



ARKANSAS ACCESS TO JUSTICE  
REPRESENTING HOPE

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**Arkansas Access to Justice Foundation Board Meeting**  
**February 3, 2023 via Zoom**

**Foundation Board Members:** Cliff McKinney – President, Sainabou Sonko – Vice President, Brian Clary – Secretary, Hillis Schild – Treasurer, Kyle Burton, Tabitha Lee, Harry Light, Debby Nye, Kristin Pawlik, Gwendolyn Rucker, John Thomas Shepherd, & Eddie H. Walker, Jr.

**Unavailable:** Aaron Brooks, Deepali Lal, & Victoria Smith

**Guests:** Mark Mayfield (Arkansas Access to Justice Commission Chair), Milo Mumgaard (Executive Director, CALS), Lee Richardson (Executive Director, Legal Aid of Arkansas), & Marty Sullivan (Director, Administrative Office of the Courts)

**Staff:** Jordan Bates-Rogers, Tameka Parker, Edith Chavez De Oseguera, & Autumn Ballard

**Welcome and Introductions** – Mr. Cliff McKinney

- Mr. McKinney called the meeting to order and introduced Ms. Chavez, who is serving as Access to Justice’s Interim Program Coordinator for the duration of Ms. Abby Brenneman’s deployment. Ms. Chavez gave some personal background information.

**Business Items**

- A quorum was present for the meeting.
- **Approval of November 2022 Minutes** – Mr. McKinney asked for a motion to accept the November 2022 minutes. Mr. Clary made a motion to accept the minutes as written. Mr. Walker, Jr. seconded the motion. With no further discussion, the motion passed.
- **Approval of Financial Report** – Ms. Schild reported cash assets of close to \$2,000,000 for the October and November financial reports. Ms. Schild also reported a very good IOLTA collection year, with YTD actual at \$542,000 at the end of November - with the budget at \$415,000, we were over by \$127,000. Total Revenue and Support was reported at \$580,000, with YTD budget reported at \$622,000. Total expenses for the year were reported at \$620,000. Net income for the month was reported at \$35,000.
- **Motion** – Ms. Schild, on behalf of the Finance Committee, made a motion to approve the October and November financial reports as presented. Mr. Burton seconded. With no further discussion, the motion passed.



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- Ms. Schild reminded the Board that the Foundation had previously agreed to operate out of compliance due to Bank of America settlement funds. This year, the Finance Committee voted to bring the Foundation back into compliance with our investment guidelines.
- Ms. Schild reported that discussions are ongoing regarding the placement of endowment funds. The Finance Committee will be reviewing comments from banks on a proposed increase to the Preferred IOLTA Bank rate from 0.50% to 1%.

## **Grants Committee Report – Ms. Gwendolyn Rucker**

- Ms. Rucker pointed to proposed updates to the Grants Policy that were presented with the intention of streamlining them to be more easily utilized for additional agencies alongside legal aid organizations.
- **Motion** – Ms. Rucker, on behalf of the Grants Committee, made a motion to accept the new revised policy. Mr. Clary seconded. With no further discussion, the motion passed.
- Ms. Rucker reported that general support grant funding was raised to \$250,000, with the hope of granting both legal aid organizations \$100,000 without going through the application process due to financial difficulty. The additional \$50,000 will be granted to other organizations that will go through the grant application process. Mr. Clary asked from what amount the general grant was raised to each of the organizations. Mr. Bates-Rogers answered that last year the Foundation granted \$50,000 total out of IOLTA funds, and that the original increased general support proposal amount was \$150,000 total, but the Finance Committee and the Board approved increasing that amount to \$250,000.
- **Motion** – Ms. Rucker, on behalf of the Grants Committee, made a motion to approve the granting of \$200,000 for general support grants, providing each legal aid agency \$100,000 each, absent an application for this granting year only – and, to proceed with the initial grant process of allowing other agencies to apply for the additional \$50,000 in grant funds. Mr. Walker, Jr. seconded. With no further discussion, the motion passed.

## **Scholarship Committee Report – Ms. Tabitha Lee**

- Ms. Lee reported that the scholarship essay competition was live and applications were being accepted. The Scholarship Committee was working on an award ceremony for May 1, 2023 with details still to be fleshed out. Scholarship recipients will read a portion of their essay during the ceremony.

