



**UA -FS Smith-Pendergraft Campus Center  
Fort Smith, Arkansas**

**Minutes of the Commission Meeting  
Friday, July 15, 2005  
1:00 p.m. – 3:00 p.m.**

**In Attendance:**

**Members:** Bill Brown, The Honorable Waymond Brown, Nate Coulter, Zina Frazier, Dean Chuck Goldner, The Honorable Craig Hannah, Martha McCaskill, The Honorable Jim Spears.

**Ex-officio Members:** Jean Carter, Professor Michael W. Mullane, and Lee Richardson.

**Staff:** Ron Lanoue and Vincent Morris.

**I. Minutes of Previous Meeting**

Dean Goldner called the meeting to order at 1:12 p.m. thanking the commission host, Judge Spears for arranging this impressive location for the meeting. He then asked everyone to review the minutes. A motion to approve was offered by Mr. Brown, seconded by Judge Hannah and unanimously approved.

**II. Election of Officers**

Mr. Lanoue was elected **Secretary** to commission and thanked for his work.

Mr. Coulter nominated Judge Spears for Commission **Vice Chair** and that motion was approved unanimously.

**III. Funding the Commission**

Dean Goldner contacted Mr. J.D. Gingrich of the Administrative Office of the Courts who agreed that the commission needed some funding. Mr. Gingrich will bring up this request when he meets with the Chief Justice and Bar President in the next few weeks. At the very least the Commission should receive some interim funding.

In the meantime The Arkansas Legal Services Partnership [ALSP] will reimburse Commission members for travel expenses. Mr. Lanoue will forward the ALSP Travel Form to attending members. Dean Goldner pointed out that he would use his university travel budget for this trip and others where appropriate should do the same. By the October meeting the commission should have some final answers regarding permanent funding.

#### **IV. Report of the Pro Bono Committee**

Judge Spears highlighted the meeting minutes of the committee on June 24, which made two recommendations:

1. Support application ABA Model Rule 6.1 in Arkansas to include mandatory reporting of pro bono hours, setting an aspirational goal of 50 hours or \$500 in lieu of pro bono service.
2. Seek Quorum Court funding in each county [by appeals court district] for pro bono efforts in those counties.

Dean Goldner asked the Commission members to delay a discussion of these objectives until other committee reports were presented and they could be analyzed within the context of the Commissions Goals.

#### **V. Report of the Legal Services Committee**

Because Ms. Frazier was delayed in travel to the meeting Dean Goldner asked Mr. Richardson, a member of the committee, to highlight its recommendations.

1. Conduct four Town Hall meetings.
2. Present the Access to Justice issues at the Annual Judges Conference.
3. Meet with legislators in Congress to discuss legal services.
4. Host an informational reception for the Arkansas legislature.
5. Conduct statewide fundraising dinner to promote and benefit the commission and the legal services community and recognize someone for service
6. Develop media messages (Video, DVD, Radio) for the promotion of the town hall meeting and general access to justice issues.
7. Conduct a joint meeting with the Arkansas Bar for a bill in the next legislative session that will help fund legal services.
8. Establish Pro Hoc Vice fees.
9. Recommend the two legal services programs create a joint fund development program.

#### **Pro Se Comments**

Although the Pro Se Committee did not meet the chair, Mr. Mullane, encouraged conversations with judges at the October Judges meetings about pro se. In addition, the Commission needs to survey the district court judges and clerks about what they perceive the issues and problems to be regarding pro se. This might entail a survey mailed to the clerks. Mr. Lanoue pointed out some early staff work he and Mr. Morris had done in surveying the case cover sheets from Baxter, Lonoke and Pulaski counties [the latter yet to be provided] with regard to volume of pro se litigants. Members were surprised at the significant percentage of cases.

#### **VI. Recommendations from the Commission**

Dean Goldner referred members to Attachment III to begin a discussion of objectives presented by the committees which were arranged adjacent to the goals they were meant to address.

