

Tennessee
Access to Justice
Commission
2010
STRATEGIC
PLAN

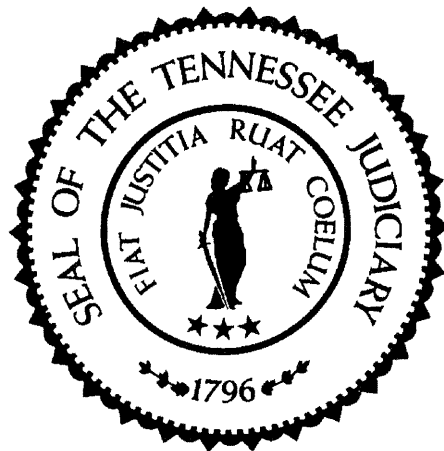


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Access to Justice Commission 2010 Strategic Plan

I. INTRODUCTION

When the Supreme Court created the Tennessee Access to Justice Commission on April 3, 2009, the Court asked the Commission to develop its first strategic plan within a year. The Commission, galvanized by the legal needs crisis in Tennessee and the Supreme Court's unparalleled commitment to equal justice, adopted this plan on March 15, 2010. The extent and pace of these efforts would not have been possible had it not been for the unique environment in Tennessee--one that combines this commitment on the part of the Supreme Court with tremendous support from the broader access to the justice community, the bar and its associations, the judiciary and the court system as a whole. The Commission has developed a plan that will aid and expedite the Supreme Court's dynamic and ongoing Access to Justice campaign.

A. TENNESSEE SUPREME COURT'S ACCESS TO JUSTICE INITIATIVE

#1 Strategic Priority. The commitment of the Tennessee Supreme Court to access to justice is truly unprecedented. All five members of the Court share this commitment to promote greater and more meaningful access to justice in Tennessee. In fact, the Tennessee Supreme Court declared in August 2008 that access to justice was its number one strategic priority.

Shortly after making this declaration, the Court hired an Access to Justice Coordinator, Rebecca Rhodes, as part of its Administrative Office of the Courts (AOC) staff. To the best of the Commission's knowledge, this was the first time a state Supreme Court had committed a staff position solely to promote an access to justice initiative and to staff an Access to Justice Commission. The Court launched its access to justice campaign in December 2008 to assert a

greater leadership role in improving access to justice in Tennessee. The results of the Court's commitment in the first eighteen months are impressive.

Civil Legal Needs Gap. In its speeches and communications with the judiciary and the bar, the Court highlights the urgent and tremendous civil legal needs gap in Tennessee. The Court continues to raise awareness of this gap as documented by the Statewide Comprehensive Legal Needs Study released in 2004 by the Tennessee Alliance for Legal Services (TALS). The Legal Needs Study showed that there are nearly one million low-income Tennesseans who qualify for legal aid services. Since the study, the situation has only worsened due to difficult economic times. Through its Access to Justice campaign, the Court has worked to sound the alarm call that the 80 very dedicated legal service program attorneys in Tennessee are simply unable to assist all of the people facing critical legal needs on a daily basis. The result is an urgent civil legal needs gap which the Court is working to address and to highlight through its dynamic Access to Justice campaign.

Public Hearings. As part of its campaign to address the civil legal needs gap, the Court conducted five public meetings across the state in early 2009. Each of these meetings was held in a public library and facilitated by a member of the Supreme Court. The public meetings highlighted the pervasive legal needs gap and promoted a better understanding of the varied, precise and often complex nature of local unmet legal needs and problems in different areas of the state. The meetings also engaged a broad range of stakeholders, policymakers, and members of the public in the work necessary to find creative solutions to the legal needs crisis in Tennessee.

Court Rules. The Court has also been active implementing a number of dramatic rule changes which have been supported and/or proposed by the Tennessee Bar Association, the

Tennessee Bar Association, the Tennessee Bar Foundation, the Tennessee Lawyers' Association for Women, and the Tennessee Association for Justice to promote greater access to justice as part of its Access to Justice campaign. With these rule changes, the Court

- Revised Tennessee Supreme Court Rule 8, Rules of Professional Conduct 6.1 to add an aspirational goal of 50 pro bono hours per year for Tennessee lawyers;
- Adopted a new Tennessee Supreme Court Rule 8, Rules of Professional Conduct 6.5 permitting lawyers to provide limited scope advice;
- Created new Tennessee Rule of Civil Procedure 23.08, which allows a court to distribute residual funds remaining from class action suits to programs or funds serving pro bono legal needs. The rule specifically references that funds may be distributed to the Tennessee Voluntary Fund for Indigent Civil Representation;
- Revised Tennessee Supreme Court Rule 21, Section 4.07(c) (Continuing Legal Education (CLE)) to increase the number of hours of CLE credit that lawyers may earn for the hours of pro bono legal representation they perform from one hour of CLE credit for every eight (8) hours to one hour of CLE credit for every five (5) hours of pro bono work;
- Revised Tennessee Supreme Court Rule 5 to allow judicial research assistants to engage in some types of pro bono work;
- Revised Tennessee Supreme Court Rule 43 and Rule 8, Rules of Professional Conduct 1.15 to make participation in the Interest on Lawyers Trust Accounts (IOLTA) program mandatory and to require comparability in rates paid on IOLTA accounts;
- Revised Supreme Court Rule 7, Sec. 10.01(c) to allow attorneys authorized to practice in Tennessee as in-house counsel to provide pro bono legal services in Tennessee through an established not-for-profit bar association, pro bono program, or legal services program;
- Revised Supreme Court Rule 47, to permit lawyers admitted in another jurisdiction to provide pro bono legal services in Tennessee following a major disaster;
- Revised Rule 8, RPC 5.5, to permit attorneys admitted in another jurisdiction and performing legal work in Tennessee as defined in rule 8 RPC 5.5(d) to also provide pro bono legal services in Tennessee through an approved program; and
- Revised Tennessee Supreme Court Rule 9, Section 20.11 to request that every attorney voluntarily file a pro bono reporting statement annually with the Tennessee Board of Professional Responsibility; and
- Published a new rule for comment, Supreme Court Rule 50A, that would create an emeritus licensure status to allow those attorneys who have let their licenses become inactive to provide pro bono legal services in Tennessee through an established not-for-profit bar association, pro bono program, or legal services program.

Creation of Access to Justice Commission. As a central element of its Access to Justice campaign, on April 3, 2009, the Court announced the creation of the ten member Tennessee Access to Justice Commission (“Commission”) and adopted Rule 50, which outlined the Commission’s role, duties and deadlines. The Court charged the Commission to present a strategic plan within a year and to follow up with another plan two years later. This document is the Commission’s first strategic plan.

B. TENNESSEE ACCESS TO JUSTICE COMMISSION

Activities of the Commission. Within a month of its creation, the Commission met and formed eight Advisory Committees, each headed by a Commissioner. These Advisory Committees were as follows:

- Community and Pro Bono Mediation
- Court System
- Education
- Pro Bono and Attorney Involvement
- Pro Se
- Unmet Legal Needs Alternative Strategies
- Unmet Legal Needs Disability and Language Barriers
- Resource and Technology.

The Advisory Committees were charged with developing recommendations for the Commission’s strategic plan. Most of these Advisory Committees formed working groups resulting in some thirty groups meeting during the summer and fall of 2009. Many of those who participated in the Supreme Court public access to justice hearings, including a significant number of judges and clerks, were actively involved in the Advisory Committees.

While the Advisory Committees met, the Commission held two meetings which focused on the resources and technology available in Tennessee to address the civil legal needs gap. As a result of the support of many legal service providers, bar associations, law firms, corporate legal

departments, and other groups, an overview summary of the resources available in Tennessee was prepared for the July 17, 2009, meeting. At its technology meeting on October 19, 2009, the Commission heard from experts as to how best to address the civil legal needs crisis with the use of technology and compiled a summary of the testimony.

Other Commission activities included the survey of clerks at both the annual clerks' conferences in May and June 2009 regarding how the civil needs crisis affects their offices. Another survey of legal service providers and others in the access to justice community was conducted prior to the annual statewide Tennessee Alliance for Legal Services Equal Justice Conference in September 2009. That survey asked for a description of the systemic barriers to access to justice in Tennessee. The results of the survey were distributed for review and comment at the conference and integrated into an open panel discussion with members of the Commission and Chief Justice Janice Holder.

