

**MINUTES OF THE SEPTEMBER 21, 2007,
MEETING OF THE
SUPREME COURT OF GEORGIA
EQUAL JUSTICE COMMISSION
COMMITTEE ON CIVIL JUSTICE**

Call to Order - The ninth meeting of the Supreme Court of Georgia Equal Justice Commission Committee on Civil Justice was held on Friday, September 21, 2007, beginning at 10:00 a.m. at Mercer University, Macon, Georgia. Anne Lewis and Teri McClure, Co-Chairs, presided.

The Committee meeting was held at Mercer University at the invitation of Committee Member, Professor Timothy Floyd. Professor Floyd invited all attendees to a moot court in his class at 2:30 p.m. following the Committee meeting and to a reception at his home later in the afternoon.

Chief Justice Leah Ward Sears began by thanking Professor Floyd for hosting the meeting and introducing the new Executive Director for the Committee on Civil Justice, Jill Radwin. Chief Justice Sears then welcomed all attendees and asked that attendees introduce themselves. Present were Michael Tyler, Representative Edward Lindsey, Jr., Michael Monahan, Cubbedge Snow, Jr., Professor Timothy Floyd, Judge Willie Lockett, Phyllis Holmen, Teri McClure, Chief Justice Sears, Anne Lewis, Steve Gottlieb, Judge William Duffey, Jr., Reverend Jane Fahey, Charles Lester, Jr., and Rita Sheffey. Judge Wayne Purdom and Terence Dicks attended via teleconference. The meeting was staffed by Jill Radwin, Eden Freeman, Debra Nesbit, and Debra Oliver, all of the Georgia Administrative Office of the Courts. Paula Krone, as an interested member of the public, also attended. Ms. Krone is a disability lawyer whose practice involves pre-paid legal services.

In opening the business of the meeting, Co-Chair Anne Lewis commended Eden Freeman for her assistance to the Committee during the transitional phase between Executive Directors. Ms. Lewis also commended Karlise Grier, outgoing Executive Director, for her service to the Committee and work on the upcoming legal needs survey.

Ms. Lewis asked for approval of the May 2007 meeting minutes. Several suggestions were made for corrections. She called for approval with changes; a motion was approved by the Committee members. (See final minutes submitted.)

Roll call was taken by signature. (See attached).

Review of Mission and Vision Statements - Anne Lewis and Teri McClure introduced guest speaker, Richard Van Duizend, *Principal Court Management Consultant, National Center for State Courts*, who has been assisting the Committee with strategic planning. Mr. Van Duizend facilitated a review and

refinement of the Committee's Vision Statement with the full Committee. After discussion, Rep. Lindsey moved to approve; his motion was seconded and the following was approved by present Committee members:

Georgia Committee on Civil Justice
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.

Teri McClure advised the Committee that while the last year revolved around educating members on access to justice issues, this year the various subcommittees of the Committee would work on articulating functions, goals and objectives to ensure they are in line with the Committee's mission and vision. With that in mind, she and Co-Chair Lewis asked that each subcommittee chair present lead his or her subcommittee in break out sessions in which written objectives would be committed to writing and shared with the full Committee. Mr. Van Duizend urged the subcommittees to take the vision statement to frame a set of subcommittee objectives. He recommended that they "start with action verbs to define, list, and specify to tie into tasks and outcomes of tasks."

The objectives presented by each subcommittee present were:

Pro Se Subcommittee

1. Enlarge unbundled (i.e. limited scope of representation) legal services.
2. Address the pressing need of providing legal services in domestic relations caseload, particularly related to the implementation of the revised child support guidelines.

3. Test the provision of legal services via remote areas through the use of remote access, including:
 - a. Office
 - b. Limited Representation
 - c. Telephone (hotline)
 - d. Internet
4. Coordinate *pro se* services across the state.
5. Recommend the adoption of model court standards under which court staffs can provide information, short of providing legal advice to *pro se* litigants.

