

Committee on Civil Justice UPDATE



FEBRUARY 2009

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Leah Ward Sears
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Co-Chair
- Teri P. McClure
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- Jill O. Radwin
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Legal Needs Study: Moving Forward

The Delivery Coordination and Needs Assessment (DCNA) subcommittee met on Friday, January 9 to discuss the next steps regarding a final report to the Legal Needs Study. In December, committee staff contracted with Oregon legal aid attorney and consultant D. Michael Dale to review all data and materials from the assessment, and submit a proposal for the writing of a new final report.

Mr. Dale is very well-known and highly spoken of in the access to justice and legal aid communities, and came highly recommended by Bob Echols of the ABA, and others. He is the author of the Oregon and

Montana studies, and served as a consultant to the Washington State and Utah studies.

Following the submission of his proposals, to either work as the principal author of the report (including the analysis of all data) or as a consultant to the Committee as the author of the report, the DCNA subcommittee voted unanimously to elect the first option. The subcommittee felt that the second option was beyond the members' capacity and schedules.

Co-chair Teri McClure, DCNA chair Charlie Lester, and staff Jill Radwin and Tracy Powell held a call with Mr. Dale on January 14 to define

deliverables and to set deadlines for each component.

Mr. Dale will travel to Georgia for the Committee on Civil Justice meeting on March 18, and will speak on his data analysis and present his outline for the organization of the report. The first draft is scheduled to be received on April 17, and the final draft on May 8. The Committee will meet in full shortly after this date, and Mr. Dale will present the final document via teleconference, to eliminate the need for further travel. He feels we have the material for a solid report, and is excited to be working with the Committee.

2009 Legislative Session Begins

On January 12, the Georgia General Assembly convened at the State Capitol to begin the 2009 session. Led by Speaker of the House Glenn Richardson and Lieutenant Governor Casey Cagle, the legislature will face a number of important issues over the next few months. These include property tax policy, transportation needs, and education. As was expected, the

state budget crisis will take major precedence during this 40-day session, as the state faces more budget cuts in FY2009 and an ominous FY2010.

Legislators gave early notice on Day 1 that they intend to put their political differences aside and focus their attention on this crisis that has already affected most state agencies and public services. An adjournment

resolution was set on Day 15. The legislature will adjourn on March 25 (Day 35), and reconvene on June 22 to address the potential impact to the state from any federal stimulus legislation.

Please visit the AOC's Legislative website throughout the session for current news, to track legislation, committee meeting schedules and weekly reports. Also, watch the House and Senate sessions and meetings live at legis.state.ga.us.

Governor Delivers State of the State

On Wednesday, January 14, Governor Sonny Perdue delivered the annual State of the State address in front of a joint session of the state House and Senate.

In his speech, the Governor applauded the increase in efficiency and accountability in state government, proposed a restructuring plan for the

Department of Human Resources, and discussed education and the creation of new jobs. Read the full text of the speech at gov.georgia.gov.

Committee News

A quick look at what's been going on...

- The **Resource Development** subcommittee met on Tuesday, December 9.
- The **Delivery Coordination and Needs Assessment** subcommittee met on Friday, January 9, to discuss the next steps for the Legal Needs Study. See the article on the front page for more information.
- **Chief Justice Sears** delivered her final State of the Judiciary address in the House Chambers of the State Capitol on Wednesday, February 4, at 10:30 a.m. Read the text of her speech at www.gasupreme.us.
- **Charlie Lester** received the Lifetime Commitment to Public Service Award at the Emory Public Interest Committee Inspiration Awards Ceremony on February 10.
- The **Georgia General Assembly** began the 2009 Legislative Session on January 12.
- The **Atlanta Bar Association's** annual Pro Bono March Madness is fast approaching. Check www.atlantabar.org for more information on the month's events.
- The **next meeting** of the full Committee on Civil Justice will be held **March 18, 2009, from 12:30 p.m. - 2:30 p.m.** Refreshments will be served. The Delivery Coordination and Needs Assessment subcommittee will meet immediately beforehand, from **10:00 a.m. - 12:00 noon.** Both meetings will be held at Sutherland law office, 999 Peachtree Street, Atlanta. An official notice will be sent out soon.



