

**MINUTES OF THE DECEMBER 14, 2007 MEETING OF THE  
SUPREME COURT OF GEORGIA  
EQUAL JUSTICE COMMISSION  
COMMITTEE ON CIVIL JUSTICE**

**Call to Order** – The tenth meeting of the Supreme Court of Georgia Equal Justice Commission Committee on Civil Justice was held on Friday, December 14, 2007, at 10:00 a.m., at the State Bar of Georgia, Atlanta, Georgia. Co-chairs Anne Lewis and Teri McClure presided.

The meeting was called to order at 10:10 a.m. Present were: Todd Carroll, Judge William Duffey, Reverend Jane Fahey, Steve Gottlieb, Sharon Hill, Tommy Hills, Phyllis Holmen, Victor Lai, Charles Lester, Anne Lewis, John Long, Teri McClure, Tia Milton, Michael Monahan, Judge Wayne Purdom, Chief Justice Leah Ward Sears, Rita Sheffey, Cubbedge Snow, Michael Tyler, and Richard Van Duizend. The meeting was staffed by Jill Radwin, Executive Director; Tracy Powell, Project Coordinator; and Eden Freeman, Program Manager, AOC. Paula Krone attended as an interested member of the public. Roll call was taken by signature. (see attached.)

Co-chair Teri McClure opened the meeting by thanking everyone for coming. Chief Justice Sears thanked everyone for their work, and said the Supreme Court is very excited about the progress. Justice Sears discussed the advancement of the committee, reminding everyone that there is still much work to be done, but that she is confident about where the Committee is headed. Justice Sears thanked co-chairs Anne Lewis and Teri McClure, the subcommittee chairs, the staff, and also thanked Charlie Lester for his extensive fundraising work for the Legal Needs Survey. Co-chair Anne Lewis then offered her greeting, thanking Charlie Lester for his work, Eden Freeman from the AOC for all of her help, and introduced Tia Milton, Chief of Staff for Chief Justice Sears, Executive Director Jill Radwin, and new staff member Tracy Powell.

Ms. McClure asked for approval of the minutes from the September 21, 2007 meeting. Cubbedge Snow offered a motion to approve, which was seconded by John Long, and was approved by all committee members. (See final minutes submitted.)

Jill Radwin then introduced to the Committee Tracy Powell, new Project Coordinator. A summary of upcoming projects was discussed, including a state-by-state table of access to justice projects, a periodic newsletter, and continuing work with the Burruss Institute on the Legal Needs Study.

**Meeting of Subcommittees to Develop Action Plans**– Ms. McClure gave a brief overview of the agenda for the meeting. The plan was for the subcommittees to break out and work on their Action Plans for the objectives that were finalized at the last meeting. Richard Van Duizend, *Principal Court*

*Management Consultant, National Center for State Courts*, created a form to outline the action plans for each objective, which Ms. McClure reviewed thoroughly. Ms. McClure pointed out that the goal is to have a viable product by March 2009, so the objectives need to be adequately advanced in a timely matter. The goal of this meeting was to continue the work of defining the objectives and action plans more clearly, so that when the chairs meet in January a clear timeline can be set to make sure that the committee will advance as it should over the next year.

Prior to the break out sessions, Mr. Van Duizend read the vision statement, finalized at the September 2007 meeting, and advised the Committee that the statement should serve as a reminder for why they are participating in this project. It should serve as the basis for all the work that is done by the Committee.

As the subcommittees were about to convene in their break out sessions, Phyllis Holmen recommended that when working on the action plans in subcommittee, the question “what is the definition of success?” should be posed to each objective. Ms. McClure and Mr. Van Duizend agreed with the idea, and suggested adding the question to the form and using it as the basis for discussion. The committee broke out in to subcommittees and met for approximately one hour. Action plans were submitted to staff to copy and resubmit to the subcommittees to track progress.

**Report on Legal Needs Assessment** – Following a very brief summary of the Delivery Coordination and Needs Assessment subcommittee, Mr. Lester spoke to the issue of the Legal Needs Survey being conducted by the A.L. Burruss Institute of Public Service and Research (Burruss), Kennesaw State University. He stated that while the attorney survey regarding pro bono services has already been started through pilot testing, the written public telephone survey instrument is still in the editing process. As of December 12, the committee had raised \$154,000 for the survey. At meeting time, an additional \$1,100 had been pledged, including \$500 from member John Long. Mr. Lester said he has written to local bar associations across the state, and encouraged committee members and/or their firms to donate to this important project. Mr. Lester then introduced Kirk Elifson, Ph.D., of Georgia State University, who has been working with the Committee on the survey from the start, particularly with the RFP, and plans to continue work until the study is completed. Next he introduced Carol Pierannunzi, Ph.D., of Kennesaw State University, who made a presentation to the Committee on the Legal Needs Survey/Assessments.

