

**MINUTES OF THE OCTOBER 31, 2006 MEETING
OF THE
SUPREME COURT OF GEORGIA
EQUAL JUSTICE COMMISSION
COMMITTEE ON CIVIL JUSTICE**

The fifth meeting of the Supreme Court of Georgia Equal Justice Commission Committee on Civil Justice was held on Tuesday, October 31, 2006 beginning at 9:30 a.m. in Meeting Room 3 of the State Bar of Georgia Headquarters, 104 Marietta Street, Atlanta, Georgia. Marc Gary, Chair, presided.

Welcoming Remarks

Chief Justice Sears thanked the Committee for their continued service.

Introductions

Mr. Gary introduced Committee guests, Guy Lescault, who was scheduled to begin working with LSC on November 6, 2006; Gerry Weber, Chair of the State Bar of Georgia Access to Justice Committee; and Frank Strickland, Chair of the Board of the Legal Services Corporation. Another guest in attendance at the meeting was Avarita Hanson, Chair of the Chief Justice's Commission on Professionalism.

Roll Call

Karlise Grier circulated the roll for signature. Committee members who signed the roll and who were present for the meeting were as follows: Hon. Leah Ward Sears; Marc Gary; Anne W. Lewis; Paul Todd Carroll III; Richard H. Deane, Jr.; Terence A. Dicks; Hon. William S. Duffey, Jr.; G. Sanders Griffith III; Prof. Timothy W. Floyd; Thomas D. Hills; Victor Lai; Charles T. Lester, Jr.; John B. Long; Edward H. Lindsey, Jr.; Hon. Willie E. Lockette; Rita A. Sheffey; Michael W. Tyler; and W. Terence Walsh. Advisory Council Members who signed the roll and who were present for the meeting were as follows: Martin L. Ellin; Steven Gottlieb; Sharon N. Hill; Phyllis Holmen; Michael L. Monahan.

The signed roll is attached to the original minutes as Appendix A.

Approval of Minutes

The Committee approved without correction the minutes of the September 26, 2006, meeting.

Introduction of Frank B. Strickland

Anne Lewis, Committee Vice Chair, introduced her law partner, Frank B. Strickland, who is the Chair of the Legal Services Corporation ("LSC"). Ms. Lewis began by telling the Committee that she had first met Mr. Strickland when she went to work for him as a clerk when she was a student at Georgia State University. She stated that he has been a tremendous mentor and an inspiration to her. Ms. Lewis then

told the Committee about Mr. Strickland's strong commitment to everyone having a "storefront" lawyer who needs one. She stated that on some days, Mr. Strickland's work as the Chair of the LSC is a full-time job that he has always undertaken without reservation.

Introduction of Speaker

Frank Strickland introduced the speaker, Helaine Barnett, President of LSC, after first providing the Committee with some information about LSC. Mr. Strickland explained that LSC has an 11 member bipartisan Board of Directors that is appointed by the President of the United States and confirmed by the Senate. Recently, a vacancy had occurred on the Board when a member died, and the President is in the process of selecting a board member to fill the "client-eligible" board seat.

The LSC Board currently is comprised of two law professors, one of whom is a professor at the University of Virginia, Lillian R. BeVier, and the other who is the former dean of the Northeastern School of Law, David Hall. Another member of the LSC Board is a former United States Attorney for the Northern District of Washington, Michael D. McKay. Mr. McKay's father is a former President of LSC.

The LSC has a budget of \$330 million, which makes it the largest funder of legal services in the United States. Ninety-six percent of the LSC budget is used to fund legal services programs. There are 700 legal services programs in the United States. If all LSC-funded programs were considered one large law firm, the "firm" would have 3,700 lawyers and 1,400 paralegals. The LSC has a staff of 100 in Washington, D.C., and the LSC administrative headquarters are located on K Street in the Georgetown area of Washington, D.C.

