

A Long History of Service Gets Renewed Energy:

Louisiana's Access to Justice Commission is a Collaboration of the Supreme Court, the LSBA and the LBF

By Marta-Ann Schnabel

Louisiana's poverty rates are the third highest in the nation. About 20 percent of our citizens live in poverty, compared with the national average of just under 16 percent. This means that more than 900,000 of us earn incomes at or below the federal poverty level, and that number comprises more than 300,000 children. On average, about 225,000 of our poor will experience a civil legal problem this year — and often that problem will directly impact their health, their shelter or their ability to earn a living. Yet, barely 40,000 of those will get any legal assistance at all.

These numbers have improved significantly over the last 20 years. Louisiana's Access to Justice (ATJ) Program

was initially established as a joint effort of the Louisiana Bar Foundation (LBF), the Louisiana State Bar Association (LSBA) and the Louisiana legal services programs under the leadership of LSBA President David F. Bienvenu and LBF President Cyrus A. Greco. Originally staffed by Monte T. Mollere alone, over the last 19 years, the program has grown exponentially in its direct support to all legal services providers in the state and to a staff of five. Bolstered by the ATJ Committee, the program's long-standing mission has been to ensure that every Louisiana citizen has access to competent civil legal representation by promoting and supporting a broad-based and effective justice community.

Still, there is much to do. Reductions

in federal funding for legal services programs has resulted in a 41 percent cut in dollars available for legal aid, and, unfortunately, Louisiana is one of only four states in the country which does not make any form of statewide appropriation or dedicated fee to civil legal aid.

Thus, in September of last year, the ATJ Program welcomed the formation of the Louisiana Access to Justice Commission with its stated mission "to assure continuity of policy and purpose in the collaboration between the Louisiana State Bar Association, the courts and the civil justice community, in furtherance of the goal to ensure that all Louisiana citizens have access to equal justice under the law." The ATJ Commission operates as a standing committee of the LSBA and

Timeline / Important Dates in ATJ History

1996: Creation of ATJ Committee.

1997: Creation of ATJ Department; Monte T. Mollere hired as director.

1998: ATJ Committee was asked to facilitate a broader planning effort. The Committee involved more than 120 individuals from various interested organizations in the development of the original "Louisiana Plan for the Delivery of Legal Services to the Poor."

► Established voluntary Pro Bono Reporting mechanism.

1999: Facilitation of Statewide Substantive Law Task Forces.

2000: Began participating in ABA Day in Washington.

2000-2003: Committee addressed the monumental task of merging eight Louisiana programs into four. These mergers were completed by Jan. 1, 2003. The 1998 evaluation of Louisiana's delivery system included the mandated restructuring of Louisiana's Legal Services organizations funded by the Legal Services Corporation.

2001: Created ATJ dues check-off procedure and the Louisiana Bar Foundation's ATJ Fund.

2002: First training counsel hired.

► The Legal Services for Persons with Disabilities Committee and the Children's Law Committee became the responsibility of the ATJ Department.

consists of 21 voting members appointed by the LSBA President in collaboration with the Chief Justice of the Louisiana Supreme Court.

Upon creation of the Commission, Chief Justice Bernette Joshua Johnson observed, "Recognizing the importance of civil equal justice to the proper functioning of our democracy, and the need for leadership and effective coordination of civil justice efforts in our state, the Supreme Court was pleased to support the outstanding work of the LSBA's Access to Justice Committees and to encourage the continuation of that ongoing work with the creation of this Commission. Through the ATJ Commission, the Supreme Court and the LSBA will work in concert, promoting effective and economical civil legal services delivery for low- and moderate-income citizens of Louisiana."

History of Civil Justice Efforts in Louisiana

In 1998, just one year after it was formed, the ATJ Program was asked to facilitate a broader planning effort. ATJ involved more than 120 individuals from various interested organizations in the development of the original "Louisiana Plan for the Delivery of Legal Services

to the Poor." These stakeholder organizations helped to formulate a plan to guide the delivery of legal services to the poor in Louisiana. In the process of spearheading this project, the ATJ Committee became recognized as the centralized statewide organization for formulating new policies and projects, and facilitating the statewide delivery of legal services.