Dr. Pierannunzi, through a PowerPoint presentation, described the assessment as a series of surveys, and explained that Burruss is not designing the survey themselves, but are merely serving as data collectors. Burruss did provide a draft of each survey to the Committee so that there was a starting point, but Dr. Pierannunzi stressed that the survey is a product of the Committee, not of Burruss.

Dr. Pierannunzi then gave a brief overview of the Burruss Institute, regarding the work that it does, its staff and partners, resources and facility. All partners involved, with the exception of Dr. Jeff Porterfield, are on-campus, eliminating the need for sub-contracting.

This study consists of a massive collection of data from a variety of sources to get data for the same basic research question: What are the civil legal needs of low-income Georgians?

Study Outline: The study will be divided into four parts: public telephone survey/attorney telephone survey, web survey, focus groups, and personal interviews.

- Telephone Survey
  1. Public: Random Digit Dialing (RDD) survey of low-income households<sup>1</sup> with (1000); RDD survey of moderate income households<sup>2</sup> (500).
  2. Attorney: Survey in regards to participation in pro bono services (300 – 200 who do participate, 100 who do not); sample provided by CCJ from State Bar data
- Electronic/Web Survey: Legal aid providers.
- Focus Groups: Selected client populations, legal aid providers, nonprofit organizations, and court personnel.
- Personal Interviews: 30 interviews chosen from participation in phone survey; human interest stories. 200 interviews with persons of hard-to-reach populations; conducted in same fashion as telephone interviews, although there may be a few more open-ended questions. These will be videotaped and put into documentary form.

The pre-survey letter for the attorney survey was sent out on Monday, December 10, 2007, and by Thursday December 13, Burruss had already received responses from 12 attorneys. Dr. Pierannunzi said that they were extremely surprised at this quick response rate, as they did not anticipate such. Judge Wayne Purdom asked what Burruss does to ensure an accurate, representative sample, to which Dr. Pierannunzi stated that each survey was assigned a unique identifier which keeps track of who answers and who does not. They are being careful to not just have metro Atlanta attorneys represented in this survey. It is standard practice to throw out the results of a pilot (as is the case here), but if no changes are made to the survey, there will be no need to throw these initial answers out. Chief

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<sup>1</sup> Low-income households are defined as households with income not exceeding 150% of the Federal Poverty Line

<sup>2</sup> Moderate-income households are defined as households with income between 175% of the Federal Poverty Line

Justice Sears asked how long the survey is, to which Dr. Pierannunzi answered that it is approximately 20 minutes. Ms. McClure asked how many questions were on the survey, to which Dr. Pierannunzi replied that there are about 40 questions; some are quick yes/no answers, and some have skip patterns.

Dr. Pierannunzi spoke to the project timeline, stating that they are a little bit behind at this point, but not too badly. She said that the project timeline calls for all data collection work to be completed by May 2008. After the first of the year, there will be a project website up that will be updated daily and will be accessible by the Committee. Cubbedge Snow asked if all the work would be complete by July, as the timeline calls for, and Dr. Pierannunzi answered that they plan to have what they need by July, but will not stop work on the project. Jill Radwin stated that the goal is to have preliminary findings and the accompanying video to present at the State Bar conference in June, at which the committee has a 3-hour time slot allotted.

Reverend Jane Fahey and Charlie Lester inquired about attending or viewing the focus group meetings, to which Dr. Pierannunzi stated that they were confidential and could not be listened in on; an audience would discourage honesty and openness and lead to inaccurate data.

Anne Lewis asked if the provider survey is the only one that is available to be completed electronically. Dr. Pierannunzi replied yes, but stated that she would like to ask permission of Mr. Lester to put the attorney survey on the web after Christmas. She stated that it may be somewhat complicated in regards to programming, but would be helpful so that the attorneys may answer at their own convenience. Mr. Lester and other members agreed.

In regards to the public telephone survey, Dr. Pierannunzi informed the committee that the samples were purchased from a vendor, Survey Sampling Incorporated (SSI), whom they have bought samples from for years. Pre-survey letters will be sent out for each survey. The letter will inform them of the impending phone call, and also will provide Dr. Pierannunzi's contact information should they have any questions or concerns. The persons from hard-to-reach populations selected for interviews will be provided with financial incentives in the form of Visa check cards for their time and honesty.

Sharon Hill inquired as to whether the sample included cellular phone numbers, to which Dr. Pierannunzi said that it did not. Kirk Elifson stated that there would in turn be a bias aspect due to the fact that more and more people are replacing the use of landlines with cellular phones, especially among low income populations. He inquired how Burruss anticipates dealing with this. Dr. Pierannunzi responded that afterwards, it is possible to weight the sample. This is not the preferred method, however, so the telephone survey may be followed up with a mail survey instead of weighting if a bias is present.

