

**Minutes of the March 18, 2009,  
Meeting of the  
Supreme Court of Georgia  
Equal Justice Commission  
Committee on Civil Justice**

**Call to Order** – The thirteenth meeting of the Supreme Court of Georgia Equal Justice Commission Committee on Civil Justice was held on Wednesday, March 18, 2009, at 12:30 p.m., at Sutherland, 999 Peachtree Street, Atlanta, Georgia. Co-chairs Anne Lewis and Teri McClure presided.

The meeting was called to order at 12:30 p.m. Roll call was taken by sign-in sheet. Committee members present were: P. Todd Carroll, Martin Ellin, Steven Gottlieb, Sharon Hill, Thomas Hills, Phyllis Holmen, Charles Lester, Anne Lewis, John Long, Teri McClure, Michael Monahan, Cubbedge Snow, Michael Tyler, and Terence Walsh. Timothy Floyd participated in the meeting via telephone. Chief Justice Leah Ward Sears and Tia Milton, her Chief of Staff, attended as well. D. Michael Dale and Mr. Guy Lescault attended the meetings as guests. Committee staff present were Jill Radwin, Executive Director, and Tracy Powell, Project Coordinator.

Co-chair Teri McClure opened the meeting with a short welcome, and asked Chief Justice Sears to say a few words. The Chief Justice welcomed everyone and thanked all for attending. Co-chair Anne Lewis offered a welcoming statement to all, and recognized D. Michael Dale, Guy Lescault, and Tia Milton.

**Presentation on the Report of the Legal Needs Study** – Charles Lester introduced Mr. Dale to the Committee. Mr. Dale gave an overview of the project and reviewed the work done in subcommittee earlier in the day. He estimated the report to be approximately 40 pages long, and be opened by a brief Executive Summary. Mr. Dale explained the four sections of the report and focused on several major issues in each.

Jill Radwin described Mr. Dale's timeline and said the goal is to have the report complete by the second week of May. Mr. Dale stated he is still comfortable with the timeline. Ms. Radwin also informed the Committee that a graphic designer for the report has been retained and will work with the staff and Mr. Dale to make the report readable, accessible, and interesting.

**Proposal and Discussion of Legal Needs Summit** – Ms. Radwin presented to the Committee the idea of hosting a one-day Summit, held in Atlanta, for the public presentation of the Legal Needs Study and to facilitate discussion on recommendations for moving forward with increasing access to justice in the state. Mr. Dale suggested looking at the way other states have released their legal needs studies, as some have held open houses in conjunction with state legal services organizations and have given great focus to local communities. Ms. McClure agreed that local activities are important to the Committee's mission. Justice Sears suggested the local events be held at courthouses and also to involve the State Bar offices in Savannah and Tifton. A Planning Meeting for the events was scheduled for April 22.

**Progress Reports from Subcommittees** – Each subcommittee chair delivered a brief oral report on the work that has taken place in their respective committee since the September 26, 2008, meeting.

The *Pro Se* subcommittee Chair, Judge Wayne Purdom, was unable to attend so Ms. Radwin delivered the report on his behalf. Ms. Radwin said that the limited scope representation model rule submitted by the Committee was given a second reading at the Council of Superior Court Judges Winter Conference in January. Despite support for the rule, it was pulled for the time being for implementation in to a pilot project. Several judges are interested in working on this project in their court. The magistrate clerk handbook, *Guidelines and Instructions for Clerks Who Assist Pro Se Litigants in Georgia's Magistrate Courts*, received approval by the Supreme Court in January. It is in the process of being published and will be sent to each magistrate clerk.

The *Resource Development* subcommittee report was delivered by Steven Gottlieb, as Chair Rita Sheffey was unable to attend. The group met in December and discussed several important issues. Ms. Sheffey has expressed to the Georgia Bar Foundation the Committee's support of increasing IOLTA efforts, but has held off on anything further as the state awaits possible court action on comparability. The subcommittee is developing a survey of housing and foreclosure assistance materials, and is also working on developing technical resources for Atlanta Legal Aid and Georgia Legal Services attorneys to assist non-profits with contracts. Michael Monahan spoke further to housing and foreclosure materials, stating that he is working on a website to host these resources which should be ready soon.

The *Pro Bono* subcommittee report was delivered by Chair Terence Walsh. Mr. Walsh stated that the subcommittee plans to reconvene soon to discuss the data presented in the Legal Needs Study regarding the attorney survey.

The *Public Education* subcommittee report was delivered by Chair Timothy Floyd. Mr. Floyd said the subcommittee had no new action to report since the last meeting. Its central task from this point will be to assist with the roll-out of the report of the Legal Needs Study.

The *Delivery Coordination and Needs Assessment* subcommittee report was delivered by Chair Charles Lester. Mr. Lester said that now that the legal needs report is almost complete, the subcommittee's next focus will be on the delivery of the results to the public. He voiced his hope that all committee members would volunteer to take part in the roll-out events.

**New Business** – Mr. Gottlieb spoke to the Committee about the adoption of the American Bar Association's Model Rule 6.5 regarding conflicts. The State Bar of Georgia's Access to Justice Committee is urging the rule be adopted into the Georgia Rules of Professional Conduct. Mr. Gottlieb provided handouts of the rule to the Committee members, and asked for the Committee to take a position of support on the adoption of the rule. A motion was made to endorse the

adoption of ABA Model Rule 6.5, followed by a second, and the motion was adopted without dissent. Ms. Lewis and Ms. McClure will bring this forward on behalf of the Committee.

**Next Steps and Closing** – Ms. Lewis asked for a motion to approve the minutes of the September 26, 2008, meeting. A motion was offered, followed by a second, and was adopted by all members. (See final minutes submitted)

Ms. Lewis briefly reviewed the accomplishments made over the past year and thanked the Committee for its hard work. She asked that any comments or questions for Mr. Dale in regards to the Legal Needs Study be directed to Ms. Radwin.

Ms. McClure informed the Committee that she and Ms. Lewis recently met with Chief Justice Sears to discuss the Committee's work and its future. Further discussion will be held on the subject at the Committee's next meeting.

Meeting adjourned at 2:30 p.m.

Respectfully Submitted,

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Jill O. Radwin, Executive Director