

**MINUTES OF THE MAY 21, 2008 MEETING OF THE
SUPREME COURT OF GEORGIA
EQUAL JUSTICE COMMISSION
COMMITTEE ON CIVIL JUSTICE**

Call to Order - The eleventh meeting of the Supreme Court of Georgia Equal Justice Commission Committee on Civil Justice was held on Wednesday, May 21, 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 10:15 a.m. Roll call was taken by sign-in sheet. Committee members present were: Judge William Duffey, Marty Ellin, Reverend Jane Fahey, Steven Gottlieb, Sharon Hill, Thomas Hills, Phyllis Holmen, Victor Lai, Anne Lewis, Representative Edward Lindsey, Teri McClure, Michael Monahan, Judge Wayne Purdom, Chief Justice Leah Ward Sears, Rita Sheffey, Cubbedge Snow, Michael Tyler, and Terence Walsh. Tim Floyd and Terence Dicks participated by teleconference. Debra Nesbit, Deputy Director of the Administrative Office of the Courts of Georgia, and Joy Davis, Summer Legal Associate with Georgia Appleseed, Inc. attended the meeting as guests, and Carol Pierannunzi, Kennesaw State University, attended as a presenter to the committee. Committee staff present were Jill Radwin, Executive Director, and Tracy Powell, Project Coordinator.

The co-chairs began the meeting with a welcome and opening comments. Teri McClure welcomed everyone, noting that the agenda was quite substantive and that the meeting called for a very ambitious schedule. Anne Lewis thanked everyone for attending, and extended congratulations to several committee members for recent honors and awards. She commended the new Committee Newsletter that has been published by the Staff and hoped that everyone was up to date on the activities of the committee as a result.

Ms. McClure asked for approval of the minutes from the December 14, 2007 meeting. A motion was offered, with a second by Michael Tyler, and was approved by all members. (See final minutes submitted)

Ms. McClure then brought the committee's attention to the revised mission/vision statement. She asked for any questions or comments. None were offered, and the revised statement was approved. The committee will move forward with the statement as its guiding principles. (See attached)

Review of Objectives and Progress of Subcommittees – Each subcommittee chair delivered a brief oral report about the work that has taken place in their subcommittees since the December 14 meeting.

The *Delivery Coordination and Needs Assessment* chair, Charlie Lester, could not attend, but his report was delivered by Dr. Carol Pierannunzi in her

presentation later in the meeting on the Preliminary Findings of the Legal Needs Assessment.

The *Public Education* subcommittee report was delivered by chair Tim Floyd. The subcommittee held a very productive meeting in early March, at which the subcommittee's mission was defined as promoting the work and mission of the full Committee on Civil Justice, as opposed to general education on access to justice. Mr. Floyd said that one of the primary projects of the subcommittee will be a video product, similar to that of the Texas Access to Justice Commission, which will hopefully be produced within the next six to twelve months. The subcommittee hopes that some of the video interviews done by the Burruss Institute (as part of the Legal Needs Assessment) will be part of this product. Mr. Floyd also said that the Public Education subcommittee views one of its primary tasks as assisting all other subcommittees in promoting their projects. Teri McClure asked if the subcommittee had identified any other areas that may need further education or publicity, and Mr. Floyd listed the Limited Scope Representation project of the Pro Se subcommittee. He also commended the committee newsletter as a great avenue for educating and publicizing the work of the committee. Ms. McClure suggested the newsletter as a project the subcommittee could assist with, in terms of identifying a wider audience. Phyllis Holmen suggested State Bar leadership as one possible group to be included in the newsletter distribution, as well as provide a link to the Bar website. Anne Lewis called on Jill Radwin to speak to any plans made so far about public relations/marketing for the results of the Legal Needs Assessment. Ms. Radwin said that the plan is to bring in an outside public relations/marketing person to promote the findings of the legal needs survey and a resulting strategic plan of recommendations to resolve the findings and barriers. The results "kickoff" will not take place until a strategic plan is together, probably in the fall.

