

**MINUTES OF THE JUNE 19, 2006 MEETING  
OF THE  
SUPREME COURT OF GEORGIA  
EQUAL JUSTICE COMMISSION  
COMMITTEE ON CIVIL JUSTICE**

The second meeting of the Supreme Court of Georgia Equal Justice Commission Committee on Civil Justice was held on Monday, June 19, 2006 beginning at 3:30 p.m. In Meeting Room ABCD of the State Bar of Georgia Headquarters, 104 Marietta Street, Atlanta, Georgia. Marc Gary, Chair, presided.

Welcoming Remarks

Chief Justice Leah Ward Sears welcomed the Committee Members and the Advisory Council Members and commended the members of both groups for participating in this important work.

Introductions

Marc Gary introduced the Committee members who could not attend the first meeting.

Roll Call

Karlise Grier circulated the attached roll (Appendix A) for signature.

Introduction of Speakers and Presentations

Anne Lewis, Committee Vice Chair, introduced the speakers for the meeting, Phyllis Holmen, Executive Director of the Georgia Legal Services Program (“GLSP”), and Steve Gottlieb, Executive Director of the Atlanta Legal Aid Society (“ALAS”).

Ms. Holmen began her presentation by noting that the GLSP recently celebrated its 35<sup>th</sup> anniversary. She provided the Committee with a map that showed the “persistent poverty” counties and counties with “severe poverty” based on the poverty line. Georgia has more than 1/3 of the United States’ persistently poor counties, and there are 3/4 million people in Georgia who live below the poverty line, which is defined as \$20,000 per year of gross income for a family of four. In certain circumstances, GLSP can represent a family that has an income of up to 200% of the poverty line.

GLSP operates in 154 of Georgia’s 159 counties, with 11 offices and a budget of approximately \$12 million. GLSP has 75 lawyers, 35 paralegals and 11 full and part-time specialists who handle issues related to family, education, disability, and other poverty-law areas. Additionally, GLSP recruits private attorneys to take additional cases; however, five Georgia counties have no lawyers at all, and several counties have 5 or fewer lawyers.

Because of limited resources, GLSP must focus its resources on meeting the most critical legal needs. Some of the most critical needs are in the areas of family law, including temporary protective orders and custody; housing, including illegal eviction; erroneous benefit denials; imposition of requirements for disabled individuals to receive benefits; consumer protection issues, including predatory loans; disparate treatment in education and other areas, based on race and gender; and wage claims, resulting from the lack of government enforcement of labor laws. If a family has insufficient resources to meet basic needs, the family certainly cannot afford to hire a lawyer to address these needs.

Ms. Holmen also raised concerns about the fact that because of some funding restrictions, GLSP is sometimes only able to assist clients with a discrete issue, as opposed to being able to help clients with all of their legal needs at once. Unless there is another “pot of money” that makes the client eligible for those other services, the need remains unmet.

Describing some of the specifics that GLSP has done in recent years, Ms. Holmen detailed the assistance rendered to individuals in Georgia after tropical storm Alberto in 1994, which caused the worst flooding in the history of Georgia and which caused the Flint, Ocmulgee, and Chattahoochee Rivers to reach record high levels; work done following the change in Medicaid laws regarding nursing home eligibility; and efforts in North Georgia to help non-English speaking persons access health benefits. She also discussed how GLSP has assisted in ensuring that temporary protective orders contain the correct language, so that guns are removed from abusers.

In conclusion, Ms. Holmen reported that last year the State Bar conducted a survey, which showed access to justice is a core value. She told the Committee that we must find a way to move beyond this sentiment and make equal justice a reality.

GLSP materials that Ms. Holmen presented to the Committee are attached as Appendix B.

Mr. Gottlieb spoke next. He informed the Committee that ALAS had been in existence over 80 years, since 1924. It was founded in part in response to consumer problems, in particular, “salary buying.” Similar consumer problems still exists today, only those problems are now referred to as “payday lending.” Mr. Gottlieb related that ALAS had recently won a victory in a payday lending scheme for a client, Elsie Williams.

ALAS has a budget of approximately \$8 million, drawn from approximately 30 to 40 funding sources. ALAS has a staff of 65 lawyers, with offices in the five-county metropolitan-Atlanta area (Fulton, DeKalb, Clayton, Cobb, and Gwinnett) that is not serviced by GLSP. ALAS still does similar work to the work it did 80 years ago, with the exception of domestic violence cases, which have increased dramatically.