Delivery Coordination and Needs Assessment

1. Assess the need:
 - a. Understand the population that needs the services;
 - b. Understand the services that they need;
 - c. Manage the Burruss Institute to obtain this information; and
 - d. Assure the publication and dissemination of a complete and understandable report of the survey results.
2. Create a delivery proposal:
 - a. Understand existing providers;
 - b. Identify new delivery resources; and
 - c. Propose coordination between existing and new delivery resources.

Public Education

1. Work with Delivery Coordination and Needs Assessment subcommittee to create and use video product as public relations.
2. Gather information about current public relations done by Bar, GLSP, NLADA, etc.
3. Craft the Committee's message about Equal Access to Justice
4. Identify our audience (e.g. Bar, Judiciary, Graduating Law Students, Legislature, Non-profits, General Public)
5. Identify effective approaches to public education
6. Choose (prioritize) effective approaches for public
7. Identify people in the media
8. Work with GLSP, Atlanta Legal Aid Society and client councils (to energize them for their help).

Resource Development

1. Identify existing resources
 - a. Financial (human resources as well)

- b. Delivery systems
 - c. In-kind
 - d. Technology
2. For identified systemic gaps,
- a. Match available resources
 - b. Develop plan for increasing appropriate resources to meet the need.

Pro Bono

The members of this subcommittee will meet separately and report back.

Mr. Van Duizend pointed out the interrelation of each subcommittee with all other subcommittees. He emphasized that communication within the whole group is essential to prevent reinventing the wheel. He asked the Committee to evaluate what could be done better and what members would like to see.

Other Committee Members provided input. Judge Duffey cautioned not to get so formalistic. He concluded that we should see what experience and skill sets are available. Mr. Lester stated a great deal of preliminary work has been done, and now is getting to the time where the Committee needs to have a final product and a plan that that is multi-faceted. Rita Sheffey emphasized the need for subcommittees to get together, and cautioned subcommittees from doing all their work without input from Commission as a whole. However, the members decided against having subcommittee minutes to submit to the Committee. Anne Lewis suggested a doing a newsletter with a communication link. There was a suggestion that more frequent but shorter meetings might be helpful.

Mr. Van Duizend stated that the Committee needed to set other tentative goals to reach the eighteen month plan (March 2009) and to develop a tentative timeline when activities or goals would be accomplished

Ms. McClure asked that the subcommittees think about what overall time frames are needed to accomplish these objectives. Ms. Lewis cautioned against waiting for the results of the survey. She stated that we have to presume the problem is as bad or worse as it appears to be and develop a frame work with that assumption.

Report from the Committees as to Current Activities:

DELIVERY COORDINATION NEEDS ASSESSMENT, REPORTED BY CHARLIE LESTER –

Mr. Lester reported that the Delivery Coordination Needs Assessment Subcommittee released an RFP to potential providers to conduct a comprehensive Legal Needs Survey. The Subcommittee held an Offeror's Meeting, in which nine attended. The Subcommittee was greatly helped by Kirk Elifson, a local professor who has extensive experience with surveys; he was very

helpful with suggestions and participated in meeting with bidders. Mr. Elifson also assisted with the evaluation and will assist with implementation.

By the deadline date, the subcommittee had received four bids:

1. Carl Vinson Institute of Government, The University of Georgia
2. Applied Research Services, Inc.
3. Schulman, Ronca, & Bucuvalas, Inc.
4. A.L. Burruss Institute of Public Service and Research, Kennesaw State University

Subcommittee Members Charlie Lester, Judge Purdom, Judge Duffey, Michael Tyler, Michael Monahan, and Anne Lewis took the various technical components and weighted the proposals. Kirk Elifson, Jill Radwin, Eden Freeman, and Charlie Lester then made recommendations based on the weighted points of each proposal. A.L. Burruss Institute (“Burruss”) ranked the highest and was awarded the contract. Mr. Lester stated that the timeline that Burruss proposed for the survey is to be finished “by the summer” which will fit nicely with Georgia Bar Foundation goals. Mr. Lester requested authorization to begin negotiations for contract with A.L. Burruss Institute and also asked for authority from the Committee for a 10% increase of the bid, if needed.

