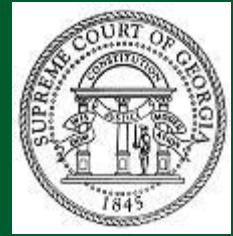


Committee on Civil Justice UPDATE



MAY 2008

- Chief Justice
Leah Ward Sears
Ex Officio
- Anne W. Lewis
Co-chair
- Teri P. McClure
Co-chair
- Jill O. Radwin
Executive Director
- Tracy Powell
Project Coordinator
- www.gaccj.org

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ABA/NLADA Equal Justice Conference: Report

The American Bar Association/National Legal Aid & Defender Association's Annual [Equal Justice Conference](#) was held in Minneapolis, Minnesota on May 7-9, with pre-conferences held on May 6. The theme for this year's conference was "Pursuing Justice: Balancing Challenges and Opportunities." A wide array of seminars was offered over the three-day period, with topics ranging from pro bono coordination, assistance to self-represented litigants, new technology initiatives, and funding and resource development.

Committee Staff attended the Tuesday pre-conference "Self-Represented Litigants: Effective Strategies for Meeting Their Needs and Realizing Your Organization's Goals." During this day-long program, seminars were given on limited scope representation,

including the "Lawyer for the Day" program in the Civil Court of the City of New York, and a presentation by California attorney Sue Talia; remote access services,



Minneapolis, MN

including the Minnesota Courts Virtual Self Help Center and document assembly programs used in Illinois, Idaho, and New York; and law library programs, such as Wisconsin's Public Library Initiative, and the program used in St. Cloud, MN. An overview of national updates was given by Richard Zorza, of the Self-Represented

Litigation Network. To tie all these programs together, the preconference included a tour of the award-winning Hennepin County Courthouse Self Help Center. The center is part of the state's strategic plan in improving access to justice, and the use of technology is integral to the center's operations. Staff attended a Networking Luncheon on Wednesday, May 7 and met with representatives of ATJ entities from around the country. Among the topics discussed were Louisiana's Awareness Campaign, the CA Access to Justice Commission's ten-year anniversary and future planning, and Nevada's onset of "Stage 3 Strategic Planning" following the completion of its Legal Needs Study.

Peter Edelman served as the keynote speaker at the Opening Plenary, and ABA President William Neukom spoke at Thursday's Awards Luncheon. Congressman Keith Ellison (D-MN) closed the conference at Friday's plenary.

Legal Needs Study: The Latest

The Legal Needs Assessment has been in process for over six months now, and at this point all data collection is complete. Over 1500 telephone surveys were conducted among low- and moderate-income households across the state, and nearly 400 attorneys were surveyed about their participation in pro bono work. Eight focus groups were held throughout March and April, four with providers of legal aid

and four with groups of hard-to-reach persons. The internet survey conducted among legal aid providers, social service/non-profit professionals, and court personnel reported huge numbers of participants.

At this time, the data is being analyzed and some preliminary results have been provided to the Committee staff. Dr. Carol Pierannunzi will be giving a report on these preliminary

findings at the May 21 meeting of the Committee.

The final results of the study should be available to us by the end of July. The Delivery Coordination and Needs Assessment subcommittee has started to focus attention on the next steps in the process—publicizing and disseminating the results.



Legislative Wrap-Up 2008

The Georgia General Assembly concluded the 2008 session just before midnight on Friday, April 4. Legislators saw many important issues come across their desks this session, including transportation, tax cuts, and the state's \$21b budget. Sine Die came relatively early this year, as recent sessions have not wrapped up until late April.

The budget is traditionally a complicated debate between chambers and parties each year, and this year was no exception. In regards to the Committee, the budget request to fund the Appalachian Circuit Family Law Information Center (FLIC) pilot project was approved. This brings us one step closer to improving access to justice in Georgia. These funds will be available July 1, and by this time the FLIC should be up and running at full capacity.