By December 2009, the Advisory Committees submitted their recommendations to the Commission and its staff. As the result of the hard work of these 100+ Advisory Committee members from across the state, over seventy substantive recommendations were submitted for the Commission's review. Some of the recommendations from the Advisory Committees were acted upon by the Commission and the Court before the preparation of this strategic plan. Most notably, the Commission recommended in August of 2009 that the Court adopt a pro bono reporting rule, and the Court adopted a voluntary reporting rule in November 2009. In January 2010, the Commission also recommended, with support from two different Advisory Committees, that the Court adopt a new rule that would create an emeritus licensure status to allow attorneys to provide pro bono legal services in Tennessee through an established not-for-

profit bar association, pro bono program, or legal services program. The Court published for comment a new proposed rule that would create this status in February 2010.

Strategic Planning Retreat. The Commission held a strategic planning retreat in January 2010. The Commission worked to distill the over seventy substantive recommendations from its Advisory Committees into a more streamlined series of recommendations to the Supreme Court and an outline for future Commission activities. The recommendations to the Court and the list of future Commission activities are divided under the headings of four over-arching goals which form the core of this strategic plan.

This strategic plan is truly a team effort. First and foremost, this plan could not have been developed without the leadership and hard work of the Tennessee Supreme Court, the volunteers who served on the Advisory Committees and working groups and the staff of the Administrative Office of the Courts. Most importantly, the Tennessee access to justice community, particularly the Tennessee Alliance for Legal Services (TALS), has reached out and supported the Commission in many helpful and crucial ways. State and local bar associations, law firms, corporate legal departments, public librarians, law schools, service providers and the faith community have also provided much needed support. Thus, the strategic plan was accomplished in this short time period due to the great deal of support and expertise provided throughout the state of Tennessee.

II. SUMMARY OF RECOMMENDATIONS

The Commission has adopted a two-part action plan. The first section outlines the Commission's recommendations to the Tennessee Supreme Court. The second section provides an overview of the activities the Commission intends to undertake in the coming years under the authority of Tennessee Supreme Court Rule 50. The guiding principles of each section are four over-arching goals which form the core of Commission's strategic plan.

Goal 1: To involve more lawyers and law students in meeting legal needs so that the public is better served;

Goal 2: To provide greater educational opportunities and resources for policymakers, self-represented litigants, the community, lawyers, court personnel, and others;

Goal 3: To make the justice system more user-friendly; and

Goal 4: To remove barriers to access to justice, including but not limited to disability, language, literacy, and geography.

The Commission's plan outlines both immediate steps, as well as a number of goals and objectives that will take some years to accomplish. In particular, some recommendations may be necessarily delayed for many years until funding can be secured. The timelines presented in Sections VI and VII outline the different time expectations for the recommendations. The Commission will update this 2010 strategic plan in two years pursuant to Rule 50. Thus, even if some of the more ambitious goals and objectives cannot be achieved in the next couple of years, the Commission will review its recommendations in the coming years to determine how to continue addressing Tennessee's legal needs gap and promoting greater access to justice throughout the state.

Recommendations to the Tennessee Supreme Court. The Commission has proposed systemic changes that are specifically within the Court's power to improve access to justice in Tennessee. The Commission recognizes that the Court has direct influence on lawyers, and thus

a crucial component of its strategic plan is a major focus on lawyer participation. Although the current economic climate makes resources scarce, it is important to remember that the time and expertise of lawyers are critical resources. Thus, goal one concerns the involvement of more lawyers to meet the civil needs crisis.

Certainly, lawyers should be encouraged, creatively and consistently, to do pro bono work. Pro bono programs, bar associations, law firms, corporate legal departments, law schools and other organizations across the state have made great strides toward that end. The Commission further recommends the establishment of a more comprehensive pro bono referral network across the state to match the interested and successfully recruited volunteer lawyers with pro bono opportunities.

But pro bono, of course, is not free. While lawyers do generously volunteer their time, resources are required to screen clients, to organize advice clinics, to recruit and assign more volunteers, to provide malpractice insurance coverage for the volunteers, and to orchestrate a system of regular and smooth referrals. Legal Aid organizations have such a system for every county in our state, but only certain clients are eligible for these services and more resources are needed to recruit lawyers. A more comprehensive pro bono referral system is needed not only for Legal Services Corporation (LSC) eligible clients, but also for non-LSC eligible clients.

With its rule changes in the past eighteen months, the Supreme Court has laid the foundation for more lawyer participation. For instance, the expansion of IOLTA to a mandatory program will serve as a source of increased funding as the economy recovers. This can begin to provide resources to help establish a more comprehensive pro bono referral network. The strategic plan recommends additional changes which will address the need for even more lawyer

participation. In order to bring about systemic change, the Commission recommends a pro bono referral system that will:

- Match cases and clients in need to volunteer lawyers across the state;
- Explore ways to provide malpractice insurance for pro bono lawyers in expanded pro bono settings;
- Facilitate multi-organizational support and collaboration (including LSC and non-LSC funded organizations, bar associations, mediation groups, faith-based organizations and many other service providers and organizations); and
- Use technology to provide statewide service. For example, lawyers in urban areas could provide pro bono services in underserved rural communities through email advice and video conference consultations.

Future Activities of the Access to Justice Commission. Just as the Commission is seeking to further its goals by augmenting existing structures to promote greater, more efficient and more effective pro bono efforts by lawyers, a critical component of the Commission’s activities moving forward will be to develop and foster strong collaborative relationships with state and local bar associations, the judiciary and other persons and groups committed to access to justice issues. Also critical to furthering the Commission’s goals is the ability to provide better information to the public across the state, including pro se litigants, policymakers, general social service providers and the faith-based community. This outreach would also include serving targeted groups, such as those with language barriers and disabilities, who face special barriers with access to justice. The Commission is acutely aware of the particular need to help the public obtain better information and navigate the legal system on a day-to-day basis. This means employing more and better technology to achieve effective statewide distribution of:

- General information about the court system;
- Specific educational materials; and
- Forms for use by self-represented litigants.

The enhanced use of technology such as websites, teleconferencing, video conferencing, email pro bono banks and remote access to courts could greatly benefit underserved populations, particularly in rural areas. The Commission proposes to coordinate efforts to make specific education materials and forms available to the public.

Key to the Commission's resolve in finding a highly visible and readily accessible source of public information is the Commission's collaboration with the public libraries of the state. Public libraries have a statewide infrastructure with computer access and staffs committed to the laudable goal of serving the public through access to information. Public libraries, which are already established in the minds of Tennesseans as free places open to all, can provide the delivery of access to justice information, services, and support.

The Commission's collaboration with the public libraries began as a result of the interaction among guests at the Commission's technology meeting. Similar collaborative relationships with social service providers, bar associations, the judges, the clerks, and the faith-based community can expand the network of those aware of access to justice resources and referral options. Only with the help of such groups across the state can the Commission hope to further its goals.

To ensure focused progress, some of the Commission's existing committees will remain and new committees will be established to address specific Commission goals. One new committee is the Faith-Based Collaborations Committee, which will hold regional meetings and work with the faith-based organizations to conduct education and advice clinics for the public as early as 2011.

The Commission will also separate the Resource and Technology Committee into two committees. The Resource Committee will explore new and innovative funding sources and approaches to enhance existing resources. The Technology Committee will explore and develop technology solutions, such as the offering of pro bono services to rural areas, providing widespread educational resources and enabling video-assisted courtroom interpretation. The Commission will also establish a Forms Committee, which will review existing forms and develop new ones for Supreme Court approval which will enable litigants to more readily identify and place their concerns before the courts. In so doing, the Forms Committee will pay special attention to ensure that the forms consider access-related issues such as disability, language, income and literacy.

The Commission will evaluate its progress on a quarterly basis. This review will help the Commission stay on track towards implementation of its strategic plan. This evaluation will also provide the Commission the flexibility to create new committees when specific needs are identified. With this structure, the Commission is determined to remain focused on achieving its goals.

