



Louisiana Access to Justice Commission

10:00 a.m. on Friday, February 18, 2022

Attendees

Mary Barrios, Board Member, Southeast Louisiana Legal Services; Private Practitioner
Amanda Brown, Executive Director, Lagniappe Law Lab
Hon. Jeffrey Cashe, Judge, 21st Judicial District Court
Hon. John Davidson, Judge, 9th Judicial District Court
Stephen Dwyer, LSBA President-Elect; Private Practitioner
Ann Gregorie, Executive Director, Baton Rouge Bar Association
Christy Kane, Pro Bono Counsel, Entergy of Louisiana
Hon. Patricia Koch, Judge, 9th Judicial District Court
Greg Landry, Executive Director, Acadiana Legal Service Corp.
Virginia Listach, Director, Southern University Law Center Legal Clinic
Alainna Mire, LSBA Immediate Past President; City of Alexandria
Luz Molina, Clinic Professor, Loyola College of Law
John Nickelson, Board of Directors, Louisiana Bar Foundation; Shreveport City Council
Veronica Sizer, Executive Counsel, Governor's Office of Homeland Security and Emergency Preparedness
Hon. Lisa Woodruff-White, Judge (retired), East Baton Rouge Parish Family Court

Guests

C.C. Kahr, Executive Director, Pro Bono Project New Orleans
Adrienne Wheeler, Executive Director, Louisiana Appleseed
Brian Wiggins, Language Access Coordinator, Louisiana Supreme Court

Staff

Stephanie Beagh, Access to Justice Projects Counsel
Mariarenee Contreras, Access to Justice Projects Counsel
Amy Duncan, Access to Justice Training and Projects Counsel
Jordan Maier, Access to Justice Department Coordinator
Rachael Mills, Access to Justice Projects Counsel
Monte Mollere, Access to Justice Director

*** A G E N D A ***

- I. Welcome and Introductions** – Alainna Mire presided over the meeting in Jeff Coreil's absence and welcomed the group.
- II. Consent Calendar** – The consent calendar was approved as written.
- III. Access to Justice Strategic Plan**

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a. Language Access – Consideration of Strategic Plan, Goal 1 – “Continue to improve language access resources and services.”

Professor Luz Molina reported on the work of the Language Access Committee, which supports the Supreme Court’s implementation of the statewide Language Access Plan. Professor Molina gave a brief history of the work of this committee. Several years ago, the committee commissioned reports on interpreters’ experiences working in the courts and attorneys’ experiences working with interpreters. The reports revealed deficits in the knowledge many legal professionals had about working with interpreters. In 2020, the Supreme Court wrote an MOU to ensure that interpreters would be provided free of charge to litigants, and designed a Language Access Plan to create the structure needed to assist courts statewide in providing language access services to litigants. In the recent past, the Language Access Committee worked with the Supreme Court Office of Language Access to develop an educational brochure (printed in six languages) for litigants regarding accessing the courts. Most recently the Committee began researching possible revisions to administrative rules that would support Language Access Plan implementation.

Brian Wiggins reported that, in the second year of the three-year implementation plan, Louisiana is enshrining language access in the procedures of courts statewide. Brian has completed 20-30 trainings in courts around the state and reported receiving an increase in calls from judges and attorneys asking for advice. Additionally, last year an item from Code of Civil Procedure was removed that, against federal law, allowed judges to assess costs of interpretation on litigants. Brian is now developing Louisiana-specific online training modules on language access.

Language Access Plan Year 2 Goals:

- i. Improve the quality and substance of language access plans for individual courts.
 1. The statewide Language Access Plan requires every court in Louisiana to adopt its own local Language Access Plan, which most have completed as of February 2022.
- ii. Enshrine language access into substantive law and rules.
- iii. Continue outreach to elected officials and departments.
- iv. Improve data collection.

b. Modest Means – Consideration of Strategic Plan Goal 4 – “Continue to invest in communication, education and outreach to increase lawyer and litigant participation in limited scope and modest means representation.”

Professor Virginia Listach gave a presentation on ghostwriting, which is a form of unbundled legal services in which an attorney drafts a document on behalf of a client without further representing the client or formally appearing before the court. While this type of assistance is permitted in Louisiana, there are no explicit rules surrounding it, leaving some attorneys wary of the practice.

The Modest Means Committee is considering how/whether to make ghostwriting more accessible to modest-income litigants and attorneys who serve them. Judge Woodruff-White (retired), Judge Koch, and Judge Cashe reported that anecdotally,

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they do not have a problem with ghostwritten pleadings and are likely simply to appreciate an SRL coming to court with a more accurate form. John Nickelson and Luz Molina noted that attorneys, however, may have concerns about protecting their reputation before the court, fulfilling their obligation to the client, and the lack of rules guiding their obligations. Judge Davidson also noted one potential issue, that notaries and disbarred attorneys have been observed participating in the unlicensed practice of law via ghostwriting.

The Committee intends to continue seeking feedback from state court judges, research rule changes made by the 40 states that allow ghostwriting, and share any relevant findings with key stakeholders and decision-makers.

IV. ATJ Commission Updates

- a. **Pro Bono** – C.C. Kahr introduced the “20 Hours in 2022” campaign, which encourages all attorneys to provide at least 20 hours of pro bono service in 2022. The local pro bono providers will incorporate the “20 in ‘22” slogan in their messaging and have put together a toolkit and letters to go to district judges and LSBA membership.
 - i. Christy Kane offered to loop in the Association of Corporate Counsel as well.
- b. **Forms** – Amanda Brown reported that the automated forms for adult name change and 103 divorce with no children have been launched. Additionally, the SRL and Technology Committees have updated the 103 divorce forms by removing preliminary default, adding e-service, clarifying the instructions, and expanding the scope of who can use the forms via long arm service options. The final draft will be voted on for adoption by the SRL committee before being published as an automated form and fillable PDF. The Committee will develop the 102 divorce forms and look forward to having a single automated experience for SRLs seeking divorce.
- c. **Funding** – Adrienne Wheeler reported that the governor’s office earmarked \$1 million for legal aid in the 2022 budget, which is double from last year. The group has also been in talks with Commissioner Jay Dardenne to discuss rural access to legal services.

- V. **Louisiana Bar Foundation Report** – John Nickelson reported that the Louisiana Bar Foundation will maintain current grant levels for 2022-2023 grant budget. \$50,000 was awarded in January to address legal needs in civil legal resources deserts, and the board will evaluate LRAP and 2022-2023 grant applications at their meeting on April 22. The LBF has also introduced a new membership level, the Civil Legal Aid Fellow, open to non-attorney members of the community who want to support funding for civil legal aid.