

# Resolution 8



Louisiana  
State Bar  
Association

*Serving the Public. Serving the Profession.*

Monte T. Mollere  
Access to Justice Director

mmollere@lsba.org

December 13, 2017

Alainna R. Mire, Secretary  
Louisiana State Bar Association  
601 St. Charles Avenue  
New Orleans, LA 70130

Re: Louisiana Access to Justice Commission  
LSBA House of Delegates Resolution

Dear Ms. Mire,

The Louisiana Access to Justice Commission wishes to submit the attached resolution signed by co-chairs, Chief Justice Bernette Johnson and Marta Ann Schnabel for consideration at the LSBA's House of Delegates meeting on January 21, 2017.

Should you have any questions, or need additional information, please let me know. Thank you for your consideration.

Sincerely,

Monte T. Mollere  
Access to Justice Director  
Louisiana Access to Justice Commission, Staff Liaison

Attachment

cc: Chief Justice Bernette Johnson, co-chair  
Marta Schnabel, co-chair  
Chris Ralston, Louisiana ATJ Commission Funding Committee Chair

**RESOLUTION PROPOSED BY THE  
ACCESS TO JUSTICE COMMISSION OF THE  
LOUISIANA STATE BAR ASSOCIATION**

**WHEREAS**, one the foundations of our legal system is to ensure that everyone has access to address their grievances, regardless of their station in life or their ability to pay;

**WHEREAS**, in the criminal justice system, indigent individuals are provided legal counsel in the most serious matters, yet in civil matters, often with life-altering consequences, indigent individuals have no constitutional right to counsel;

**WHEREAS**, the responsibility for meeting the civil legal needs of poor Louisianans falls primarily on a network of civil legal aid providers dedicated to assisting those in dire need, and often these organization lack adequate resources to provide a proper safety net for poor people confronted with insurmountable civil legal obstacles;

**WHEREAS**, in Louisiana's civil justice system, the Legal Services Corporations act as the cornerstone to ensuring equal access to justice for all by providing legal representation to Louisiana's poor in merited cases;

**WHEREAS**, Louisiana's poverty rate, at almost 20%, is among the nation's highest and estimates are that 230,000 poor Louisiana citizens will experience a legal need each year;

**WHEREAS**, Louisiana is one of only four states in the nation in which the state provides no statewide appropriation nor statewide dedicated fines or fees to benefit our civil legal aid providers;

**WHEREAS**, the three largest Louisiana civil legal aid providers experienced a 40% decrease in funding from their major funder between 2010 and 2015, making them less able to meet the overwhelming demand for civil legal aid;

**WHEREAS**, it is the responsibility of all stakeholders in Louisiana's justice system to ensure access to justice for all, and in July 2015 Louisiana attorneys reported providing over \$13 million in volunteer legal services and attorneys not licensed to practice law in Louisiana contribute \$200 per *pro hac vice* motion to ensure equal access to justice;

**WHEREAS**, Louisiana non-attorney notaries, with far greater roles and responsibilities than notaries in other states, such as the authority to draft, prepare, and execute: wills, trusts, donations, contracts, partnership agreements, matrimonial and prenuptial agreements, acts of sale, and numerous other documents, play an extensive role in the Louisiana legal system and should likewise assist in ensuring justice for all;

**WHEREAS**, for the more than 16,000 non-attorney notaries the annual license renewal fee is twenty-five dollars and a modest increase dedicated to Louisiana's Civil Legal Services Corporations could make a significant impact on improving access to justice within the state;

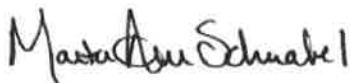
**WHEREAS**, the Louisiana Access to Justice Commission, with representatives from the Louisiana Supreme Court, Louisiana Bar Foundation and Louisiana civil legal aid providers, supports the dedication of this fee increase to ensure access to justice; and

**NOW THEREFORE BE IT RESOLVED**, that the LSBA House of Delegates supports the work of the Access to Justice Commission in its efforts to secure funding for the state's Legal Services Corporations through an increase in the annual notarial license renewal fees required of non-attorney notaries, and is authorized to seek the necessary legislative action to obtain such funding in an appropriate time and manner.

Respectfully Submitted,  
LSBA Access to Justice Commission



Chief Justice Bernette J. Johnson Co-Chair



Marta Ann Schnabel, Co-Chair

APPROVED  
HOUSE OF DELEGATES & BOARD OF GOVERNORS  
JANUARY 21, 2017  
BATON ROUGE, LA