



**UALR-Bowen School of Law**  
**1201 McMath Avenue**  
**Friday, February 23, 2007**  
Conference Room 505  
1: 00 P.M.

### **MINUTES**

**Attending:** Dean Charles Goldner [Chair], Judge Jim Spears [Vice Chair], Mr. Bill Brown, Judge Waymond Brown, Ms. Jean Carter, Judge Craig Hannah, Mr. J. Leon Johnson, Mr. Mike Mullane, Ms. Kelly Olson, Mr. Lee Richardson, Mr. Ron Lanoue [Secretary], Ms. Gina Cothorn and Mr. Vince Morris [Staff]

Dean Goldner opened the meeting at 1:05 PM and welcomed the following staff members from the Congressional offices:

Ms. Amanda White of Representative Snyder's office

Ms. Tamika Edwards of Senator Lincoln's office

Mr. Victor McMurray of Representative Berry's office

The Commission meeting began by the first official viewing of the Commission's Access to Justice DVD.

### **Legislative Updates**

#### **Nationally**

Ms. Jean Carter provided, specifically for the Congressional staff members present, an update of Legal Services Corporation [LSC] recent budget actions. Ms. Carter stated that LSC obtained a funding increase of \$22 million for FY 2007, which should translate to approximately \$250,000 in increased funding for Arkansas. This represents the first increase in six years.

The FY 2008 appropriation is currently under consideration; LSC has asked for \$430 million, an increase of \$18.8 million over the FY 2007 request. However, President Bush's budget proposes a significant decrease in funding to \$311 million – this is \$37 million less than FY 2007 funding. Ms. Carter stated that the Commission would appreciate the staff aides becoming aware of this budget request, sharing it with their Members and providing help to secure the LSC

request. Any information they needed from the Commission to advance this budget request would be quickly provided.

Toward that end Mr. Lanoue pointed out a document contained in each packet the staff members received entitled, "The Arkansas Access to Justice Commission Recommends a General Revenue Appropriation to the Public Legal Aid Fund." This document contains data and narrative supporting legal services funding and the impact of justice denied on people who need legal aid. This document will continue to be updated and expanded to include various data and statistics for these real societal costs of failing to provide legal services and will be shared with the Arkansas Congressional Delegation.

### **Arkansas Legislative Session**

Mr. Lee Richardson provided an update on the Commission's legislative initiative with the Arkansas Legislature stating that Senator Miller submitted a bill for a marriage fee increase that would provide legal aid with additional funding. We do not yet have a bill number. *[The bill was introduced on Monday, February 26 as Senate Bill 624]* Representative Steve Harrelson indicated an interest in supporting this measure in the House. Chair Goldner and Ms. White are going to follow up with Representative Harrelson regarding sponsoring this legislation in the House. *[He has since declined because of other commitments.]* Dean Goldner will also contact new Commissioners Thompson and Bond to confirm their support for this initiative.

Dean Goldner continued the legislative update by stating that any direct appropriations for legal aid will not be successful this session. In a meeting earlier in the week with Governor Beebe which included Chief Justice Jim Hannah, Mr. Richardson and Mr. Lanoue, it was clear that general revenues were being held in reserve to meet educational needs in the public schools and would not be available for an appropriation to the Public Legal Aid Fund.

Dean Goldner also stated that meetings scheduled with the two new Commission appointments from the Senate and House, Senator Robert Thompson and Representative Will Bond did not occur but will be rescheduled. The Dean requested that any contact or reaching out by the current Commissioners to the new appointees would be helpful. Both appointees have been provided with the standard Commission binder materials.

The Dean reiterated the link developed in the talking points paper between the marriage license increase and legal aid providers stating that more than 50% of legal aid's caseload is providing assistance to Arkansans through divorce and related representations. The next step is for each Commissioner to follow through on the Marriage License fee legislation and push the bill through to success. Toward that end the staff had included in their handouts a table with information on each legislator. Dean Goldner added that the marriage license fee

increase probably had the best chance of success and that the Commission should be ready and waiting for the time to contact the legislators.

Ms. White offered that the Commission needed to prepare testimony to present when this bill is up for consideration. She suggested contacting Jack McNulty, lobbyist for the Arkansas Bar Association. She also suggested that we contact the Arkansas Bar Association directly to see if we could use their listserve to get the word out when the bill is being voted on in both Judiciary committees and the respective full chambers. Mr. Lanoue related that Mr. McNulty had already made himself available for the Commission's legislative purposes.

The Commission had previously recommended a bill directing that cy pres funds be placed in the Public Legal Aid Fund. This measure was discussed and the general consensus was that this objective should be approached through the Supreme Court under its authority to regulate the practice of law rather than through the legislature. Judge Hannah requested that a copy of the rules from other states that deal with cy pres through the court be provided to the Commission. Ms. Cothorn will provide a report of how other states have handled this situation. Chair Goldner reported that he had previously spoken with Attorney General Dustin McDaniel about this issue and he seemed receptive to the idea.