Ms. McClure summarized the discussion of *Public Education* as focusing on two topics: (1) an educational piece about the work of the committee, and (2) general education, which would include the public relations aspect, on specific areas of need.

Finally, Mike Monahan expressed his desire for a Bar-centered subcommittee to educate on the work of the full committee, as any changes in legislation or funding will be primarily Bar-related. He suggested messages and educational tools for the Board of Governors, the Young Lawyers Division, and other Bar programs.

The *Pro Bono* subcommittee report was given next. Chair Terry Walsh began by saying the subcommittee was present at the meeting in full strength and is interested and energized in all projects taking place. He stated that it had been difficult to advance without any results from the legal needs assessment, but now that data is close to being available, it is easier to move forward. The committee has had communication with Judge Purdom and the Pro Se subcommittee on the limited scope representation project, and the chair was scheduled to participate

in a conference call with Burruss on May 22 to discuss the data. He predicted this call will further help the subcommittee with its focus.

Judge Purdom delivered the *Pro Se* subcommittee report next. He began with an update on the clerks' guidebook for assisting pro se litigants. He stated there had been favorable reception from the magistrate court judges, but since then it had been stalled several times in subcommittees. Judge Purdom called on Ms. Radwin to add comments regarding the various *Pro Se* subcommittee projects. She informed the committee that the *Clerk's Pro Se* guidebook is on track and the informal collaborative of the lower courts had expressed much enthusiasm for it. Several states have adopted the Iowa guide verbatim, but each state requires a section of original material, often found in the form of Frequently Asked Questions. Each court will convene a committee to draft its individual page of FAQs. This project will be part of the 2008-2009 Georgia Bar Foundation Grant application, and if funding is received, the guidebook work will be undertaken and anticipated to be published by next year. Judge Purdom then briefly mentioned the two other primary projects of the subcommittee – the Appalachian Circuit Family Law Information Center (FLIC) and Limited Scope Representation – but held off on details, as they were each listed as separate agenda items for the meeting. He concluded by saying that the decisive point in the Limited Scope Representation project will be this summer's meeting of the Superior Court Judges' Uniform Rules committee, at which time he can see how much support or opposition there is. From there, the project will either really start moving or the committee will have to regroup and take another look at the issue.

The *Resource Development* subcommittee report was delivered next, by chair Rita Sheffey. The subcommittee met on Thursday, May 15, in a great and productive meeting. In pursuit of its first objective – identifying existing resources – the committee decided to identify the major providers in the state and contact them regarding funding (what types of funding they receive, where it comes from, who it goes to, etc). The goal is to develop a guide to categorize what types of funding exist already, and where it is going. Judge Duffey suggested at the meeting that the data be shown on a map, so as to illustrate geographically where the resources exist. The subcommittee is fairly far along in collecting the information, and as expected, the pattern is showing the majority of funding geared towards specific, not general, use. The subcommittee is also looking at pro bono resources around the state, and Mike Monahan is assisting with gathering this data. The same results are expected as shown with respect to the funding, with most of the volunteer resources concentrated in the metro area. The subcommittee is also looking at gathering old and/or outdated technology resources from law firms and other various places and redistributing them to providers. Mr. Gottlieb stated that there are various ways to get the message out about comparability rates, and the committee does not want to get in the way of the Bar Foundation or IOLTA, but would still like to help if asked. The committee as a whole agreed on continuing to let the Bar Foundation take the lead, but will be ready if and when called on for help. Ms. Sheffey also thanked

Tommy Hills for providing the committee with information on the specifics of state funding for legal services, including the amount of the new rate.

In conclusion, Ms. Sheffey stated that once the data from the legal needs assessment comes through, it will help the subcommittee identify where the gaps in resources lie, and from there the issue of closing the gap will be addressed by working with the other subcommittees. Additionally, Ms. Sheffey informed the committee of the Atlanta Bar Association's first annual pro bono fair, "Celebrating Service," to be held on October 2, 2008.

