

ACCESS TO JUSTICE COMMISSION MEETING
10:00 A.M. ★ Friday, May 8, 2018
New Orleans, LA

Attendance:

Jeffery Coreil, Pro Bono Partner, Neuner Pate, Co- Chair
Hon. Jeffery Cashe, Judge 21st Judicial District Court
Christy Kane, Executive Director, Louisiana Appleseed
Prof. Virginia Listach, Southern University Law Clinic
John E. McAuliffe, Jr., Secretary, Louisiana State Bar Association
Alainna Mire, Alexandria City Attorney's Office
Luz Molina, Loyola University of New Orleans College of Law
Sachida Raman, (proxy for Greg Landry) Acadiana Legal Services
Chris Ralston, LA Bar Foundation Board, Partner, Phelps Dunbar, LLP
Hon. Harry Randow, Judge 9th Judicial District Court (retired)
Valerie Schexnayder, LSBA Board of Governors, Attorney at Law
Mark Surprenant, Vice-President, Southeast Louisiana Legal Services Corp., Adams and Reese
Kimberly Theriot, Corporate Counsel, Conrad Shipyard LLC
Molly Vigour, Corporate Counsel, Canal HR, Inc.
Hon. Lisa Woodruff-White, Chief Judge, East Baton Rouge Family Court

Guests:

Angela Bazile-White, Counsel to Chief Justice Bernette Johnson
Laura Tuggle, Executive Director, Southeast LA Legal Services
ATJ Leadership Interns:
Nicolas Bell – Adams and Reese intern (Loyola)
Monica Bergeron – Baker Donelson Intern (LSU)
De'Jonique Carter – Jones Walker Intern (SULC)
Kansas Guidry – Phelps Dunbar intern (Tulane)

Staff:

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

Welcome & Introductions

Co-Chair Jeff Coreil welcomed Commission members and guests. Attendees introduced themselves and a quorum was confirmed.

Consent Calendar

A motion was made by Chris Ralston and seconded by Valerie Schexnayder that the consent calendar be approved and adopted. The motion passed unanimously.

ATJ Commission Committee Reports

Building Bridges Committee – Laura Tuggle, Chair

Molly Vigour discussed the work of the Building Bridges Committee. In particular the re-entry work and she updated the Commission on the efforts to resolve problems discussed at the last meeting regarding the acquisition of provisional driver's licenses by re-entrants. Representatives met with DOC and OMV regarding systemic resolution of the issue. The meeting highlighted necessary statutory corrections and participants are working with legislators to resolve the issues identified. The Committee agreed to develop material to educate the public on the mechanism for obtaining this provisional license. The Committee is working on a strategic plan which will include a conference or summit on the re-entry issue which the Commission will be asked to support.

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Funding Committee – Chris Ralston, Chair

Chris Ralston summarized the progress of the Funding Committee. Chris expressed his appreciation to the Committee and Commission members who have participated in meetings with legislators, sometimes on very short notice. Further, he relayed good news on the federal funding front that despite the administration's wish to eliminate funding for LSC, Congress continued funding at \$410 million for LSC, which is a sustained increase of \$25 million from FY 2017 funding of \$385 million. This increase was made possible by bipartisan support of legislators who understand the value of civil legal aid for their constituents. Additionally, an increase in federal interest rates has had a positive impact on IOLTA funding through the Louisiana Bar Foundation.

Louisiana still provides no state funding for civil legal services, but we have increased our visibility and the legislators understanding of civil legal services. Through Louisiana Applesed we have engaged a lobbyist and made progress. Christy Kane explained that the Committee held "Civil Legal Aid Day" at the state capitol which highlighted the need for civil legal aid. Christy also explained the exploration of the possibility of funding through the Justice Reinvestment Act savings, noting the work being done by the civil legal aid programs and the coordination of this Commission's Building Bridges Committee.

Language Access Committee – Luz Molina, Chair

Luz Molina welcomed a new Language Access Committee Member, Supreme Court Language Access Staff Member Kimberly Silas, before providing an update of several Language Access initiatives. Luz explained the Language Access Committee is working on a final report which will examine the need, use and payment of interpreters. This report with the addition of a survey to attorneys will form the basis to create a new report for the future of interpretation in Louisiana which will be a committee project next year. The Committee hopes to work with the Supreme Court on a Language Access plan for Louisiana. Luz responded to a member's question encouraging the use of a confidentiality form based on the interpreter's code of ethics found on the Supreme Court website and explained Louisiana's categorization of interpreters (registered and certified). Also, the Committee would like to hold a CLE to train attorneys on the use of interpreters.

Modest Means Committee –Mark Surprenant, Chair

Mark Surprenant asked ATJ Staff Member Amy Duncan to report on the work of this Committee. Amy explained that the LSBA Modest Means Legal Directory is now active. The purpose is to match attorneys who offer reduced cost services to individuals with income below 400% of the federal poverty guidelines. Over 3 million people in Louisiana fall into this category. Recruitment has been a challenge and the Committee is now focused on a 1) messaging and communication plan that emphasizes the business opportunity for attorneys, 2) developing resources to assist attorneys and 3) CLE programming. Incoming Bar President Barry Grodsky is very supportive of this program. Other state commissions have conducted conferences on limited scope representation and serving modest mean clients. Amy provided information for distribution

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by the Commission. Suggestions were to provide information to new attorneys, provide forms to the attorneys who participate on the directory, include this in the mentoring program, incorporate modest means topic into law school “skills programs”, have a distinguished fellow assist younger interested attorneys, connect with young lawyer’s section and other committees of the local bars, create a CLE on the directory, and to develop a brochure to give to the local clerks of court. Further, it was suggested to have the new LBSA Bar President write a letter of support for the program to send to the local bar associations. She reminded the group that a feature article will be coming out in the next Louisiana Bar Journal, and we hope that this will promote attorney participation. Judge Cashe has experienced a community of attorneys looking for this type of business and it may help the directory move forward to determine if judges can support this at local bar meetings. The Committee has promoted the directory on social media.

