



TOWN HALL MEETINGS SUMMARY REPORT 2006

This is a summary of the ninety-seven page report which details the dialogue between the Arkansas Access to Justice Commission and the citizens of Arkansas conducted in early 2006 in four communities around the state. The Town Hall Meetings were conducted in each of the state's four Congressional Districts. A fifth session was conducted with members of the Arkansas Bar Association and Circuit Judges Judicial Conference.

- February 13 in Pine Bluff, 4th Congressional District
- March 21 in Springdale, 3rd Congressional District
- April 18 in Little Rock, 2nd Congressional District
- May 30 in Jonesboro, 1st Congressional District
- June 9 in Hot Springs, Annual Bar Association & Judicial Conference

The first information presented is a review of the **Environment** painted by the speakers. Comments clustered into topics including: poverty; immigration; veteran's affairs; the current status of access to justice; concepts of access to justice; and potential resources for improving access to justice.

The testimony is then segmented into the three areas which provide the most opportunities to contribute to access to justice: **Pro Bono, Pro Se [Court Assistance]**, and **Legal Services** activities. The legal services results are further divided into:

- The Current Status of Civil Legal Aid
- The Value of Civil Legal Aid
- Current Access to Justice Issues
- Looking To the Future

This report was developed by the Arkansas Legal Services Partnership which provides staffing for the Access to Justice Commission.

Environment

Poverty is the predominant issue effecting access to justice needs. Participants spoke of poverty issues in Arkansas ranging from the working poor to those who do not have enough food to eat. There are currently 90,000 people every day at risk of hunger in Northwest Arkansas alone.¹ The poorest group of people living in the Third Congressional District is female head of households with children under five. Statewide, there is only one full-time civil legal aid attorney for every 13,000 individuals below the poverty level.

The issue of **the working poor** was addressed several times. Often time this population was termed the gap-population because these people are right above the poverty line resulting in ineligibility for free legal aid and other services and yet their legal issues go unattended because they cannot afford to pay for legal advice.

Immigrant issues reflect the combination of poverty with limited English proficiency which together create a unique difficulty in attaining access to justice. **Limited English proficiency** is an issue which profoundly effects the operations of the court system in the state.

One tends to think of immigration issues in terms of Spanish language needs; however, the town hall meetings also brought focus on a large **Marshallese** population in Arkansas. In fact, Arkansas has the largest number of Marshall Islanders in the United States.

The need for legal help for Arkansas **veterans** was made clear. Arkansas is ranked 9th in the nation in the number of veterans in its population. Congressman Boozman stated that he was a subcommittee chairman on the Committee for Veterans Affairs and they are working on a transition program for veterans coming back to civilian life called the Transition Assistance Program.

Many advocates and community leaders attending the town hall meetings spoke to the **current status of Access to Justice**. The client attorney ratio for the West Memphis Legal Aid office was 1 attorney for every 14,131 eligible clients.² The Jonesboro Legal Aid office client attorney ratio is 1 attorney for every 16,746 eligible clients;³ the Newport Legal Aid office client attorney ratio is 1 attorney for every 9,566 eligible clients; and the Helena Legal Aid office client attorney ratio is 1 attorney for every 8,751 eligible clients.⁴ These rates are 5 to 10 times higher than rates of private practice attorneys.

¹ Composite Comments from the Town Hall Meetings (July 2006) Page 2

² Composite Comments from the Town Hall Meetings (July 2006) Page 38, The West Memphis office serves Crittenden, Cross, and Mississippi counties

³ Composite Comments from the Town Hall Meetings (July 2006) Page 38, The Jonesboro Legal Aid office serves Clay, Craighead, Greene, Lawrence, Poinsett, Randolph, Sharp; 33,000 total eligible clients.

⁴ Composite Comments from the Town Hall Meetings (July 2006) Page 38, The Helena Legal Aid office serves Phillips, Lee, Monroe, and Saint Frances counties.

Congressman Berry spoke to the need of funding legal services and the problems with the federal budget. He spoke to the critical need for better access to justice stating, "I can't imagine a more difficult situation than a single parent mom with no money desperately needing an attorney that's in Legal Services and they've got such a backlog they just simply can't get to it. And I can't imagine the feeling that would be anymore difficult than that, any more hopeless, something that is more deserving of help than - something like that."⁵ Mr. Berry, ended his comments with a call for change within the current environment surrounding access to justice stating, "And I think that it has to be changed if we're going to continue to have a Republic, a representative Republic where all men indeed are created equal."⁶

Current and Potential Resources Available

A critical step in changing the environment surrounding access to justice issues is accessing the current and potential resources available to low-income Arkansans in need of legal help.

Developing **pro bono** resources within the state is a key action necessary in providing equal access to justice. Circuit judges and pro bono coordinators stated that most pro bono attorneys were aware of the type of cases handled by legal aid. Nearly 95% of the divorce cases are domestic violence related. These attorneys take up to the three cases a year and some even more while some make financial contributions. However, neither the financial contributions nor the pro bono activity take the place of needed support on both the federal and state levels.⁷

A Circuit Court in Pine Bluff stated that nearly 50% of the cases before his court were handled **pro se** (without attorney representation).⁸ The Judge stated, "Lack of representation for many of these pro se litigants is a problem" because pro se litigants do not know what they are doing; and I cannot help them because "I cannot practice law from the bench."⁹ Some attorneys thought there are times when **pro se forms** could be helpful --- in certain instances it would help increase the number of cases legal aid could take. Legal aid staff in Little Rock for example 50% of the time cannot help just do to the sheer volume of cases. Only three [3] attorneys have worked six [6] counties for the past three years. Another participant offered that in 1980, there were 25 lawyers supported by federal funds in those same six [6] counties in central Arkansas. In 2005, there are just 32 lawyers statewide supported by federal funds.¹⁰