As of meeting time, the status of each part of the study was as follows: the attorney survey was the furthest along of all, in the pilot phase; the sample for the public survey had been ordered and printed, and pre-survey letters were in the process of being mailed. The questionnaire for the public survey was in draft form and the hiring process for interviewers had begun. The questionnaire for the focus groups had been drafted, and interviewers had been hired for the personal interviews. Equipment had been purchased for the video stories, and the web survey had not been started.

Phyllis Holmen asked for a description of the presentation materials the Committee would be provided with at the conclusion of the survey. Dr. Pierannunzi said that a variety of materials would be supplied, including a video, Executive Summary, and Final Report including pictures and graphs. The Final Report should approach 100 pages. She stressed the use of maps when presenting findings to the Legislature; nothing is more convincing when showing where the areas of need are, especially if they are geographically dispersed.

Reverend Fahey inquired about the financial incentive offered to certain hard-to-reach populations in regards to restrictions set forth in SB529 dealing with immigrants who may not be legal. Dr. Pierannunzi stated that one of the first questions in the telephone survey asks where the respondent was born, which will answer whether or not they are a U.S. citizen by birth, and if not, further questions will be asked regarding their citizenship status. If the respondent is, or is suspected to be, residing here illegally, the interview will be terminated. Dr. Pierannunzi made it clear that they will be very careful to adhere to regulations.

Reverend Fahey asked about the selection criteria for the personal interviews. Dr. Pierannunzi said that would be determined with Ms. Radwin; if a respondent answers "yes" to a lot of questions during the telephone survey, this will be noted and they will be put on the list to be asked for interviews. Ms. Lewis suggested that the Public Education subcommittee could work with Ms. Radwin to select those who will be called for interviews.

In closing, Dr. Pierannunzi said that the survey has been a good project so far.

**Report on subcommittee breakout sessions** –Ms. McClure reminded everyone to assume that the action plans drafted today should be considered as an ongoing project. Committee members agreed that the breakout process was a productive working session and smart use of time. Mr. Lester stated that the only difficulty in regards to getting subcommittee work done is the fact that most members serve on more than one subcommittee, so this limits their availability to meet. Ms. Holmen also spoke to the overlapping of issues among subcommittees. Ms. McClure said that the subcommittees may need to be refocused, and the issue would be discussed at the January meeting of the committee chairs. Mr. Lester stated that it would be more useful to have a meeting that is primarily subcommittee-oriented; not necessarily having all subcommittees meeting at the same time, but rather a few that can correspond on common issues. Chief Justice

Sears agreed that issue-based meetings between 2 or 3 subcommittees would be effective. Ms. McClure stated that she was not suggesting that subcommittees cease working between meetings; it seems that the bigger issue is subcommittees not working at all between meetings of the full committee. Mr. Snow pointed out that the problem with all subcommittees meeting at once is that the staff is stretched too thin; a meeting between one or two subcommittees would allow the full attention of the staff.

**Vision Statement** – Ms. Lewis brought up the subject of the vision statement, saying that she and Judge Duffey had discussed it and had some thoughts. Judge Duffey stated that the first bullet point does not explain what the committee is charged with doing, but the second one does. Ms. Holmen expressed her idea as seeing the statement as the Committee’s vision of what the world should look like in Georgia, not as what the committee is setting out or is commissioned to do. Judge Duffey said that he did not disagree with Ms. Holmen’s opinion, but feels that at some point the committee should have a concrete philosophical statement as to what its purpose is. The Chief Justice put forth for discussion the question of the difference between a vision and a mission statement; a vision is broader than a mission. The vision statement is not *incorrect*, it just doesn’t state a *mission*.

A short discussion ensued about what might be done to make the statement more specific. Mike Monahan suggested the committee might consider making changes, to which Judge Purdom pointed out that the committee already had a session dedicated to formulating the statement, and that if changes were going to be made it would be better to wait until a future meeting, when it would be a set task on the agenda, rather than hastily changing it at the end of a meeting. The committee agreed. Ms. McClure stated that Judge Duffey was correct in saying that it is a case of vision vs. mission, and there must be some way to extract a mission statement from the existing vision. She proposed that Ms. Radwin work with Mr. Van Duizend to make suggestions/recommendations for changes, and it would be reviewed at the next meeting.

**Next Steps** – Ms. McClure announced that the subcommittee chairs will meet with her and Ms. Lewis in January to set a timeline for the next year, and that it looks like the quarter system will be the most viable plan for the full committee to meet. Ms. Radwin will follow-up with action plans once the subcommittees complete them. As they are completed, it will lead the way for action and interaction among the subcommittees. Ms. Lewis announced the telephone survey editing meeting with the Burruss Institute on Thursday, December 20, 2007, at 2:30 p.m. and invited any interested members of the committee to attend. She advised everyone to contact Ms. Radwin or Ms. Powell for any needs or concerns.

Meeting adjourned at 1:11 p.m.

Respectfully Submitted,

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Jill O. Radwin, Executive Director