III. TENNESSEE ACCESS TO JUSTICE COMMISSION RECOMMENDATIONS TO THE TENNESSEE SUPREME COURT

Goal 1: To involve more lawyers and law students in meeting legal needs so that the public is better served.

Pursuant to this goal, the Court is asked to:

- A. Host a pro bono summit for representatives from law firms, bar associations, corporate legal departments, law schools, mediation groups, pro bono programs and others in the coming year which will promote
 - Formation of a more comprehensive pro bono referral system across the state;
 - Exploration of the development of a plan to provide more pro bono malpractice insurance by working with bar associations for implementation as soon as possible;
 - Expanded support for pro bono and legal services staff lawyers handling specialized or complicated cases; and
 - Creation of a web based email bank entitled “TNJustice4All.com.”
- B. Provide formal encouragement and support for expansion of pro bono in other ways, including
 - Support for adoption of formal pro bono policies by all Tennessee law schools;
 - Support for adoption of formal pro bono policies by corporate legal departments;
 - Support for court system staff lawyers doing more pro bono work; and
 - Incentives to create attorney of the day programs at local courthouses and to encourage lawyers to volunteer for those programs.
- C. Adopt a Pro Bono Emeritus Rule.
- D. Adopt a Limited Appearance in Court Rule that would permit limited appearances by a lawyer on behalf of a self-represented litigant who only wants or needs help with one aspect of his or her matter pending before the court.
- E. Adopt a comment to the Pro Bono Reporting Rule to include a model pro bono policy.

Goal 2: To provide greater educational opportunities and resources for policymakers, self-represented litigants, the community, lawyers, court personnel, and others.

Pursuant to this goal, the Court is asked to:

- A. Approve forms recommended by the Commission as they are submitted to the Court for approval.

- B. Issue an order which directs that any form approved by the Court is universally acceptable as legally sufficient in every court in Tennessee.

Goal 3: To make the justice system more user-friendly.

Pursuant to this goal, the Court is asked to:

- A. Request and approve the plan for increased use of court technology to be submitted to the Court as developed by the Court and/or Commission Technology Committee.
- B. Endorse the proposed "Guidelines for Tennessee Clerks Who Assist Self-Represented Litigants."

Goal 4: To remove barriers to access to justice, including but not limited to, disability, language, literacy and geography.

Pursuant to this goal, the Court is asked to:

- A. Consider and approve revisions as submitted by the Commission to Tennessee Supreme Court Rule 42, to make explicit that it is the duty of each court to locate an interpreter when needed and to require the judge to document in written findings the efforts made to secure a certified interpreter.
- B. Amend Tennessee Rule of Criminal Procedure 11(b)(1) to join twenty-four (24) other states to require judges to inform criminal defendants in the plea colloquy that a guilty plea may have immigration consequences.
- C. Consider and approve appropriate rule revisions as submitted by the Commission to ensure all interpreters are paid by the state.
- D. Consider and approve revisions as submitted by the Commission to the Tennessee Rules of Civil and Criminal Procedure, Rules of Professional Conduct, and Rules of Judicial Conduct to address access issues related to disability, language, income and literacy barriers.

IV. TENNESSEE ACCESS TO JUSTICE COMMISSION PLANNED ACTIVITIES

As authorized under Tennessee Supreme Court Rule 50 and determined by the Commission's strategic planning process and the recommendations of its Advisory Committees, the Commission will undertake the following activities.

Goal 1: To involve more lawyers and law students in meeting legal needs so that the public is better served.

Pursuant to this goal, the Commission will:

- A. Support the development of a more comprehensive pro bono referral system across the state to be encouraged by the Court, administered by the Legal Services Corporation (LSC) and non-LSC programs and bar associations, and encourage resources from sources such as the Tennessee Bar Foundation through IOLTA grants, bar associations, law firms, corporate legal departments and charitable organizations.
- B. Study the experience of the Nashville Bar Association (NBA) Modest Means panel to assess the feasibility of implementation of such panels in other communities across the state.

Goal 2: To provide greater educational opportunities and resources for policymakers, self-represented litigants, the community, lawyers, court personnel and others.

Pursuant to this Goal, the Commission will:

- A. Create a committee to review, revise and create forms and to develop a comprehensive delivery system for all Court approved forms with sensitivity to access issues related to disability, language, income and literacy barriers.
- B. Develop and conduct a systematic education campaign to the judiciary, clerks, the bar and the public about forms.
- C. Collaborate to develop an on-line access to justice resource inventory and an ongoing catalogue of best practices.
- D. Continue to encourage the access to justice/public libraries collaboration initiated during the Commission's first year and work to develop resources to support and expand access to legal information and services across the state.

- E. Develop effective media delivery mechanisms with a clear access to justice campaign and message branding. Develop educational materials that will include a “Pro Bono Clinic in a Box,” downloadable from websites, as well as specific education materials related to other issues, language and disability barriers, public awareness about mediation, (including community mediation), housing issues and financial literacy.
- F. Form a standing Committee on faith-based collaboration charged with holding regional meetings in the next year and with conducting education and advice clinics in 2011.
- G. Continue to reach out to the Tennessee General Assembly and other policymakers and determine ways to deliver targeted access to justice information to them.

Goal 3: To make the justice system more user-friendly.

Pursuant to this goal, the Commission will:

- A. Create a technology committee to develop a plan for increased use of court technology for submission to the Court for approval, a plan that will include using technology for video remote interpreting, use of existing courtroom technology for video proceedings, pro bono outreach to rural areas and increased access to legal information and services.
- B. Work with the Alternative Dispute Resolution Commission and other groups, including community mediation centers, to promote pro bono and reduced-rate mediation services.
- C. Develop, maintain and make available a pro se handbook for Judges.
- D. Review and suggest revisions to the Tennessee Rules of Civil and Criminal Procedure, Rules of Professional Conduct, and Code of Judicial Conduct with sensitivity to access issues related to disability, language, income and literacy barriers and submit proposed changes to the Court.
- E. Review the need for policy changes in Tennessee to reduce barriers to access to justice.
- F. Support removal of the notary requirement on certain pleadings.

Goal 4: To remove barriers to access to justice, including but not limited to disability, language, literacy, and geography.

Pursuant to this Goal, the Commission will:

- A. Draft and submit to the Court revisions to Supreme Court Rule 42 to make explicit that it is the duty of each court to locate an interpreter when needed and to require that the judge document in written findings the efforts made to secure a certified interpreter.

- B. Determine the best practices from other states for who pays interpreters in non-indigent civil cases and propose appropriate rule revisions to the Court to ensure all interpreters are paid by the state.
- C. Develop a comprehensive plan for how to provide/fund and/or otherwise support existing and new immigration legal services for language minorities.
- D. Develop multi-lingual civil informational videos for posting on the Administrative Office of the Courts (AOC) website.
- E. Consider development of a roster of sign language interpreters and similar service providers for inclusion on the AOC website.
- F. Encourage the Court to support Congress lifting some or all of the Legal Service Corporation (LSC) restrictions as soon as possible.

V. CONCLUSION

The Tennessee Supreme Court's Access to Justice Commission was the twenty-fifth state Access to Justice Commission created in the past decade. Even though half the states had already formed their commissions when Tennessee's Commission was created, the Tennessee Access to Justice Commission came to existence with advantages that the commissions of other states may lack. The sustained efforts of the access to justice community in Tennessee provided the Commission with a solid foundation. The Commission learned from and harnessed the expertise, leadership and dedication that already existed in the access to justice community. Thus, the Commission was able to quickly develop meaningful collaborative relationships with the public libraries, bar associations, law schools, law firms, corporate legal departments, as well as with providers in sectors such as banking, health and housing.

Prior to the Commission's founding, Tennessee's access to justice community was already organized statewide, communicating and working with the Court and the bar associations. The Tennessee Alliance for Legal Services (TALS), the Tennessee Bar Foundation (TBF) and the Tennessee Bar Association (TBA) have demonstrated strong commitment over many years, working together through the TALS Board and the TBA Access to Justice Committee. The TALS legislative effort has been particularly impressive over the last decade, sponsoring innovative ways to provide state legislative funding for access to justice organizations. The TBA's nationally recognized *Justice 4 All* campaign, under the leadership of former TBA President and Commission Vice Chair Buck Lewis, mobilized lawyers and local bar associations across the state in a successful push to provide greater pro bono services.

