

# ACCESS TO JUSTICE COMMISSION MEETING

10:00 A.M. ★ Friday, May 27, 2016

New Orleans, LA

Louisiana Bar Center

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## Attendance:

Marta Schnabel, Partner, O'Bryon & Schnabel, Co-Chair  
Linton Carney, Chief Legal Officer, The Pro Bono Project  
Mark Cunningham, LSBA President, Jones Walker, LLP  
Marjorie Frazier, Wiener, Weiss & Madison, APC  
Christy Kane, Executive Director, Louisiana Appleseed  
Hon. Sheral Kellar, Louisiana Workforce Commission, Judge  
Luz Molina, Professor, Loyola University of New Orleans College of Law  
Joseph Oelkers, Executive Director, Acadiana Legal Services Corporation  
Jee Park, Deputy District Defender, Office of the Public Defender, Orleans Parish  
Chris Ralston, Partner, Phelps Dunbar, LLP  
Hon. Harry Randow (ret.), District Judge, 9<sup>th</sup> Judicial District Court  
Stacy Seicehnaydre, Associate Dean of Experiential Learning and Public Interest Programs, Tulane Law School  
Mark Surprenant, Partner, Adams and Reese, LLP  
Laura Tuggle, Executive Director, Southeast Louisiana Legal Services  
Sandra Vujnovich, Judicial Administrator of the Louisiana Supreme Court  
Hon. Lisa Woodruff-White, Chief Judge, East Baton Rouge Family Court

## Staff:

Monte Mollere, ATJ Director  
Amy Duncan, ATJ Training Counsel  
Linda Johnson, ATJ Technology Counsel  
Rachael Mills, ATJ Projects Counsel  
Nicole Louque, ATJ Admin. Assistant

## Guest:

Angela Bazile, Executive Counsel to Chief Justice Bernette Johnson,  
Louisiana Supreme Court  
Jonathan Rhodes, Executive Director, LA Civil Justice Center  
Jennifer Eagan, Liaison Counsel, Judicial Administrator's Office,  
Louisiana Supreme Court  
Richard Williams, Deputy Judicial Administrator, LA Supreme Court  
Jane Sherman, President, Louisiana Bar Foundation  
Jenny Rizzo, Executive Director, Pro Bono Project  
Kara Brown, ATJ Developing Leadership Intern  
Annie Lemoine, ATJ Developing Leadership Intern  
Hilary Renshaw, ATJ Developing Leadership Intern  
Sarah Smith-Clevenger, ATJ Developing Leadership Intern

## Welcome & Introductions

Marta Schnabel welcomed participants. Mark Surprenant introduced the Access to Justice (ATJ) Developing Leadership Interns in attendance. A motion to approve the consent calendar was made, seconded and passed unanimously.

## Committee Presentations:

### Funding Committee Report - Chris Ralston

The Funding Committee's Role is to ensure funding for all civil legal aid providers. 924,000 people (19.8%) in Louisiana live below the federal the poverty line. The poverty line is generally set at \$13,000 for a one person household and, under \$20,000 for a four person household. LSC programs who serve this population have experienced reduced funding due to declining IOLTA interest rates, and shifts in poverty populations across the country.

Louisiana is well below the national average when it comes to funding civil legal aid via public/legislative initiatives. State appropriations were eliminated in 2011, and LA ranks 44<sup>th</sup> in

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the country in per capita funding. Other sources of funding have been sought and the ATJ Funding Subcommittee has recently coordinated an increase in *pro hac vice* filing fees to benefit legal aid programs. This provided over \$55,000 in the first six months after institution. Chief Justice Bernette Johnson assisted in arranging for the ATJ Commission Funding Committee members to meet with Governor Edward's staff. Staff members were impressed with the information provided in the 2011 Economic Impact Study completed by the LSBA's ATJ Committee and suggested updated information may be helpful in securing funding at a time when the state is able to provide. Tennessee just completed a study and concluded an economic impact of \$11 for every \$1 spent on civil legal aid.

A motion was made by Chris Ralston to pursue an Economic Impact Study to be overseen by the ATJ Commission Funding Committee and with funding from the LBF. The motion was seconded by Judge Sheral Kellar and passed unanimously.

Judge Lisa Woodruff-White made a motion to bring an "Urge and Request" resolution to the legislature to support the economic impact study. The motion was seconded by Joseph Oelkers and passed unanimously.