Access to Justice in the News

*Access to Justice Headlines information/source found at www.atjsupport.org

The **American Bar Association's Litigation Section** held a symposium, "Real People, Real Needs, Real Solutions: Access to Legal Representation in Civil Litigation" in Atlanta, on December 4-5, 2008. The two-day session focused on the issue of Civil Gideon, in light of the ABA policy supporting it. See the [coverage on the symposium](#) in *The Fulton County Daily Report*.

The **Federal Deposit Insurance Corporation** decided in November to include IOLTA in its Temporary Liquidity Guarantee Program (TLGP) and will now provide unlimited insurance on all IOLTA accounts. The decision to elect to receive the coverage is made by each individual bank, and most are doing so. In reversing its decision not to include IOLTA in the program, the FDIC responded to the efforts made by the ABA and state bar leaders and attorneys. See the [related article](#) on the American Bar Association website.

Two states have recently created formal access to justice entities. The **Wyoming** Access to Justice Commission was created by the state's Supreme Court in December 2008. The **West Virginia** Supreme Court of Appeals approved a proposal to create an Access to Justice program, and the Chief Justice will appoint a nine-member Commission later this year.

The **Supreme Court of Tennessee** announced its Access to Justice Campaign, which will include the creation of an Access to Justice Commission, a program recognizing law firm pro bono work, public hearings with stakeholders and community leaders, and more. See [the remarks](#) made in December by Chief Justice Janice M. Holder.

The **Alaska Supreme Court** is considering [a case](#) involving civil right to counsel in a custody dispute.

On December 10, 2008, the **Texas Supreme Court** held a hearing on the status of civil legal aid services to low-income people in the state. The state Access to Justice Commission issued [a report](#) on the topic in conjunction with the hearing.

The **2009 ABA/NLADA Equal Justice Conference** will be held May 14-16, 2009 in Orlando, Florida. The National Meeting of State Access to Justice Chairs will be held in conjunction with the conference, on May 16. Visit the website at www.abanet.org/legalservices/ejc/

The **North Carolina Bar Association** will hold its second annual 4All Service Day on March 4, 2009. This event began in 2008 as part of the Bar's statewide "4All" campaign to make legal services available to all residents of the state, specifically those living at or below poverty level. 4allnc.ncbar.org

Clerk's Guidelines Adopted

Council of Magistrate Court Judges Receives Approval by Supreme Court

The handbook of guidelines to assist court clerks with answering questions and concerns of self-represented litigants has been adopted by the Council of Magistrate Court Judges and was approved by Supreme Court order on January 7, 2009.

Guidelines and Instructions for Clerks Who Assist Pro Se Litigants in Georgia's Magistrate Courts, a project of the Pro Se subcommittee chaired by Judge Wayne Purdom, is modeled after a similar guide used in the State of Iowa.

Containing explanations of legal advice versus legal information, proper operating procedures, and frequently asked questions, the handbook is meant to help relieve some of the stress felt by court clerks as the numbers of people choosing to represent themselves in court increase in large numbers.

Following approval by Supreme Court order, the guidelines were sent back to the Magistrate council for minor revisions and stylistic edits. Effective 2/19/09,

the guidelines are approved by Rule 17 of the Georgia Uniform Magistrate Court Rules, and may be found as an "Rule 17 Appendix". Using funds from the award received from the Georgia Bar Foundation, a hard copy will be published by the Committee on Civil Justice and distributed to each magistrate court clerk.

This guidebook is also on track for approval in the probate and state courts, and each council should be discussing the project at their next meetings.

