



Arkansas Bar Association

2224 Cottdale Lane

Little Rock, 72202

June 29, 2007

Board Room

8:30 A.M.

Attending: Dean Charles Goldner [Chair], Mr. Bill Brown, Judge Waymond Brown, Mr. Nate Coulter, Justice Annabelle Clinton-Imber, Ms. Susie Pointer, Mr. Leon Johnson, Mr. Lee Richardson, Ms. Jean Carter, Mr. Frank Sewall, Ms. Danyelle Walker, Ms. Angela Duran, Justice Debra Hankinson, Ms. Zina Frazier, Mr. Ron Lanoue [Secretary], Ms. Gina Cothorn [Staff] and Mr. Vince Morris [Staff]

Welcome by Chair Dean Goldner

The meeting was called to order at 8:45 AM. Dean Goldner thanked Justice Debra Hankinson for her previous assistance with the structuring of the Arkansas Access to Justice Commission before the Commission was formalized.

The Commissioners introduced themselves and stated what expectations they had for the day. The Commissioners overwhelmingly hoped that the planning session would result in "concrete and practical steps for the Commission." Justice Imber stated that "if you cannot get in the courthouse what good is it?" On behalf of the court she stated that the Court is behind this effort and will be supportive of this Commission.

Access to Justice Overview by Justice Debra Hankinson

Justice Debra Hankinson provided an overview of the national access to justice effort stating that there has been a substantial growth nationally of ATJ commissions. Currently there are 27 Access to Justice Commissions nationally compared to about 5 or 6 in 2003.

Justice Hankinson stated that Arkansas is now over passed the initial burden of becoming established and that now is the time for deeper education of the state. She stated that nationally these commissions are working and increasing access to the courts.

Justice Hankinson spoke to the recent failure in the Arkansas legislature to acquire additional funding for legal aid. She offered examples of Texas ATJ efforts in the legislature that have been successful including how the TX ATJ Commission lobbies to

change substantive law in TX such as changing the ability to appeal if public benefits were denied. Also, the TX ATJ Commission recently succeeded in legislation placing an additional tax for patrons of adult entertainment clubs that is placed in a domestic violence/legal aid fund. Nearly 25 million dollars have been raised through this tax.

After Justice Hankinson's overview, Ron Lanoue provided the Commission the day's agenda beginning with the goals of the Commission, the accomplishments (both completed and pending) and then potential objectives.

Current Commission Goals

The Commission reviewed the current goals and discussed that the Commission has begun working towards each goal, however a strategic plan needs to be developed to fully address each goal. Justice Hankinson stated that these current goals can become the framework for the strategic plan.

Current Commission Accomplishments

The Commission reviewed the accomplishments that have been made to date. Justice Hankinson urged the Commission to note the impact of each accomplishment and to utilize this list of accomplishments for media and legislative attention.

Mr. Bill Brown stated that the Town Hall Meetings had a positive impact on the congressional budget allocation of increased LSC funds. For the first time all the Arkansas congressional representatives voted for increased LSC funding.

Justice Hankinson spoke to the huge impact that comparability rule changes for IOLTA accounts can have in generating funds. In Texas the rule change has increased IOLTA funds from below \$10 million to over \$25 million. Justice Hankinson asked how much money is expected to be generated in Arkansas due to the comparability rule change. Ms. Susie Pointer stated that the largest accounts are only receiving 0.002% so a comparable rate increase would be dramatic.

Justice Hankinson stated that Arkansas needs to prepare for the additional funding. Texas considered creating an endowment. Regardless, Arkansas should consider how to leverage the additional money to get more money.

Mr. Nate Coulter asked if Texas had brought in an independent consultant and whether Arkansas should bring a consultant. Justice Hankinson stated that Texas did use a consultant and that it is critical that Arkansas hire a consultant. Justice Hankinson stated that the price of the consultant will pay for itself and that there is a way to implement comparability with an organized rollout and follow up. She urged the Commission to recommend to the IOLTA board of directors to use a consultant or otherwise Arkansas may have a rule in place that has no teeth and then no money will come in. She stated that you must do it to get to the next level and that comparability is proving to be too important and too much of a return to not invest in it.

Ms. Susie Pointer informed that Commission that the issue of hiring a consultant was on the agenda at the last IOLTA board meeting and it was defeated. Mr. Nate Coulter

stated that this should become a Commission goal and to recommend to IOLTA to readdress this issue.

A motion was made and seconded that the Commission goes on record as to aggressively maximize the comparability opportunity with the IOLTA board. The motion, that the Arkansas Access to Justice Commission make a formal resolution to the IOLTA Board of Directors that it hire a consultant to work with Arkansas banks to enforce the IOLTA account comparability was carried without objection. Suzie Pointer will report to the IOLTA Board on the Commission's action.

Justice Hankinson stated that all of these accomplishments (such as comparability rule changes and the pro se materials) must be fed back into the whole educational piece to show the public the return on the dollar; to brag on yourself so that people know the Commission is making a difference.