Ms. Lewis recognized and congratulated Ms. Sheffey on her election as Treasurer of the Atlanta Bar Association.

There being no further questions or concerns, this concluded the reports of the subcommittee activities. Ms. McClure thanked everyone for all of their work.

At this point, Justice Sears offered her formal greeting. She noted that all the work that is going on is very exciting, especially as the committee was behind schedule at this point last year. She next informed the committee that member Victor Lai would be resigning, as he will be relocating to California at the end of July. She thanked Victor for all his work and service, to the committee and to her personally during his instrumental role in her last campaign. She again expressed her excitement at all the committee's work and said that this committee is one of her most important initiatives as Chief Justice.

Status of Legal Needs Study and Preliminary Findings – Anne Lewis introduced Dr. Carol Pierannunzi of the Burruss Institute of Public Research at Kennesaw State University (Burruss) to present on the Legal Needs Study. Ms. Lewis explained that the study has really turned out to be a work-in-progress, and that what originally was planned for the assessment at the beginning did not always hold throughout the process. She commended Dr. Pierannunzi and her staff for being flexible and patient with the changes and stated that throughout the process they have been willing to look at innovative ways of doing things and exhibit a real sense of interest and care for the project. Ms. Lewis thanked Dr. Pierannunzi on behalf of the committee for all of the work done so far.

Dr. Pierannunzi thanked Ms. Lewis for her introduction and then distributed a handout of her PowerPoint presentation (see attached)

Dr. Pierannunzi began her presentation with an update on the status of the data collection. She stated that the personal interviews and videos are the only areas where data is still being collected; all other data (telephone survey, attorney survey, court and provider focus groups and web survey) is in and being processed. When complete, the report will be several hundred pages, just like other states' reports, but for the June 5 presentation at the State Bar, there will be a 20-page summary available. There also will be no recommendations made in the final report, as that is a task for the committee.

Dr. Pierannunzi quickly went through the preliminary results, beginning with the survey of attorneys, continuing with the focus groups and web survey of providers and court personnel, focus groups and personal interviews of hard-to-reach populations, and concluding with the public telephone survey. (See attached PowerPoint for data and results)

Dr. Pierannunzi stressed the great response rate for the attorney survey. The participants were proactive in setting up appointments for the survey, and many stated they were aware of an impending call from Burruss because they had received the pre-survey letter that was sent out. Some findings that stood out: (1) family law as an area in which many attorneys refuse to take on pro bono cases; and (2) reasons given for avoiding pro bono work included a lack of expertise in a certain area, fear of malpractice lawsuits and time commitments.

From the focus groups and web survey of providers, it appears that the biggest constraints on services are lack or shortage of resources, limited funding, and non-competitive salaries. Providers also reported seeing a growth in dual-diagnosis clients. The biggest concern found from the court personnel is their high level of frustration with litigants not understanding the role and process of the courts. The focus groups of hard-to-reach populations showed that transportation poses a huge barrier to clients. Rep. Lindsey asked if the groups were given a list of issues from which to identify problems or if they offered their own legal issues. Dr. Pierannunzi said there were no lists in the focus groups, just an open discussion. Dr. Pierannunzi stated that of the 200 interviews of hard-to-reach populations required by the contract, 183 had been completed. Dr. Pierannunzi stated that it was difficult getting data from the Latino population, due to the legality screening process. It was also difficult getting access to the deaf population.

Consumer and housing issues ranked near the top of issues for the hard-to-reach populations; family law issues ranked lower. Judge Purdom asked if there were data available showing the breakdown of certain types of consumer issues for the hard-to-reach interviews and public telephone survey. Dr. Pierannunzi responded it was available, but many of the consumer issues reported were not legal issues that could be solved by a lawyer because the respondent was actually at fault (not paying a bill, etc.).

