

LOUISIANA STATE BAR ASSOCIATION ACCESS TO JUSTICE COMMITTEE MEETING

10:00 A.M. Friday, March 12, 2021
Virtual Meeting

Attendees

Jeff Coreil – *Neuner Pate* (Co-Chair)
Tina Suggs – *State Farm* (Co-Chair)
Talya Bergeron – *Southeast Louisiana Legal Services*
Amanda Brown – *Lagniappe Law Lab*
Miriam Childs – *Law Library of Louisiana*
Micah Fincher – *Jones Walker LLP*
Ann Gregorie – *Baton Rouge Bar Association*
Franchesca Hamilton-Acker – *Acadiana Legal Services Corporation*
Arlene Knighten – *Attorney at Law*
Robert Lancaster – *Louisiana State University's Law Center*
Greg Landry – *Acadiana Legal Services Corporation*
Virginia Listach – *Southern University Poverty Law Center*
Luz Molina – *Loyola University College of Law*
Elena Perez – *Southeast Louisiana Legal Services*
Sara Pic – *Law Library of Louisiana*
Sachida Raman – *Acadiana Legal Services Corporation*
Graham Ryan – *Jones Walker LLP*
Lisa Stansky – *Acadiana Legal Services Corporation*
Jane Thomas – *Governor's Office of Elderly Affairs, Legal Services Developer*
Ranie Thompson – *CrescentCare Legal Services*
Adrienne Wheeler – *Louisiana Appleseed*

Guests:

Clare Boone – *ACLU Louisiana*
Nora Ahmed – *ACLU Louisiana*

LSBA Staff:

Jordan Maier – ATJ Assistant
Monte Mollere – ATJ Director
Amy Duncan – ATJ Projects and Training Counsel
Stephanie Beagh – ATJ Projects Counsel
Rachael Mills - ATJ Projects Counsel

Minutes

- I. **Welcome and Introductions** – Jeffrey Coreil and Tina Suggs, Co-Chairs – Jeff welcomed the group.
- II. **Consent Calendar** – Luz Molina moved to approve the consent calendar. The motion was seconded by Amanda Brown and passed unanimously as written.
- III. **ATJ Committee Subcommittee and Initiatives Reports**
 - a. **Pro Bono Awards** – *action item* – Tina Suggs – The recommendations of the ATJ Nominating Committee for 2021 Pro Bono and Children’s Law Awards recipients were presented to the Committee. The committee ratified recommendation of the Pro Bono Award nominees but did not vote on the Children’s Law Awards recipients who were approved separately by the Children’s Law Committee. Recommended award recipients were sent to the LSBA Board of Governors for approval.
 - b. **ATJ Grant Awards** – *action item* – Jeff Coreil – Grant applications approved by the LBF were provided to the Committee for review and recommendations for grant distributions.

The application submitted was from Louisiana Appleseed. The application was reviewed by the committee. Adrienne Wheeler reported that Louisiana Appleseed is requesting for funds to support their disaster recovery project. Appleseed hosts the state’s disaster manual and continues to update it throughout the year. Appleseed is also developing a new non-weather-related disaster manual.

Appleseed has also recently viewed many heirs’ property issues. These issues are difficult to resolve for legal aid organizations and there are no fees to otherwise pay for the work. Appleseed is working closely to help resolve these problems with Acadiana Legal Services Corp. and SLLS to help secure funds post-disaster property title transfers and successions and maintain low level income properties.

Committee members from ALSC, SLLS, and Micah Fincher abstained from voting. The motion was approved without opposition. Recommendation will be submitted to the Louisiana Bar Foundation for approval.

- c. **ProBono.Net** – *information item* – Elena Perez/Amanda Brown - Presentation of new probono.net/la updates.

Amanda Brown presented on the new Probono.net/la. The new site has the same address and includes the same number of sites that the website had before. However, new options were added on the site to help cultivate the addition of pro bono cases, volunteer projects, and legal clinics for volunteers to see what opportunities are available in our ATJ system and express interest through the site. New features include a calendar and volunteer spotlight.