⁵ Composite Comments from the Town Hall Meetings (July 2006) Page 46

⁶ *Id.*

⁷ Lawyer pro bono campaigns represented 5% of the total revenues for both legal aid programs in the state during 2005. Source: 2005 Annual Report for CALS & LAA, Page 4

⁸ Composite Comments from the Town Hall Meetings (July 2006) Page 61

⁹ *Id.*

¹⁰ Composite Comments from the Town Hall Meetings (July 2006) Page 86

Mr. Glenn Vasser, President of the Arkansas Bar Association responded to these comments stating, “of course, the idea of developing a consistent set of elementary forms that are usable by pro se litigants is one of the things that's coming out of this and will ultimately be developed.”¹¹ Justice Annabelle Clinton Imber informed the audience that the Commission had already developed a pro se [Court Assistance] committee that is currently working on pro se forms.

Current Status of Civil Legal Aid

The Legal Services Corporation is funded by Congress to provide funding for civil legal aid throughout the United States. Funds are distributed based on the number of poor people in each state as a percentage of the national poverty population. Some 77% of legal services **funding** in Arkansas comes from the LSC which imposes the following restrictions: clients must be below the poverty level [\$12,000/year for an individual, \$24,000 for a family of four]; legal service staff cannot represent prisoners, undocumented immigrants, participate in class action suits or handle cases in which any fees are generated; legal services must develop case acceptance priorities which address the most critical civil legal needs in their area. In Arkansas these are domestic violence, housing and denials of public benefits [SSA, SSI]. All this is done with \$2,000,000 less than Arkansas received from LSC in 1995.¹² In Arkansas there are nearly 412,000 [1 in 5] Arkansans who are living below the poverty level.

Legal services operations in Arkansas have always pursued **additional funding** support from outside the state. In the past, legal services has received VAWA [Violence Against Women Act] funding from the U.S. Department of Justice to support domestic violence assistance projects but that funding too has been reduced and all but eliminated in Arkansas.

Arkansas attorneys have historically been responsive to **pro bono** volunteering. Over 1400 attorneys are currently signed up as pro bono attorneys. A legal aid grant writer noted the frustration of raising private funds; “What most legal services programs really need is staff – attorneys, paralegals and support staff. Unfortunately, most charitable foundations do not want to pay salaries and benefits.”¹³

The Value of Legal Aid

The value of legal aid in Arkansas was stated again and again by many of the participants including judges, attorneys, clients and community leaders. Shelter coordinators and state leaders against child abuse and violence stated that many

¹¹ Composite Comments from the Town Hall Meetings (July 2006) Page 63

¹² *Id.*

¹³ Composite Comments from the Town Hall Meetings (July 2006) Page 77

domestic violence cases could not be handled because legal aid cannot take any more cases – the **needs are greater than the resources** available. We call upon legal services often but they need more support because we need more support. We all need it for the victims.¹⁴

Additionally, there is a gap of people [**the working poor**] with low-income, yet still too much income to qualify for legal services but not enough income to afford an attorney. These domestic violence victims often feel they are victims of the legal system as well.¹⁵

Fully 59% of women turned away because of legal service shortages, lose their child [children.] They often have no financial ability to support their children and they become locked into bad situations. This is on top of the fact that decreased funding to organizations dealing with domestic violence has already locked people out of that system as well. Homicide rates for domestic violence victims have increased steadily over recent years. ¹⁶

It is difficult to find a pro bono attorney to take on complex issues such as these – the cases are too complicated and take too much time. Additionally, rural county resources are extremely limited.

The Future of Access to Justice

Many ideas were provided to the Commission by participants in the Town Hall meetings to further the goal of access to justice. Below are just a few of the ideas that this dialogue provided.

- student loan forgiveness for some number of years of service as a legal aid attorney
- a mandatory lawyer registration fee to be earmarked as revenue for legal aid operations
- Develop ways that state lawyers and corporate counsels could be made available to help pro se litigants.¹⁷
- Inform state agency heads about Model Rule 6.1 requirements for their legal professional employees and the vehicles available to meet those requirements.¹⁸
- The Commission’s story should include those people who were denied services because of limited funding and what happened to these people.¹⁹
- educate the judiciary and bar on how to use mediation

¹⁴ Composite Comments from the Town Hall Meetings (July 2006) Page 85

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Composite Comments from the Town Hall Meetings (July 2006) Page 92

¹⁸ *Id.*

¹⁹ *Id.*

- More funding be provided to support pro se -- approved forms will be important but without help the pro se litigant will still be at a disadvantage.²⁰
- Changes in substantive law must be made to help pro se litigants and legal service attorneys i.e., the need to change criminal eviction statutes, domestic relations law, and divorce.²¹
- Congressman Ross quoted the 19th century British Prime Minister Gladstone who once observed: “***Justice delayed is justice denied.***”²²

These Town Hall Meetings provided the Access to Justice Commission with first hand information about the conditions and constraints on civil legal aid to low income Arkansans. It became clear to the Commission that it must continue to focus its efforts on the three pillars of access: Pro Bono, Pro Se, and Legal Services. By increasing the support of volunteer attorneys throughout the state some additional people will be helped. By creating an approved and clear path for the self-represented litigant [pro se] the court system becomes less burdened and more efficient. And finally the third pillar of access to justice, legal services, requires significant additional funding to expand its ability to address the daunting need which exists in Arkansas.

²⁰Composite Comments from the Town Hall Meetings (July 2006) Page 94

²¹ *Id.*

²² Composite Comments from the Town Hall Meetings (July 2006) Page 78