

**MINUTES OF THE SEPTEMBER 26, 2008 MEETING OF THE
SUPREME COURT OF GEORGIA
EQUAL JUSTICE COMMISSION
COMMITTEE ON CIVIL JUSTICE**

Call to Order – The twelfth meeting of the Supreme Court of Georgia Equal Justice Commission Committee on Civil Justice was held on Friday, September 26, 2008 at 10 a.m., at the State Bar of Georgia, 104 Marietta Street, Meeting Room 3, Atlanta, Georgia. Co-chairs Anne Lewis and Teri McClure presided.

The meeting was called to order at 10:10 a.m. Roll call was taken by sign-in sheet. Committee members present were: P. Todd Carroll, Judge William Duffey, Martin Ellin, Reverend Jane Fahey, Steven Gottlieb, Sharon Hill, Thomas Hills, Phyllis Holmen, Anne Lewis, John Long, Teri McClure, Michael Monahan, Judge Wayne Purdom, Rita Sheffey, Cubbedge Snow, Michael Tyler, and Terence Walsh. Tia Milton, Chief of Staff for Chief Justice Leah Ward Sears, also was in attendance. Attending the meeting as guests were: Debra Nesbit, Deputy Director of the Administrative Office of the Courts; Kayann West, Staff Attorney with the Appalachian Circuit Family Law Information Center; Michelle Barclay, Director, Supreme Court of Georgia Committee on Justice for Children; Kathleen Dumitrescu, Member of the Committee on Justice for Children and Attorney with Atlanta Volunteer Lawyers Foundation; and Richard Zorza, of the Self-Represented Litigation Network. Committee staff present were Jill Radwin, Executive Director, and Tracy Powell, Project Coordinator.

The co-chairs began the meeting with a short welcome, and both noted the expiration of the committee's initial appointment in May 2010. Teri McClure stressed the need to continue performing meaningful work, and Anne Lewis stated that the committee will have a product in the Legal Needs Study by the end of 2008 (year three of the committee's appointment). Ms. Lewis informed the Committee that the Georgia Bar Foundation grant had been approved in the full amount requested, so the Committee has secured its funding for the next year. Ms. Lewis asked for a motion on the Minutes of the May 21, 2008 meeting of the Committee. A motion was offered, followed by a second, and the minutes were approved.

Legal Needs Study Update – Ms. Lewis explained to the Committee that a first draft of the Legal Needs Study (LNS) had been submitted by the Burruss Institute (Burruss) in June, but had to be sent back for extensive revision. The draft was not in a form that was comprehensible, and Burruss was given the opportunity to rewrite and deliver a new report. The initial draft was

essentially a data report, not an analytical report of the findings, as was expected. A new draft has not been received yet, but a deadline of October 1, 2008, was previously agreed upon.

Executive Director Jill Radwin presented the outline for how the new draft is expected to be organized, in the form of eight categorical questions (see attached). Ms. Radwin explained that she, Ms. Lewis, Tracy Powell, and Delivery Coordination and Needs Assessment Subcommittee Chair Charlie Lester (not present) met with Burruss in July to discuss the first draft, and presented the categorical questions then. It is the Committee's intention that Burruss will reorganize the report, and rewrite it in a form that can be understood by a professional layperson.

Open discussion ensued about Committee expectations of Burruss, whether the forthcoming draft will be sufficient, and if not, a plan of action for further revision and/or rewrite. There was concern among many members about the report's readability, and in turn, its effectiveness and credibility. Judge William Duffey suggested that several committee members meet with Burruss prior to their submission of the next draft, to ensure that they are going in the right direction and fully understand what kind of report the Committee expects to receive. It was agreed that Committee leadership, and any other interested members, will meet with Burruss within the two weeks to review the work so far. Jill Radwin agreed to contact Burruss regarding the Committee's concerns and to schedule a meeting time. Ms. McClure suggested the Delivery Coordination and Needs Assessment subcommittee convene to discuss the concerns and status.

Presentation from Richard Zorza: Ideas for a Statewide Strategic Plan - Richard Zorza, developer of the Self-Represented Litigation Network and nationally recognized consultant on access to justice and self-represented litigation, presented to the Committee his proposal to conduct and assist the Committee with a statewide Strategic Plan with recommendations on how to remove the barriers and provide better access to justice for the state's citizens, as the next step following the completion of the Legal Needs Study. He supplemented his speech with a PowerPoint presentation (see attached). He explained his goal of the plan as not to create one hundred percent access to justice in Georgia in five years (since this would not be possible), but to have enough work done and items in place to where increased access to justice is visible, and can continue to increase.