Mr. Gottlieb emphasized the tremendous increase in poverty and thus poverty-related legal issues. The decade between 1990 and 2000 saw a 31% increase in poor people in Georgia, and it is predicted that there will be a 94% increase in Georgia’s poverty population between 2000-2010. The need for free civil legal aid is thus dramatically

increasing. In addition, the need for legal services related to the growing immigrant population is also increasing exponentially.

One significant change over the last 25 years is the need to develop new projects that focus on the needs of special populations. For example, ALAS initiated a special project focused on the needs of senior citizens, which resulted in ALAS's statewide senior hotline. ALAS has also had great success in its ombudsman program, which investigates nursing homes complaints, ranging from abuse to financial exploitation; in the Olmstead case, which accorded institutionalized individuals the right to live in the community if they are able to do so; an AIDS legal project; representation for children improperly placed in special education; and the Grandparent/Relative Caregiver project.

ALAS provides pro bono opportunities to area lawyers through its Saturday morning lawyer project, operated in collaboration with the Atlanta Volunteer Lawyers Foundation, and through several "signature" projects with several large Atlanta law firms, including Kilpatrick Stockton, Sutherland Asbill & Brennan, King & Spalding, Troutman Sanders, and Nelson Mullins Riley & Scarborough. In 1995, in cooperation with Alston & Bird, ALAS founded a Fellowship Program, which continues today in conjunction Alston & Bird and with several other Atlanta-area law firms, such as Hunton & Williams.

ALAS materials that Mr. Gottlieb presented to the Committee are attached as Appendix C.

### Questions & Answers

Several Committee members, including Michael Tyler, Senator Seth Harp, Judge Bill Duffey, Terence Dicks, and Jack Long offered comments and asked questions on a variety of issues including: (1) the reasons for the dramatic increase in poverty in Georgia, (2) the impact of Hurricane Katrina on the need for legal aid services, (3) how legal aid service providers can better address the concerns of working clients, and (4) the role of private attorneys, firms, and the bar in pro bono work. Mr. Gary asked the speakers what they saw as some of the most pressing needs. Ms. Holmen stated that one of the areas that she believed the Committee needed to investigate was how the bench and bar could simplify the procedures for resolving disputes. She also mentioned that while there is a new focus on pro se issues and the potential for self-help programs, in some areas of the state judges are resistant to pro se solutions.

Mr. Gottlieb highlighted the need for a group that can engage in legislative advocacy, as ALAS and GLSP, both LSC-funded organizations, are restricted from engaging in lobbying.

Charlie Lester suggested that with additional support, law firms might be able to do more pro bono work. Linda Klein related that the Committee should also consider that, based on her experience with domestic violence issues, there may be some work that the private bar is unequipped to handle. Judge Duffey helped to conclude the discussion with the thought that the bar would have to change the way it views pro bono work and accept that the bar has a responsibility for assisting in meeting the legal needs of the poor.

### New Business

The Committee received a copy of the proposed 2006 future meeting schedule and of the proposed dates and times for the 2007 meeting schedule. Mr. Gary advised the Committee of the proposed 2006 meeting schedule and asked the Committee if there were any questions or comments about the proposed schedule. None were raised at the meeting.

Mr. Gary further asked the Committee to review the suggestions for the 2007 meeting schedule and to provide any feedback on the schedule to Ms. Grier. Cubbedge Snow asked whether the Committee would divide into sub-committees and when the Committee would begin developing proposed solutions to the problems raised by the Speakers. Mr. Gary stated that he envisioned the Committee's work progressing in three phases, with the first being the present phase: educating itself about the various issues in Georgia, a process that will continue for the remainder of this year. Mr. Gary advised that the Committee would divide into sub-committees for its work next year and would get additional information about Phase II and Phase III of the project in the fall of this year.

Ms. Lewis asked if any of the Committee members had suggestions for locations outside of the city of Atlanta. Tim Floyd offered to host one of the Committee's meetings at Mercer Law School in Macon.

Ms. Grier reported on the Committee's new office space and letterhead and advised that the Supreme Court had issued a press release about the formation of the Committee. The Committee received contact information for the Committee members and Advisory Council members.

### Old Business

There was no old business.

### Remarks, Comments, and Suggestions

The Chair opened up the meeting for questions and comments. There were none from the floor.

### Adjournment

There being no further business, the meeting was adjourned at approximately 5:30 p.m.

Respectfully submitted,

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Karlise Y. Grier, Executive Director