Mr. Lester provided the Committee with information about fundraising efforts to raise money for the study. As of the meeting date, Mr. Lester had received commitments of \$78k from various firms and foundations for the study, and there are still other requests pending, including requests for funding from the Georgia Bar and Lawyers’ Bar Foundations. At the conclusion of his presentation, Charlie Lester reminded each Committee member to consider supporting the survey through personal or firm contributions. He asked if there were any questions for discussion.

Mr. Van Duizend asked that the Committee discuss where the survey will be distributed. Charlie Lester stated it would be available across a broad spectrum of agencies/organizations. It will be used to determine how delivery models and coordination of services can be facilitated.

Rev Fahey noted a concern of regarding access to households without telephones. Mr. Lester said that Burruss proposed focus groups for hard to reach population, as well as face-to-face interviews spread around the state. Paula Krone asked if the proposal addressed reaching people with disabilities. Mr. Lester responded that the survey plans addressed dealing with hard-to-reach respondents, including those with language barriers, lack of transportation, etc. and that the disabled would be accommodated.

Mr. Lester moved that the Committee approve the acceptance of the bid from the A.L. Burruss Institute. The motion was seconded and unanimously approved; Mr. Lester will go forward with A.L. Burruss Institute to finalize contract negotiations.

RESOURCE DEVELOPMENT SUBCOMMITTEE, REPORTED BY RITA SHEFFEY -

Ms. Sheffey stated that the IOLTA comparability project is moving forward. She recently, spoke with Len Horton, Executive Director of IOLTA/Georgia Bar Foundation and the Foundation is making great strides with banks to raise interest rates of IOLTA accounts to make them comparable to non-IOLTA accounts.

The Resource Development Subcommittee has been monitoring federal and state legislation for forgiveness in student loan amounts. The proposed bills would provide substantial forgiveness of educational loans for attorneys and other professionals who commit to public interest work. Steve Gottlieb stated that current loan repayments schedules are a significant deterrent to people choosing the public interest sector. The federal bill will provide repayment of student loans up to \$6k/year, and also sets a cap on what students have to pay per year; thereby, possibly making make a dramatic difference in the number of people choosing to go into public interest work. Although the federal Bill 2669 has been passed, it has not yet been signed by the President.

Rev. Fahey asked if there are particular members of Congress to be contacted. Ms. Sheffey stated that she would research it. Mike Monahan stated that he has a pdf file with information, including proposed legislation, and would send to Jill Radwin to distribute.

Ms. Sheffey, in her final comments, offered assistance from the Resource Development Subcommittee to other subcommittees for help with funding and other resources.

PRO-BONO SUBCOMMITTEE, REPORTED BY PROFESSOR TIM FLOYD

The Pro Bono Subcommittee has not met since the last meeting but plans to meet soon.

PRO SE SUBCOMMITTEE, REPORTED BY JUDGE PURDOM

Judge Purdom reported that the Pro Se Subcommittee has been working with the Appalachian Judicial Circuit, and its chief judge, Judge Brenda Weaver, on a pilot project to start a Family Law Information Center ("FLIC") in that circuit. The pilot would demonstrate the effectiveness of a self help center spanning several counties, including using technology to foster greater outreach and communications with a rural, multi-county area. Jill Radwin, who was assisting with the project prior to being named Executive Director of the Committee, stated that the Subcommittee made a budget request to the Judicial Council in July to fund this FLIC office. The majority of the funding will go to personnel