Shortly after Mr. Strickland was appointed as the Chair of the LSC Board, LSC's interim president, former Illinois Congressman John Neal Erlenborn, died. Mr. Strickland supervised a nationwide search to select LSC's new president, and Helaine Barnett emerged as the leading choice from a field of outstanding candidates. Prior to joining LSC, Ms. Barnett headed the civil division of the New York Legal Services office, which is not an LSC-grantee. After her appointment, Ms. Barnett was extraordinarily well-received by the legal services community. In fact, when the LSC Board announced her selection as President at an event attended by LSC grantees, the room erupted into spontaneous applause. It was therefore with great pleasure that Mr. Strickland introduced Ms. Barnett to the Committee.

Remarks by Helaine Barnett

Ms. Barnett's prepared remarks and the materials she presented to the Committee are attached to the original minutes as Appendix B.

Questions and Answers

Vice Chair, Anne W. Lewis, asked Ms. Barnett the first question. She questioned whether the Justice Gap Report also considered the needs of those individuals that

LSC could not serve because of federal restrictions. In other words, she asked if the Justice Gap Report only documents individuals not served because of a lack of resources or if it also includes information about individuals who were not served because of the LSC restrictions.

Ms. Barnett responded that the Justice Gap Report was based on clients who were eligible to be served and who were not served because of a lack of resources. She stated that the first restrictions on LSC-funded programs were imposed in 1983, and these regulations restricted the types of cases that LSC-funded programs could handle.

In 1996, a handful of other restrictions were added. The 1996 restrictions were based on the bipartisan support that LSC enjoys today, and prohibited LSC-funded programs from representing prisoners, certain categories of immigrants and from engaging in class-action litigation. Ms. Barnett stated that these restrictions provide ground for collaboration with other legal aid providers and that the ABA *Principles of A State System for the Delivery of Civil Legal Aid* address this issue. She also noted that Alan Houseman wrote an article shortly after the restrictions took effect, which gives guidance to LSC-funded programs about how to continue to provide service to individuals under the 1996 restrictions. According to Ms. Barnett, the restrictions do not prevent LSC from meeting the needs of 98% of eligible individuals and individual families. Moreover, she stated that as a result of the restrictions, LSC now enjoys bipartisan support.

Committee member Terry Walsh asked if it would be possible to rescind the restrictions barring LSC-funded programs for engaging in class-action lawsuits. Ms. Barnett stated that one cannot divorce policy from politics. She does not think that there is a problem in finding attorneys to bring class-action lawsuits and does not believe it is a problem that LSC-funded programs cannot bring class action lawsuits.

Mr. Strickland also added that, based on his experience as Chair of the Board of Directors of LSC and representing the LSC on Capitol Hill, class-action lawsuits are a “hot-button” issue for certain members of Congress, especially those that do not support the concept of civil legal services for the poor. He stated that it would be hard to advocate for the removal of that restriction.

Committee member, Michael Tyler, asked if Ms. Barnett thought a statewide legal needs study was essential. He also questioned Ms. Barnett about the reasoning behind the Justice Gap Report and about whether, in light of the LSC study, a statewide study would give the Committee any additional leverage in seeking state-level funding.

Ms. Barnett responded that she did not believe that LSC would be anticipating an increase in funding for the first time in four years were it not for the Justice Gap Report. She reiterated that any increased funding would go directly to the field programs because of the documented need for additional funds. She emphasized that in all of LSC's visits to Capitol Hill, LSC representatives cited the findings of

the Justice Gap Report. She also stated that the Justice Gap Report helped the LSC Board of Directors to formulate its strategy for requesting a 20% increase in funding.

As a follow-up question, Mr. Tyler asked if Ms. Barnett knew whether other states that had conducted legal needs studies had experienced a similar correlation in increased funding. Ms. Barnett answered that she did not know the answer to that question for certain, but that she suspected that the states did see a corresponding increase in funding, as gathering documentation to support increased funding was usually the reason for undertaking the study.