Resource Materials Link on CCJ Website

Addressing Concerns with the Housing Crisis

In this difficult economic time, an increasing number of people are in need and do not know where to turn for assistance. To help these individuals find the assistance they need, particularly those affected by the housing and foreclosure crisis, the Resource Development subcommittee discussed listing resource materials and contact information for organizations such as credit counseling services, legal aid providers, and HUD offices on the committee website. Because such information already exists on other websites, the Committee will link to those resources.

A January 28, 2009 article on www.msnbc.com addressed the growing number of self-represented litigants ("SRL") in

foreclosure cases. The story highlighted one SRL in Miami, Florida. He used information from legal self-help websites and books to prepare, and successfully defend his case. According to CNN.com, Florida currently has the highest foreclosure rate in the country (7.32%). Georgia's foreclosure rate is 2.27%.

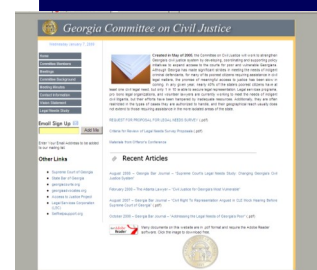
Legislation has been introduced in some states to help citizens with these kinds of cases. The New York City Council is considering a bill that would provide a right to counsel for senior citizens of low-income in eviction and foreclosure proceedings. The bill is strongly supported by the New York County Lawyers Association, which is also calling for a law that

would provide a right to counsel for all low-income citizens facing the loss of their homes.

Attention also is being given to the issue of tenants' rights when a home goes into foreclosure.

It is our hope that these materials will make it easier for persons needing assistance to find help. Also, by using the CCJ website, we hope to provide education about the Committee and its mission and work.

This feature should be added to the website in the coming month. Please remember to make referrals to the committee website, at www.gaccj.org.



Judicial Council of Georgia Standing Committee on Drug Courts

2009 Drug, DUI, and Mental Health Courts Conference

May 26 - 28, at the Westin Buckhead

Designed to provide educational training for Drug, DUI, and Mental Health Court teams, this year's conference will focus on best practices in use in the drug court, substance abuse and mental health treatment fields in the country. For information and registration, visit the [conference website](#).

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Committee Membership

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Teri P. McClure <i>Co-Chair</i>	Terence Dicks	John B. Long	Steven Gottlieb
Charles T. Lester	Judge William Duffey	Cubbedge Snow	Sharon N. Hill
Rita Sheffey	Reverend Jane Fahey	Michael Tyler	Phyllis J. Holmen
W. Terence Walsh	Senator Seth Harp	Derek J. White	Michael L. Monahan
Judge Wayne Purdom	Thomas D. Hills		
Timothy W. Floyd	Linda Klein		

Created in May 2005, the Committee on Civil Justice works to strengthen Georgia's civil justice system by developing, coordinating and supporting policy initiatives to expand access to the courts for poor and vulnerable Georgians.

Vision Statement

The cornerstone of our free society is a civil legal system that is available to all to address legal issues that arise in their daily lives and a judiciary that advances the fair, efficient, and impartial resolution of disputes

Mission Statement

To develop for implementation in Georgia a statewide, broad-based, publicly-known and supported, coordinated system for the poor which:

1. Provides education, advice and tools to identify and address legal issues;
2. Ensures competent legal representation when appropriate; and
3. Promotes the efficient, effective and fair resolution of legal issues and disputes

Looking Ahead, etc.

January 12, 2009 — Day 1: 2009 Legislative Session

February 4, 2009 — State of the Judiciary Address

March 2009 — Atlanta Bar Association "Pro Bono March Madness"

**March 18, 2009 — Committee on Civil Justice Meeting
Delivery Coordination & Needs Assessment Subcommittee Meeting**

**May 26 - 28, 2009 — Judicial Council of Georgia Standing Committee on Drug Courts
2009 Drug, DUI, and Mental Health Court Conference**