## **Executive Director's Report – Mr. Jordan Bates-Rogers**



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- **Statewide Pro Bono Portal Update** – Mr. Bates-Rogers reported the Pro Bono Portal is live. Legal aid organizations already have pro bono opportunities listed.
- **Courthouse Kiosk Grant** – Mr. Bates-Rogers thanked Mr. Sullivan for helping the Foundation secure grant funding to launch the Courthouse Kiosks project. Computers and printers are going in courthouses across the state, where the general public can access applications for legal aid, fact sheets and forms, local court information, and more. The total amount of the grant was over \$250,000. The kiosk website is in development and kiosks will be in pilot courts by the end of the month.
- **Administrative Order 22/Bank Fees** – Mr. Bates-Rogers reminded the Board of negotiations with IOLTA banks to eliminate fees, specifically First Horizon charging high fees after their acquisition of Iberia and were not interested in negotiation. Mr. Bates-Rogers previously asked for an amendment to Administrative Order 22 to cap extravagant fees and the amended order was submitted to court for consideration. After consideration, Justice Wynne reported to Mr. Bates-Rogers that the court feels like the board currently has the authority to remove a bank if the bank's fees are unreasonable. Mr. Bates-Rogers suggested that the Board should decide what is a reasonable fee amount for an IOLTA account and set a limit so First Horizon can be re-approached with fee negotiations. Mr. Bates-Rogers deferred to Ms. Schild for additional information.
- Ms. Schild provided context regarding the nature of treasury management services and suggested limiting a monthly fee that can be taken out of interest owed to the Foundation. Mr. Light asked what other banks charge. Mr. Bates-Rogers noted that out of 87 IOLTA banks, only two, one being First Horizon, charge the Foundation fees, but that some banks removed fees after negotiation in the past. Mr. Light suggested the Finance Committee review the situation and come back with a recommendation for the Board, and pointed out that if the Foundation sets a fee limit, other banks may attempt to raise or initiate fees to match. Mr. Bates-Rogers agreed that the Finance Committee should review and recommend action to the Board, and noted that any decisions to remove a bank need to be a full Board vote. No formal motion was made to take the discussion to the Finance Committee, but the Board agreed upon an understanding that the Finance Committee would return with a recommendation.

### **IOLTA Report** – Ms. Tameka Parker

- Ms. Parker reported that interest payments were steadily rising, with December 2022 interest payments over \$68,000. Ms. Parker was reaching out to seven banks regarding



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Preferred IOLTA Bank status, with three other banks 5 basis points away from becoming Preferred IOLTA Banks.

## **Project Reports** – Ms. Edith Chavez De Oseguera

- **CLEs** - Ms. Chavez reported on two successful CLEs, Record Sealing and Estate Planning, attended by 252 and 266 people respectively.
- **Language Access Survey** - Ms. Chavez reported on seeking feedback from attorneys, judges, court personnel, and the general public to find out the language access needs of the public to improve Arkansas' Justice Index score. Distribution of the surveys was already in progress.
- **Unlawful Detainer Forms** – Eight judges agreed to provide feedback on these forms. Ms. Chavez reported coordinating to get the forms presented to Judicial Council for approval.
- **Upcoming CLEs** – March 17, 2023 – Evictions, presented by Kendall Lewellen (CALs)
- **Free Legal Answers** – 2022 Stats:
  - 688 clients helped
  - 34 new volunteer attorneys
  - 21 FLA virtual clinics
  - 84% of users were matched with an attorney

## **Partner Organization Updates** – Mr. Jordan Bates-Rogers and Mr. Milo Mumgaard

- **Access to Justice Commission** – Mr. Bates-Rogers thanked many meeting participants for Kickoff assistance and reported that funds raised were still being tallied but estimated about \$12,000 from the Kickoff event. Next year's Kickoff date is October 5, 2023, at 6:00 PM.
- **Center for Arkansas Legal Services** – Mr. Mumgaard reported that he had been prioritizing getting to know the CALS staff and their work, and diving into the 2023 budget to build upward for a strong 2024. CALS approved a budget that will stay under \$5,000,000 in expenditures for 2023 and reorganized management structure. Mr. Mumgaard reported that CALS' development and fundraising capacity would go up considerably and mentioned partnering with Mr. Richardson to expand the Beyond Opioids project.
- **Legal Aid of Arkansas** – Mr. Richardson reported that the Legal Services Corporation funding allocation for 2023 was increased by 14.5%, the largest increase in a substantial amount of time.

**Next Meeting Date** – August 11, 2023, 12:00 PM via Zoom



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**Meeting Adjournment** – Mr. McKinney asked for a motion to adjourn after no new business was brought forward. Ms. Sonko motioned to adjourn the meeting. Mr. Walker, Jr. seconded. With no further discussion, the motion passed.