Committee member, Judge Bill Duffey, stated that in his experience at the federal level, even in an atmosphere in which leaders are calling for budget cuts, if an agency can document a need for increased funding, Congress will give that agency the additional funding. He suspected that the same philosophy was true in the Georgia legislature. Judge Duffey concluded that if the Committee could show a demonstrated need for funding, establish how that additional funding would meet the need and provide a method for measuring results, then providing this information would be the best advocacy in the present environment. He suggested that any study should show how the Committee would leverage federal funding, how the Committee would encourage collaborations, and how the Committee would remove impediments to collaboration. He then asked Ms. Barnett where she saw the greatest opportunities for collaboration to leverage federal funding.

Ms. Barnett noted that different states have had varying degrees of success in increasing funding. She stated that in Minnesota, for example, in every real estate closing, some of the fees are used to assist legal aid programs. She also said that state legislatures are a wonderful place to look for money to leverage federal dollars. She believes that federal and state collaborations are wonderful partnerships. Ms. Barnett continued that if she were to prioritize partnerships, she believes that a top priority should be partnerships with the courts to consider the best ways to handle pro se issues. She also believes another priority the Committee should consider is a way to encourage retired attorneys to assist with pro bono work. She said that in some states, the bar associations are looking at provisions to allow retired attorneys to pay reduced bar association dues so that they are eligible to do pro bono work. Ms. Barnett also encouraged the Committee to consider partnerships with the business community, as that community understands the need to resolve grievances in a peaceful manner. Ms. Barnett also commented that law students and IOLTA organizations were also good groups with which to form partnerships. In conclusion, she said that there are a myriad of partnership that each jurisdiction could and should consider as potential partners.

Mr. Gary asked if Ms. Barnett could suggest any “best practices” that the Committee might consider, i.e., if LSC had any best practices that it could make available based on the programs that LSC had evaluated. Ms. Barnett responded that LSC does see as one of its functions providing information to its grantees on best practices. She said that this was one of the reasons that LSC had organized the Private Attorney Involvement (“PAI”) conferences and that LSC did intend to publish its findings from the conferences on the website. Ms. Barnett mentioned that the American Bar Association Access to Justice Commission has new resources as a result of the

standards approved by the ABA House of Delegates. She also reported that LSC would also be happy to share any information that it received from LSC grantees about the use of technology. She stated that Texas had started an endowment for its LSC-funded programs. Ms. Barnett concluded that the LSC Board has encouraged her to gather best practices information, and said that once she gathers that information, she would be happy to share that information with state access to justice commissions.

After the Committee concluded its questions, Mr. Gary summarized the Committee's work to date. He recalled that the Committee began its work by reviewing a video created by the Texas Access to Justice Commission. He also stated that the Committee had heard from Phyllis Holmen and Steve Gottlieb and other presenters to learn what types of legal aid resources were available in Georgia. Mr. Gary indicated that the focus of the meetings to date had been skewed towards getting information to the Committee, and that, as a result, not as much time had been devoted to allowing Committee members to react to what they had heard. Therefore, he invited Committee members to react to the information they had received to date, to share their thoughts and impressions, to discuss any areas in which the Committee members wanted additional follow-up and to learn about any key points Committee members felt the Committee should take away from the presentations. Mr. Gary continued that he was also indebted to Committee member, Judge Duffey, for his letter in which he shared interesting and important insights about the Committee's work. He stated that Judge Duffey had given his permission for Mr. Gary to share the letter with the Committee and that the Committee members had received a copy of the letter with their meeting materials. Mr. Gary stated that he wanted to discuss the points raised by Judge Duffey and to gather any other input that the Committee might have. He then opened the floor to the Committee members for discussion.

Committee member, Michael Tyler, began the discussion by commenting that he thought that a needs assessment was a critical area which should be emphasized. He said that he thought he was "singing to the choir," but he felt it was imperative to understand that there were a large number of people who even lacked knowledge about what LSC is. He continued that even many legislators did not know about LSC. He said that he believed the Committee's primary priority must be to generate a documented analysis regarding needs to present its case on closing the justice gap to the legislature and the bar.

Judge Duffey stated that he liked the way Mr. Tyler summarized this issue and added that in addition to obtaining a needs assessment, he also felt that the Committee needed to prioritize the need for obtaining and using financial resources effectively. He stated that the Committee should identify the greatest need within the need plan and then develop a long-range plan to meet lower priority needs. He stated that the Committee needed to show that it had undertaken a thoughtful and organized thought process before others would back the Committee's recommendations.