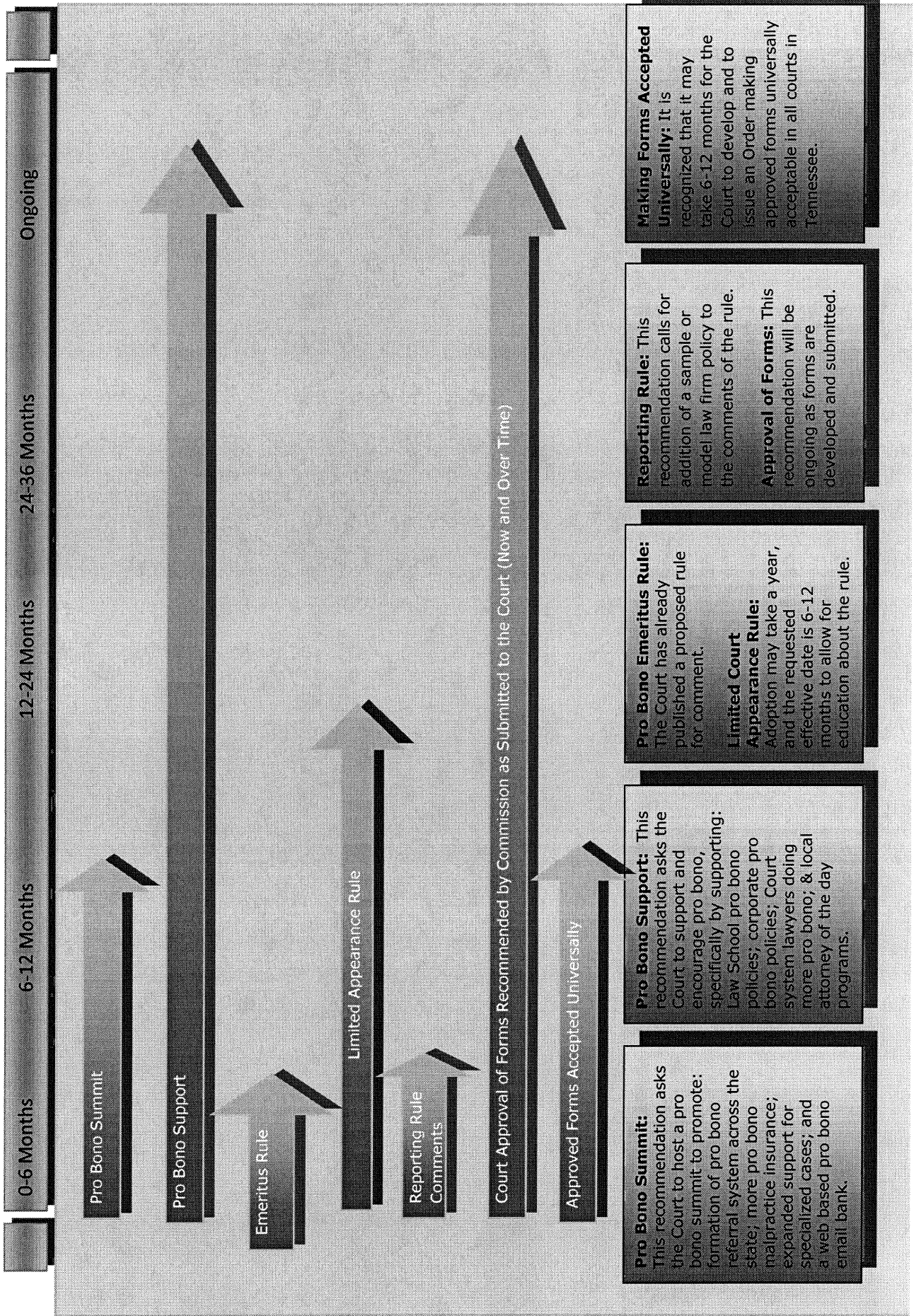
Tennessee also enjoys the firm public commitment of all Supreme Court members to the Access to Justice effort. Under the leadership of Chief Justice Holder, the Court made access to

justice its number one strategic priority. Even before creating the Commission, the Supreme Court had already promulgated a number of significant access to justice related rule changes and had actively developed and supported the leadership of many already highly motivated judges and clerks around the state. In addition to creating the Commission, the Court took the step of creating a dedicated staff position to help the Commission further its objectives. Tennessee's Access to Justice Commission has benefited from its able coordinator, Rebecca Rhodes, during a time when many commissions established by other states lack full-time staffing—or any staffing whatsoever.

This plan is submitted during a time when all resources are limited, and funding is scarce. Locating and tapping into additional resources and using technology to further existing resources will be a major focus of the Commission in the next two years. Additional focus will be on the increased use of collaborative relationships, many of which do not yet exist or have not been fully realized. Some of the planned activities for the Commission will necessarily flow into areas under the control of other organizations, associations and policymakers.

The Access to Justice Commission recognizes that it does not and cannot stand alone as a single force for change in Tennessee. The Commission, as created and supervised by the Supreme Court, is part of an existing network of lawyers, law firms, corporate legal departments, bar associations, legal service programs, judges, clerks, law schools, librarians, service providers, nonprofits, faith-based organizations and businesses. Every aspect of this vast, dedicated and capable statewide network can be, and indeed must be, enlisted if systemic change is to come about to meet the unmet legal needs in this state. Tennesseans deserve no less than full, informed and efficient Access to Justice.

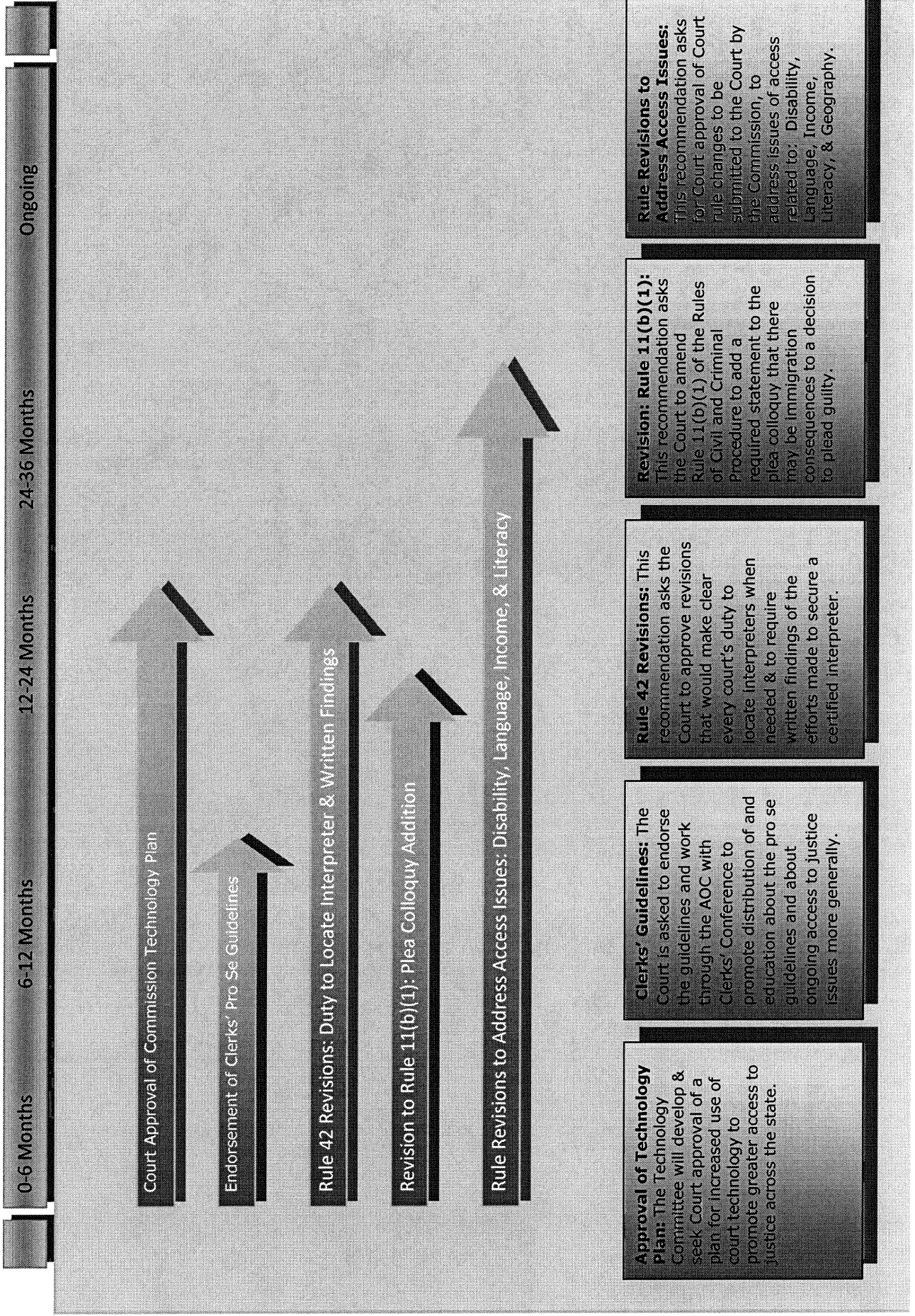
Section VI Suggested Timeline I Access to Justice Commission Recommendations to the Supreme Court