Self-Represented Litigation Committee – Judge Harry Randow, Chair

Judge Randow asked ATJ Staff Member Michael Schachtman to report on the Committee activities. Michael began by providing information on the recently held SRL Summit which brought service providers together along with court staff to discuss a wide variety of topics including: best practices, funding opportunities, pro bon recruitment, statewide service provider presentations, and small group discussion concerning challenges and resources. The level of engagement from state court staff has encouraged us to hold another event in another location. A natural progression from engaging with the service providers is the increased involvement of courts. Simply making groups aware of the available resources made the event successful. The Committee will look at expanding services to city courts. Judge Randow explained that the identification of the issue that we need to raise awareness of the Commission’s efforts, services, etc. He mentioned a technology “shortfall” that may exist, and suggested that the Commission integrate technology where possible in all of the Commission efforts. He suggested use of social media which reaches both the judiciary/courts and SRLs. He suggested that the use of technological resources and social media expands the number of SRLs and recommended this Commission emphasize the use of technology in its work. If the Commission doesn’t emphasize the resources and initiatives it is a disservice to our communities, because others (for profit) will do it – often seen by the irrelevant pleadings seen by judges. Michael provided significant “statistics” from the “Find Legal Help” portal.

Louisiana Bar Foundation – Chris Ralston, LBF Secretary, reported that at the Foundation’s last meeting, the LBF approved \$3.8 million in annual sustaining grants which is an increase of last year. LBF members remain very involved in the work of the ATJ Commission Funding Committee. The LBF has funded an upgrade of the statewide case management system which will be online shortly. The new online grant system will allow online grant applications as well as grant reporting and hopefully, allow easier access. The LBF Fellow project this year is to focus on education of civil legal aid and its impact. New this year to the LBF’s funding efforts is the “365 Days of Justice” fundraiser, an effort to prioritize funding of the Foundation every day of the year. The fundraiser always donors to select a day in which they sponsor a “Day of Justice,” donation amounts depend on the day selected, and donors may choose to honor their firm or a loved one with their donation. As mentioned earlier, the recent increase in interest rates generated \$500,000

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in additional IOLTA moneys and by year's end may reach \$1.5 million.

IV. Access to Justice Projects and Initiatives

Conference of State Court Administrators - Jeff Coreil reported on the recent conference which focused on discussion of court reform, especially specialty courts and not so much on the issue of civil justice. The conference brought to bear Louisiana's position regarding collection of court data. Other states had the means to collect a variety of data that allowed courts to address the needs on the cases filed. The Louisiana group provided a list of proposals to include data collection through the current electronic systems. Some states have a pilot to allow limited discovery in cases of lesser value along with an expedited hearing date. This can assist SRLs. Judge Woodruff White added the group will report to the Supreme Court and make recommendations. The Commission may be able to shepherd some of these recommendations.

Equal Justice Conference – Jeff and Monte discussed the recent conference and particularly the portion that brings together the State Commission Chairs to discuss relevant issues.

ATJ Developing Leadership Intern Program – Chris Ralston introduced this year's four ATJ Developing Leadership interns and thanked their sponsoring firms for their continued participation in the program. This is the third year of the successful program. He mentioned three new provider participants which will host the interns: Justice and Accountability Center, Crescent Care and the New Orleans Family Justice Center. He thanked the providers and the judges involved. He complimented the law schools and law firms involved for constantly improving this program. Professor Virginia Listach commented that she was duly impressed with the quality of the portion of the program she participated in, as it was a phenomenal learning opportunity for the students.

ATJ Distinguished Fellows Program – Mark Surprenant reminded the Commission that this program was started as a pilot project to help civil legal aid organizations by matching them with judges and lawyers who were transitioning out of practices and into retirement, yet wanted to assist with access to justice issues and spend 20 hours per month volunteering with an organization. Although, since its creation in Louisiana he has evaluated how the program is working and tweaked it to include individuals at any stage of their career. Mark has spoken to other possible fellows for a second class and asked the Commission to approve a recommendation to the LSBA Board to continue this as a permanent part of LSBA programming. The motion was made, seconded by Joe Oelkers and after discussion, passed unanimously.

Consumer Law Working Group – Judge Lisa Woodruff White reported that HCR-88 passed the House and Senate and will ask the Law Institute to study courts raising prescription sua sponte on open accounts. She explained that a Louisiana Appleseed "debt buyer" white paper showed that open accounts suits brought by third party debt buyers were often prescribed and litigants didn't know to raise this issue in an answer, if they answered at all. Without raising the issue, the debt buyers were given a judgement on a prescribed debt. The LDJA reviewed the issue and Judge Woodruff White, on behalf of this group, asked Rep. Ted James to submit a resolution to study the issue. With passage of the resolution, the request will go on to the Louisiana Law Institute.

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Jeff reminded Commission members that this is the last meeting of the year and thanked all members for their participation on the 2017-18 Commission. He explained the appointment process and asked that anyone rotating off of the Commission consider continuing being involved with the work of one of the Commission Committees.

ATJ Committee Subcommittees

Pro Bono Awards – Nicole Louque reminded the group that the LSBA Pro Bono Awards Ceremony and Reception will be hosted by the Louisiana Supreme Court on May 22, 2018 and asked the they confirm their attendance if they had not done so already.

Pro Bono Summit – Rachael Mills reported that the Summit will be held in conjunction with the Pro Bono Awards Ceremony at the Court. She also encouraged participation by the Commission members.