Committee member, Tommy Hills, stated that an analysis of resources would also be helpful so that the Committee had information about what resources are currently

available and how those resources are being used. In addition, to lay out a case for additional government funding and non-profit contributions, the Committee would need to consider the current sources of funding and determine whether the funding was organized correctly. In short, he reiterated that the Committee needed to understand what money is currently available and where it goes. He asked if there were staff resources available to do this.

Committee member, Jack Long, asked whether the bar could meet the justice gap needs. He said that in large areas of the state only a small percentage of the bar was engaged in voluntary pro bono work. He lamented that the voluntary pro bono program in the bar was not meeting the goal. He said the Committee needed to figure out how to “draft” lawyers voluntarily and involuntarily. Mr. Long continued by referencing a chart in the LSC materials that delineated the need for legal services in certain types of substantive areas. He noted because of the changes in the child support guidelines, he believed that in Georgia, the need for assistance in family law matters would substantially increase. He also said he believed that housing was the number two priority and consumer law issues were the number three priority. The Georgia Supreme Court Justices are limited in what they can do, so he suggested that the Committee determine some way to bring more lawyers into the [pro bono work] fold. Mr. Long further explained that in the Southern District of Georgia [federal court system], Judge Alaimo, who was a young 86, believed in the “draft” for criminal cases. He said that even now, at the age of 60, he was still drafted for service. He stated that one way to fill the justice gap is to come up with an unpopular solution.

Committee member, Representative Ed Lindsey said that the Committee had a road map from three years ago from the indigent defense commission. He said that the Bar and the various commissions came together with specifics, and that, as a result, the groups were able to obtain funding even in tough economic times. He agreed with Judge Duffey that the Committee should attempt to identify the areas of greatest need now and then come back for more later. Currently, many individuals in the legislature could “get their hands around” the family law issues because of the recent child support changes. He reiterated that Georgia, with respect to child support calculations, had gone from simple math to calculus. He noted, “The enemy of fairness is simplicity and the enemy of simplicity is fairness.” Mr. Lindsey concluded that any proposals for funding that the Committee made to the legislature had to be “tight and clear” as it was three years ago.

Advisory council member, Steve Gottlieb, said that from his perspective, the top demand was always in the family law area. He said that 30 % of all requests for assistance to the Atlanta Legal Aid Society (“ALAS”) were in family law matters, and these types of cases were hard to place with the bar. He also added one qualification to Ms. Barnett’s earlier comments, regarding the LSC restrictions. He said that as an LSC-funded legal aid provider there were restrictions on the assistance that ALAS could offer within the immigrant population. He emphasized the number one need for assistance in the immigrant population was in family law matters, and he concluded that as the immigrant population continues to grow, the need for attorneys to assist immigrants with family law matters would be tremendous.

Advisory council member, Phyllis Holmen, provided an alternative perspective. She said that there were various models for determining priorities within LSC-funded programs, and that ensuring safe and stable families, which encompasses the areas of domestic violence and child support, was one such priority. She said that family law cases were also the largest percentage of cases for which the Georgia Legal Services Program (“GLSP”) received requests for legal assistance. Ms. Holmen, emphasized, however, that she was not convinced that family law was the area of most critical need in poor communities. Family law is the highest priority, she said because people get court papers associated with those types of cases. Nevertheless, Ms. Holmen believed that getting and keeping jobs, ensuring that children had appropriate services in school, and enforcing laws that require the enrollment of homeless children in school were perhaps higher priorities for the clients that GLSP served. Ms. Holmen therefore concluded that GLSP approach to priority setting perhaps differed from ALAS. She also suggested the Committee consider the substantive legal areas identified by the ABA in its resolution regarding a civil right to counsel, the civil *Gideon*, which are as follows: housing; financial concerns, such as employment and public benefits; health; and family. [See <http://www.abanet.org/legalservices/sclaid/downloads/06A112A.pdf> (the American Bar Association urges federal, state, and territorial governments to provide legal counsel as a matter of right at public expense to low income persons in those categories of adversarial proceedings where basic human needs are at stake, such as those involving shelter, sustenance, safety, health or child custody, as determined by each jurisdiction).