The public telephone survey was just recently completed, and all the data was available. Yet, Dr. Pierannunzi described the data as very complicated and specific and noted it will take some time to compile all of the information. Cubbedge Snow asked who conducted the telephone interviews; Dr. Pierannunzi advised that the Burruss Institute only uses professional, experienced interviewers and all the calling takes place directly from the onsite telephone lab. Dr. Pierannunzi also reminded the Committee that, when looking at the data, it is important to remember that what some respondents may believe to be a legal issue may or may not actually be. Rev. Fahey asked if the interviewers asked

follow-up questions to those respondents that said they did not seek legal help with their issues; Dr. Pierannunzi said they did, but mostly the respondents gave answers indicating feelings of helplessness or lack of efficacy/power, such as “that’s just the way things are.” The differences in the results between the low and the moderate income families are still being deciphered, but the preliminary findings show that moderate income families are much more willing to try to do something about their legal issues. For the telephone survey as a whole, consumer issues were reported the most (35.3%) and family issues cited much less (11.3%).

Dr. Pierannunzi briefly spoke to the video interview component of the study. Only eleven of the thirty interviews have been completed so far, and of those eleven, only several are useful. Some people have been very reluctant to be videotaped, and some of the issues described in the videos do not fall within the scope of the work of the Committee. The video process has been slowed, but will pick back up.

In conclusion, Dr. Pierannunzi said that there will be more data to share at the June 5 State Bar presentation.

LUNCH BREAK

Appalachian Circuit Family Law Information Center Funding – Judge Purdom informed the committee that Representative David Ralston was able to keep the funding for the FLIC in the state budget during the legislative session, and it had been approved. The Appalachian circuit is proceeding quickly in establishing the center. At this point, the Committee needs to insert itself in the process to start looking at setting up the satellite offices for Pickens and Fannin counties. Some assistance may be needed in setting up the technology aspects of each satellite office and the main center, to make sure that it is appropriately computerized and all local forms are available and capable of being printed. Judge Purdom stated that while Chief Judge Brenda Weaver (Superior Court, Appalachian Judicial Circuit) is moving ahead, the committee needs to be in touch to see what assistance she will need.

Ms. Radwin informed the committee that a direct phone line from the satellite offices to the main center is being investigated so litigants may call from the unstaffed offices to the staffed center to receive help. Ms. Radwin stated that she had presented the idea of the telephone system to Chief Judge Louisa Abbott (Superior Court, Eastern Judicial Circuit). Judge Abbott was very supportive of the idea, and if it works well for the Appalachian Circuit she would like to see it implemented statewide. Many other states have similar systems in place and have been largely successful. Funding for this component will be included in the committee’s Georgia Bar Foundation Grant Application. Judge Purdom stated that from Judge Weaver’s standpoint, her biggest interest is getting the center up and running; from the committee’s standpoint, the most important thing is fully developing the remote access aspect. Ms. Radwin stated that Judge Weaver has

already hired a non-attorney staff person who has begun providing assistance with TPO forms in the courtroom. Ms. Holmen inquired as to plans for additional staffing; Ms. Radwin said there are plans to hire an attorney as soon as the funds are available on July 1. Judge Purdom explained that it seems the center has settled on the “DeKalb Model” of a full-time, non-attorney coordinator, and a part-time attorney. In conclusion, Ms. Radwin said that the Appalachian Circuit already has some forms packets in place, which were based on the forms used in DeKalb County.

Limited Scope Representation Project – Judge Purdom described two main areas of concern in the concept of limited scope representation. The first deals with the adoption of the proposed Model Rule 6.5, which addresses conflict of interest issues for legal aid lawyers in pro bono cases. This is primarily a Bar-related issue. The second issue deals with the broader area of encouraging pro bono in general, in terms of taking on a real part of a case (limited scope representation), not simply making a phone call or volunteering in “Saturday advice” programs. The problem is that there is no formal mechanism defining limited scope representation, and many attorneys are unwilling to engage in it because of this complication. Judge Purdom explained that the primary requirement for the concept to take off is judicial support. Once judicial support is evident, it needs to be formalized in the form of a court rule. The reason the Bar has not moved forward on the Rule 6.5 is because it is waiting to see where the courts stand on the concept.

