

There are attacks on the independent judiciary. South Dakota has a ballot initiative providing for a super grand jury funded out of judges' salaries. Lawyers cannot serve on it. If a citizen petitions over a decision he or she does not like the super grand jury can jail the judge, fine the judge, or remove the judge from office. When the people were polled 90 per cent favored the provision. When judges and lawyers talked to them and educated them over 90 per cent favored an independent judiciary. Judges and lawyers need to talk to civic groups and schools. It is important to use terms like "separation of powers," "checks and balances," and "protecting the people's rights." Amendment 80 made it possible for the Supreme Court to meet outside Little Rock. It has been holding oral arguments around the state and that is part of the education process. Broadcasting or televising oral arguments is being studied.

Other things being studied are citation of unpublished opinions, electronic filing, court security, the structure and jurisdiction of district courts, and getting retired judges more involved.

15. Two Proposals from the Arkansas Access to Justice Commission - State Funding and Pro Bono.

Mr. Vasser introduced Dean Charles (Chuck) Goldner, Chair of the Arkansas Access to Justice Commission. He reminded the Delegates that both requests to be considered were recommended by the Board of Governors and written information had been sent before the meeting. Dean Goldner emphasized he was appearing as Chair of the Commission, not as Dean of the UALR School of Law. The Commission was created by the Arkansas Supreme Court, following a recommendation by the Association. Its membership includes four judges including one justice. Its work is to address the severe shortage of resources for providing citizens with equal access in civil matters.

The Commission recently held town meetings in each of the four Congressional Districts, plus a fifth meeting in Hot Springs yesterday, to get information on what the problems are and ideas how to address them. The Commission is to review and report on the allocation and used of resources for providing legal services, to encourage a commitment to providing equal access to justice, and to develop stable and long term funding for the two organizations that provide legal services.

He asked that the Arkansas Bar Association go on record as recognizing the need for and the importance of an increase in state financial support for legal services. Since 1995 there has been a two million dollar decrease in federal funding for legal services in Arkansas. In 2005 the Legislature passed an initial bill that will produce about \$320,000 annually. The Commission asked the Association allow its Lobbyist to assist in seeking

future state funding, just as he helped the two law schools secure additional funding in 2003. Brian Vandiver moved:

That the Association recognize the need for and the importance of increased state financial support of the two legal service providers, and that the Association's Lobbyist may work with the Commission to receive increased state financing.

Colette Honorable seconded the motion. A Delegate reminded the House we are a learned profession and we have a tradition of standing up for everyone who needs help. We should consider this support a moral imperative, not just a policy preference. The motion passed with no negative votes.

Dean Goldner said the second proposal is to enable the Commission to look at the use of resources that are available, educate the public and our state's leaders on what the resources are and how they are being used, and then use this information in the quest for funding. We know anecdotally lawyers provide many hours of pro bono service. We need actual data to show what the profession is already doing. The Commission intends to petition our Supreme Court to amend the annual reporting form that each lawyer files to include a place to report the number of pro bono hours during the past year that meet the aspirational goals of Rule 6.1 of the Rules of Professional Conduct. The Commission is not asking for individual data but that it be released on an aggregate basis. The Commission seeks the Association's support for this request.

Discussion addressed record keeping problems, that legal services organizations keep track of hours of pro bono service provided under their umbrella but this does not include all pro bono services, that most people have no idea how much work for the benefit of society is being done by the legal community, and that someone may try to get individual information under the Freedom of Information Act. Rhonda Wood moved:

That this body supports the request of the Commission to the Supreme Court that will require attorneys to report pro bono hours annually, provided that any data released is aggregated.

Mr. Vandiver seconded the motion. It passed with a few negative votes.

16. Caucuses of Three State Bar Districts and Certification of Caucus Elections.

Mr. Vasser announced that while the House of Delegates was in recess the three