Committee member, Terence Dicks, asked if LSC has considered the implications for children who may be impacted by the outcome of the ongoing immigration debate and how LSC-funded programs can respond to the needs of children who may not have parents in the country. Ms. Barnett responded that LSC would first need to wait to see what the wording of any immigration legislation that was passed before LSC could articulate a view about that issue. Mr. Gottlieb also added that it was his understanding, based on the current law, that if the children are U.S. citizens, even if the children’s parents are not U.S. citizens, LSC-funded programs could assist the children. Mr. Dicks responded that he believed that this was a potential challenge of which the Committee should remain mindful.

Advisory council member, Marty Ellin, said that when the Atlanta Volunteer Lawyers Foundation (“AVLF”) began years ago, AVLF would wait for a telephone call about a need and then attempt to find an attorney to meet that need. He continued that AVLF is now more proactive, in part as a result of having staff people who previously worked with a prison population and who want to assist individuals overcome legal problems that might precipitate circumstances that led to them going to prison. As a result, AVLF focuses on two areas, housing and education. He said that when a person loses their job and their housing, things tend to spiral downward from there. He also stated that AVLF had one of the only programs in the state that assisted with special education matters.

Committee Chair, Marc Gary, commented that it has occurred to him that the Committee only picked a sampling of providers in the state and that one question

that has occurred to him is the extent to which the Committee should think about an organization that would coordinate the activities of all of the providers.

Committee Vice Chair, Anne Lewis, then questioned if the view expressed by Jack Long, regarding attorney pro bono, was the majority view among most lawyers. She said many lawyers faced time constraints that perhaps hindered their ability to do pro bono work. She also expressed concerns about whether individuals would receive adequate legal representation if the individual is represented by an attorney who does not really want to undertake the work or who is unfamiliar with that practice area. If attorneys are mandated to engage in pro bono will the public get qualified lawyers, she asked? One model that the Committee might want to consider, suggested Ms. Lewis, is the Hands On Atlanta (“HOA”) model, in which HOA offered a variety of different volunteer opportunities each month. Ms. Lewis said that AVLF had begun to use a similar model. She raised concerns about forcing attorneys to engage in pro bono work presented a potential takings issue.

In addition, Ms. Lewis stated that the Committee would need to explain to the legislature why, despite the existence of numerous organizations that provide legal services to low income individuals, the legislature still needed to provide funding for more help. She concluded that even though a fair number of legislators also believed that lawyers should give away their work for free, she believed that the Committee could gain the support of the legislator if the Committee could show a need for legal services.

Chief Justice Sears asked Jack Long to explain the culture in his area of the state regarding pro bono work. Mr. Long first responded that he did not believe that the criminal defendants in the Southern District of Georgia received inferior representation because the attorneys were required to represent the individuals pro bono. He continued that the judges don’t start a novice attorney with a drug conspiracy case and emphasized that one of the reasons that the system works is because younger attorneys are matched with cases appropriate for their skill levels, such as a speeding case on a military base. He acknowledged, however, that if an attorney refused to accept a pro bono case, the judge would not allow the attorney to practice in his court. In addition, if the Committee were to review the opinions of the Eleventh Circuit Court of Appeals, the committee would not see “a bunch of defendants turned loose for ineffective assistance of counsel.” He also said that one of the judges in his circuit had observed to him that since the advent of the public defender system in his circuit, the number of guilty pleas have increased because the public defenders do not take as many cases to trial.

Mr. Long advised that the Supreme Court would have a hard time suggesting mandatory pro bono without Committee support. In addition, Mr. Long further commented that the Committee should also consider encouraging pro bono work with the use of some incentive methods, such as an attorney getting a break on bar fees if an attorney does pro bono work. He then asked if anyone knew the number of attorneys that did pro bono work and said that he would guess that in the Augusta area it was less than 20%.