Limited Scope Representation

The Pro Se subcommittee has defined the advancement of Limited Scope Representation (also known as “unbundled services”) as its key objective in its work on behalf of the committee. Most unrepresented litigants need further assistance than what is available from forms packets or the clerk of court, including assistance with decision-making and judgement, options, and possible outcomes and strategies. In order to provide this assistance, attorneys may participate in a limited fashion such as preparing forms, handling a hearing, or providing representation in the portion of a case least amenable to self-representation. Limited representation is especially valuable to individuals who otherwise cannot afford or obtain representation for all aspects of a case. An attorney's limited appearance may not only help

the client but also may help the justice system operate more smoothly.

As a means of enhancing access to justice, limited scope representation might be obtained through visits to a Family Law Information Center, by contacting local Legal Aid or Legal Services offices, or contacting a pro bono project. Currently though, in Georgia, the Rules of Professional Conduct and Uniform Superior Court Rules do not make the guidelines clear as to whether attorneys may participate in limited scope representation. These rules would require amending to put unambiguous guidelines in place. The changes, however, would not have the intention of circumventing long-standing policies or to open the door to the unauthorized practice of law by non-attorneys, but rather to make it clear so that licensed

attorneys can feel confident when providing services to those in need.

Based on this information, the Pro Se subcommittee has developed a plan to begin the process of amending the necessary rules to make limited scope representation unambiguous and attractive for attorneys. With the help and support of the Pro Bono and Public Education subcommittees, the idea will be presented to leadership at the State Bar, and a proposed amended rule will be submitted to the Council of Superior Court Judges this summer, to begin the year-long adoption process. A formalization of the process of Limited Scope Representation would serve as a great tool for increasing access to justice in Georgia, as it would provide assistance to those litigants who may be able to handle some, but not all, aspects of a case.

Committee News

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

- The Committee was featured in the February 2008 issue of **The Atlanta Lawyer**, the monthly publication of the Atlanta Bar Association. See page 5 for the full article.
- **Phyllis Holmen** was honored at the Working in Public Interest Law Conference, and was presented with the Milner Ball Working in the Public Interest Lifetime Achievement Award. The Conference was held on April 4 at the University of Georgia.
- **Teri McClure** was the Keynote Speaker for the Leadership Institute for Women of Color Attorneys 2008 Conference, held March 13.
- The **Public Education subcommittee** met via conference call on Tuesday, March 4.
- A second **Planning Meeting** was held on Wednesday, April 30 for the Committee's presentation at the State Bar Annual Conference. See page 6 for the program agenda.
- **The Daily Report** held it's First Annual Pro Bono Awards Luncheon on Tuesday, April 29. Terry Walsh received the Lifetime Achievement Award. Charlie Lester was a fellow nominee.
- As of March 31, all subcommittee objectives and Action Plans are finalized and have been integrated into a **Committee Strategic Plan**.
- **The Committee website**, www.gaccj.org, has received several updates over the past few months. There is a new section dedicated to the Legal Needs Study.
- The **Resource Development subcommittee** held a meeting on Thursday, May 15.
- The **Pro Bono subcommittee** met on March 5.
- **Committee Staff** traveled to Minneapolis, MN to attend the ABA/NLADA Equal Justice Conference on May 6-9.
- This month marks the 10-year anniversary of state funding for legal services for survivors of domestic violence. **Georgia Legal Services Program** has marked the occasion many ways, including a newsletter, internal recognition of staff involved, and future planning on what remains to be done. Committee member **Linda Klein** was the initial primary advocate behind this cause and, in addition to GLSP, the Committee recognizes her for her great contribution.

Access to Justice In the News

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

The **American Bar Association** held it's annual *ABA Day in Washington* from April 15-17. This annual lobbying event is aimed at educating lawmakers on access to justice and increasing funding for legal aid.

The **New Hampshire Access to Justice Commission** launched it's new website on March 1. Access the page at www.courts.state.nh.us/access/index.htm.

The **North Carolina Access to Justice campaign, "4ALL"**, held a Statewide Service Day on April 4. Lawyers from around the state volunteered to answer legal ques-

tions, which included the use of a toll-free hotline.