Goal	Recommended Objective	Discussion and Decision
<p>1. Develop an objective and accurate understanding of the problems Arkansans face in using our legal system to obtain justice in civil cases.</p>	<p>1. During 2005/2006, conduct four [4] statewide public town hall meetings to inform and listen to citizens about access to justice issues.</p>	<p>Mr. Mullane stated this format was used in Maine very effectively because heavy hitters were at the table, public interest groups/social service agencies were recruited to participate and a court reporter took down the proceedings which were used for future publicity and decision-making. He added, the town halls should also be videotaped. Each session lasted 2 or 3 hours.</p> <p>Mr. Richardson noted that these meetings would be conducted in each of the four Congressional districts. Mr. Mullane added that this arrangement would provide maximum press coverage across the state. Additionally, we needed local and district representatives to help in the planning of these events and really be the convener for the Commission. They would help draw the local/regional participants. Judge Spears stated we needed to have the appropriate Member of Congress at the meeting in his area. A general discussion centered on the critical needs in planning these events –including funding, utilizing the next 6 months to plan them, and have them completed no later than the early fall of 2006 so that any legislative proposals could be ready before the 07 legislative session and the Commission hosted legislative reception. The consensus was that we must do these town hall style meetings well or our other recommendations will not be successful.</p> <p>At this point Dean Goldner described a process to manage all the recommendations approved at this meeting. Each would be returned to the appropriate committee for development of an implementation plan. The Commission agreed to this approach. Mr. Coulter offered that staffing this work was critical and we needed to have some clarity with the Supreme Court as to how this was going to be accomplished. Passage of the objective as written was moved by Judge Spears, seconded by Ms. Frazier and approved unanimously by the Commission.</p>

<p>1. Develop an objective and accurate understanding of the problems Arkansans face in using our legal system to obtain justice in civil cases.</p>	<p>2. In October 2005, present access to justice issues before the annual state judges meeting utilizing former Justice Debra Hankinson [or Zell Miller of Atlanta]. Distribute well-crafted survey of judges after presentation to ascertain a sense of interests, commitment and roadblocks.</p>	<p>Dean Goldner suggested that Ms. Kaye Palmer should be involved immediately so we can gain a spot in the program and then notify former Justice Debra Hankinson of Texas who speaks passionately about access to justice issues. He asked Judge Hannah to contact and arrange a date/time on the agenda of the judges meeting with Ms. Palmer. Judge Hannah offered that Ms. Palmer would be able to provide us a perspective from the judges' point of view.</p> <p>[Some humor arose over the misidentification of Zel Miller as an alternative to former Justice Hankinson when the real alternative should be Roy Barnes of Georgia.]</p> <p>With regard to a survey, Mr. Mullane asked what the message would be which the Commission wishes to convey to the judges? He suggested the following points:</p> <ol style="list-style-type: none"> <li>1. Give them an accurate picture of how bad it is. We have to get them to buy into the situation first. Justice Hankinson can convince people that this is a meaningful effort and that it will help the judges in their day-to-day stress. It will help raise the visibility of access to justice issues among a very important audience. [She can compare Arkansas to other states.]</li> <li>2. This Commission exists to make this bad situation better.</li> <li>3. The Commission needs to enlist their efforts in the access to justice mission and we need to know their perceptions</li> </ol>
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		<p>of the needs and problems that might be encountered.</p> <ul style="list-style-type: none"> <li>▪ Judge Hannah will first contact Ms. Palmer and then alert Dean Goldner of the date and time.</li> <li>▪ The Dean will then contact Justice Hankinson to accept the date but if she cannot make a suggestion for a substitute.</li> <li>▪ Regarding the survey to be given the judges, Mr. Lanoue will contact Bob Echols of the ABA's access to justice project especially regarding pro se matters.</li> <li>▪ The draft survey should then be circulated to all commissioners for input.</li> </ul> <p>This must be on a fast track because it is only 3 months away. Ms. Frazier moved, Judge Spears seconded and the objective was approved unanimously.</p>
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<p>2. Devise a strategic plan for statewide delivery of civil legal services to all Arkansans.</p>	<p>1. THE ARKANSAS SUPREME COURT AND ARKANSAS BAR ASSOCIATION SHOULD ADOPT THE NEW ABA MODEL RULE 6.1 IN ARKANSAS MAKING IT REFLECT MANDATORY REPORTING OF PRO BONO HOURS, SET AN ASPIRATIONAL GOAL OF 50 HOURS PER YEAR OF PRO BONO WORK DIRECTED TOWARD THOSE CLIENTS MEETING LEGAL SERVICES GUIDELINES, AND PROVIDE A \$500 PAYMENT IN LIEU OF PROVIDING PRO BONO SERVICE.</p>	<p>Members began with an overview of other states requirements as presented in the environmental assessment information. Accepting the rule which is mandatory is important. This would just be a recommendation from the Commission which would hopefully be joined by the Arkansas Bar, and made to the Arkansas Supreme Court.</p> <p>Also beneficial from this rule is the information you receive regarding what the profession is doing which may be used in a publication to encourage further growth in pro bono. Getting the word out about what good things lawyers do can only help the public perception of the profession. A public report on the number of hours and dollar value of those hours could be a powerful publicity tool for the profession. This also serves the need for a clearinghouse – some way to get the information to the Administrative Office of the Courts.</p> <p>Some concerns about what the dollar amount were discussed. Mr. Mullane thought the amount was appropriate. The question was asked how this would tie in when legal services conducts its own campaign. Ms. Carter responded that they too would raise their request to the \$500.</p> <p>The recommendation was passed unanimously on a motion by Mr. Brown and second by Mr. Mullane.</p> <p>Dean Goldner will send the recommendation to the Supreme Court and Bar Association in a letter.</p>
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<p>4. Educate the people of Arkansas about the importance of equal access to justice and of the problems many Arkansans face in gaining effective access to our civil justice system.</p>	<p>1. Beginning annually in 2005, ATJ Commissioners will meet with each federal legislator of Arkansas to discuss LSC funding needs for operations in the state.</p>	<p>Judge Spears moved with a second by Ms. McCaskill and the recommendation was passed unanimously. Mr. Lanoue was asked to create a calendar and a list of who is going to contact whom with regard to arranging these meetings but certainly the appropriate Congress Member's staff person should be involved. Determining the best time for these sessions might well be timed around the January/February announcement of the President's budget.</p>
	<p>2. In January 2007, the ATJC will host a Legislative Information/Reception.</p>	<p>Dean Goldner stated we must do this. Mr. Coulter made the point that we should find funds to underwrite it. To determine a good date the Commission should seek the master calendar of events from the Secretary of State. Mr. Coulter moved, Judge Spears seconded and the recommendation was passed unanimously.</p>