Advisory council member Mike Monahan said that in the Augusta area, approximately six percent of the attorneys were on the volunteer list for GLSP and/or the Pro Bono Project. Mr. Long stated that Savannah had had more success in this area and that when he was on the GLSP Board, Savannah had approximately 30% of its attorneys on the volunteer list. Advisory council member Marty Ellin said that in the Atlanta area, he estimated that only seven percent of the attorneys volunteered to do pro bono. Mr. Long concluded that he enjoys pro bono work because often he gets to try a case.

Ms. Holmen also emphasized that judges can help in recruiting because when judges get involved in a pro bono effort, then attorneys will do it. The judiciary has a great role to play.

Representative Lindsey said that he began his legal career in Toccoa, Georgia, and at the time there was no public defender, so all of the attorneys in the area went on a rotating list to serve as criminal defense attorneys for indigent defendants. Under that system, said Representative Lindsey, the attorneys were more willing to take things to trial because the attorneys were concerned about maintaining a good reputation in the community. He said that now, under the current public defender system, the judges are seeing more pleas. One of the challenges for young associates in his firm, he continued, is taking cases in practice areas with which the associate is unfamiliar. Young associates don't like to get outside of their comfort zone, he noted. Therefore, he also suggested that the Committee consider encouraging the bar to provide more CLE courses in areas in which pro bono work was needed.

Committee member, Rita Sheffey, then told the Committee about "March Madness," a program of CLE courses offered by the Atlanta Bar Association during the entire month of March 2006. Ms. Sheffey stated that the Atlanta Bar Association would run the program again this year. She said that these CLEs did not draw as many attendees as the Atlanta Bar Association would have liked, but overall, everyone believed that the program was successful. She continued that she had heard "every excuse in the book" for not doing pro bono work. There are ways around the excuses in big firms, but it is harder in small firms, according to Ms. Sheffey. Ms. Sheffey noted that if a person really doesn't want to do pro bono they will not do pro bono, but she said there are a number of ways that firms can increase participation. In addition, with respect to best practices, Ms. Sheffey said that she felt the Committee had a lot to draw on within the Georgia community and she suggested that the Committee begin any analysis of best practices by canvassing organizations in Georgia to determine what works and what does not work. It is okay to know what works across the country, but we also need to know "what works in our own backyard," she concluded.

Advisory council member Sharon Hill encouraged the committee to "think outside the box" by suggesting that one way to fill the justice gap is by reducing the number of poor people. She said that she wanted to plant that seed for Committee members to consider and to take away from the discussion.

The Committee concluded its discussions about the Committee work, and Committee Chair, Marc Gary, directed the Committee member's attention to other items on the

agenda. He reminded the Committee that the next meeting of the Committee was scheduled for December 4, 2006. He informed the Committee that in 2007, the Committee's work would take place principally in subcommittees. He anticipated that the Committee would use its third year to begin implementation of Committee approved subcommittee recommendations. Mr. Gary advised that during 2007, the full Committee would essentially have only quarterly meetings. Mr. Gary asked the Committee to review the subcommittees that he and Ms. Lewis had proposed. He stated that at the September 26, 2006, meeting he had asked the Committee to review the proposed subcommittee and give him any suggestions for changes to the subcommittee structure and that he had not received any suggested changes.

Mr. Gary then reviewed each of the subcommittees in greater detail. First, he discussed the Delivery Coordination subcommittee. He stated that this subcommittee's first question should be whether the Committee should do a needs assessment and if so, to determine the "shape" the needs assessment should have. Thereafter, the subcommittee would consider the broader issue of delivery coordination.

Second, Mr. Gary discussed the Resource Development subcommittee. He said that this subcommittee would determine how the Committee could expand both financial and in-kind resources for legal services.

Third, Mr. Gary told the Committee that the Pro Bono subcommittee would determine how to expand pro bono work in Georgia.

