



**UALR-Bowen School of Law
1201 McMath Avenue
Friday, April 18, 2008
Conference Room 515
11:30 A.M.**

MINUTES

Attending: Judge Spears [Vice Chair], Rep. Bond, Mr. Brown, Ms. Duran, Mr. Coulter, Ms. Frazier, Justice Imber, Mr. Johnson, Sen. Thompson, and Ex-officio members Ms. Carter, Ms. Olson, Ms. Pointer, Mr. Richardson, and Mr. Lanoue [Secretary]

Judge Spears opened the meeting at 11:59 by welcoming everyone and asking for review and approval of the Minutes for October 17, 2007. Justice Imber moved, Mr. Brown seconded and the members voted unanimously to accept the minutes as written.

Judge Spears explained that with five functioning committees this and subsequent Commission meetings would largely focus on reports from each of the five committee chairs. These reports will provide the Commission with:

1. the direction each committee is taking
2. issues the Commission should discuss as a whole to help the committee move forward
3. Commission decisions and actions on the results of committee work

Judge Spears then invited Justice Imber to present the **Education Committee** Report. She identified the reports, brochures and forms already created for the Commission's educational efforts including the first Annual Report, legal aid poster, pro se judges' brochure, pro se clerks' brochure, 1-2-3 steps to legal aid brochure and the ATJC brochure.

Justice Imber next brought the draft letter for circuit judges to the Commission for approval. Following a slight change suggested by Ms. Olson; Mr. Coulter moved, Mr. Johnson seconded and the members voted unanimously to approve the letter for mailing to the circuit judges as part of the Commission's educational efforts.

Justice Imber identified the various additional educational efforts recently completed and upcoming with circuit judges, circuit clerks and other outreach individuals like librarians. With particular regard to low-income service providers who might help the Commission during the 2009 legislative session, Ms. Duran offered to provide organizations and names to Mr. Lanoue for inclusion on the contact list.

Justice Imber discussed the need for a Speakers Bureau as a critical part of the committee's educational efforts. The goal is to acquaint these individuals, and by extension, the general public with the mission and needs of legal aid in the state. Toward that end she asked Commissioners to use the attached form identifying potential committee members and add names of people they know to serve in this or any other Commission effort. The form – **Potential Non-Commissioner Committee Members** [part of the Education Committee handout] could either be given to her at the end of the meeting or emailed/faxed to her or Mr. Lanoue next week.

In regard to the distribution of CLE information as a potential education effort Mr. Brown talked about the potential vehicle of Family Service agencies throughout the state as benefiting from financial advice provided through CLE's. Judge Spears offered that publication of events such as the judicial council meeting he was planning in Fort Smith later this year would be helpful while at the same time providing a venue for presentation of the Commission's web based services. Mr. Lanoue stated that he and Mr. Morris should be scheduled into that meeting for a presentation.

Justice Imber raised a final item to begin an exploration by the committee as it develops plans for a statewide Access to Justice Conference. She pointed out the Wisconsin Model website as something the Commissioners should review for ideas to inform the committee as it moves ahead on this objective. She asked that Mr. Morris send the Commissioners an active link to the Wisconsin Bar website to facilitate this review.

Ms. Pointer then presented the **Legal Services Committee** Report which highlighted the pro bono efforts in Florida which have been passed on to the Pro Bono Committee of the Commission, the lack of funding opportunities for our technology efforts, and discussion of a future relationship with ATLA. Mr. Coulter suggested approaching ATLA seeking their support for whatever legislation the Commission puts forward in the 2009 session. That group's support of civil legal aid would be consistent with some of their stands in previous legislative sessions. The Commissioners had no suggestions for sources of technology funding beyond what legal aid has already secured from LSC. This need should be considered within the context of a general funding request which the Commission should put forward to the AOC. The current \$8,000 for travel, printing, and meals at meetings such as today's, does not begin to address staff support now carried totally by the two legal aid organizations plus a grant from IOLTA for a part-time staff person. Ms. Pointer then presented the letter in the committee handouts which she addressed to Commission Chair Goldner and which stressed the overall importance of securing funding from state general revenues for civil legal aid. The letter presents facts on national support trends, state citizen needs, and the gap in services due to limited funding in order to help the Legislative Committee make the case for state funds. Judge Spears thanked the Legal Services Committee and said no formal action was required for the Commission to accept the letter.

Representative Bond then presented the **Legislation Committee** Report. He led off in response to the Legal Services Committee letter that it was his sense that general

revenue for legal aid was highly unlikely in the near future. Circumstances did not seem to lend themselves to supporting such an effort. Moving on to his committee report with regard to the two bills being proposed by the committee, he was pleased with the commitment of support from the Chief Justice for the marriage license fee proposal [\$10 increase]. He hoped that we could also secure the court's support of a \$10 increase in the court filing fee which would bring it up to \$150. It had last been raised in 2005. If it is not both of these bills that go forward, we certainly have to find something that works.