Judge Purdom stated that he has been talking with Judge Abbott, who is the incoming Chair of the Council of Superior Court Judges Uniform Rules Committee, about the possible adoption of a model rule regarding limited scope representation. Judge Purdom says there is both a lot of interest and a lot of trepidation about it. Judge Abbott has asked Judge Purdom to make a presentation, including a model rule, to the Rules Committee at its meeting in July. Depending on the reaction from the Rules Committee and the Superior Court in general, the next stage will involve: moving forward with a bigger package, if positive; or, if negative, taking a step back and regrouping on the concept.

Judge Purdom explained one final issue regarding limited scope representation. There is an issue of whether to draft statewide or local rules first. He said that the difficult part of this process is not necessarily the rule, but the uniformity of disclosure and forms. There must be a set of paperwork that is agreed upon by all parties involved, and it must be uniform in all areas. Meeting this requirement is what has made the practice of limited scope representation practicable in other states.

Mr. Gottlieb shared with the committee that Atlanta Legal Aid Society (ALAS) has been working on trying to involve more senior attorneys for pro bono services, and if there were something that could be done to ease up on the conflict issue (Rule 6.5), it would make a big difference in ALAS’ ability to provide legal

services for limited matters. Judge Purdom stated that after the July meeting of the Council of Superior Court Judges, he will have a better idea on where the Bar will go with respect to the rule.

Update on Technology Tools for Self-Represented Litigants – Mike Monahan began his presentation on the technology tools being used to assist pro se litigants around the state. The first tool he demonstrated was the LiveHelp program. Ms. Radwin advised that this program is used in only five states (Georgia, Montana, Illinois, Iowa, and Minnesota). Mr. Monahan stated that LiveHelp is available through www.georgiaadvocates.org and is being used as a case study as the program seeks to make the move into the non-profit arena. He explained that using the program, a person can go online and chat with a legal aid representative to receive assistance with questions or concerns about their legal troubles. Other states, such as Montana, use the program for clients, but in Georgia, it is currently only used for attorneys. Georgia plans to move it to the client website in the future. The Pro Bono Project brought the program on last year, and there are currently four people staffing it. The program allows the host to load in scripts, in anticipation of questions that will be asked by users. The Pro Bono Project has loaded in 25-30 scripts at this point, and the operators can answer any questions, as well as take over control of a user's screen and walk the user through this or other websites. Once a chat is completed, the user is immediately brought to a 3-question survey regarding his or her experience with the program. The program is easy to load onto any website, and LiveHelp provides its own training. The hosting of this program requires a license, and due to the high monthly licensing fee, all five states currently share a license pool. As a result of this, each state has individually scheduled times for when it is online with the program. Mr. Monahan said there has been a great deal of good feedback on the program so far, and Georgia sees heavier traffic with the attorney site than do Iowa or Montana on the client sites.

Mr. Monahan next spoke to the topic of podcasting. Laureen Adams, Dougherty County Law Librarian, has developed and opened the General Law Information Center in Albany and has essentially turned it into a community center. She averages 50-60 visitors a day in need of information and forms. Ms. Adams contacted Mr. Monahan in April about the possibility of recording podcasts because she repeats the same information throughout the day and also so an additional source of information may be made available to those with internet access. In March of this year, the Pro Bono Project set up a media server for Georgia Legal Services Program (GLSP) to host different types of media files. This software was installed in the Albany General Law Information Center on May 20, and Ms. Adams was trained on how to create her own podcasts. Mr. Monahan stated that podcasts are a great resource for web users who have limited literacy capacity or those who simply respond better to audio learning methods. He pointed out that podcasts are simply only one tool that is an alternative learning method. Mr. Monahan demonstrated the media server website, which can be found at <http://media.glsp.org>. He said that the podcasts for clients are short in length, at a recommended time of five minutes, in the

interest of attention spans. Mr. Monahan said that in addition, an iTunes account was created so that these podcasts may be downloaded to an iPod for free. The links from each podcast may be put on any website, without having to link through the homepage first. Mr. Monahan stated that this is a great resource for those law librarians who either do not have the capacity or the knowledge of creating a podcast, as the tools are very simple to learn how to use. Reverend Fahey asked if Ms. Adams is talking with other law librarians about getting involved with podcasting; Mr. Monahan stated that Ms. Adams is very good at spreading the word about these resources, and they are also currently talking with Athens-Clarke County Law Information Center about these tools.

