

# ACCESS TO JUSTICE COMMISSION MEETING

10:00 A.M. ★ Friday, September 16, 2016

New Orleans, LA

Louisiana Supreme Court

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## Attendance:

Chief Justice Bernette Johnson, Co-Chair

Valerie Bargas, Kinchen Walker Bienvenu Bargas Reed & Helm, LLC; Vice President, Louisiana Bar Foundation

Simone Boustead, Iberia Bank

Jeffery Coreil, Neuner Pate

Christy Kane, Executive Director, Louisiana Appleseed

Alainna Mire, Alexander City Attorney's Office; Secretary, Louisiana State Bar Association

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

Stacy Seicshnaydre, Associate Dean of Experiential Learning and Public Interest Programs, Tulane Law School

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

Nicole Louque, ATJ Admin. Assistant

Amy Duncan, ATJ Training Counsel

Linda Johnson, ATJ Technology Counsel

## Guest:

Angela Bazile, Angela Bazile, Executive Counsel to Chief Justice

Bernette Johnson, Louisiana Supreme Court

Donna Cuneo, Executive Director, Louisiana Bar Foundation

Jane Sherman, President, Louisiana Bar Foundation

## Welcome & Introductions

Chris Ralston and Chief Justice Johnson welcomed the commission members and roll call was completed. A motion was made and seconded to accept the consent calendar.

## Committee Presentations:

### Building Bridges - Laura Tuggle

Laura Tuggle introduced the committee members and defined the committee's mission. She explained the intersection between the criminal and civil communities and that both can benefit by working together. She then provided statistics on the incarceration rate. Chief Justice Johnson reminded the group that she is in part of the Justice Reinvestment Task Force and suggested that this group needs to take action on these terrible statistics.

The committee has initiated interaction between the criminal and civil communities by providing education to the public defenders on the collateral consequences of convictions and the asset that civil legal aid can be. A presentation is planned to educate civil legal aid attorneys on what they can do in their practices to assist public defenders. Southeast Louisiana Legal Services has developed a "one page" explanation on the extent of what attorneys can do within funding restrictions.

The Chief presented the group with a NY Times article showing the corporate response to education and hiring of those people convicted and re-entering society. Amy Duncan reported on the activities of the LSBA Re-entry Pro Bono Working Group and that the group is attempting to educate and prepare attorneys to address the civil legal issues faced by individuals coming from the re-entry courts programs. Laura Tuggle explained the working group has submitted grants to support this work being done in collaboration with the Justice and Accountability Center, the

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U.S. District Courts, the LSBA and others in the working group.

Orleans and the 24<sup>th</sup> JDC are working together to establish a model to address some of the civil legal aid issues that reentry court participants are facing. It is hoped that this model can be used in the 13 other Re-Entry Courts. Chief Justice Johnson asked that Sandra Vujnovich and Anglea Bazile be made aware of those working group meetings.

The commission agreed to support a Re-entry CLE that the Re-entry Working Group is planning for December 13, 2016.

### In Forma Pauperis Committee - Alainna Mire

Alainna stated her delight in working with this Commission committee and that the members have been working diligently on IFP issues. She then presented some background information on IFP filings in Louisiana. This included the IFP Committee's mission as well as information about Louisiana's high rate of poverty. Within the statistics about Louisiana's poverty rate, Alainna included additional figures on the number of "ALICE" individuals. "ALICE" refers to "asset limited income constrained, employed" individuals which include another 19% of the population. She then explained the incredible barriers put in place when IFP petitions are denied to those unable to afford court costs, especially in the field of family law. General discussion of various issues surrounding IFP petitions followed. It was determined that one way of addressing the issues surrounding IFP petitions was proper education and training of the clerks and the judges.

The committee presented two recommendations to the Commission. The first recommendation addressed a survey created by the committee that would be distributed to the clerks of court. This survey will collect the number of IFP petitions granted and the impact of those granted petitions on the individual clerk's budget. Christy Kane and Alainna Mire stated that they have been in touch with Debbie Hudnall, the Executive Director of the Clerks of Court Association, about distribution of the survey. Sandra Vujnovich suggested contacting the District Judges Association particularly because the association has specifically created a Liaisons Committee for issues like these. Monte Mollere and Alainna Mire agreed to address the issue with Judge Molaison of the District Judges Association Liaisons Committee to discuss the issue in more detail.

The second recommendation involved an initiative to educate both the clerks of court and the judiciary about IFP issues. Christy Kane stated that several education items have already been produced that can be used for clerk and judicial training programs.