An important aspect of this evaluation of Louisiana's delivery system included the mandated restructuring of Louisiana's legal services organizations funded by the Legal Services Corporation. Working with the programs and their boards, the committee addressed the monumental task of merging eight Louisiana programs into four. These mergers were completed by Jan. 1, 2003, and indeed the four programs compressed into three after Hurricanes Katrina and Rita.

Over the course of 19 years, the ATJ Program has made a concerted effort to include all members of the justice community by focusing on issues that are common to all providers and their clients. This community includes not just the LSBA and the LBF and their many volunteers, but also Louisiana law schools, private practitioners, local bar associations, pro bono programs and all types of legal aid providers. The historic work of the ATJ Committee has been to

promote increased funding and increased *pro bono* participation by those in private practice or in corporate settings.

The ATJ Committee has sought practical and systemic solutions for many of the common legal problems encountered by the poor. The committee has been comprised of more than 30 volunteer members. Membership has been geographically diverse and has included corporate counsel, judges, legal services attorneys, legal educators, large and small firm representatives, as well as pro bono directors. Six major subcommittees — Disaster Planning, Funding, Gap Assessment, Pro Bono, Pro Se, and Technology — have formed the foundation of the work accomplished.

Technology has been a key component of the support offered to the justice community by the ATJ Program. Compounded benefits can inure to clients through appropriate implementation of technology. Engagement of a technology counsel to work with the justice community has expedited and augmented technology endeavors.

Ensuring that the legal representation provided by Louisiana's justice community is competent and effective is also paramount. CLE is expensive and public interest legal salaries are significantly less than their private counterparts, with

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- 2003:** First LSBA-hosted Louisiana Justice Community Conference conducted.
 - ▶ Technology counsel hired.
- 2004:** The Access to Justice Committee convened a group of 40 providers to examine the state of the justice community. It is from this meeting that committees were created.
- 2005:** The Criminal Justice (Right to Counsel) Committee came under the ATJ Department umbrella.
 - ▶ After Hurricane Katrina, the ATJ staff established the Disaster Hotline.
- 2006:** ATJ coordinated statewide disaster response and developed the Disaster Response Plan for Legal Services.
 - ▶ Supervised Pro Bono Legal Corps.
 - ▶ First statewide appropriation to Louisiana Legal Services Programs.
- 2008:** Implementation of the Statewide Legal Services Case Management System (Prime).
 - ▶ ATJ Pro Bono Summit conducted.
- 2009:** LSBA President created a 15-member ATJ Steering Committee to oversee the work of ATJ subcommittees and to strengthen ties to the private bar and judiciary.
 - ▶ ATJ Programs began participating in the first ABA-sponsored Celebrate Pro Bono Week.
 - ▶ Creation of Pro Bono Century Awards.
 - ▶ First Criminal Justice Summit conducted.
 - ▶ Pro Bono video produced.

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the result that justice community lawyers struggle to be able to afford quality educational programs. To address that problem, the ATJ Program provides low- or no-cost continuing legal education to *pro bono* volunteers and legal aid lawyers. ATJ projects counsel also works with legal services task forces and others to create training specifically aimed at the practice areas which serve Louisiana's indigent.

While Louisiana's justice community is robust, the fact remains that at most only 20 percent of the legal needs of the poor are addressed through direct representation. While working to augment the number of lawyers available to represent those in need, ATJ also attempts to support self-represented litigants (SRL), many of whom find themselves in court without any help and without the means to obtain help. The ATJ self-represented litigation counsel, in collaboration with local bar associations and clerks of court, has been working for a number of years to expand the system of self-help resource centers around the state.

New Initiatives and Directions for the Access to Justice Commission

The advent of the ATJ Commission will expand the capacity of the justice community to serve the public.

