

LOUISIANA ACCESS TO JUSTICE COMMISSION

2016/2017 YEAR END REPORT

In conjunction with the Supreme Court of Louisiana, the Louisiana State Bar Association has created the Louisiana Access to Justice Commission. Continuing the work of the former LSBA ATJ Policy Committee, the Commission has pursued a coordinated and systemic approach to ensuring the public's access to the legal system.

The purpose of the commission is to “essure continuity of policy and purpose in the collaboration between the private bar, the courts, and the civil justice community so as to further the goal of assuring that Louisianans, regardless of their economic circumstance, have access to equal justice under the law.” The Commission accomplishes its goals through the established committees listed below:

a. Building Bridges

The mission of the Building Bridges Committee is to address the intersection between civil legal and the criminal justice system that affect low income communities. The Building Bridges Committee was formed to support the crucial ties between the civil and criminal legal aid communities to reduce barriers to reentry after incarceration and address Louisiana's high incarceration rate.

The Commission's Building Bridges Committee has agreed to coordinate its efforts with the Re-Entry Court Working Group facilitated by the Access to Justice Department. The Working Group developed the Re-Entry Court Collaborative Lawyering Project to address legal issues of Re-Entry Court participants that create barriers to successful reentry. Through the collaborative work of stakeholders representing various agencies and organizations, the Louisiana Re-Entry Court Collaborative program launched in December 2016 with a CLE that trained and recruited 50 volunteers to represent Re-Entry Court participants in Orleans, Jefferson, and St. Tammany. The volunteers are initially focused on child support and procurement of driver's license issues, with an eye towards addressing consumer related issues. Thus far, the program has assessed the legal needs of 78 participants and matched 60 volunteer attorneys with participants. The group continues to work closely with Re-Entry Court Judges, case managers, and the Department of Corrections to assess the needs and work with participants to reduce barriers to reentry before release. The group is working to increase the number of volunteers, create a forum for training and discussion among civil legal aid providers to address these needs, and replicate this model to scale with the expansion of the Re-Entry Courts around the state.

b. Funding

The ATJ Commission Funding Committee promotes appropriate funding of the Louisiana Civil Justice System and work in conjunction with the Louisiana Bar Foundation's “Campaign to Preserve Civil Legal Aid.” This includes both state and federal funding issues.

State Funding

Louisiana continues to be one of only 4 states that provide no statewide appropriation or dedicated fee to civil legal aid. Upon recommendation by the Governor's staff the Commission asked for an Economic Impact Study (EIS) to make a stronger case for state funding. The Louisiana Bar

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Foundation funded the study which showed that every dollar spent on civil legal aid in Louisiana returned \$8.73 in immediate and long-term benefits. When the committee's request to the administration for a general appropriation was granted, the committee pursued through a set aside or designated fee collection for civil legal aid. We proposed increasing the extremely low \$25 licensing fee for notaries an additional \$25 and dedicating the increase to civil legal aid. The increase was supported by the fact that notaries play a much larger role in Louisiana's justice system than other states. Though filed, this bill was ultimately deferred. These are ongoing, multi-year efforts and while the committee may not have reached its goal this year, no one is deterred

Federal Funding

Additionally, LSBA leadership participated in ABA Day in Washington DC, a coordinated lobbying event at which Bar leaders meet with each member of the Louisiana Congressional Delegation to encourage adequate funding of the Legal Services Corporation, the major funder of Louisiana's largest legal services entities. The current budget presented by the Administration includes eliminating all funding for the Legal Services Corporation which is the largest funder of Louisiana civil legal aid programs.

c. In Forma Pauperis

This committee addresses the recurring issue of access to the court system through use of Louisiana IFP statute and the concomitant issues impacting both the Courts and the public when IFP status is granted to a litigant. Pursuant to its goal of educating the judiciary and clerks of court, requests to present have resulted in an invitation to address the LSBA/Judicial College Annual Meeting and Summer School this June. The session will address several Access to Justice issues including *In Forma Pauperis*. The Committee has continued to request opportunities to discuss IFP issues with judges at 2017 Judicial College offerings. Additional judicial CLE opportunities may be coordinated with appellate court conferences held for courts in each of Louisiana's regions. The Clerks of Court Association, has agreed to an IFP session at the Clerks of Court Conference in August. To learn more about the impact of IFP costs and IFP matters handled by individual courts, a survey will be soon be distributed to clerks.

d. Language Access

In its role as a resource for language access efforts in Louisiana, an interpreters survey was distributed by the committee in December 2016. The survey was designed to identify the range of services provided by interpreters and translators, as well as gather their perspective of the procedures in place. A draft report from the survey data will be available next month. Another survey will be developed to learn from attorneys of their experiences with interpreters in court proceedings. In addition, volunteer attorneys from the law firm of Phelps Dunbar have begun a review of language access efforts in other states throughout the nation. This will act as a gauge of Louisiana's progress and identify "best practices" used in other states. They plan to have this review completed by the end of May 2017. To expand attorney's awareness of language access issues in court, the Committee has developed an "Attorney Card," modeled after the Judicial Bench Card, an informational card designed to assist judges in language access issues. After the attorney card is in final form, it will be added to the ATJ Commission website for distribution. The Attorney

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Card is intended for use by attorneys and the public to provide information about access to courts for limited-English proficient individuals and the Court's interpreter's program.

e. Modest Means

In 2016, Commission members unanimously agreed that the limited access to legal representation for persons of modest means – those falling just above the income eligibility requirements for free legal services, but priced out of traditional market rate legal services – should be addressed by the Commission. During this Bar year, committee members have created and distributed a survey to determine bar members' interest in participating in modest means referral/directory program; assessed local and national models as examples of what can be done to address the growing legal needs of modest means clients; and identified a model best suited to develop a program that connects modest means clients with attorneys offering reduced rate legal services in Louisiana. The committee members have chosen an online legal directory as the best model to connect clients and attorneys and a mock online directory has been created. The Commission has endorsed moving forward with this directory and a proposal will be made to the LSBA Board of Governors in August.

f. Self-Represented Litigants

The work of this ATJ Subcommittee was consolidated into the work of this ATJ Commission SRL Committee. This group fosters efforts that support self-represented litigants by working with the judiciary, justice community stakeholders, pro-bono community, and clerks of court, statewide technology personnel, and other interested parties on implementation of locally appropriate initiatives. The initial project of this committee has been to explore the concept of uniform domestic pleadings.

In 2016, the ATJ Commission approved the distribution of standardized domestic pleadings directly to the public via the Commission website. The forms are extremely similar to those already approved by most judicial districts, but designed to account for discrepancies between jurisdictions. To simplify the process for both courts and SRLs, the forms are limited in scope and utilize "plain language" when possible. The ATJ Commission SRL Committee's long term plans also include expanding subject matter of statewide forms to housing and consumer issues.

The Legal Education & Assistance Program (LEAP), a partnership between the LSBA and public libraries statewide, received the Margot T. Lane Award from the Louisiana Library Association last month for improving the public's access to legal information. SRL Counsel Michael Schactman's work on this project garnered this recognition.