The final tool Mr. Monahan spoke about is the Webcam Project. The Pro Bono Project and the GLSP Pro Bono Coordinators are experimenting with the use of webcams, which allow the coordinators and staff to simultaneously login and meet, as well as share desktops. The software is not expensive, and the webcams essentially pay for themselves with less than one meeting, as they replace the costs of traveling, food, meeting space, etc. For pro bono in general, these webcams can be useful in that outside users may login and meet with anyone on the server. As long as a webcam is available, anyone can use the server. Mr. Monahan explained that this could lead to setting up Georgia Legal Services Program “desks” at law information centers and law libraries, and receive help via the webcam, free of charge. Mr. Monahan said there are many great possibilities for alternative ways of meeting; it will just take some experimenting. He also spoke to the Laptop Program with the GLSP Piedmont region, which is similar to the former State Bar Mobile Law Unit. It essentially turns each staff member into a “traveling legal aid office.” The experiment period is three months, after which it will be evaluated. Ms. McClure thanked Mr. Monahan for his presentation and said that the Committee will be monitoring the success of all these tools, while keeping in mind which tools might be helpful to the committee’s work.

Report from ABA Equal Justice Conference – Tracy Powell gave a summary of the American Bar Association Equal Justice Conference that was held in Minneapolis, Minnesota, May 6-9. Ms. Powell and Ms. Radwin both attended the conference and described it as a very valuable experience. Ms. Powell described the pre-conference “Self-Represented Litigants: Effective Strategies for Meeting their Needs and Realizing Your Organization’s Goals.” This day-long program was the most valuable to the work of the committee, including presentations on limited scope representation, remote access services, law library programs and partnerships, and funding. Ms. Powell also described the Minnesota Courts Self-Help Center, a statewide program designed to improve access to justice in the state through technology.


Presentation from Georgia Legal Services Program – Ms. Holmen announced to the committee that 2008 marks ten years since the first appropriation of state funds was made to support legal services for domestic violence. Ms. Holmen commended committee member Linda Klein for her great

efforts in making this possible a decade ago. In recognition of this anniversary, Vicky Kimbrell, Project Director for Family Violence at GLSP, created a PowerPoint presentation looking back at all the work that GLSP has done for domestic violence victims in the past ten years, as a result of this state funding. Ms. Kimbrell created a newsletter as well, which was distributed to the committee. These materials were first shown at a statewide GLSP staff meeting, and Ms. Holmen felt the committee would be interested in it as well. The PowerPoint was presented. Ms. Holmen pointed out GLSP's accomplishment over the past three years of having firearm restrictions included in temporary protective orders, progress that has greatly benefited domestic violence victims. Ms. Lewis asked if the entire Domestic Violence program was funded by state funds; Ms. Holmen said that in addition to the state appropriation, GLSP also receives a grant from the Department of Justice and funds from other sources as well. (See attached for PowerPoint)

New Business Items and Closing – Ms. Lewis reminded everyone that this meeting was the first of the full committee since December, and each subcommittee has done a great deal of work during these six months. She suggested setting the next meeting for early Fall, and a date will be determined soon. This also marks the two-year anniversary of the committee, and on behalf of the Chief Justice and Teri McClure, Ms. Lewis offered her thanks to everyone for their hard work.

Meeting adjourned at approximately 2:00 p.m.

Respectfully Submitted,



Jill O. Radwin, Executive Director