Rep. Bond stated that the best context for support of our efforts was what the similar conditions were in surrounding states. He then discussed the legal aid funding information on the maps included in the Legislative Committee packet: Marriage License Fees, State General Revenue Appropriations, Court Fees, and Poverty Rates/Percentages. [He asked the staff to review the marriage license fees in Arkansas following a comment by Ms. Duran who had just purchased such a license.]

Mr. Coulter stated that the Commission would have to continue to work to get something through the next legislature. Rep. Bond, reminding members of last year's vote, stated that the House in particular has a bias against raising the marriage license fee. Senator Thompson concurred for two reasons: 1. it raises red flags for members and 2. It provides a convenient excuse for those lawyer-legislators who have gone against clients represented by legal aid and lost. Senator Thompson continued that he would not recommend the Commission pursuing a marriage fee increase in the House next year.

Rep. Bond suggested he and members of the Commission go to the Speaker-elect, Joint Budget Chair Rep. Maloch [who is already supportive of legal aid] and secure their support for the court filing fee and/or marriage license fee increases. If they register their support the Governor should be asked to bless and back the Commission's legislation. That makes its success an easier challenge. Rep. Bond stated we needed to be the first to make the filing fee increase proposal before some other group proposes it.

Judge Spears asked if it would be helpful for the judges to lobby for the bill -- Mr. McNulty is the judicial lobbyist along with being the Bar Association's lobbyist. Rep. Bond responded that he would talk with the House leadership about that issue. He continued in agreement with Senator Thompson that the filing fee would be an easier bill to advance and the Commission needed to start convincing lawyers first. In regard to this approach Mr. Coulter suggested striking a relationship which would bring support from the trial lawyers. That group would welcome the opportunity to support some legal issue not related to their own interests. Rep. Bond added that the Commission should likewise begin to line up support from clerks, county judges, ate courts and the AOC. If the Commission receives the Chief Justice's support for both bills we should go forward with them by "hiring" a lobbyist. The full line up of supporters should include the AOC, counties, judges, clerks, ATLA, the Bar Association and Mr. McNulty on behalf of the Bar Association.

Ms. Carter asked if it was wise to go now to the legislative committees which would be managing Commission bills in order to acquaint them with civil legal aid issues. The Commissioners felt that once the Commission bills were determined the appropriate committee[s] could be approached for education purposes.

Other Legislative Committee actions were discussed including the distribution of legal aid fliers to legislators under a cover letter attached to the committee packet from Legal Aid of Arkansas. The Center for Arkansas Legal Services was in process to send a similar letter with the fliers to legislators in their 44 counties. The impact of these mailings will be measured in conjunction with the Education Committee mailing of the ATJC Annual Reports to all members of the Legislature.

Ms. Carter presented the **Pro Bono Committee** Report in the absence of Mr. Sewall the committee chair. The members first discussed the Emeritus Attorney Checklist provided in the packet as a way the committee was going to approach this issue at its next meeting prior to making a recommendation to the full Commission.

As another approach to expanding pro bono, members discussed the need to expand law school awareness. Toward that end Ms. Carter had met with the Bowen-UALR Law School's Ms. Kelly Terry, Director of Public Service Externships. How to expand these relationships with both law schools is on the agenda for the next committee meeting. The Commission will be doing training at the UA-Fayetteville in mid-May to further explore pro bono student awareness on that campus as well.

Turning to the committee's future development of a statewide recruitment plan for pro bono, Ms. Carter led a discussion on the areas already identified as development targets and sought from Commissioners their ideas on developing such a plan. Consensus comments identified two factors for success: 1. There need to be enough lawyers in the area being considered, and 2. there must be an organized bar. The communities targeted for this demonstration project by the committee [Benton County, El Dorado, Fayetteville, Hot Springs, Jonesboro, and Russellville] meet these factors. Justice Imber suggested that enhancements such as malpractice insurance coverage from legal aid be highlighted as part of the package a pro bono volunteer will receive. The ability to secure an emeritus rule change will be helpful in this regard also, as would house council rule changes as presented in the Oregon information contained in the committee handout. Commissioners also suggested that the committee move beyond traditional representation to explore utilizing pro bono volunteers to conduct clinics for pro se litigants and other similar expansions.

Judge Spears presented the **Pro Se [Court Assistance]** Report by crediting the work of Mr. Morris, the Commission's Associate Director of Technology and Justice Projects for the great accomplishments in this arena of the Commission's work. He spoke to the great success of the Commission's Pro Se Divorce Packet which had alienated a few attorneys who had been charging expensive fees for their limited work. But as the attached Website Summary Report demonstrated, the overwhelming utilization of the site has greatly enhanced the access to civil justice in the state.

Judge Spears pointed out the completed and upcoming presentations Mr. Morris is making to both the stakeholder public and justice communities including an upcoming pro se training for nearly 500 district court judges and clerks. The Committees' next meeting will focus on assessing the evaluations from these presentations, exploring the concept of self-help centers further, and considering recommendations on unbundling rules.

With no other business before the Commission, Judge Spears adjourned the meeting at 1:28 PM.