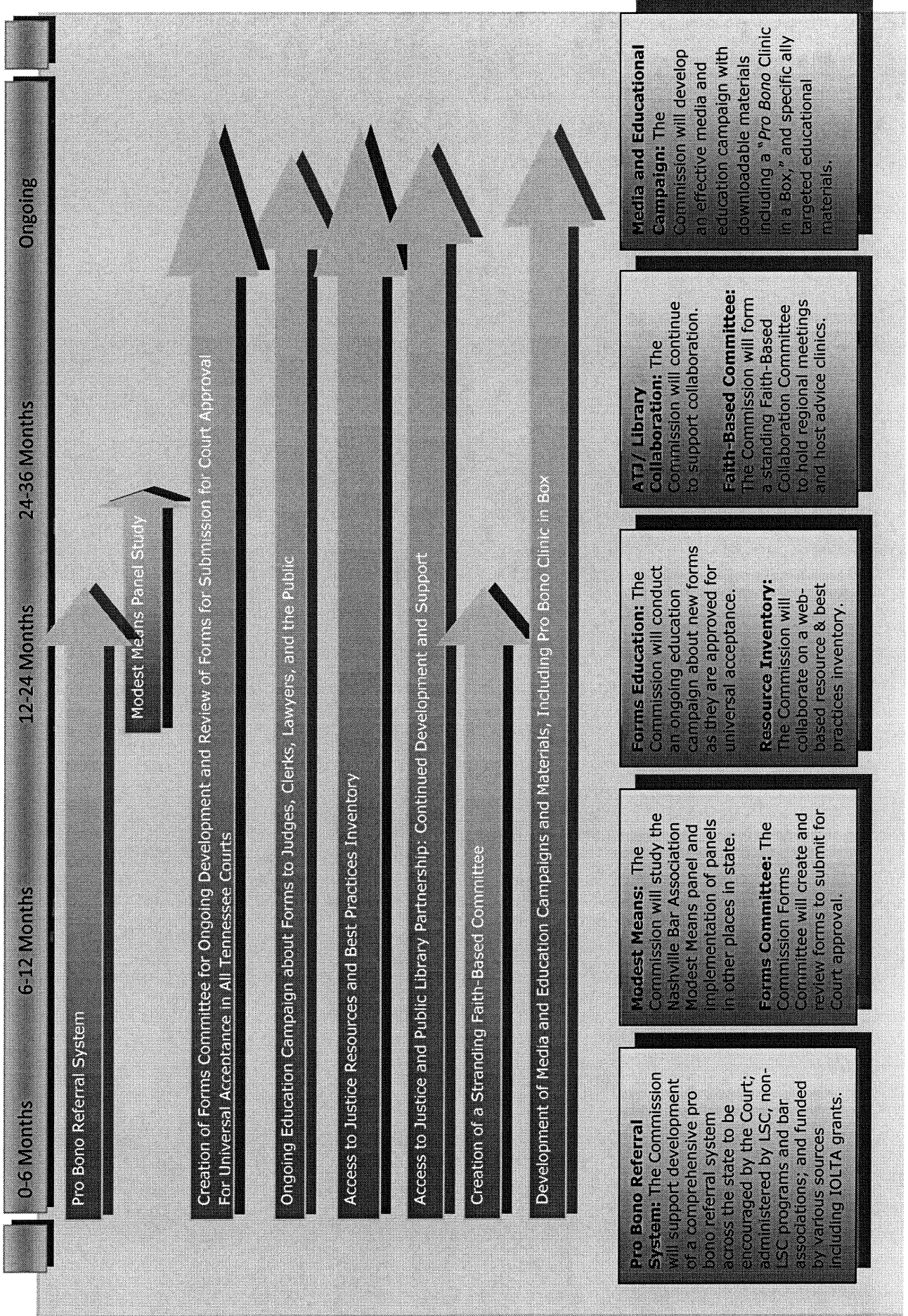
Section VI

Suggested Timeline II

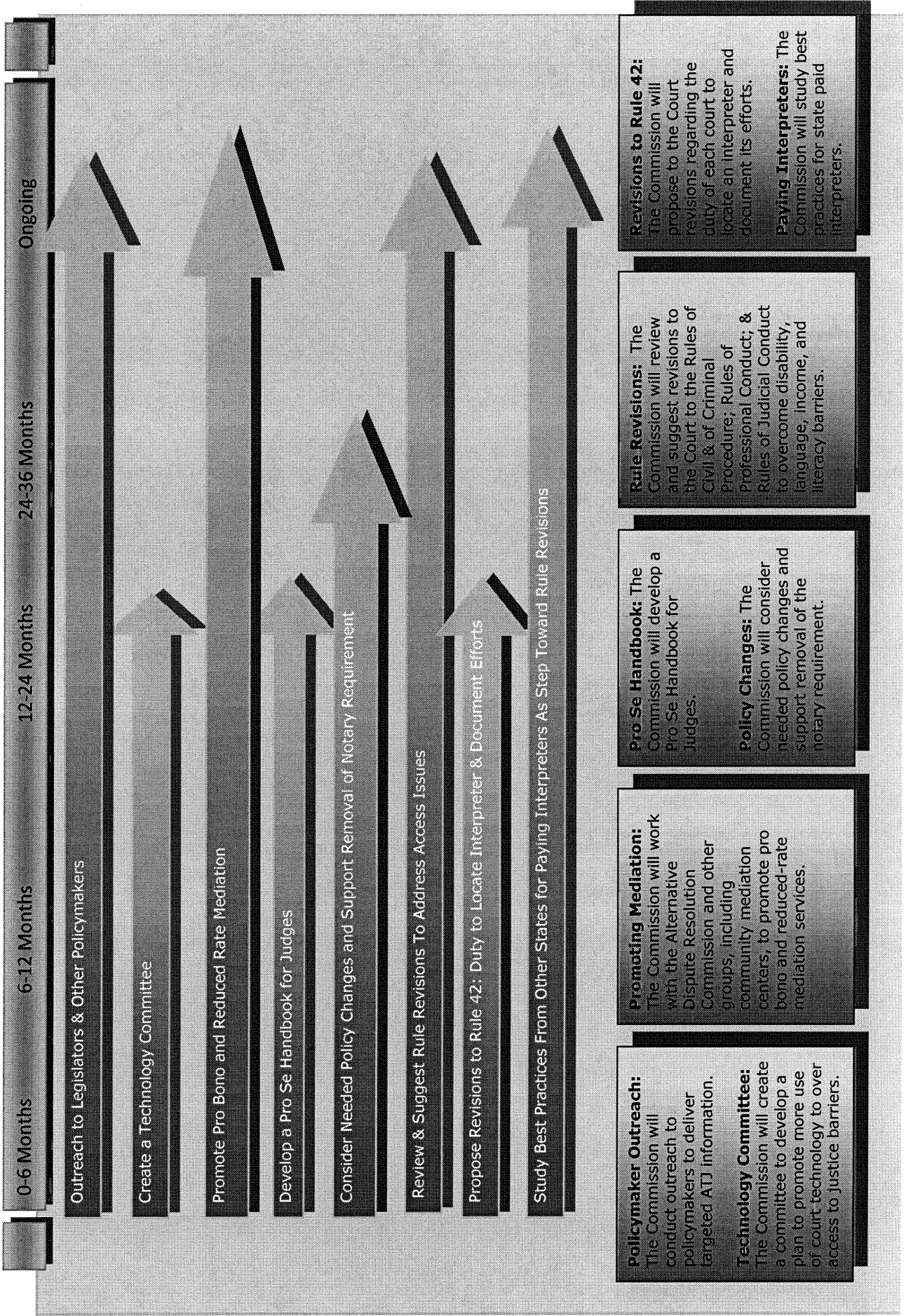
Access to Justice Commission Recommendations to the Supreme Court