<p>5. Encourage a strong and consistent commitment to providing equal access to justice among the leaders of our state.</p>	<p>1. In 2005/2006 the ATJC will develop and implement a statewide fundraising dinner event to provide additional funding and recognition for the Commission and legal service organizations in Arkansas.</p>	<p>Discussion centered on the complexity of establishing such an event, especially so early in the Commission's history. Mr. Brown thought the earliest for such an event might be 2007, which was agreed upon by the members. Mr. Coulter felt we needed to wait until we have had some successes. Ms. McCaskill thought we could raise visibility and recognition first by speaking at Rotary and other civic clubs. Given the other efforts of the Commission Mr. Mullane made a motion to refer the issue back to committee which was seconded by Ms. McCaskill and accepted unanimously.</p>
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<p>6. Suggest innovations that will increase effective access to the civil justice system for all Arkansans.</p>	<p>1. In 2005 the ATJC will create media messages [a 4 to 5 minutes video [DVD] and a 30/60 second PSA] on civil legal services in the context of access to justice.</p>	<p>It was agreed to change the timing from 2005 to "following the town hall meetings" which should provide excellent footage for the media messages. In a general discussion it was suggested that we seek out any templates that we can utilize and/or modify. It was important to determine what message we want to convey. Radio PSA's currently exist which should be reviewed. Mr. Richardson offered that just getting out the message that legal services exist is critical. Mr. Mullane stated that other message would be that we have a problem with regard to access to justice.</p>
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		<p>Mr. Richardson mentioned that AVLE [Arkansas Volunteer Lawyers for the Elderly] had received a grant for video production a few years ago from the ABA. Mr. Lanoue had asked the AVLE Director to see if the ABA would allow their funds to be spent on an access to justice video. Ms. Carter and Mr. Richardson felt that as long as the elderly were mentioned it would be within the confines of the \$10,000 grant. Dean Goldner stated a letter will be sent from the Commission to the ABA supporting AVLE's request to utilize their funds for this project. Mr. Mullane offered the University as a source to produce the video [DVD] and Mr. Brown suggested the excellent and free services of the Jones Center in Springdale.</p> <p>The Commission approved returning this objective to the committee to develop an implementation plan for both legal services radio spots and a video / DVD. It would be helpful to know what other states are doing and the full Commission can serve as a resource to develop this project.</p>
	<p>2. QUORUM COURTS EACH FALL SHOULD BE ASKED TO EARMARK AN APPROPRIATION IN SUPPORT OF PRO BONO EFFORTS IN THE COUNTIES WHICH COMPRISE EACH OF THE TWLEVE APPEALS COURT DISTRICTS.</p>	<p>This recommendation generated many questions: who are the people the Commission wants to contact? Would letters go out to the 75 counties? Should this not wait until after the town hall meetings?</p> <p>It was generally agreed that until the Commission had a needs assessment and feedback from the public meetings, this recommendation need to be postponed so that it could be part of an overall plan. However, the future objective would be to ask the counties to earmark funds for legal services programs.</p> <p>Mr. Coulter suggested a start by going to the Association of Arkansas Counties to tell them how important this issue is to their constituents.</p> <p>It was unanimously adopted to put this objective on hold until after the town hall meetings have been conducted. [Returned to the Committee]</p>