Mr. Mullane in describing the situation he encountered in Maine inquired as to whether the Commission currently had a fund for these monies to be deposited. Dean Goldner stated that the Commission had a fund that was established in the 2005 session when the reopening fee was raised which is called the Public Legal Aid Fund. Mr. Mullane suggested that the cy pres money should go into an IOLTA fund immediately while it is being directed to the legal aid fund.

Dean Goldner concluded that the Commission will focus its legislative efforts on the marriage fee increase bill through the legislature and the cy pres residual allocation through the court.

### **Court Assistance [Pro Se] Conference Report**

Judge Spears gave a report on the technology conference that he, Justice Imber, and Mr. Morris attended in Austin earlier this month. He praised Mr. Morris' work with the Legal Services Partnership and Commission websites and stated that at the conference our website was used as a national model. He stated that we all need to tell more people about the websites and encourage their use.

Additionally, Judge Spears stated that education of judges, court clerks and librarians is essential to having a successful pro se assistance program. Specific pro se committee actions will include: a brochure educating judges about the pro se litigant; a brochure educating the court clerk about the difference between Legal Advice and Legal Information and trainings for judges, clerks and librarians across the state demonstrating the resources that ALSP and the Commission are creating. In this regard he is working with the libraries in his

area and is planning a training session for library staff and court clerks in Northwest Arkansas to increase further access to the website resources. Justice Imber will be heading a similar project for the Central Arkansas area. Mr. Mullane stated that in Maine a survey had been done which showed that if someone lived more than 20 miles from a metropolitan area, they had less access to justice, so providing legal materials at libraries throughout rural Arkansas would be a very good way of getting more access for people. He thought that we should try to obtain some private grant money for a specific project of training library staff and providing material. The Commission is currently sending the "Free Legal Aid" brochure to libraries state-wide. Mr. Brown reminded Commissioners that in the last legislative session the libraries almost lost 50% of their funding, but that he thought that in this session they would actually get more funding. Mr. Brown has been a long time advocate for libraries throughout the state.

Mr. Morris stated that these partnerships are currently being developed but the assistance of the Commission is needed. With help from Mr. Brown a brochure mailing will go out to 45 libraries statewide next week providing instruction on how to access and use the ALSP website. Mr. Bill Brown stated that he would contact and work with the statewide library systems to arrange for Mr. Morris to train librarians about the online resources available to pro se litigants via the ALSP and AATJC websites.

Judge Spears also reported a big issue in the pro se area is the "unbundling" of legal services. This would allow lawyers to provide limited representation for clients. The American Bar Association has recommended a change to Model Rule 1.2(c) to allow for this. He encouraged the Commission to recommend this to the Arkansas Bar Association. Both Justice Imber and Mr. Morris prepared reports on this topic and these are included in the materials given to Commissioners in the meeting materials and will be the focus of the next Pro Se Committee meeting.

Dean Goldner requested that Mr. Morris demonstrate the final draft of the Interactive Divorce Form Packet created by a partnership of the Arkansas Access to Justice Commission and the Arkansas Legal Services Partnership. A discussion followed about some minor edits that were needed in the packet. The discussion also included the need to consider split judicial districts and contested property. It was decided that Mr. Morris will send out the link to the packet to all Commissioners and those who have comments should respond by Friday, March 2, so that Mr. Morris can make the necessary changes.

Judge Spears moved that if documents are prepared by Commission staff and then approved by the two Arkansas legal aid operations that this constitutes Commission approval of the documents. Judge Brown seconded this motion which was carried unanimously.

The commission thanked Mr. Morris for his work in creating this and other pro se resources for low-income Arkansans.

### **National Access to Justice Conference in Denver**

Mr. Lanoue reported that the Access to Justice Conference was being held on March 24 in Denver and pointed out the agenda in the meeting materials. At this point attending will be Mr. Mullane, Mr. Lanoue, and Ms. Cothorn. Any other Commissioners who would like to attend this one day meeting should contact Mr. Lanoue.

### **Previous Minutes**

Judge Spears moved for the approval of the minutes of the October 13, 2006 meeting. Judge Brown seconded and they were unanimously approved.

Dean Goldner thanked the staff from the Congressional offices for their attendance and reminded them of the materials provided for them.

The Meeting was adjourned at 2:24 pm.

### **ACTION ITEMS FROM THE MEETING**

Dean Goldner -

- Contact Rep. Harrelson to determine his sponsorship of the Marriage Fee increase
- Contact Sen. Thompson and Rep. Bond for support of Commission's bill

Commissioners –

- Review pro se divorce packet and send suggestions to Mr. Morris prior to March 2

Ms. Cothorn -

- Contact Arkansas Bar Association for use of their listserv
- Report on other states' handling of cy pres funds

Mr. Morris -

- Resend link to pro se divorce packet
- Develop judicial brochures: "Pro Se in Your Courtroom", and "Legal Information vs. Legal Advice"
- Complete the current library mailing

Mr. Lanoue

- Contact Senator Miller to get bill number for marriage license fee and share that will the Commissioners