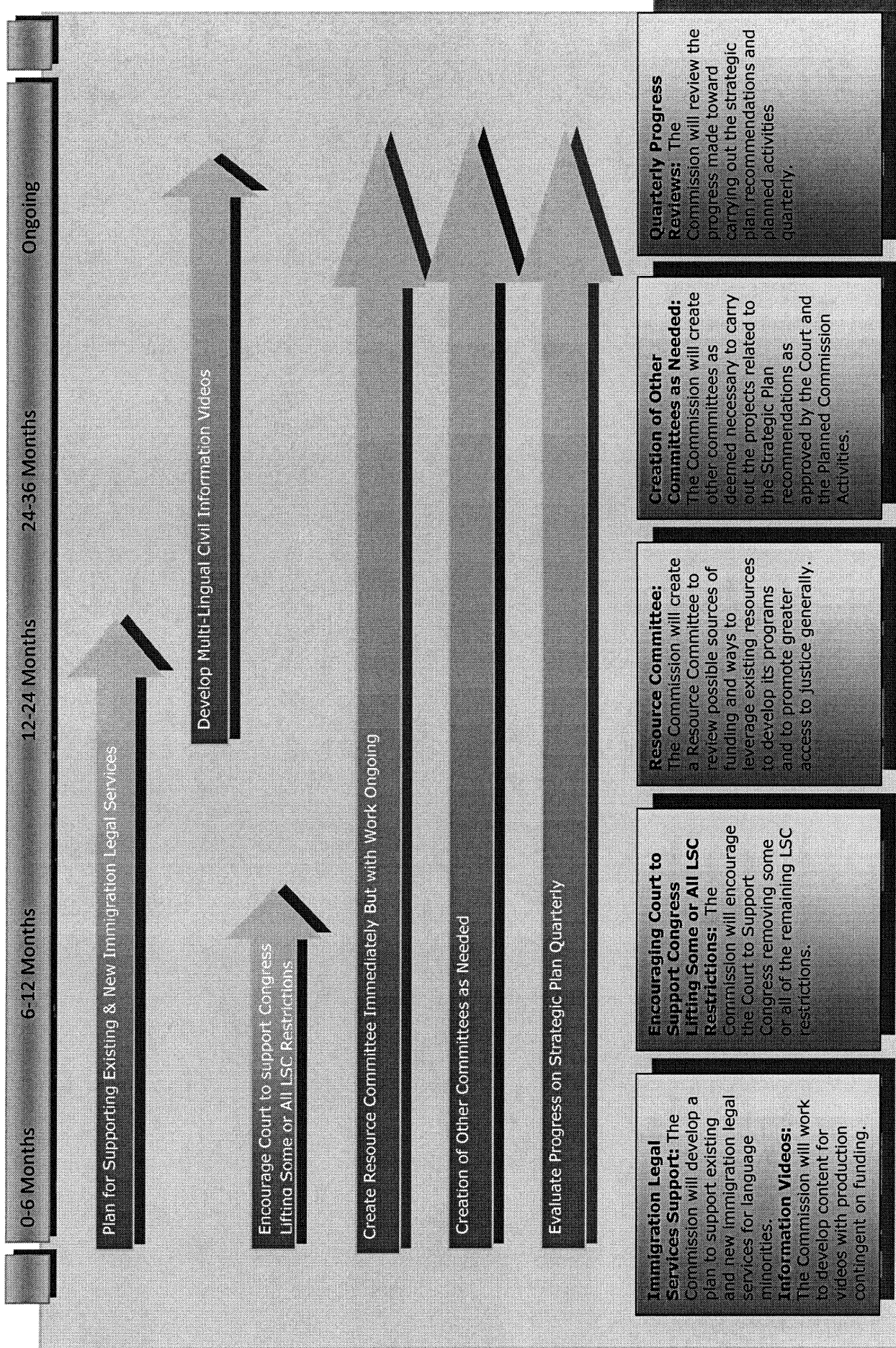
Section VII Timeline I Access to Justice Commission Planned Activities



Section VII Timeline II Access to Justice Commission Planned Activities



Timeline III Access to Justice Commission Planned Activities



Appendix A:

Members of the
Tennessee
Supreme Court

The Tennessee Supreme Court



Pictured in the courtroom at the Supreme Court Building in Nashville are:
(Seated) Chief Justice Janice M. Holder and (standing left to right) Justice Cornelia A. Clark, Justice William C. Koch, Jr., and Justices Gary R. Wade and Sharon G. Lee

Chief Justice Janice M. Holder
50 Peabody Place, Suite 209
Memphis, TN 38103

Justice Cornelia A. Clark
318 Supreme Court Building
401 Seventh Avenue North
Nashville, TN 37219-1407

Justice Gary R. Wade
505 Main Street, Suite 200
Knoxville, TN 37902

Justice William C. Koch, Jr.
321 Supreme Court Building
401 Seventh Avenue North
Nashville, TN 37219

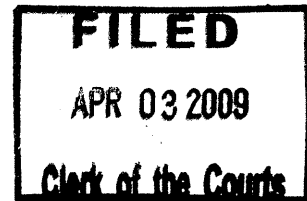
Justice Sharon G. Lee
505 Main Street, Suite 236
P.O. Box 444
Knoxville, TN 37901-0444

Appendix B:

Supreme Court
Rule 50

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**IN RE: ADOPTION OF RULE 50, RULES OF THE SUPREME COURT
OF TENNESSEE, ESTABLISHING THE TENNESSEE
ACCESS TO JUSTICE COMMISSION**



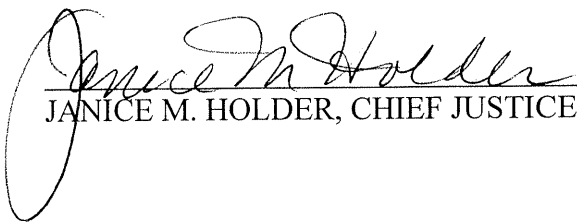
ORDER

The Court hereby adopts new Rule 50, Rules of the Supreme Court of Tennessee, establishing the Tennessee Access to Justice Commission. The new Tenn. Sup. Ct. R. 50, as set out in the attached Appendix, shall take effect as of the filing date of this order.

The Clerk shall provide a copy of this order, including the attached Appendix, to LexisNexis and to Thomson-West. In addition, this order, including the attached Appendix, shall be posted on the Tennessee Supreme Court's website.

IT IS SO ORDERED.

FOR THE COURT:



JANICE M. HOLDER, CHIEF JUSTICE

APPENDIX

RULE 50, RULES OF THE TENNESSEE SUPREME COURT

[The text of new Tenn. Sup. Ct. R. 50 is as follows:]

Rule 50. Tennessee Access to Justice Commission.

Section 1. Establishment of the Tennessee Access to Justice Commission.

1.01. The Supreme Court of Tennessee hereby establishes the Access to Justice Commission (hereinafter referred to as the "Commission").

1.02. The Commission shall consist of ten members who shall reflect, to the extent feasible, the diversity of the ethnic, gender, and geographic communities of Tennessee.

