

## MINUTES

## HOUSE AND SENATE INTERIM COMMITTEES ON JUDICIARY

October 27, 2015

The House and Senate Interim Committees on Judiciary met at 10:00 a.m., on Tuesday, October 27, 2015, at the Justice Building, 625 Marshall Street, in Little Rock, Arkansas.

Committee members present: Representative Matthew Shepherd, Chair; Senator Jeremy Hutchinson, Chair; Representatives Bob Ballinger, Rick Beck, Camille Bennett, Mary Broadaway, R. Trevor Drown, Douglas House, Rebecca Petty, Sue Scott, Brent Talley, Dwight Tosh, John Vines, and David Whitaker; Senators Joyce Elliott, David Johnson, and Jon Woods.

Other legislators present: Senator Alan Clark; Representatives Charles Armstrong, Scott Baltz, Nate Bell, Jeremy Gillam, David Hillman, Frederick Love, and DeAnn Vaught.

Representative Shepherd called the meeting to order.

#### Consideration to Approve Minutes (Exhibits B.1 - B.5)

Without objection, the Minutes from the December 2, 2014; August 12, 2015; September 17-18, 2015; and October 6, 2015, were approved.

#### Introductions and Opening Remarks

The Honorable Robin Wynne, Justice, Arkansas Supreme Court; and Arkansas Access to Justice Commission, welcomed committee members and guests and introduced members of the Arkansas Supreme Court.

#### Welcoming Remarks

The Honorable Howard Brill, Chief Justice, Arkansas Supreme Court, welcomed committee members and provided an overview of the court. He also provided a brief explanation of the Arkansas Access to Justice Commission, which was created in 2003 by the Arkansas Supreme Court.

Mr. Eddie Walker, Jr., President, Arkansas Bar Association (ABA), said ABA petitioned the Arkansas Supreme Court in 2003 to create Access to Justice in order to better serve the needs of the public. Mr. Walker stated the majority of lawyers in the state are members of the ABA, and they recognize the value of combining skills and talents to help each other as well as the public. He noted that technology has made access to legal documents easier; however, the public may not be protected in the same manner as they would with a licensed attorney.

#### National Pro Bono Week Proclamations

Representative John Vines presented proclamations to Ms. Amy Johnson, Executive Director, Arkansas Access to Justice Commission, from Governor Asa Hutchinson, Attorney General Leslie Rutledge, and the House of Representatives, declaring the week of October 25 through October 31, 2015, as Pro Bono Week in the state of Arkansas.

#### State of Access to Justice In Arkansas and Legal Aid in Arkansas (see Handout 1 for full report)

Ms. Amy Dunn Johnson, Executive Director, Arkansas Access to Justice Commission; Mr. Lee Richardson, Executive Director, Legal Aid of Arkansas; Ms. Jean Turner Carter, Executive Director, Center for Arkansas Legal Services; and Mr. Vince Morris, Director, Arkansas Legal Services Partnership, gave a presentation and overview of the state of justice in Arkansas and services offered by the above entities. Condensed highlights from the handouts include the following information:

- Indigent Arkansans who face criminal prosecution have a constitutional right to have an attorney. No such right exists for life-altering civil legal problems such as victims of domestic violence, veterans denied military benefits, children in need of special education, and families who lose their homes.
- More than 746,000 Arkansans are currently eligible by income to receive free civil legal aid (eligibility is set at 125% of the Federal Poverty Level, which is \$30,313 for a family of four). National studies suggest that current resources are capable of meeting only 20% of the civil legal needs of the client-eligible population.

