

ACCESS TO JUSTICE COMMISSION MEETING

1:00 P.M. ★ Friday, January 8, 2016

New Orleans, LA

Supreme Court of Louisiana

Attendance:

Chief Justice Bernette Johsua Johnson, Supreme Court of Louisiana, Co-Chair
Marta Schnabel, O'Bryon & Schnabel, Co-Chair
Dale Atkins, Civil District Court, Parish of Orleans
Valerie Bargas, Louisiana Bar Foundation
Linton Carney, The Pro Bono Project
Mark Cunningham, Phelps Dunbar
Christy Kane, Louisiana Appleseed
Hon. Sheral Kellar, Louisiana Workforce Commission
Alainna Mire, Alexandria City Attorney's Office
Luz Molina, Loyola University of New Orleans College of Law
Joseph Oelkers, Acadiana Legal Services Corporation
Jee Park, Office of the Public Defender, Orleans Parish
Chris Ralston, Phelps Dunbar
Hon. Harry Randow (ret.)
Hickock-Robinson, Entergy
Stacy Seicehnaydre, Tulane Law School
Mark Surprenant, Adams and Reese, LLP
Laura Tuggle, Southeast Louisiana Legal Services
Sandra Vujnovich, Supreme Court of Louisiana
Hon. Lisa Woodruff-White, East Baton Rouge Family Court

Staff:

Monte Mollere, ATJ Director
Linda Johnson, ATJ Technology Counsel
Michael Schachtman, ATJ Self-Represented Litigation Counsel
Amy Duncan, ATJ Training Counsel
Nicole Louque, ATJ Administrative Assistant
Rachael Mills, ATJ Projects Counsel

Guest:

Angela Bazile, Supreme Court of Louisiana
Donna Cuneo, Louisiana Bar Foundation
H. Minor Pipes, Louisiana Bar Foundation
Wendy Hickok Robinson, Entergy

Welcome & Introductions

Commission Co-chairs, Chief Justice Bernette Johnson and Marta Schnabel welcomed attendees. Mark Cunningham presented a brief history and introduction to access to justice efforts in Louisiana. A primary goal of the Commission is to expand access to justice in Louisiana by enhancing collaboration among those essential participants, including the LSBA, Supreme Court, Louisiana Bar Foundation, law schools, private, pro bono and corporate lawyers. etc.

Marta Schnabel presented information on poverty in Louisiana and the current state of access to justice efforts. Incorporated into the presentation was an explanation of the topics other state commissions are addressing and how Louisiana efforts to increase access to justice compare. These general topics follow:

1. Funding

An explanation was given of the increased need and decreased federal funding of the three Louisiana Legal Services Corporation. Between 2010 and 2014, these programs lost approximately 41% of federal allocations, and LA is one of only four states in the country with

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no statewide funding or statewide fee for civil legal aid. Minor Pipes reported that LBF annually provides approximately \$5.6 million in funding for 70 organizations in the state.

Chris Ralston, chair of the ATJ Funding Subcommittee, reported that decreased interest rates have resulted in lower IOLTA funds. He mentioned a \$200 increase in Pro Hac Vice fees will benefit the Legal Service Programs. The subcommittee continues to conduct outreach to state and federal legislators, with hopes to encourage support for civil legal aid.

Mark Cunningham discussed the LSBA lobbying efforts each year at ABA Day in Washington DC and suggested building relationships with legislators by visiting more than once each year.

2. Continuum of Services

Explaining that most legal assistance does not involve litigation, the commission will attempt to ensure a broad array of services are available to Louisianans with civil legal needs. Some of services include:

a. Pro Bono Services

Linton Carney, Legal Counsel for The Pro Bono Project explained the “3 R’s” of pro bono: *recruitment, retention, and reward*. Recent amendments to MCLE rules which now provide CLE credit for certain pro bono services have helped recruitment, and each year, the Bar provides pro bono awards at the Supreme Court. He encouraged the Commission to support a Pro Bono Summit which would bring together bar leaders from across the state to discuss improving volunteerism. Chief Justice Johnson suggested that the Commission look at other states’ programs and incentives to help with Pro Bono effort.

b. Self-Represented Litigation

Judge Woodruff-White reported on a variety of self-help services currently being offered by courts and justice community partners around the state. LSBA staff has worked with nearly half of the jurisdictions in the state to implement “live” and/or online self-help centers. All of these programs utilize forms based on templates drafted by the ATJ Subcommittee as recommended by the Supreme Court’s 2009 Pro-Se Task Force.

The Commission supported a resolution by Judge Harry Randow “creating a committee to explore the concept of uniform forms” and the following members were appointed: Judge Randow, Judge Woodruff-White, Sandra Vujanavich, Dale Atkins, and Michael Schachtman.

c. LIFT Incubator Program

Mark Cunningham provided information on LIFT (Legal Innovators for Tomorrow), a new program designed to assist new attorneys lawyers who are interested in establishing a public-interest-oriented solo or small firm practice. The Bar provides training and networking opportunities, but participants maintain their own practice.

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d. REENTRY

While the focus of this and most commissions is civil legal work, one intersection is when civil issues prevent incarcerated or recently released individuals from building a better life. LSBA staff is working with criminal re-entry court judges on a program to provide pro bono civil legal services to individuals in the re-entry court programs.

3. Cultivating New Leadership

a. ATJ Internship

Adams and Reese Pro Bono Partner, Mark Surprenant reported on the “Developing Leadership” ATJ internship, an original program to support and encourage future access to justice leadership. Law student participants will spend time at the Supreme Court, LSBA, direct legal service providers, and other justice community members, to learn about the wide spectrum of ATJ projects. Four students, one selected from each of Louisiana’s law schools, will be fellows in a 5 week program and receive \$2500 from the sponsoring law firms of Phelps Dunbar, Barker Donnelson, Adams & Reese, and Jones Walker. A special thanks was given to those firms.

4. Assessment

a. Gap Assessment

Loyola School of Law Professor Luz Molina explained the LSBA Access to Justice Committee, Gap Assessment Subcommittee attempts to identify and address legal needs that are currently unmet by Louisiana Justice Community partners. Issues identified in recent legal needs surveys include In Forma Pauperis, Security Deposits, Language Access, Debt Collection and several other topics. Chief Justice Johnson remarked on the Supreme Court’s interpreter efforts. While the work of this committee was previously based on anecdotal information and informal surveys of providers, of importance is the agreement of the LSBA to fund the first statistically valid legal needs study in 2016, to be conducted by Professor David Yarborough at the University of Louisiana at Lafayette.

5. Assessment and Evaluation

While the initial meeting of the Commission included significant review of the current state of access to justice in Louisiana, the latter portion of the meeting was dedicated to discussion of issues which the commissioners felt were important to address. The following issues were suggested for future Commission efforts:

- a. In Forma Pauperis
- b. Funding – including corporate, foundation and governmental
- c. Cost effective spending
- d. Language Access
- e. Attorney Engagement (broader than Pro Bono)
- f. Technology
- g. Communication
- h. Building Bridges between criminal, social and civil justice

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6. Adjournment