1.03. The Supreme Court shall designate one member to serve as Chair of the Commission. Commission members shall elect a Vice-Chair to serve a one-year term and who is eligible to serve a total of three years.

1.04. The initial term for each member shall be designated at the time of appointment. The Chair shall serve an initial term of three years. Three members shall be appointed for an initial term of three years; three members shall be appointed for an initial term of two years; and three members shall be appointed for an initial term of one year. Subsequent terms of all members shall be three years. No member may serve more than two successive three-year terms or more than a total of eight years consecutively. Vacancies shall be filled by appointment of the Supreme Court.

1.05. The Commission shall meet at least quarterly and at other times at the call of the Chair.

1.06. Five members of the Commission shall constitute a quorum. After a quorum is established, the Commission may act upon a majority vote of those present.

1.07. Members shall receive no compensation for their services but may be reimbursed for their travel and other necessary expenses in accordance with regulations adopted by the Judicial Branch.

1.08. A member of the Supreme Court will serve as liaison to the Commission.

1.09. The Administrative Office of the Courts shall staff the Commission.

1.10. The Supreme Court shall review the Commission every five years to determine if the Commission continues to serve the purposes for which it was created.

Section 2. Duties and Authority.

2.01. The Commission shall develop a strategic plan for improving access to justice in Tennessee that shall include education of the public concerning the need for legal representation to meet the ideal of equal justice under law, identification of the priorities to meet the need of improved access to justice, and recommendations to the Supreme Court of projects and programs the Commission determines to be necessary and appropriate for enhancing access to justice in Tennessee. The Commission shall submit a strategic plan to the Court within twelve months of the filing of this Order and shall update the strategic plan every two years thereafter.

2.02. The Commission may create advisory committees to study specific issues identified by the Commission and to make such recommendations to the Commission as the members of the advisory committees deem appropriate.

2.03. The Commission may invite non-Commission members, including representatives from other branches of government, lawyers, and members of the public, to attend meetings and to participate as members of advisory committees to help further the work of the Commission.

2.04. The Commission shall:

(a) Review the report filed with the Court by the Task Force to Study Self Represented Litigants and consider the recommendations contained therein.

(b) Encourage state and local bar associations, access to justice organizations, pro bono programs, judges, and court clerks across the state to promote and to recognize pro bono service by lawyers across the state;

(c) Encourage state and local bar associations, access to justice organizations, pro bono programs, judges, and court clerks across the state to encourage full and limited scope legal representation at reduced fees;

(d) Encourage the Alternative Dispute Resolution Commission and other groups to provide pro bono and reduced-rate mediation services to self-represented litigants and to litigants who, although represented, have modest means or who are pro bono clients;

(e) Address existing and proposed laws, rules, procedures, and policies that are barriers to access to justice for low income Tennesseans and to consider the role of community education and increased availability of technology in reducing these barriers.

(f) Develop and recommend initiatives and systemic changes to reduce barriers to access to justice and to meet the legal needs of:

(1) Persons who do not qualify for existing assistance programs by reason of their incomes but whose access to civil justice is limited by the actual or perceived cost of legal services;

(2) Persons with disabilities who do not qualify for existing assistance programs by reason of their incomes;

(3) Persons in language minorities; and

(4) Persons whose legal needs may not be met due to restrictions on representation by legal aid programs funded by the Legal Services Corporation.

(g) Promote increased understanding of the importance of access to justice and of the barriers faced by many Tennesseans in gaining effective access to the civil justice system; and

(h) Study and recommend strategies to increase resources and funding for access to justice in civil matters in Tennessee.

2.05. The Commission has no independent authority to adopt or implement recommendations.

Appendix C:
Tennessee
Access to Justice
Commission
Roster

2009-2010

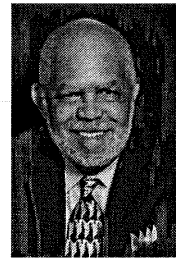
Tennessee Access to Justice Commission

Chair: Margaret L. Behm (Term Expires 3/31/12)

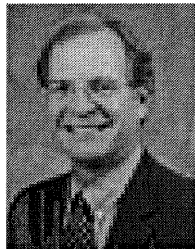
Vice Chair: George T. Lewis, III (Term Expires 7/16/10)



Margaret L. Behm
Dodson, Parker, Behm & Capparella, PC
1310 6th Avenue North
Nashville, TN 37208
Phone: (615) 254-2291
Email: Behm@dodsonparker.com
Term: 04/03/09 - 03/31/12 (1)



Francis S. Guess
696 Nashville Pike
Gallatin, Tennessee 37066
Phone: (615) 206-0770
Email: fsguess@comcast.net
Term: 04/03/09 - 03/31/11 (1)



Douglas A. Blaze
Dean, Univ. of Tennessee College of Law
1505 W. Cumberland Avenue
Knoxville, TN 37996-1810
Phone: (865) 974-2521
Email: blaze@utk.edu
Term: 04/03/09 - 03/31/12 (1)



George T. Lewis, III, "Buck"
Baker, Donelson, Bearman, Caldwell & Berkowitz PC
165 Madison Ave., Suite 2000
Memphis, TN 38103
Phone: (901) 577-2256
Email: blewis@bakerdonelson.com
Term: 04/01/10 - 03/31/13 (2)



Kathryn Reed Edge
Miller & Martin PLLC
1200 One Nashville Place
150 Fourth Avenue, North
Nashville, TN 37219
Phone: (615) 744-8400
Email: kedge@millermartin.com
Term: 04/03/09 - 03/31/12 (1)



A. Gregory Ramos
North, Pursell, Ramos & Jameson PLC
Bank of America Plaza, Suite 1850
414 Union Street
Nashville, TN 37219
Phone: (615) 255-2555
Fax: (615) 255-0032
Email: agramos@nprilaw.com
Term: 04/03/09 - 03/31/12 (1)

2009-2010

Tennessee Access to Justice Commission

Chair: Margaret L. Behm (Term Expires 3/31/12)

Vice Chair: George T. Lewis, III (Term Expires 7/16/10)



D. Billye Sanders

Attorney at Law

Waller Lansden Dortch & Davis, LLP

511 Union Street, Suite 2700

Nashville, TN 37219

Phone: (615) 850-8951

Fax: (615) 244-6804

Email: billye.sanders@wallerlaw.com

Term: 04/01/10 - 03/31/13 (2)



Dr. Frank Anthony Thomas

Mississippi Boulevard Christian Church

70 N. Bellevue

Memphis, TN 38104

Phone: (901) 272-5609

Email: thomas.frank@theblvd.org

Term: 04/01/10 - 03/31/13 (2)



Maura Abeln Smith

International Paper

6400 Poplar Avenue

Memphis, TN 38197-0198

Phone: (901) 419-3829

Email: Maura.AbelnSmith@ipaper.com

Term: 04/03/09 - 03/31/11 (1)



Bill Young

Blue Cross Blue Shield of Tennessee

1 Cameron Hill

Chattanooga, TN 37402

Phone: (423) 535-7218

Fax: (423) 591-9259

Email: bill_young@bcbst.com

Term: 04/03/09 - 03/31/11 (1)

Appendix D:

**Timeline of
Court & Commission
Activities**

Court & Commission Activities Timeline
Access to Justice Initial Timeline
2008-2010

2008:

August	Access to Justice (ATJ) declared the Supreme Court's #1 strategic priority
September	Decision made to add an ATJ Coordinator to AOC staff
October	ATJ Coordinator began work (10-15-08)
November	Planning for campaign announcement and public meetings
December	Announcement of ATJ campaign (12-05-08)

2009

January	Five public ATJ meetings held across the state
February	Planning for ATJ Commission continued
March	Rule 50 drafted and commissioners contacted Judicial involvement and leadership cultivated Passage of legislation allowing government-employed lawyers to provide pro bono legal representation in certain circumstances (3-31-09)
April	ATJ Commission announced (4-3-09) Amended Supreme Court Rules 8 and 21 to encourage pro bono work (4-3-09) Statewide Public Service Day (4-4-09) First ATJ Commission meeting (4-29-09)
May	Amended Supreme Court Rule 5 to permit judicial research assistants to perform certain types of pro bono legal representation (5-26-09) Commission Advisory Committees are formed and begin to meet
July	Amended Supreme Court Rule 43 and Rule 8, RPC 1.15 to mandate participation in the Interest on Lawyers' Trust Accounts (IOLTA) program and to require interest rate comparability (7-9-09) Second Commission meeting (7-17-09) Commission Advisory Committees continue to meet