<p>8. Develop stable, long-term funding and other resources to support access to civil justice.</p>	<p>1. In 2005, the Commission should convene a joint meeting with the Arkansas Bar Association's Legal Services Committee to explore possible funding sources such as raising annual attorney licensing fees.</p>	<p>Determining this joint session should be at our October meeting the objective was approved unanimously after being moved by Judge Spears and seconded by Mr. Coulter.</p>
	<p>2. In 2005 the ATJC should meet with the Supreme Court to consider creating a <i>pro hac vice</i> fee in Arkansas to benefit legal services.</p>	<p>Following a brief discussion Judge Spears moved and Mr. Mullane seconded acceptance of this objective. It passed unanimously.</p>
	<p>3. In 2005, the ATJC will recommend to the CALS and LAA boards, their creation of a joint</p>	<p>Mr. Mullane suggested that both organizations should have a pre-arrangement of a percent split for generated revenues. All the players needed to meet to decide what that split is going to be. Ms. Carter observed that the current split is 55% CALS/ 45% LAA.</p>

	fund development plan.	<p>Mr. Coulter asked if the new reopening fees were divided up in the same way (45/55). Mr. Richardson responded that there is no controversy between the two organizations over this formula. Mr. Mullane offered that there should be a firm agreement laid down and that Legal Services is the largest aspect of civil legal services but there are other players as well like the legal clinics of the law schools.</p> <p>Mr. Coulter stated the Commission needs a list of all funding sources (LSC – 3.6 million, IOLTA and VOCALS, pro bono, grants, etc.) The Commission needs to know what we have [a baseline] and where it is coming from before we can figure out what we need and how to approach a future increase in funding. Ms. Carter moved and Mr. Brown seconded a motion to return this objective to the committee for further development along the lines of this conversation. The motion was approved unanimously.</p>
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**VII. Consideration of Issues from the April Meeting**

Dean Goldner stated that in the interest of time he and Mr. Lanoue would rework these potential objectives, many of which are related to the decisions taken by the Commission today. Everyone agreed.

**VIII. Other Business**

Mr. Coulter returned to the importance of having funding support from the court for staffing of the Commission. At this juncture we do not want to change horses again – we have had three individuals in two years. He asked for a review of resources provided by other states. Mr. Mullane wondered if the Supreme Court might give the Commission a staff person. Mr. Brown asked how much of Mr. Lanoue’s time was spent on Commission work to which Ms. Carter responded, a large amount. Commission consensus was that Dean Goldner, Ms. Carter and Mr. Richardson should talk soon about how to structure the ongoing relationship of Mr. Lanoue with the work of the Commission.

Dean Goldner stated that he would work with the Bar to provide a replacement for resigned Commission Member Robert Compton.

There being no other business, the meeting was adjourned at 3:16.

Respectfully submitted,

Ron Lanoue  
Acting Secretary