- According to the Justice Index, Arkansas is tied for 49th in the country for accessibility to the court system by those who cannot afford an attorney--an increasing number of Arkansans are fending for themselves in court. A 2011 Arkansas study shows that one in four family law cases are initiated by self-represented litigants, and nine in ten do not have attorneys defending them. Housing and financial cases are almost universally initiated by an attorney, but nine in ten of those cases have no attorney appearing for the defendant. In 2014, there were more than 50,000 domestic relations cases filed in the state.
- Arkansas has the lowest ratio of lawyers to total population in the country, with 20.1 lawyers per 10,000 people. The Center for Arkansas Legal Services (CALs) serves 44 counties in central, western, and southern Arkansas; Legal Aid of Arkansas (LAA) serves 31 counties in northern and eastern Arkansas. Each year, these programs receive a combined total of 30,000 calls from Arkansans with legal problems who qualify for services.
- CALs and LAA receive a majority of their funding from the Legal Services Corporation, a national nonprofit organization that distributes federally-appropriated funds to these and 130 similar programs across the country. Other sources of funding include grants, private donations, and court filing fee add-ons appropriated through the Administration of Justice Fund. **Arkansas is one of 18 states that receives no state legislative general revenue funding to support the provision of civil legal aid.** In spite of limited financial resources, CALs and LAA stretch the dollars they receive in innovative ways, allowing them to help about 15,000 clients each year with a combined staff of only 64 attorneys statewide.
- CALs and LAA also partner together to provide free, easy-to-understand online forms that the public can use in civil cases, as well as legal information that helps people understand their rights. The website generates nearly one million page views each year and saves Arkansans over \$3.4 million. In addition to services provided by CALs and LAA staff attorneys, 1,440 attorneys volunteered to take pro bono cases for legal aid clients in 2014, providing services with a value of more than \$1.72 million.
- In 2014, the Clinton School of Public Service completed a study that examined the costs and benefits associated with the provision of civil legal aid in Arkansas. Its conclusions were based on primary data from CALs and LAA, surveys of Arkansas circuit judges, interviews of legal aid attorneys, and interviews of clients who received either brief services or more extended legal representation. The study found that these two programs provided \$8.4 million worth of legal services to Arkansans in 2013. Legal aid attorneys won almost \$2 million in financial recoveries for their clients and helped them avoid \$8.6 million in potential losses. The combined cost to provide these services was \$5.9 million. Taking into account the multiplier effect of the dollars that legal aid puts into the Arkansas economy through recoveries and through salary and benefits paid to legal aid staff, CALs and LAA generated an additional \$7.6 million in economic activity within the state in 2013.
- The study also identified savings to the state as a result of legal interventions that prevented domestic violence, declining housing values caused by foreclosures, decreases in aggregate household consumption, and costs of out-of-state private legal document preparation services. These savings totaled \$14.5 million in 2013; in total, civil legal aid generated over \$25 million in economic activity in Arkansas for 2013. For every dollar spent on legal aid, there was a \$4.32 return on investment.

#### **Update on State Auditors' Office Regarding Juvenile Intake and Probation Officers (Exhibit H)**

Ms. Andrea Lea, Arkansas State Auditor, spoke on reimbursing counties for a portion of the previous year's salaries of juvenile intake and probation officers. She said reimbursements have not been handled correctly in the past which led her to request an opinion from the Attorney General's Office for clarification. The Auditor's office has worked closely with the Association of Arkansas Counties in educating county officials to make sure the reimbursements will be handled in a more efficient manner. In order to ensure that reimbursements are executed properly, Ms. Lea made the following recommendations:

- Consider providing one-time money, if necessary, because of the shortfall that counties are getting: some were overpaid;
- Repeal Act 460 of 1999 and let AOC take over reimbursement of intake and probation officers. *During the last legislative session, AOC received additional positions to handle payroll duties, so they should have sufficient staff to handle juvenile intake and probation officers; and*
- Amend existing law to clarify reimbursement procedures.

#### **Closing Remarks**

Mr. Chuck Goldner, Chair, Arkansas Access to Justice Commission, thanked everyone for coming and asked for their continued support. He said that in order to better serve the public, there needs to be an increased and stable source of funding and asked that the state of Arkansas join other states in supporting Access to Justice.

With no further business, the meeting adjourned at 11:30 a.m.