The **Louisiana State Bar Association** adopted a resolution regarding assistance for self-represented litigants, including the development and implementation of programs, and the support of the judiciary and legal community in the coordination of these efforts.

The **California Access to Justice Commission** celebrated its 10-year anniversary with a symposium held on April 23, titled *The Future of Access to Justice In California: Developing a Vision for the Next Decade*.

The **South Carolina Access to Justice Commission** began in March a series of eight local hearings concerning barriers to civil justice.

The **Pennsylvania Bar Association** held its *11th Annual PBA On the Hill*, a two-day event in which lawyers visit Washington and engage legislators on important issues facing the legal profession, on May 5-6.

The **Spring 2008 issue of the MIE Journal** is dedicated to Access to Justice Commissions and Initiatives, highlighting activity in each state and other issues related to improving equal justice. Find an excerpt at <http://www.m-i-e.org/journal/journal.htm>

Committee on Civil Justice Meeting

When: Wednesday, May 21, 2008

10 a.m. - 2 p.m.

Where: State Bar of Georgia

Agenda

I. Welcome

- A. Greeting from Chief Justice Leah Ward Sears
- B. Greetings from the Co-Chairs
- C. Approval of December 2007 Meeting Minutes
- D. Approval of Revised Mission Statement

II. Review of Objectives and Progress of Subcommittees

- A. Delivery Coordination and Needs Assessment
- B. Public Education
- C. Pro Bono
- D. Pro Se
- E. Resource Development

III. Status of Legal Needs Survey and Preliminary Findings

- A. Report of Status and Findings
- B. State Bar Conference Presentation

LUNCH BREAK

IV. Appalachian Circuit Family Law Information Center Funding

V. Limited Scope Representation Project

- A. Summary from Judge Purdom
- B. Rules Revisions
- C. Collaborative with other Subcommittees

VI. Update on Technology Tools for Self-Represented Litigants

- A. LiveHelp Software
- B. Webcams
- C. Podcasting

VII. Ten-year Anniversary of State Funding for Legal Services for Domestic Violence

- A. Presentation from Georgia Legal Services Program

VIII. New Business Items

- A. Report from ABA Equal Justice Conference
- B. Timeline for Next Six Months

IX. Future Meeting Date(s) and Agenda Items



Getting the Word Out: CCJ and the Legal Community

Civil Justice for Georgia's Most Vulnerable

Jane Hansen, Public Information Officer, Supreme Court of Georgia, for *The Atlanta Lawyer*

When **Haley Schwartz** arrived at the Atlanta hospice last August, it was hard to look into the woman's face. She was so young, and she was dying.

Schwartz, a lawyer, had gotten the call the day before from a social worker at the DeKalb Medical Center. The social worker told Schwartz that a patient named Janis couldn't afford a lawyer but needed her help. The 43-year-old woman was in the final stages of breast cancer and was being transferred that day to hospice. The social worker had sat with Janis, assuring her that she could let go. No, Janis said, she couldn't. She had an 11-year-old daughter, and she hadn't made arrangements for her.

Schwartz, who directs the Breast Cancer Legal Project for the Atlanta Legal Aid Society, arrived at the hospice armed with guardianship paperwork and a will that named Janis' sister as her child's guardian. Janis, who was clearly in pain, had held onto life weeks longer than anyone expected. Janis signed the papers, and Haley was struck by the sense of peacefulness that seemed to wash over her. Before she left, Schwartz held Janis's hand and assured her everything would be ok; her daughter would be taken care of.

Soon after returning to her office, Schwartz got a call from Janis's sister, thanking her for putting her sister at peace. Janis had died a couple hours after Haley left.

In recent years, the focus in Georgia has been on the need for an indigent criminal defense system. But throughout the state, a growing number of poor and working poor citizens are struggling with civil legal needs that aren't being met. They're people like Janis, sick and dying from cancer or AIDS who need help with end-of-life planning or who are seeking disability or who can't qualify for Section 8 housing because they're too sick to work. They're the mother whose child is on a ventilator but her electricity has just been cut off; they're the elderly man who, faced with mortgage foreclosure, signs over the deed to his house to a scam artist; they're the woman who's trying to protect herself and her children by getting out of her marriage to an abusive man.