Co-chaired by Chief Justice Bernette Joshua Johnson and Marta-Ann Schna-

bel, the Commission includes the following members: Dale N. Atkins, New Orleans; Valerie Briggs Bargas, Baton Rouge; Simone Bacchus Boustead, New Orleans; Marcus V. Brown, New Orleans; Jeffrey K. Coreil, Lafayette; Marjorie L. Frazier, Shreveport; Laura Tuggle Issokson, New Orleans; Christy F. Kane, New Orleans; Sheral C. Kellar, Baton Rouge; Alainna R. Mire, Alexandria; Luz M. Molina, New Orleans; Monte T. Mollere, New Orleans; Joseph R. Oelkers III, Lafayette; Jee Yeong Park, New Orleans; Christopher K. Ralston, New Orleans; Hon. Harry F. Randow, Alexandria; Stacy E. Seicshnaydre, New Orleans; Mark C. Surprenant, New Orleans; Sandra A. Vujnovich, New Orleans; and Hon. Lisa M. Woodruff-White, Baton Rouge.

Matters on the agenda for the Commission include:

- ▶ Raise the public perception about the importance of equal access to the justice system;

- ▶ Develop a program for civil legal assistance for participants in the statutorily created "Re-entry" Program which is intended to assist those leaving prison acclimate to civilian life and maintain rehabilitation;

- ▶ Develop initiatives to increase access to legal services for clients who do not qualify for free legal aid but who cannot afford market rates;

- ▶ Augment and improve a strong statewide civil legal services delivery system by licensed attorneys;

- ▶ Enlarge the LIFT (Legal Innovators

for Tomorrow) Project, an incubator and accelerator program designed to assist new attorneys build sustainable practices with a public interest focus;

- ▶ Work with the District Judges Association and the Clerks of Court Association to develop and adopt a set of uniform pleadings which will increase consistency of outcome for self-represented litigants (and decrease the strain on the court system);

- ▶ Encourage young lawyers and law students to develop an interest in and commitment to public service by establishing a collaboration between private firms and civil legal aid organizations for the use of interns;

- ▶ Update and expand the Economic Impact Study undertaken in 2011 with the intent to measure the impact of civil legal aid on the state's economy with the intent of demonstrating the benefit of investment in civil legal aid services;

- ▶ Develop programs which reduce systemic barriers to access to the courts;

- ▶ Encourage and promote new sources of funding for civil legal aid;

- ▶ Broaden the participation of the private and corporate bar in *pro bono*; and

- ▶ Develop additional sources of funding and support for civil legal aid in Louisiana.

Conclusion

As the ATJ Commission tackles the challenges on its ambitious agenda, it invites the lawyers of Louisiana to support its mission and contribute to the justice community. Commission members have

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2010: Economic Impact Study created.

- ▶ Introduction of Language Access Interpreters Standards Resolution.
- ▶ Introduction of Model Pro Bono Policy.
- ▶ First Self-Help Resource Center established at CDC New Orleans.

2011: ATJ Steering Committee was made a standing committee of the LSBA and its name changed to the ATJ Policy Committee to better represent the mission and work of the committee.

- ▶ Second Self-Help Resource Center established at Family Court in Baton Rouge.
- ▶ Children's Law Committee developed foster care video.
- ▶ Developed *in forma pauperis* brochure to support Louisiana Appleseed White Paper.

2012: Supreme Court hosted the LSBA Pro Bono Awards for the first time.

- ▶ SRL counsel hired; first Self-Help Desk/Pilot Program created; opening of subsequent self-help desks.

2013: Establishment of the Legal Education & Assistance Program and first statewide "Lawyers in Libraries" Day of Service conducted.

- ▶ Technology Summit conducted.
- ▶ Children's Law Committee developed CINC video "Who's Looking Out for Me?"