Amanda also provided instructions for how to sign up and login. The login is in upper right-hand corner – you must log in to access most materials. At the top ribbon, users can access the reorganized resource library (organized by substantive area and practice resources). Under the group tab, users will find all listservs and can easily join any of them listserv upon approval. Other new tabs are the

- ❖ “Find a Pro Bono Case” (include evergreen opportunities as well as individual cases)
- ❖ “Find a Volunteer Project” (clinics, FLA, etc.)
- ❖ “Find a Volunteer Organization.”

The Pro Bono News and Calendar sections are meant to serve as a hub for community news/opportunities/events (goal is to have a statewide calendar). Suggestions were made to have a section or area on the website that could help track and produce data of the type and amount of service each organization provides throughout the state. Amanda suggested this data could probably be added and tracked with Louisiana Law Help site instead because ProBono.Net would only track attorney activity. Adding legal clinics from law schools was another suggestion.

Resources and organizations lists can easily be added to ProBono.net. To add your organization/law clinic, visit:

- ❖ <https://www.probono.net/la/opportunities/organization-form>. Organizations are encouraged to update their info and add new cases/projects.

d. **IFP Subcommittee** – *information item* – Jeffrey Coreil – Updates on investigation into fair application of IFP.

The Committee has been following this legislation based on the impact to civil legal aid programs. The bill, which was removed from last year’s session, was sponsored this year by Rep. Ed Larvadain. This will eliminate several challenges non-profit organizations face, and the Louisiana State Law Institute Procedural Committee has agreed to have a more comprehensive review of all articles associated with IFP in an effort to compare Louisiana statute with others.

The IFP subcommittee was focused on specific issues relating to indigent clients receiving judgements, inconsistent treatment across parishes, and the proposed revisions will hopefully resolve these systemic issues. This may be the start of more positive revisions over the next couple of years.

Amanda Brown reported that her team has automated the Supreme Court’s uniform IFP form, and it is out for comment now. Amanda asked for members to look over the form and submit comments/suggestions about the form. Comments are to be submitted by March 15.

Jeff Coreil sits on the Law Institute Committee which authored the bill and there is a discussion about removing default judgments from Code of Civil Procedure. It is being debated and there are discussion/ revisions for the proposal. However, if anyone has any comments, please let Jeff know.

Jeff would like to receive feedback about the potential removal's impact on low-income clients and any other potential issues. Luz Molina wanted clarification whether proposal was for the actual default process or just preliminary defaults. Jeff clarified that the proposal only refers to getting rid of preliminary default judgments because of the costs for people having to pay to file for the judgment. First City Court has removed the needs for Preliminary Default cases.

Ranie Thompson noted that this would be an issue for defendants with consumer debt collection cases since those cases already move swiftly and people have a hard time defending their rights due to the lack of proper notice. This could become a major problem especially in a climate where people are falling more into debt because of the Pandemic. She suggested this would impact many people who live in more rural areas where First City Courts do not have the resources to help with indigent persons and things moves quickly. Jeff noted that this has come up in the LSLI discussions and under the new proposed statutes, judges can raise defenses on behalf of the non-present defendant including service and prescription. Though the concerns are important to consider and brings ups the idea that maybe the IFP committee could later develop into a procedural committee to help look at different issues.

- e. **ACLU** – Jeff Coreil invited guests from the ACLU to speak about the work they are doing.

Nora Ahmed from the ACLU is currently working on several projects that will implicate the need and attention for civil legal aid. The ACLU has traditionally been selective with the cases they have accepted in the past, focusing on larger scale issues and class action matters. Though the ACLU is striving to move slightly away from this focus and is planning to take more direct representation of cases within a small, confined space.

The ACLU feels that it is incumbent for them to connect callers and clients to the civil legal aid organizations and partners that can provide the additional necessary legal assistance. The ACLU started sharing the centralized referral form developed by the Pro Bono Project and Lagniappe Law Lab which has proven beneficial, but the ACLU would like to work on helping to share this information within rural communities that are unaware of legal aid's presence throughout the state. This is especially true for clients who cannot be helped at all by the ACLU. Monte shared with Nora that she can find the committee's members' contact information on the LSBA's committee page which contains a membership roster.

- f. Professor Virginia Listach was asked whether ATJ is considering having racial justice subcommittee. Monte and Jeff explained that it was the preference of the

ATJ Commission members to coordinate with existing work of the LSBA's Diversity committee. The reason why a racial justice subcommittee has not been made is to avoid duplication of efforts from both committees.