Fourth, the Pro Se subcommittee would look at issues affecting pro se litigants. Mr. Gary stated that although the Committee had not had a great deal of discussion about pro se issues at this meeting, the Committee had previously engaged in a full discussion about pro se issues at earlier meetings.

Fifth, Mr. Gary discussed the Public Education subcommittee, and said that this subcommittee would explore how the Committee should raise the consciousness of the public and increase support for all of the Committee's other initiatives. He emphasized that this subcommittee would need to increase public support and knowledge of needs and issues related to civil legal representation of the poor.

Mr. Gary distributed the subcommittee sign-up sheets and stated that the three questions at the top of the sign-up sheets were not meant to limit the subcommittees, but were designed to give the subcommittees some information about the direction in which the subcommittees would go with its work. Mr. Gary stated that he wanted every person— both Committee members and Advisory Council members — to sign up for at least one subcommittee, but he advised the group that an individual could sign up for as many subcommittees as that individual could participate in. He also invited the group to include any additional suggestions or thoughts that he or she might have in the comments section. Mr. Gary wanted to ensure that the subcommittees were balanced and that all of the issues were addressed.

The subcommittee sign-up sheets that were presented to the Committee are attached to the original minutes as Appendix C.

Judge Duffey asked Mr. Gary if he had given any thought as to who would chair the subcommittees. Mr. Gary answered that he and Ms. Lewis had had some preliminary discussions about possible subcommittee chairs and that some people had expressed interest in chairing some of the subcommittees. Mr. Gary said, however, that he and Ms. Lewis had not made any decisions, regarding subcommittee chairs at this juncture because they wanted to give everyone a chance to express their interests. He continued that within the next couple of weeks, he and Ms. Lewis would organize the subcommittees and make those decisions. He also encouraged each individual to make a note in the comments section, if he or she had an interest in chairing a particular subcommittee. He reiterated that the Delivery Coordination Subcommittee would need to start immediately with its work.

Vice Chair Anne Lewis then discussed the December 4, 2006, meeting. She stated that at the last meeting, she and Mr. Gary had informed the Committee that at the Committee's December 4th meeting, they planned to bring in leaders and staff from other Access to Justice Commissions from around the country so that the Committee could "pick their brains" before the Committee began its work. She said that if the Committee were to bring in people from around the country, she and Mr. Gary wanted to ensure that the majority of the Committee members could attend the meeting and make themselves available for the timeframe set forth for the meeting, which was scheduled to last from 10:00 a.m. until 4:00 p.m. Ms. Lewis commented that if Committee members could only attend the meeting for part of the day, that would be fine, but she encouraged the Committee to make a commitment for the full day. Ms. Lewis asked for a show of hands of Committee members present who could attend the meeting, and a majority of those present indicated that they could attend the meeting. Chief Justice Sears then instructed Ms. Grier to check with the people who could not attend this meeting to emphasize to them the importance of attending the December 4, 2006, meeting and get confirmation from those members that they would attend the meeting. Several of the Committee members also encouraged the Ms. Grier to ensure that the December 4, 2006, presenters were each giving different information, so as to avoid duplication of information. There was a consensus among the Committee that the Committee wanted different presenters to focus on different issues and aspects of their work.

Committee member, Charlie Lester, asked if Mr. Gary and Ms. Lewis had already determined the speakers for the December 4, 2006, meeting, and the committee had some discussion about proposed speakers.

Mr. Gary then reviewed the proposed 2007 meeting dates with the Committee. He noted that there was a question as to whether the Committee should meet in Savannah, Georgia in conjunction with the State Bar of Georgia's midyear meeting and asked for a show of hands of Committee members who planned to attend the midyear meeting. Mr. Gary noted that only four of the Committee members present planned to attend the midyear meeting, so based on that information, it was determined that the Committee would meet on January 26, 2007, the week after the

midyear meeting, so that the Committee would not lose the benefit of having those Committee members participate in the January meeting.

Mr. Gary then asked if the Committee had any interest in meeting in conjunction with the annual meeting of the State Bar of Georgia in Florida. He suggested that the annual meeting might be a good forum in which the Committee could raise the profile of the Committee among members of the State Bar of Georgia and introduce the work of the Committee, via a continuing legal education program. He also stated that thereafter, the Committee might hold a shorter telephone conference meeting with any Committee members who could not personally attend the annual meeting.

