign will also be necessary in order to make clients aware that the resource is available to them. It will also be necessary to win over doctors and hospital staff, as their participation and referrals will be vital to the program's success. Further, publicity will highlight the importance of this issue, encourage support from larger entities (such as the American Medical Association), and create a deeper impact.

Challenges

Trust is fundamental to this program. Clients need to trust that lawyers are there to help and that they are invested in their issues. Doctors need to see that this partnership can benefit their work

and that the lawyers will follow through on these issues. Pro bono attorneys need to know that their efforts are wanted and valued.

The legal component of this partnership needs to maintain a physical presence on site. This assures doctors and clients that this resource is readily available, and it helps integrate a partnership between the lawyers and doctors. This is something that the current MLP struggles with. As that partnership has not yet formed, the MLP must do its own intake, as opposed to taking in clients referred to by health care providers.

Unique Factors to Arkansas

Poor Housing: Regressive housing laws in Arkansas could make obtaining proper housing even more problematic for clients and could lead to several health problems.

Low Literacy: Clients who cannot read or who have poor reading comprehension may have difficulty using pro se litigant forms. This would require extra assistance from staff.

Lack of Available Resources: Rural areas may not have attorneys, and there might not be enough LSC funding in certain areas to establish a program.

Cultural Concerns/Proximity: Because of the rural nature of most of Arkansas and the lack of attorneys, establishing a physical presence at clinics could be difficult or impossible. People in the Delta region, however, prefer face-to-face interactions. Social workers or paralegals may be able to fill in this gap and allow attorneys to work remotely.

Potential Partners

Arkansas Access to Justice Commission
Baptist Medical Center
Catholic Health Initiatives
Center for Arkansas Legal Services
Legal Aid of Arkansas
Rockefeller Foundation
University of Arkansas for Medical Sciences
University of Arkansas School of Law
Wal-Mart Foundation
William H. Bowen School of Law

Helping Others Help Themselves Expanding Pro Se Resources and Increasing Access to Counsel

Needs to Address

Many low-income Arkansans have civil legal needs that are too complex for them to navigate on their own. However, the assistance of an attorney is unaffordable, and litigants suffer on their own as a result of their inexperience in legal matters. There are two ways the legal community can aid those in need: increase access to civil legal counsel and increase the scope of pro se litigant resources.

Each of these solutions has its own challenges, though. In order to increase access to civil legal counsel, the public first must be alerted that this is even an issue. Arguments for appeal must also be preserved in order to get these issues before the Supreme Court.

Some work has already been done, though. Legal Aid in partnership with the Friday Firm has made a push for pro se litigants to request an attorney so they would have the ability to appeal. There is also a national organization that has some model pleadings and briefing papers on this topic. An inventory of those letters needs to be taken, however, to see what can be tailored to the specific needs of Arkansas.

There are also some resources that are available to pro se litigants, including a plethora of fact sheets on the Arkansas Legal Services Partnership (ALSP) website and the HelpLines offered by Legal Aid of Arkansas (LAA) and the Center for Arkansas Legal Services (CALs). However, there are still some areas of law that need more coverage, including:

- Establishing paternity, visitation, and child support
- Uncontested divorce with children
- Basic rules of civil procedure
- Debt collection
- Garnishment (e.g., educating employers about garnishment limits)
- Foreclosure

In addition, restructuring the LAA and CALs HelpLine questions could help prevent legal aid staff from missing Arkansans in need of assistance. There also needs to be an expansion of outreach, particularly to the non-traditional client base who are experiencing foreclosures and to middle-income residents.

Implementation

For both of these issues, there needs to be an education campaign. Attorneys, judges, circuit clerks, and librarians need to be made aware of the challenges facing pro se litigants and the resources available.

Librarians could be asked to stock pro se fact sheets for the public. Judges could direct pro se litigants to resources. Attorneys could be given more options to offer pro bono service in limited scope, such as at clinics or through the HelpLine.

A consumer focus group could also help determine what is helping pro se litigants and what needs still have to be addressed. This could be particularly helpful in shaping a statutory right to counsel, as it could narrow the scope of what cases need civil legal counsel the most. With a narrower scope, legislation can be drafted and lobbied for.