Several ATJ Committee and Commission members currently sit on the Diversity Committee and both committees have collaborated in the past with bringing Justice Community Conference trainings that focus on racial justice issues. Virginia Listach states that this was a good place to start, but that there is a big need for understanding the impact of race in legal deserts and the lack of access to civil legal aid. This understanding is important to help move current and future initiatives forward.

IV. Access to Justice Commission Committee Reports

- a. **Justice For All** – *information item* – Review of continuing progress on Justice For All Grant work. An implementation grant was submitted to look at providing access points in civil legal aid deserts.
 - i. **Communication Planning** – *information item* - Amy Duncan – Discussion of our plan to communicate JFA findings. At the previous meeting, Alainna Mire presented GIS map findings that showed 60 percent of the state is considered a legal desert especially in parts of northeastern Louisiana.

Discussions have begun with folks in Vidalia and Ferriday (located in Concordia Parish), and they have confirmed these GIS findings. In addition, since the last committee meeting, a communications planning session was held with the help of Voices for Civil Justice (project consultant) with the intention of having current and future initiatives led by the focused communities and their leaders.

- b. **SRL Committee** – *information item* – Stephanie Beough – The SRL Committee reviewed the ATJ's February 11, 2020, Strategic Plan in relation to the JFA communications and implementation strategic plan. The committee identified 3 priorities for members to work on over the next year:
 - i. Pursuing a plan for including a mandatory ATJ training for judges and court staff. This goal will require a few things:
 1. It will require partnering with various stakeholders such as, the Judicial College, LDJA, Supreme Court Tech Commission, and others. Members of the committee are currently reviewing existing resources and will help draft a new curriculum at the next meeting.
 2. Increasing the availability of access points in civil legal resource deserts. These access points may be places in local courts or places of community gatherings. Committee members are collecting best practices from courts that are already exceling in this area to define uses of accessibility and availability at these new access points.

3. Create additional plain language forms with instructions and encourage the use of these forms by all courts. This will also require updating existing forms and create new ones
- ii. These efforts will be implemented with the help of the planned JFA listening sessions that will be held in Concordia Parish and surrounding areas.
- iii. Jeff suggested creating short videos on court processes for SRLs, to make court less intimidating. Instructions and scripts can be made to help local judges make their own short videos. More personal short videos will also help SRLs familiarize themselves with court personnel. Stephanie reminded everyone that there are few videos available as well on the Supreme Court's website, but they can be updated.
- iv. Professor Luz Molina suggested thinking on the issue of literacy on a broader scale. The need for visual cues to help with limited literacy litigants is an important issue. Making short videos of what courtroom looks like, where you will sit, etc. Maybe having museum like kiosks in the courtroom to help guide people around the courthouse? Ultimately there is a need to provide more than just written materials because of the great literacy issues in the state.

Professor Virginia Listach seconded that as an administrative judge, ran into literacy issues with litigants frequently.

Tina Suggs suggested helping with self-help desks in the meantime. Stephanie Beaugh stated that unfortunately there are not many self -help desks with smaller courts. There are only about 13 JDCs that have them, but maybe with sharing and offering the SRL websites for all JDCs to look at will help with starting new Self-Help desks. The La. Supreme Court Tech Commission is currently working on using the 24th JDC website as an example website for all district courts to look at.

Tina Suggs suggested creating a self-help telephone line. Stephanie added that the ATJ team has discussed this idea through the JFA access points planning.

Jeff Coreil added that considering the CARES Act funding, maybe there can be an audit finding the type of technology that is now available in courts. Some rural courts now have better technology than what was expected due to this additional funding. Amanda commented that the Supreme Court Tech Commission did a tech audit, and to ask Jennifer Eagan for that data. The data may have been collected pre-CARES Act, but it could be helpful to know what technology is still needed.

- c. **Funding Committee** – *action item* – Adrienne Wheeler/Rachael Mills/Monte Mollere – Update on funding activities.

The Funding Committee's last meeting was on 2/22, but the Governor's budget was released on 2/26. \$500,000 for civil legal aid was included in Governor's budget again. This is not an extra item, but a budgetary amount that was renewed again this year. The committee will now look toward ways to increase this amount. The committee will be working on a social media campaign.