costs to staff this office. The main office will be at the new Gilmer County Courthouse, but the other county courthouses' libraries will serve as satellite offices and will be available via video conferencing technology. If the Georgia General Assembly approves the funding, the funding will not initiate until July 1, 2008. In the meantime, Judge Weaver wants to set up the foundation of a self help center or Family Law Information Center ("FLIC") as soon as possible. To that end, Ms. Radwin is providing and coordinating day-long training to prospective volunteers in the area. Attorneys attending the seminar on October 26, 2007 will be eligible for Continuing Education Credit ("CLE"). Debra Nesbit expounded on the Judicial Council's review of this project. The Judicial Council has adopted the proposal but the actual budget request has been cut. Ms. Nesbit announced that this would be a particularly important pilot project as it would be the first FLIC office in the state in a remote area with access coverage for three rural counties.

As to other Pro Se Subcommittee projects, Judge Purdom stated that he would like to see the adoption of rules for clerk giving legal advice versus legal information. A presentation has already been made to the Magistrate Court Clerks, which was widely received. Judge Purdom said he is also waiting to hear back from the Probate Court Judges regarding interest to proceed with this project with the Probate Court Clerks. Chief Justice Sears asked that he forward communications regarding this subject to Ms. Radwin.

Rep. Lindsey asked about whether courts were appointing Guardians Ad Litem to assist the courts with child support calculations. Ms. Radwin responded that the Griffin Judicial Circuit has a standing order appointing Guardians Ad Litem in such a situation. Steve Gottlieb stated that DeKalb County hired a full time paralegal to assist the FLIC office in calculating child support, and so far, it seems to be successful. However, Phyllis Holmen said despite these few efforts, the new online child support calculator "looks like a tax return and is difficult for a pro se litigant." Mike Monahan added that it is hard to find lawyers to do child support cases due to complexity of the law. Ms. McClure commented that the Committee's role is to identify these issues and assist with the process.

PUBLIC EDUCATION SUBCOMMITTEE, REPORTED BY ANNE LEWIS

Anne Lewis stated that the principal activity of this Subcommittee has been a moot court presentation that was presented on June 15, during the State Bar of Georgia's Annual Meeting. Chief Justice Sears and four other justices were on the bench. Anne Lewis commended Karlise Grier for arranging the moot court and also thanked Tim Floyd and Gerry Weber for their work on the moot court. Professor Floyd stated that the Committee was taking the moot court "on the road." Atlanta Bar March Madness was a good vehicle for getting issue in front of people.

At the last meeting the Public Education Subcommittee discussed the purpose of the subcommittee. Ideas included making the public aware of access to equal justice for all; getting the word out to the public; putting out videos; distributing regular newsletters; being more pro-active with media public service notices; and, making more bar presentations. Another idea that the Public Education subcommittee has been researching is unbundled legal services, which holds much promise for advancing pro bono services.

Judge Purdom stated that the Committee needed to encourage moving forward with developing the unbundled services by developing a Georgia version of Judge Sue Talia's presentation at the June CLE concerning California rules on this subject. Judge Purdom suggested that a better name for "unbundled services" may be limited scope representation and that all parties have to be sure of what the scope entails.

New Business

Phyllis Holmen provided a letter from Legal Services as to a project involving adults taking care of children who are not their own and who are encountering problem with courts not accepting affidavits for waiving court costs. This was tabled until the next meeting to give Committee members time to read the letter.

Charlie Lester asked about a short report on a proposed plan to tax legal services; five states currently have taxes on legal services.

Rita Sheffey said that she is always looking for articles about the Committee, and has already talked to the Atlanta Bar about including an article in the "Atlanta Lawyer."

It was announced that the next meeting scheduled for December 14, 2007 will be at the Georgia State Bar, 9:00 a.m. – 3:00 p.m.*.

Meeting adjourned at 2:05 p.m.

Respectfully Submitted,

Jill O. Radwin, Executive Director

* The time for the December 14 meeting was later changed to 10:00 a.m. – 2:00 p.m., and was communicated to all members via e-mail.