The first Access to Justice Commission meeting was conducted in January 2016. Attending the first meeting were, front row from left, Amy E. Duncan, Louisiana State Bar Association (LSBA) Access to Justice (ATJ) training and projects counsel; Nicole Louque, LSBA ATJ administrative assistant; LSBA Secretary Alainna R. Mire; Judge Lisa Woodruff-White, Family Court for East Baton Rouge Parish; Louisiana Bar Foundation (LBF) Vice President Valerie Briggs Bargas; Christy F. Kane, Louisiana Appleseed; Louisiana Supreme Court Chief Justice Bernette Joshua Johnson, co-chair of the Commission; Jee Park, Innocence Project New Orleans; Sheral C. Kellar, Louisiana Workforce Commission; Laura Tuggle Issokson, Southeast Louisiana Legal Services; Joseph R. Oelkers III, Acadiana Legal Service Corp.; Professor Stacy E. Seichmaydre, Tulane University Law School; Dale N. Atkins, clerk of Orleans Parish Civil District Court; LBF Executive Director Donna Cuneo; Linda K. Johnson, LSBA ATJ technology counsel; and Professor Luz M. Molina, Loyola University College of Law. Back row from left, Angela White-Bazile, Louisiana Supreme Court; Michael W. Schachtman, LSBA ATJ self-represented litigation counsel; Judge (Ret.) Harry F. Randow; Christopher K. Ralston; Sandra A. Vujnovich, Louisiana Supreme Court; LBF Immediate Past President H. Minor Pipes III; LSBA Immediate Past President Mark A. Cunningham; Marta Ann Schnabel, co-chair of the Commission; Mark C. Surprenant; Linton W. Carney, Pro Bono Project litigation director (retired); Wendi Hickok Robinson; Rachael M. Mills, LSBA ATJ projects counsel; and Monte T. Mollere, LSBA ATJ director. *Photo by David Rigamer.*

found the work to be tremendously rewarding in an echo of the sentiments of former U.S. Supreme Court Justice Sandra Day O'Connor:

Certainly, life as a lawyer is a bit more complex today than it was a century ago. The ever-increasing pressures of the legal marketplace, the need to bill hours, to market to clients, and to attend to the bottom line, have made fulfilling the responsibilities of community service quite difficult. But public ser-

vice marks the difference between a business and a profession. While a business can afford to focus solely on profits, a profession cannot. It must devote itself first to the community it is responsible to serve. I can imagine no greater duty than fulfilling this obligation. And I can imagine no greater pleasure.

78 Or. L. Rev. 385, 391 (1999).

Marta-Ann Schnabel, a shareholder in the New Orleans law firm of O'Bryon & Schnabel, P.L.C., served as the first woman president of the Louisiana State

Bar Association (LSBA) in 2006-07. She also served as the LSBA secretary and Louisiana Bar Journal editor from 2001-03. She co-chairs the Louisiana Access to Justice Commission and heads the board of the nonprofit Louisiana Civil Justice Center. She has served in the American Bar Association's House of Delegates and as a member of the ABA Standing Committee on Bar Activities and Services. (mas@obryonlaw.com; Ste. 1950, 1010 Common St., New Orleans, LA 70112)



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2014: Immigration Working Group organized.

- ▶ LIFT (Legal Innovators for Tomorrow) Program created (brought under ATJ in 2015).

2015: Supreme Court rule approved allowing CLE credit for pro bono.

- ▶ Creation of ATJ Commission.
- ▶ Launch of ATJ Internship Program.
- ▶ ATJ Summit organized.
- ▶ Pro Hac Vice fee increase set to benefit LSCs.
- ▶ First Civil Legal Aid Awards presented.
- ▶ Re-Entry Court Working Group created to address civil legal needs and collateral consequences of incarceration.
- ▶ Hackcess to Justice event conducted.
- ▶ Pro Bono Court Reporter Program created.

2016: The Criminal Justice Committee expanded online resources available to private attorneys for criminal appointments and created a data repository to increase transparency of funding in the criminal justice system.