It will also be important to reach people where they are. This could include setting up kiosks with information at post offices, Wal-marts, grocery stores, courthouses, and schools. It could also be as simple as having a flier with pull-off tabs with HelpLine information.

Challenges

The three biggest obstacles are the lack of a unified judicial system; lack of access to technology; and resistance from attorneys, judges, and clerks.

Private bar attorneys often push back against legal aid, as they feel it is stealing their income. It needs to be clearer that these clients would be unable to afford their services anyway, regardless of whether or not legal aid is available. Circuit clerks often spread misinformation, and some judges dislike pro se litigants, sometimes actively discouraging them in hopes that they will stop coming.

Unique Factors to Arkansas

Low Literacy: Clients who cannot read or who have poor reading comprehension may have difficulty using pro se litigant forms. This would require extra assistance from staff.

Lack of Available Resources: Rural areas may not have attorneys who can provide aid.

Lack of Internet Access: Because most of the pro se litigant resources require online access, many low-income clients without internet access cannot currently get the help they need.

Potential Partners

Arkansas Access to Justice Commission
Arkansas Legal Services Partnership
Center for Arkansas Legal Services
Legal Aid of Arkansas
Rockefeller Foundation
University of Arkansas School of Law
Wal-Mart Foundation
William H. Bowen School of Law

Righting the Wrongs

Strategies for Assisting People Affected by the Housing Crisis

Needs to Address

Many victims of the foreclosure crisis still suffer due a lack of resources and a lack of information on how they can get help. The complex bureaucracy of the foreclosure process can be difficult, both for homeowners and for legal aid attorneys with limited resources.

There is a need for more representation, more information, and more support for legal aid attorneys attempting to help their clients and for those who have foreclosure issues who may not be served by legal aid due to LSC restrictions.

Implementation

There needs to be more training and support from experts for homeowners, legal aid attorneys, and judges. Because of the complexity of these cases and the way that banks tend to obfuscate the procedures, it can be a difficult process to navigate, even for a skilled attorney.

For homeowners, it will be important to reach them through means that they are already familiar with. This would involve a campaign through PSAs, radio ads, internet campaigns, and town hall meetings. Background research, particularly on demographics, will be essential to ensuring that clients get the information they need. Informed clients can make the task easier for attorneys.

Attorneys could also use more support staff. They are competing against corporate law firms who have more access to resources, and legal aid attorneys are forced to spend time on tasks that could just as easily be performed by paralegals or other support staff. Even if an attorney is able to help, the time constraints alone make the task difficult.

Background research on other existing models should be done, particularly by looking at states with similar challenges.

Challenges

Banks often have a complex bureaucracy and many times will finish foreclosure proceedings while attorneys and homeowners attempt to navigate the process. It can be difficult to simplify complex housing laws for attorneys and even more difficult to simplify it for clients. This leads to clients being intimidated by the process, so they avoid facing the issue until it is already too late.

Clients also often receive a slew of bad, misleading, or erroneous information. This can hurt their response to foreclosure proceedings and make it more difficult for attorneys to figure out what is really going on.

LSC, which provides a majority of the funding for legal aid programs, might also restrict legal aid from providing services to people in need. Figuring out other sources of funding and ways around the LSC restrictions could help attorneys have a greater impact.

Unique Factors to Arkansas

Regressive Housing Law: Housing laws in Arkansas make it more difficult for tenants and homeowners.

Lack of Available Resources: In addition to the lack of attorneys in rural areas, cities like Fayetteville have many attorneys who are unable to offer pro bono help with foreclosure because they have might have a conflict of interest with the banks they work for.

Potential Partners

Working with credit counseling agencies might ease some of the burden of the legal community and provide a more holistic solution to a client's problems.

Arkansas Access to Justice Commission
Arkansas Legal Services Partnership
Center for Arkansas Legal Services
Legal Aid of Arkansas
Rockefeller Foundation
University of Arkansas School of Law
Wal-Mart Foundation
William H. Bowen School of Law

Impact Litigation

Designing a 21st Century Justice Center

Needs to Address

There are many gaps in civil legal services that a Justice Center could help close. These gaps are the result of limitations placed on traditional legal aid organizations, as well as a simple lack of capacity to meet all the needs of low-income Arkansans.