There are no action items from the committee, but the funding committee requests that if you know legislators who should be aware of civil legal aid, to please connect them with Adrienne that way Adrienne can invite them to one of the constituents' informational webinars with Greg Landry and Laura Tuggle and even tag them in social media.

Monte Mollere reported that every year a group gathers to work on federal funding for LSC. The Bar has sent a group of leaders to Washington D.C. to participate with ABA Day. Last year the event did not occur, but virtual ABA Day was held instead. ABA Day 2021 will be held again virtually April 20th to the 21st. The ABA asks for the Bar to meet with the State's representatives. Last year, the group met with two representatives, but this year there might be opportunities to meet with the rest of the state's representatives. Greg and Laura attended last year to report on their work and hopefully can do so again this year.

ABA Days will be April 20-21. Virtual meetings will be coordinated with representatives and opportunities for social media participation will be distributed to Committee members.

d. **Language Access Committee** – *information item* – Professor Luz Molina/Stephanie Beagh – Update on committee activities.

Professor Luz Molina reported that the committee continues to work with the Supreme Court Stakeholder Committee to implement the Language Access Plan that was approved in September 2020.

Stephanie and members of the committee created a new interpreter services brochure, and the brochure will be translated into 6 different languages. The committee is also working with direct services providers to identify what vital documents need to be translated. Every parish has a set list of documents that are vital so this project may take a while to complete, but if other members can help identify these documents, please let Stephanie and the committee know.

The committee is also identifying rules that may need adjustment – they have formed a subcommittee and updated the commission that they are looking at court rules relating to how people request interpreters, how courts are charged to give information, who pays, etc. These rules may be small but are identified to have an impact on litigants.

Courts will be required to provide signage/brochures stating that interpreters are to be provided to litigants at no cost, designating the Office of Language Access as

the managing office to handle any complaints by litigants, and an explanation that interpreters are to be hired in certain order based on certifications and requirements approved by the Louisiana Supreme Court and federal rules.

Finally, the committee is scheduled to have strategic planning sessions to identify the new directions/projects the committee will work on after the implementation of the Language Access Plan. Language access is more than just helping LEP litigants, but also litigants that have minimal literacy skills.

- e. **Modest Means Committee** – *information item* – Professor Virginia Listach/Amy Duncan – Update on new Limited Scope Representation Toolkit.

Professor Virginia Listach reported that Modest Means Committee has completed the Limited Scope Representation toolkit. The toolkit will serve as a resource for attorneys on the Modest Means Directory. Virginia provided an overview on the difference between modest means and limited scope representation. Modest Means is the group of persons the committee is targeting who are directly above the poverty guideline level that low-income litigants fall under for Legal Aid. These litigants fall into a gap known as the “Justice Gap.” Limited scope representation is a means of servicing those litigants who fall into the “Justice Gap.” Limited Scope representation allows a litigant to piece meal their cases with attorneys in order to receive some representation at a lower cost than no representation at all.

The toolkit was reviewed by the ethics counsel and the ATJ Commission and corrections/updates have been made. The committee hopes to release the toolkit by June, in concert with a CLE from one of the ethics’ counsels on how to offer limited scope representation. The toolkit contains the ethics rules regarding limited scope representation, FAQs, list of other resources and commonly used forms. Promoting this toolkit will also help with the efforts of providing information and legal services to areas designated as legal deserts.

Amy Duncan added that there is free national conference on LSR coming up. The conference will include materials and discussions regarding limited scope representation within the context of access to justice and also how LSR can help new attorneys starting their own practices. [Link](#).

V. **Justice Community Conversations**

- a. **Louisiana Justice Community Conference** – *action item* – Amy Duncan – Request for session proposals. [Proposals may be submitted here](#). The conference will be held on Oct 14-15 in-person. The statewide substantive task forces help lead all of the CLE sessions during the conference by sponsoring and planning them.
- b. **ATJ Commission Technology Planning Summit** – Tuesday, March 23, 2021
- c. **LBF Gala** – Friday, April 23 at the Hyatt Regency New Orleans.
- d. **LSBA Committee Preferences** for the 2021-2022 Bar Year must be submitted by April 14, 2021. A Committee Preference Form can be found online [here](#).

VI. Adjournment – Thank you all for devoting your time and talent to the 2020-21 ATJ Committee. We look forward to seeing you in the next Bar Year. Anticipate maintaining the Zoom option.