"These are fundamental human rights issues," says **Chief Justice Leah Ward Sears** of the Supreme Court of Georgia.

For the last year and a half, the Committee on Civil Justice, created by the Supreme Court and chaired by the chief justice, has been working to improve access to civil justice for Georgia's most vulnerable citizens — children, the elderly, veterans, the disabled, domestic violence victims. **Anne Lewis**, a partner with *Strickland Brockington & Lewis*, and **Teri McClure** senior vice

president and general counsel of *United Parcel Service*, share the role of vice chair over the committee of nearly two dozen attorneys, judges, legislators, and a minister — all appointed by the Supreme Court. Among their goals: to recycle law firms' used equipment and get it to organizations and shelters that need it; to increase the pool of pro bono attorneys around the state; to set up kiosks in courts and forms online to help people who choose to represent themselves; and to educate state leaders and the public on what civil legal services are available and what are still needed.

Georgia ranks in the bottom third in the amount the state spends on indigent civil justice. The Georgia legislature has provided some funding for targeted programs, including about \$140,000 for a senior citizens legal hotline, \$250,000 for legal services for grandparents who are raising their grandchildren and about \$2.2 million for legal services for the victims of domestic violence. But unlike many states, Georgia has no general fund for civil legal services for the poor.

Law firms are trying to help, but they can fund nowhere near the need. To demonstrate and prove that need, the committee has contracted with the A.L. Burruss Institute at Kennesaw State University to do a statewide needs assessment, surveying not only poor and middle-income citizens, but also judges and lawyers. The Atlanta Bar and a number of law firms have contributed to the survey's \$165,000 cost. **Charlie Lester, Jr.**, of *Sutherland Asbill & Brennan*, says he hopes the committee will have final results by June.

"I think there's a substantial number of people who could use legal services but aren't getting them," says Lester, who heads the subcommittee overseeing the assessment. "The big objective of the committee is to coordinate and increase quality services for everybody who needs them."

One piece of information Lester is hoping to learn from the assessment is why some lawyers do pro bono work and others don't, with the end goal of increasing their ranks.

Chief Justice Sears says that as she's learned more about the many legal problems people face, she's become passionate about the need for a response. She believes the Committee on Civil Justice is making strides.

"Now we're really off to the races. I feel good about the momentum," she says. But we're not there yet. We need lawyers from all over the state to get in this race and stay in it

**Supreme Court of Georgia
Committee on Civil Justice**

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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 a free society is a population that has faith that the legal system will assist people in their daily lives and that the judiciary will resolve disputes in a fair and impartial manner. We, the Committee on Civil Justice, envision Georgia as a state in which:

- Everyone is informed about and has meaningful access to a civil justice system that provides due process of law
- There is a statewide, broad-based, publicly known and supported, coordinated system for the delivery of civil legal assistance that:
 - empowers people of low income;
 - provides education, information, advice, tools, and quality legal representation; and
 - efficiently and effectively addresses legal needs and resolves or prevents legal problems

Looking Ahead, etc.

May 21, 2008 — Meeting of full Committee on Civil Justice, State Bar of Georgia

June 5-8 — State Bar of Georgia Annual Meeting, Amelia Island, FL

**Committee on Civil Justice presentation June 5, 9 a.m. - 12 noon
Agenda**

8:30 - Registration

8:55 - Welcome & Introduction *Chief Justice Leah Ward Sears*

9:00 - Unmet Legal Needs: Preliminary Findings of Statewide Assessment

Charlie Lester, Dr. Carol Pierannunzi

10:15 - 10 minute break

10:25 - Georgia's Civil Legal Delivery System *Rita Sheffey, Mike Monahan, Phyllis Holmen*

11:10 - Brainstorming Solutions *Judge Brenda Weaver, Judge Wayne Purdom, Steve Gottlieb,*

Mike Monahan