Chief Justice Sears concurred that some kind of presentation at the annual meeting would be a good idea but asked if Mr. Gary wanted the Committee meeting to include everyone or solely Committee members. Mr. Gary stated he had envisioned having a presentation that was open to everyone and then having the Committee adjourn for a business meeting.

Committee member, Todd Carroll, noted that the State Bar had a committee, the Foundations of Freedom, which was designed to educate the public about the role of an independent judiciary. He suggested that a lot of what that Committee is doing might be of interest to the Public Education subcommittee.

Representative Lindsey said that along with Mr. Carroll, he served on the Foundations of Freedom committee, but he felt that the issues of that committee were geared a little bit differently than the issues the Public Education subcommittee would address. He agreed with Mr. Carroll that it would be a good idea for the Public Education subcommittee and the State Bar's Foundations of Freedom committee to do some coordination on areas of mutual interest to the groups.

Mr. Lester suggested that the Committee design a presentation that could be replicated throughout the state, so that different committee members could make the same presentation to groups in Atlanta, Albany, etc. He stated that the Committee could also spread the responsibility of making presentations about the Committee's work among the various Committee members. Representative Lindsey stated that Jay Cook, President of the State Bar of Georgia, had put together an excellent presentation for the Foundations of Freedom committee.

Committee guest, Avarita Hanson, suggested that the Committee might want to consider having a debate on the pros and cons of mandatory versus voluntary pro bono at the State Bar meeting and invite two very high profile attorneys to present on different sides of the issue. Judge Duffey commented that the debate assumed that the Committee would give the bar an option. Mr. Long told the Committee that in fact, several years ago the Chief Justice had floated a suggestion for mandatory pro bono; that suggestion met with a great deal of resistance from the State Bar, and the Chief Justice acknowledged that this was in fact true. Mr. Long continued that the Supreme Court is not supposed to be political and suggested that one way in which the Committee could assist the Supreme Court was by raising the issue of mandatory pro bono. Ms. Sheffey also noted that it might be easier for a federal

judge to take a position on mandatory pro bono issues. Mr. Gary said that the Committee would plan on doing something at the annual meeting of the State Bar of Georgia, and said that the exact format could be determined later. Mr. Long suggested that the Committee might look at both a presentation, as well as some other type of format for a continuing legal education program at the State Bar annual meeting. He suggested that the Committee might want to have two things going on at the same time. Mr. Gary commented that the Committee might ask the Public Education subcommittee to consider these issues. He noted that he hoped that the subcommittees would do a substantial and substantive amount of work on all aspect of these issues.

Mr. Lester said that he was pleased to see Judge Duffey's letter because he believed that it will help to focus the Committee's attention on the work to be done. Mr. Gary concluded that both he and Ms. Lewis welcomed comments from other members of the Committee. If Committee members wanted to share them with the entire Committee, or only with Mr. Lewis and him, they should feel free to do so.

The Committee's 2007 meeting schedule was approved after the correction of a typographical error as follows:

- a. Friday, January 26, 2007 from 10:00 a.m. to 2:00 p.m.
(Location to be determined)
- b. Friday, April 20, 2007, 10:00 a.m. - 2:00 p.m.
(Location to be determined)
- c. June 14-17, 2007 – Continuing Legal Education Program in conjunction with the State Bar of Georgia Annual meeting at the Sawgrass Marriott Resort in Ponte Vedra, FL, followed by a business meeting/telephone conference of the Committee
(Exact date to be determined)
- d. Friday, September 21, 2007, 10:00 a.m. to 2:00 p.m.
(Location to be determined)
- e. Friday, December 14, 2007, 10:00 a.m. to 2:00 p.m.
(Location to be determined)

Adjournment

There being no further business, the meeting was adjourned at approximately 12:25 p.m.

Respectfully submitted,

Karlise Y. Grier, Executive Director