### Self-Represented Litigation Committee – Michael Schachtman

Michael Schachtman explained the mission of the committee is to address the legal needs of self-represented litigants who are unable to obtain counsel, and assist courts and Access to Justice partners to serve the public more effectively. He then detailed the initiatives being addressed by the committee which were provided to members through a report. He explained that forms are currently in use in 22 of the 42 judicial districts and what the committee is seeing are large discrepancies in areas where standardized forms are available compared to judicial districts where standardized forms are not available. Further, many committee members feel that with the advent of nationwide online legal companies selling legal forms, that free statewide standardized forms for Louisiana are more important than ever before. Judge Woodruff-White

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emphasized that statewide standardized forms are incredibly valuable to the courts when dealing with self-represented litigants particularly in understanding the self-represented litigants' legal issues which also in turns saves a lot of very valuable court time.

Valerie Bargas moved for the Commission to accept the resolution put forth by the SRL Committee which asked that the Commission accept statewide standardized forms and allow distribution to the public. The motion was seconded by Chief Justice Johnson and without any opposition, the resolution was accepted by the Commission.

### **Committee and Issue Updates**

#### Funding - Chris Ralston

At the last meeting the Commission voted in favor of commissioning an economic impact study to be financed by the Louisiana Bar Foundation. Commission members were provided the proposal from the study's author. Chris Ralston then reported that the "Urge and Request" resolution to the Louisiana Legislature to support the economic impact study, recommended by Judge Woodruff-White during the last meeting, passed.

In addition to the study, at the last Commission meeting members approved the creation of a unified messaging and communications plan to increase funding of civil legal aid. A training will be held on November 30th, 2016 by Voices for Civil Justice for committee members and those involved with messaging and communications so that a unified plan can be developed.

#### Language Access Committee – Luz Molina

Christy Kane reported to the Commission on her behalf Luz Molina who was unable to attend the meeting. Christy reported that the committee is working to develop a survey of interpreters in Louisiana Courts. The goal of this survey is to obtain preliminary background information about who is providing interpretation/translation services in Louisiana, types of services being provided, in what settings and where.

#### Statewide Pro Bono Survey – Monte Mollere

Monte Mollere reported that at the last Commission meeting, the Commission agreed to take part in a statewide survey of pro bono in Louisiana. The goal of the survey is to gather data from attorneys who provide pro bono services and those who do not in order to assess what encourages and discourages pro bono service. The ABA will distribute the survey via email to all Louisiana attorneys in January 2017.

The ABA has asked that a Leadership Team be appointed in order to promote survey participation. Monte Mollere related that he has reached out to several Commission members to be a part of this leadership team. There was a motion for the Commission to endorse the survey. The motion was seconded, and passed unanimously.

**Committee Action Plans** - Each committee provided action plans which were distributed with the meeting materials to the Commission members. Because the meeting was running long, the plans were not reviewed during the meeting. Chris Ralston opened the floor to questions about the action plans, but no questions were asked. Further, he reminded the group that non-Commission members can participate in the Commission committees.

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## Access to Justice Initiatives

### Disaster Response – Monte Mollere

Monte Mollere very briefly gave an update on the disaster response initiatives. The LSBA is working very closely with all of the legal aid organizations and the Louisiana Civil Justice Center to provide disaster relief to flood victims.

### Lawyers in Libraries – Michael Schachtman

Michael Schachtman reported that this year's "Lawyers In Libraries" Day will be October 27<sup>th</sup>, 2016 and the ATJ staff hopes to hold an event in all 64 Louisiana parishes. This event will be held in conjunction with National Celebrate Pro Bono Week. In addition, the Chief has written a letter encouraging volunteers to volunteer for the event.

### La.FreeLegalAnswers.org – Rachael Mills

Rachael Mills was unable to report on the LA.FreeLegalAnswers.org, so Monte Mollere provided an update to Commission members. LA.FreeLegalAnswers.org is a new online pro bono program that connects attorneys with low income Louisianans who could not otherwise afford to consult an attorney. The site is up and running and a few questions have been submitted. He stated there is hope that this site will act as an additional resource for flood victims, and that it will allow for attorneys in areas unaffected by the flood to provide pro bono assistance to those affected. More information can be found at lsba.org/atj under "Latest Access to Justice News and Events."

Laura Tuggle then asked how referrals to legal services will be tracked by the site. Monte Mollere stated that the site provides pages with information about the additional legal aid programs throughout the state.

**Adjournment** – There was a motion to adjourn and the meeting was adjourned.