Because LSC is a major funder, legal aid must only accept clients who meet LSC's eligibility requirements. This leaves out many potential clients, such as those who are undocumented or those outside of the income requirements, and it also narrows the scope of service that legal aid can provide.

Also because of LSC funding, legal aid isn't able to dedicate resources to lobbying, community organizing, or impact litigation. An independently funded Justice Center could exercise more flexibility and have more impact on broader issues. As opposed to just providing direct services, a Justice Center would help shape the law.

Education should be a key component of a Justice Center. Clients need to be educated about the wide variety of resources available to them, and judges and attorneys need to be educated about the issues the public is dealing with.

In addition, nonprofits might be able to provide clients with some services, but they are unable to steer their clients to other places that could offer them other services they may need. A Justice Center could serve as a clearinghouse so that clients can be treated more holistically.

Implementation

A great amount of initial research and assessment will be necessary in order to avoid duplication of services and to figure out what isn't currently being addressed. It will be important to consider criminal law as well as civil. Some research can be done by students and a comprehensive review of resources and needs could be done with grant funding.

It will be important to talk to the community, including nonprofit organizations, in order to narrow the scope of what an Arkansas Justice Center should do. With this feedback, a business plan should be developed.

Challenges

The major hurdle will be developing a clear vision and goal for a Justice Center. The Mississippi Center for Justice is focused primarily on racial inequality. A Justice Center in Arkansas would similarly need to find a specific client base.

It will also be key to educate the community about how a Justice Center could benefit them. For the public, they need to know what services are available. For legal aid, they need to know that a Justice Center won't duplicate their services. For nonprofits, they need to see how the justice component could bolster their efforts. Judges and attorneys need to be made aware of the issues and how they can help.

Potential Partners

Arkansas Access to Justice Commission
Arkansas Legal Services Partnership
Center for Arkansas Legal Services
Clinton School for Public Service
Legal Aid of Arkansas
Mississippi Center for Justice
Rockefeller Foundation
University of Arkansas at Little Rock
University of Arkansas School of Law
Wal-Mart Foundation
William H. Bowen School of Law

Food Insecurity

Relieving Hunger through Legal Action

Needs to Address

One of the most pressing needs is the lack of access to fresh, nutritional food in certain areas of the country, places known as “food deserts.” In these areas, food costs are comparatively high, while the neighborhoods tend to be impoverished. There are a number of people, too, who are ineligible for benefits such as the Supplemental Nutritional Assistance Program (SNAP) because of their income level but who still have poor food security.

Even those who may be eligible may not apply due to the hassle of dealing with a government bureaucracy. Many simply don’t have the time or ability to deal with the process, particularly if that process includes appeal a SNAP denial. Clients might also have a stigma attached to receiving SNAP.

There should be more outreach and education efforts for the community. This could help community members figure out the SNAP application process and could help eliminate the stigma of public benefits. This could also be an opportunity to offer basic nutrition tips so that community members can know how to live a healthier lifestyle on a lower budget.

Children also have a lack of food coverage in the summer. School lunch and breakfast programs end in the summer, so there needs to be a program that can fill this gap.

Implementation

The legal community will need to find its role in helping food security. Currently, legal aid does not take on many SNAP-related cases. However, legal aid could be valuable in helping clients navigate the application process and, if necessary, the denial appeals process.

In general, lawyers need to be more knowledgeable about the SNAP application process. This includes knowing whether or not local SNAP offices are in compliance and what to do if an office is not in compliance. This could also just be as simple as being familiar with the employees in the SNAP office. It’s important that communication with SNAP offices is open and congenial. Lawyers do work for their clients, but ideally, they should have the same goal as the SNAP office: to give assistance to those that need it. A bureaucracy may be frustrating, but that isn’t the fault of your local SNAP office.

The legal community could also work as advocates for more access to food. This could include advocating the issues to corporations, encouraging volunteerism at food banks, or countering retail pushback in food deserts.

Potential Partners

Arkansas Access to Justice Commission
Arkansas Food Bank
Arkansas Legal Services Partnership
Arkansas Rice Depot
Center for Arkansas Legal Services
Department of Human Services
Feeding America
Heifer International
Legal Aid of Arkansas
Rockefeller Foundation
University of Arkansas School of Law
Various public school districts
Wal-Mart Foundation
William H. Bowen School of Law