Mr. Zorza described his plan of work in the format of three phases, to be done over an approximately six-month long process: Phase 1) Work with the Committee on Civil Justice to perform an initial foundation assessment of the current state of access to justice in Georgia,

including a discussion of the goals and perspectives on how to put these goals in reach; Phase 2) Work with a variety of stakeholders, as identified by the committee, to ensure that the goals put forth by the Committee has resonance and are enriched by the needs and perspectives of the selected stakeholders; and Phase 3) Issue a Final Report, that will include recommendations for pilot projects designed to test the approaches for success and viability. There will be three final product components within the Strategic Plan: a report of goals and approaches, which will be the result of Mr. Zorza's discussion with the Committee; various pilot projects designed to test the goals and approaches discussed in the report, as well as lay the groundwork for meeting the goals; and a long-term timeline for the state, to provide guidance to the various entities to work together to continue to improve access to justice in Georgia.

Mr. Zorza stressed the need to think in a broader context than just "poor people," explaining that one hundred percent access to justice will include all citizens of Georgia. Mr. Zorza stated that coordination among all of those involved will be crucial for long-term success, as well. Cubbedge Snow asked for examples of any states where the Bar has expressed a great deal of support for the issue of improving access to justice. Mr. Zorza cited California and New Hampshire as two states where the clear commitment and leadership of the judiciary to access to justice has led to great Bar support; around the country, bar leaders are increasingly finding themselves at a dead end on access to justice, and realize the need to think outside the box.

Mr. Zorza expressed his excitement about working with the Committee, and commented that this is the first time he has seen a state look back at what has already been done, instead of strictly forward, and done so in such a comprehensive way.

Due to time constraints, further discussion about the Strategic Plan was stopped and scheduled to resume during the lunch break.

Appalachian Family Law Information Center – Kayann West, Staff Attorney and Director of the Appalachian Family Law Information Center (FLIC), spoke to the Committee about the Center. She used a PowerPoint in her presentation (see attached). The FLIC officially opened for business on July 1, 2008 (when the state funding became available), and Ms. West has been with the center since August 5, 2008.

Located in the three-county Appalachian Circuit, the FLIC's main office is in Gilmer County, with two satellite offices located in Fannin and Pickens counties. Each office is housed in the law library of the courthouses. The FLIC staff consists of one attorney and one non-attorney, and the hours and locations of each office rotate based on the court calendar. Currently, assistance

is based on financial need, which is determined by completion of an application. The FLIC has advertised itself so far through business cards distributed by staff and the Clerk of Court, a website, a brochure, and through promotion by various agencies and governmental bodies, such as DFCS, the District Attorney's Office, the Sheriff's Office, and local schools.

Due to the broad area of this three-county circuit, the FLIC will be equipped with videoconferencing equipment that will allow the staff to assist litigants from any of the three locations. This method of communication is expected to increase the number of litigants the FLIC will assist and is also being implemented as part of the staff's commitment to customer service. The FLIC may be contacted in four different ways: in-person, by phone, by video conference, and through court assistance on non-jury calendar days. Soon there will be a dedicated phone line hooked up in each location, designed to automatically call and speak to the office attorney or office manager.

Ms. West informed the Committee that between August 5, 2008 and September 5, 2008, the FLIC assisted a total of 149 litigants between the three locations, on various family law-related topics and several methods of contact. The assistance in court has already shown a significant reduction in frustration on the part of the litigants.

Todd Carroll inquired about the level of support from the local Bar, to which Ms. West said there has been support but it will take time before there is large buy-in. Several questions were asked regarding the financial qualifications. Judge Duffey asked about the process of determining if someone is qualified, and asked if the reported income is verified. Ms. West stated there is an application for the litigants to fill out, but at this time there is no verification process. Most of the users do not know before they come in to the FLIC that there are qualifications, so the staff does not anticipate any problems at this time. Ms. West said that since August 5th, the FLIC has only turned away one person. Judge Purdom then inquired as to what the staff can do for people who do not meet the income qualifications; Ms. West said she would most likely direct a person to the FLIC website for information, or to the Clerk's office for forms packets. Steve Gottlieb stated his opinion that once the office and its process are fully running and established, the income guidelines should be reconsidered.