The Funding Committee also suggested ATJ Commission support a unified communication and messaging strategy for Louisiana's Justice Community initially to be guided by the Funding Committee incorporating the LBF current efforts as part of the whole. This effort would allow the commission to engage a consultant through the American Bar Association to provide direction on how to move forward collaboratively. A motion was made by Chris Ralston to that effect, seconded by Linton Carney and passed unanimously.

### **Language Access Committee Report– Luz Molina**

The Language Access Committee's mission is to further educate the Commission on the status of language access in the Louisiana courts and how Commission might further support these efforts. The Supreme Court's interpreting efforts were recognized. So far, 103 interpreters have become registered or certified through the Supreme Court program. There is also video/audio conferencing available should translation be needed when no Louisiana interpreter is available. Currently the cost of the interpreter falls on the litigant. The court has also developed a bench card to assist judges with language access information.

### **Modest Means Committee Report – Mark Surprenant**

"Modest Means" is a justice gap issue. Individuals of "modest means" often make too much money to get fee legal services, but not enough to afford an attorney. Many of these people become self-represented litigants, but others may be willing to pay for sliding scale or limited scope services.

58 attendees at the LSBA Solo & Small Firm Conference responded to a survey regarding sliding scale services. 78% of respondents reported they are already providing service to modest means clients, and 53% reported interest in a modest means referral system. Sliding scale service

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rates among respondents ranged from \$78-\$132. Nationally, \$75 is the most common cap on services provided by attorneys in modest means programs. The committee will look at the modest means programs of other states and report back to the ATJ Commission regarding the possible establishment of a program in Louisiana.

### **Pro Bono Brainstorming**

Monte Mollere provided information regarding the state of pro bono in Louisiana including current methods by which the ABA assesses a states pro bono capacity. Members were surprised to see the lack of pro bono availability as provided by the “Pro Bono Coverage Map”. Concern was expressed that recent definitions of pro bono focus on the short term commitment and the in-direct legal services rather than the longer term full representation commitment. The presentation focused on a continuum of services and the need to identify the exact need and provide the appropriate services.

Commission members asked that the LSBA’s Access to Justice Pro Bono Subcommittee provide a more robust report on the actual circumstances of pro bono in Louisiana and submit recommendations to the Commission in the form of an action plan. The review may include things such as “How is pro bono defined.” “What is being offered” “Where are we along the spectrum”. Mark Surprenant motioned and there was no opposition.

On completion of the presentations by the Committee’s Marta Schnabel suggested that these the ATJ Commission should consider creation of a strategic plan. With the completion of the ATJ Summit in March 2015 and the examination of Louisiana access to justice and priorities outlined in the report completed by consultant John Tull in July 2015. The group agreed this prior work would allow us to conduct strategic planning in a more compressed fashion with the LSBA, LBF and Supreme Court staffs developing a framework of a strategic plan for review at the next meeting. Everyone is still invited to provide input and a draft will be circulated for review prior to the September 16, 2016 meeting.

### **Access to Justice Initiatives**

a. *LIFT* – Amy Duncan

The LIFT Incubator program addresses the lack of access to counsel for modest means clients, and the lack of employment opportunities for recent law school graduates. Amy provided an update on the new class of LIFT Fellows.

b. *ATJ Leadership Internship Program* – Mark Surprenant

A law student from each Louisiana law school will be sponsored by a prestigious law firm and intern this summer with legal aid providers, learning about leadership and Louisiana’s Justice Community. Mark believes this is the first program of its kind in the country.

c. *Legal Needs Study* – Luz Molina

Professor David Yarbrough has moved into the second quarter efforts of the year-long assessment of Louisiana’s Justice Gap. This study has been commissioned by the Louisiana State Bar Association and is being overseen by the ATJ Gap Assessment

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Subcommittee.

- d. *LEAP/ Lawyers in Libraries* – Monte Mollere  
LSBA, Law Library of Louisiana, and LSU Law Library staff will be touring the state this summer to provide training sessions for library staff. The annual “Lawyers in Libraries” Day of Service is scheduled for 10/27/16.
- e. *Criminal Justice Summit* – Amy Duncan  
The Criminal Justice Summit was held on May 6, 2016. Fifty-five attendees from a represented a diverse cross-section of stakeholders in the Louisiana’s criminal justice system. A report on the issues addressed and recommendation will be forthcoming.

### **Adjournment**