



**UALR-Bowen School of Law
1201 McMath Avenue
Conference Room 515
Friday, March 12, 2010
11:30 A.M.**

Attending

Rose Adams	Leon Johnson
Jean Carter	Prof. Kelly Olson
Nate Coulter	Rep. Bubba Powers
Angela Duran	Lee Richardson
Prof. Chuck Goldner, <i>Chair</i>	Judge Jim Spears, <i>Vice Chair</i>
Judge Craig Hannah	Danyelle Walker
Prof. D'lorah Hughes	

Special Guests

Prof. Jessie Burchfield	Woody Mosten
-------------------------	--------------

Staff

Amy Johnson, <i>Executive Director</i>	Ron Lanoue, <i>Secretary</i>
Chad Owens, <i>Assistant</i>	

MINUTES

Prof. Chuck Goldner opened the meeting at 11:40 AM. He introduced Ms. Rose Adams and Rep. Bubba Powers, who are new Commissioners and who were attending their first Access to Justice Commission meeting. Prof. Goldner thanked them for joining the Commission.

Prof. Kelly Olson introduced special guest Mr. Woody Mosten, a nationally renowned expert on mediation and unbundling. Mr. Mosten has written several books on these issues.

Prof. Goldner introduced special guest Prof. Jessie Burchfield, who is a law librarian at the UALR-Bowen School of Law. During her sabbatical, Prof. Burchfield is partnering with the Arkansas Legal Services Partnership (ALSP) to help self-represented litigants.

Prof. Goldner asked the group to review the meeting minutes from October 30, 2009. Judge Jim Spears moved to approve the minutes, and Ms. Adams seconded the motion. The Commission approved the minutes by unanimous vote.

Mr. Woody Mosten Speaks About Unbundling

Mr. Mosten began supporting unbundled legal services (limited scope representation) in the early 1990s. He saw unbundling as a chance to help self-represented litigants while simultaneously expanding the market base for attorneys. He provided some examples of services that attorneys can offer within a limited scope of representation, such as ghost writing,

negotiation, and legal research. Some states, such as Florida and Colorado, require the disclosure of unbundled lawyers within cases and on court forms. Other states, such as California, do not require the disclosure of unbundled lawyers.

Mr. Mosten said much resistance to unbundling breaks across generational lines, and he said many people resist with good intentions. For instance, many attorneys believe that clients will be harmed. Also, some judges are afraid that lawyers will pop in and out of cases. Finally, he said, the biggest concern among attorneys is ensuring that they can leave a case once they have fulfilled their limited scope of representation.

Mr. Mosten said client education is the key to proper unbundling; client waiting time should be client learning time. If we want informed citizens, he said, we need to give them information.

Prof. D'lorah Hughes pointed out that unbundled legal services could benefit recent law graduates. Mr. Mosten agreed and said law schools should encourage students to practice in small, underserved communities. People are willing to pay for a lawyer's time just to learn how to negotiate or to learn how to put their papers together. You have to train students to be primary legal care providers, he said.

Prof. Goldner pointed out that the Arkansas Access to Justice Commission has focused on the poor who do not have enough money even for unbundled services. But, he said, the Commission recognizes that many people who do not qualify for legal aid still cannot afford full representation. Prof. Goldner said several rules of conduct and civil procedure will have to be modified for unbundling to happen in Arkansas. Prof. Goldner thanked Mr. Mosten and Prof. Olson for their time. He asked the Commission to consider Mr. Mosten's ideas and to come to the next meeting prepared to discuss unbundling.

Promise of Justice Campaign

Prof. Goldner led the discussion about the Promise of Justice Campaign. He congratulated and thanked the Commission for helping raise \$306,884.32 during its first campaign. The next campaign, he said, will be led by the Arkansas Access to Justice Foundation; however, the Commission will be kept informed and involved. He asked Ms. Carter and Mr. Richardson to assess the campaign's success from the perspectives of the Center for Arkansas Legal Services (CALs) and Legal Aid of Arkansas (LAA).

Ms. Carter said more money was raised because of the campaign than would have been raised without the campaign. She added that the Commission learned much about how to increase giving next year. In particular, she said, the campaign should engage more parts of the state.

Because of the economic downturn, Mr. Richardson said, it is hard to compare donations made during 2009 to donations made during previous years. However, he added, because of the Promise of Justice Campaign, LAA doubled what it usually raises.

Legal Services Committee

Ms. Amy Johnson led the discussion for the Legal Services Committee. As executive director, she said, her first priority is to develop a new five-year strategic plan. The Commission has accomplished a great deal so far, she added, and it has had even more ideas for initiatives. She wants to help the Commission to pursue these initiatives and to develop more.

As such, Ms. Johnson has asked each committee to prioritize a list of initiatives. The Legal Services Committee recently met and proposed the following initiatives for the Commission's five-year strategic plan.

1. **Unbundling**
2. **Data collection and analysis.** This will help raise money and legislative support, Ms. Johnson said. Data will explain why it is a good idea economically to support legal aid.
 - i. **Economic impact study**, which will identify a return on investment when money is put into legal aid
 - ii. **Pro se study**, which will determine how many cases contain self-represented litigants.
 - iii. **Mapping**, which will combine GoogleEarth and demographic data.

Prof. Goldner reminded the Commission that he had a prior commitment. He left the meeting, and Judge Jim Spears took over as chairperson.

Pro Bono Committee

Mr. Ron Lanoue led the discussion for the Pro Bono Committee. The committee was not able to meet in person, but Mr. Lanoue developed its prioritized initiatives via email correspondence.

1. Pro bono recruitment during the statewide campaign
2. Implement a rule that would permit non-Arkansas attorneys to represent pro bono clients in Arkansas courts.
3. Ask the Supreme Court and the Arkansas Bar Association to count pro bono volunteer hours toward:
 - a. CLE credit at some agreed upon exchange rate
 - b. Free registration to the annual bar meeting or various regional judicial district conferences
4. Publicize pro bono opportunities and benefits

Education Committee

Ms. Johnson led the discussion for the Education Committee. The committee's primary initiative is planning the annual statewide conference. Ms. Johnson pointed out that CALS and LAA funded the 2009 conference. Going forward, she said, conference planners will seek corporate sponsors.

As its second priority, the Education Committee plans to give educational presentations to local bar associations about the upcoming campaign.

As its third priority, the committee plans to enhance the Commission's quarterly e-newsletters. Enhancements will include more information about how donations have been used to expand access to justice.

Court Assistance Committee

Judge Spears led the discussion for the Court Assistance Committee. He pointed out that the website of ALSP, www.arlegalservices.org, had 1.8 million page views in 2009. The Court Assistance Committee continues to develop streaming videos, animated documents, and fact sheets. In addition, ALSP and the Court Assistance Committee have recently welcomed Mr. Matthew Cate and Prof. Jessie Burchfield to its staff.

Other Business

Ms. Carter pointed out that CALS and LAA accept clients through their HelpLines, which offer limited scope representation. She added that automated documents are also a form of limited scope representation. As the Commission's next step toward unbundling, she said, it should work with the Arkansas Supreme Court to develop standardized court forms for limited scope representation.

Prof. D'lorah Hughes asked if the Commission could form a committee to initiate the process of developing these standardized court forms. Prof. Burchfield agreed, saying that many people are intimidated by computers. Standardized court forms with good directions, she said, will be less intimidating to pro se users. Prof. Hughes added that law librarians could be trained to help people complete these forms. Mr. Richardson said the "Poverty Law Practice Manual" could be revived for this purpose.

With no further discussion, Judge Spears adjourned the meeting at 1:00 PM.