Mike Monahan spoke briefly about the assistance he has provided to the FLIC staff. He has met with the staff four times, during which times he has helped them establish a website, and provide the training for the website, created forms in fillable PDF format, and will be working with the staff to get settled with the videoconferencing equipment.

Richard Zorza spoke briefly about the evaluation he will be conducting for the Family Law Information Center. He spent the two days prior to the meeting in the Appalachian Circuit, visiting the three locations and working with Ms. West, Judge Weaver, and Jacque Elwarner, Program Coordinator, to determine an evaluation plan. So far, survey instruments have been designed to be given to the FLIC users and the judges and court staff. The staff tested these instruments prior to Mr. Zorza's visit, and based on the data collected there seems to be a huge amount of enthusiasm among those who have used the FLIC.

LUNCH BREAK

Open Discussion Regarding Strategic Plan – The committee resumed discussion of Richard Zorza's presentation regarding the five-year statewide strategic plan. After some initial questions on various subjects, Ms. McClure summarized the concerns as two main issues: 1) This being Mr. Zorza's first time presenting the idea to the entire committee, some questions still need to be addressed as a committee before finalizing the scope of work; and 2) Assuming that the committee does decide to go with Mr. Zorza's proposal, the work of the subcommittees will need to be tapped in to as part of the overall plan.

Judge Purdom voiced support for Mr. Zorza, stating that he is in touch with what has been done with access to justice in many other states. Phyllis Holmen stated that the list of areas to be looked at, presented by Mr. Zorza in his presentation, was very useful. She suggested it may be helpful to divide the list among subcommittees and look at which subcommittees are making progress on each item. Similarly, Judge Purdom suggested distributing the list to each subcommittee and select issues they have already looked at and provide feedback, and also to select issues that they would like to explore. Ms. Lewis asked that all subcommittees meet before the next meeting to discuss this.

Limited Scope Representation Project – Judge Purdom spoke to the committee about the proposed model rule on Limited Scope Representation, written by him and Ms. Radwin, that he presented to the Council of Superior Court Judges Uniform Rules Committee this past July. Judge Purdom reported the rule passed out of the committee unamended, for first reading by the full Council. The rule was then approved by the general body after first reading, and is currently being sent out to the Superior Court judges for further reading and comment.

Judge Purdom briefly mentioned the status of the Clerks' Pro Se Handbook project. The Magistrate Court has approved the language and also has drafted a list of Frequently Asked Questions to include. Judge Purdom is hopeful that it will pass at the Council of Magistrate

Court Judges fall conference. The other levels of court are following up on this project. Further progress will be reported at the next meeting.

Supreme Court Committee on Justice for Children – Michelle Barclay, Director, Supreme Court Committee on Justice for Children, and Kathleen Dumitrescu, Justice for Children Committee member and attorney with Atlanta Volunteer Lawyers Foundation, spoke to the committee about what they have defined as a gap area to access to justice: inconsistency in parent attorney representation in juvenile court cases. Ms. Radwin introduced Ms. Barclay and also provided background on the Committee on Justice for Children, and Mr. Ellin introduced Ms. Dumitrescu. Ms. Barclay explained that across Georgia the numbers for parent representation are low, and in areas where there is representation, the quality is lacking. Ms. Dumitrescu stressed the need for additional resources for parent attorneys, including the need to train lawyers to improve the quality of their representation by doing an “excellent, zealous job” at advocating for the parents they represent. Both Ms. Barclay and Ms. Dumitrescu voiced their interest in working with the Committee on Civil Justice in the future on pilot programs or other projects, in effort to close this gap in services.

National Center for State Courts’ Court Solutions Conference – Tracy Powell delivered a brief report on the Court Solutions Conference, held in Baltimore on September 8-10, 2008. Georgia sent a team of eight representatives to this three day, interactive conference, including Committee members Judge Purdom and Mike Monahan.

Atlanta Bar Association Pro Bono March Madness – Ms. Powell spoke about the Committee’s participation in the Atlanta Bar Association’s annual Pro Bono March Madness campaign for 2009. The Committee will present the Legal Needs Study as a “kick-off” to the month’s events. The presentation is scheduled be held on March 4, 2009.

Closing Business – Co-chair Anne Lewis announced that the next meeting of the Committee will be held on Friday, December 12, 2008. Ms. Lewis and Ms. McClure asked that all subcommittees meet prior to that date. A short report on the work of all subcommittees will be sent out to the membership before December 12.

The meeting was adjourned at approximately 2:00 p.m.

Respectfully Submitted,



Jill Radwin, Executive Director