Overview of Organizational Structuring of Arkansas and Other States

Justice Hankinson provided an overview of the Texas ATJ Commission. Texas expanded the number of committees as a result of their strategic planning. Additionally, Texas publishes a quarterly ATJ newsletter to every lawyer in Texas and has created a law school advisory committee; a legal training committee; a legislative committee; and a technology committee.

Texas utilizes non-commissioners for their committees. Several committees have members who are not on the commission; however, the Commissioners chair each committee. Justice Hankinson recommended that Arkansas expand and take on committee members who are not commissioners.

Justice Hankinson urged Arkansas to consider restructuring the standing committees at this point through the strategic plan and recommended Arkansas look to the Texas ATJ strategic plan as a model. She noted that Texas had never changed their goals from the start, but since they put the strategic plan in place Texas increased exponentially in the amount and depth of their goals. She also stated to make sure that when Arkansas puts the strategic plan into action that it speaks to all the components listed in the 12 step success factor document.

In response to several of the questions listed in the 12 step success factor document several ideas were discussed including the following:

- Create an Access to Justice Day (based on ABA day) for the legislature. This will be helpful in Arkansas because of term limits there is a need to constantly communicate and re-educate new legislatures;
- The Commission should start writing grants for itself;
- Weighing in on policy should be an important function of the ATJ and this can include the federal judiciary. The Arkansas ATJ should be a presence. Justice Hankinson noted that the Texas ATJ regularly votes on something and then sends a resolution;
- Publish an Arkansas ATJ Annual Report

- Arkansas will need a “political action group” (i.e. legislation committee): to study and keep up with the communication. There is a whole program that needs to be put into place. Even to the point to that when a candidate is running s/he must state her position on legal aid funding.
- Arkansas currently does not, but many states have a state of the judiciary speech given to the legislature. Justice Imber will put that on the table at the Arkansas Supreme Court.

Current Staff Capacity

Currently, the Commission is not providing any money for staff salary. The staff includes Ron Lanoue, Gina Cothorn, and Vince Morris. The support services of the staff members are provided by the two legal services providers, Center for Arkansas Legal Services and Legal Aid of Arkansas.

Ms. Jean Carter spoke to the question of whether the ATJC should begin seeking funds for staffing. She stated that it is all about what should be invested in. Legal Services views the Commission as being the support structure for legal services to build stronger platforms upon.

Review of Access to Justice Checklist Document

Justice Hankinson led the Commission through the Access to Justice Checklist Document and opened it up for discussion. These items were placed on the board to be possibly used for a strategic planning document.

Under Educational Awareness Items:

Discussed items included: consistent marketing plan; speaker packets; Bar and specialty Bar educational outreach; publish an annual report; and increase media presence.

Under Funding for Civil Legal Aid Assistance Items:

Strategic plan for resource development: Look for the potential sources of money in Arkansas. This can be project based such as for a brochure or DVD or online form. Other items included: increasing fines for domestic battery conviction; increasing filing fees generally; and law license add-on increase (perhaps as a voluntary additional contribution). Texas has a voluntary contribution check box on their mandatory form and they bring in ½ million dollars annually through this campaign.

Under Pro Bono Items:

Discussed items included: pro bono case priorities on the docket; emeritus rule change (allowing inactive attorneys - teachers or retired - to do pro cases); publicize pro bono malpractice benefit; free poverty law training; pro bono law student awareness; and recruitment campaigns.

Under Student Loan Repayment Assistance

The Commission discussed Harkins Bill in Congress that will provide loan forgiveness for civil legal aid, public defender, and prosecutors. The bill is currently doing well.

Under Court Access and Pro Se

Discussed items included: educating judges, clerks, and others on pro se assistance resources; market resistance; lawyer education; self-help centers; standardization of forms; unbundling; and review of local court rules (those that turn away pro se litigants).

Under State Agency Admin Fairness

Discussed items included: independence of ALJ; appeals process;

Under Legislative Strategy:

Discussed items included: volunteer lobbyist; legislature education (overall, target, and new members); involvement in the bar packet; ATJ agenda; the Governor's packet; who should be brought in as a coalition or supporter of the legislation.

The Commission stated that a brochure is needed that can be distributed to legislatures and community partners in Arkansas about legal aid (something that can be sent to a constituent in need of legal help).

Under Technology

Discussed Items: sustainability of website and other technology

Commissioners voted on action items resulting in the following top ten items:

1. Establish Legislative Committee
2. State Revenue General Appropriation
3. Reorganize Commission Committee
4. Pro Se Judge/Clerk Education
5. Legislature Education
6. Pro Se - Educate Lawyers to overcome market resistance
7. Sustainable technology (funding for website and online resources)
8. Bar/Courts Education Campaign
9. Pro Bono Recruitment Campaign
10. Pro Se Self-Help Centers

Closing Statements

Dean Goldner stated that the strategic planning resulting from the above action items can most likely take place with the current committee structure, however, he requested that the Commission please consider what committee structure is needed for the future.

Justice Hankinson stated that she, Bob Echols, and Meredith are available through the ABA for consulting as Arkansas needs them.

Chair Dean Goldner thanked the ATJ staff and Justice Hankinson for a successful and productive day. ***The meeting was adjourned at 2:45 PM.***