September Tennessee Statewide Equal Justice Conference (EJC) at which Commission Chair speaks and Chief Justice and other Commissioner conduct an ATJ community forum.
Commission Advisory Committees continue to meet

October Third Commission meeting (10-19-09)
Commission Advisory Committees continue to meet and begin finalizing recommendations for the Commission

December The last of the Commission Advisory Committees hold final meetings and submit recommendations for the Commission

2010

January: Commission Strategic Planning Retreat to develop First Strategic Plan

April: The Commission submits its first Strategic Plan must to the Court before April 3, 2010

Appendix E:

Members of
Commission
Advisory
Committees

Members of Advisory Committees by Committee:

Unmet Legal Needs: Alternative Strategies Advisory Committee:

Doug Blaze, Chair
Dean, University of Tennessee
College of Law

Gordon Bonnyman
Director, Tennessee Justice Center

Chancellor Bill Cole
25th Judicial District

Erik Cole
Director, TN Alliance for
Legal Services

Jonathan Cole
Baker, Donelson

Marcy Eason
Miller & Martin PLLC

Judge Donald Elledge
Circuit Court, 7th District

Jeff Henry
Director, TN District Public
Defenders Conference

Gary Housepian
Director, Legal Aid Society

Meg Jones
Director, Community Legal Center

Judge Walter Kurtz
Senior Judge

Beau E. Pemberton
Attorney-at-Law

Cherie Monson
Eastman Credit

Casey Gill Summar
Director, Greater Nashville Area
Volunteer Lawyers &
Professionals for the Arts

Hedy Weinberg
Director, ACLU of Tennessee

Ashley Wiltshire
Former Director, Legal Aid Society

Judge John Wootten
Circuit Court, 15th Judicial District

Court Systems Advisory Committee

Bill Young, Chair
Blue Cross Blue Shield of TN
Senior Vice President of
Risk Management and General Counsel

Senator Andy Berke
Tennessee General Assembly

Mike Catalano
Appellate Court Clerk

Stewart Clifton
Government Relations Consultant
TN Alliance for Legal Services

Representative Kent Coleman
Tennessee General Assembly

Judge Patricia J. Cottrell
Court of Appeals

Waverly Crenshaw
Waller, Lansden

Heather Hinds Duncan
Coffee County Circuit Court Clerk

Judge Dan Eisenstein
General Sessions, Davidson County

Representative Beth Harwell
Tennessee General Assembly

Odell Horton
Wyatt, Tarrant & Combs

Neil McBride
General Counsel
Legal Aid Society , Oak Ridge

Harrison McIver
Director, Memphis Area legal Services

Senator Mark Norris
Tennessee General Assembly

Nancy Pagano
Legal Aid of East TN, Chattanooga
Pro Bono Project Director

Dewun Settle
Shelby County Chancery Court
Clerk and Master

Judge Dwight E. Stokes
General Sessions, Sevier County

Cynthia Wiel
Hubbard, Berry, & Harris

Disability and Language Barriers Advisory Committee:

Gregg Ramos, Chair
North, Pursell, Ramos & Jameson PLC

Fran Ansley
UT College of Law

Charlotte Bryson
Director, TN Voices for Children

Mauricio Calvo
Director, Latino Memphis

Alicia Cone
TN Council on Developmental
Disabilities

Rob Cruz
Certified Judicial Interpreter

David Esquivel
Bass, Berry & Sims

Stephen Fotopulos
Director, TN Immigrant & Refugee
Rights Coalition

Travenia A. Holden
Attorney, Holden Law Office

Seth Holliday
Attorney, Eric Buchanan & Associates

Meg Jones
Director, Community Legal Center

Martie Lafferty
Attorney, Disability Law & Advocacy
Center

Claudia Avila-Lopez
Hispanic Program Coordinator
TN Disability Pathfinder

Terry Olsen
Attorney, Olsen Law Firm

Lisa Primm
Policy & Training Director
TN Alliance for Legal Services

Janice Snow Rodriguez
Director, TN Foreign Language Institute

Doug Stevick
Director, Southern
Migrant Legal Services

Carol Westlake
Director, TN Disability Coalition

Wanda Willis
Director, TN Council on
Developmental Disabilities

Education Advisory Committee:

Katie Edge, Co-Chair
Miller & Martin PLLC

Dr. Frank Anthony Thomas, Co-Chair
Mississippi Boulevard Christian Church

Gail Vaughn Ashworth
TBA President, 2009-2010
Gideon & Wiseman PLC

Andrew Branham
Vice President, Counsel On Call

Mary Bufwack
Director, United Neighborhood
Health Services

Mary Vaughn Carpenter
Library Director, Paul Meek Library

Laura Click
Public Information Officer,
Administrative Office of the Courts

Martha (Marty) Cook
Circuit Court Clerk
10th Judicial District

Ted R. Fellman
Director, TN Housing
Development Agency

Greg Gonzales
Commissioner, Department of
Financial Institutions

Michelle Hanks
Director, United Way of
Blount County

Debra E. Kirkwood, MSSW

Representative Jon Lundberg
Tennessee General Assembly

Beth Morrow
Director of Communication and Outreach
Institute for Law, Justice & Society
Lipscomb University

Adinah Robertson
Community Education,
Legal Aid Society

Kevin H. Smith
Dean, University of Memphis
Cecil C. Humphreys School of Law

Judge Steve Stafford
Court of Appeals

Virginia M. Townzen
Associate Dean, Nashville
School of Law

Community & Pro Bono Mediation Advisory Committee:

D. Billye Sanders, Chair
Attorney-at-Law

Ann Barker
Barker Law & Mediation

Larry W. Bridgesmith
Institute for Conflict Management
Lipscomb University

Cathy Clayton
Spragins, Barnett, Cobb & Butler

Chris Guthrie
Dean, Vanderbilt Law School

Laurie D. Jewett
Attorney, Mediator,
Municipal Judge, City of Brentwood

Marnie Huff
Margaret Huff Mediation

Hayden D. Lait, Esq.
Mediation & Law Office of Hayden Lait

Janet C. Lamb
Comm. on Aging & Disability

Tamara Losel
Director, Nashville Conflict
Resolution Center

Leigh Ann Roberts
Papa & Roberts

Linda Warren Seely
Memphis Area Legal Services
Pro Bono Director

Marietta Shipley
The Mediation Group of Tennessee

Mark Christian Travis
Wimberly, Lawson, Seale

Rita Young
Director, Crossville Community
Mediation Center

Judge Larry Warner
General Sessions, Crossville

Pro Bono and Attorney Involvement Committee:

Buck Lewis, Chair
Baker, Donelson

Judge Bill Acree
Circuit Court, 27th District

Jim Barry
Attorney, International Paper

John Blankenship
Blankenship & Blankenship

Kristal Hall Boone
Attorney, Boone Law

David Cook
The Hardison Law Firm, P.C.

Jackie Dixon
Hollins, Wagster, Weatherly & Raybin

Anjanette Eash
TBA ATJ Coordinator

Carla Forney
Legal Aid of East TN (Johnson City)
Pro Bono Director

John Green
Chief Information Officer
Baker, Donelson

Judge Ross Hicks
Circuit Court, 19th Judicial District

Judge Jeff Hollingsworth
Circuit Court, 11th Judicial District

Meg Jones
Director, Community Legal Center

Sue Kay
Associate Dean for Clinical Affairs
Vanderbilt University Law School

Rachel Moses
Attorney, Legal Aid Society (Cookeville)

Nancy Pagano
Legal Aid of Eastern TN (Chattanooga)
Pro Bono Director

Ann Jarvis Pruitt
Attorney, Dell Inc.

Linda Warren Seely
Memphis Area Legal Services
Pro Bono Director

Lucinda Smith
Director, Nashville Pro
Bono Program

Mike Sposato
Attorney, Caterpillar Financial
Services Corporation

Kathryn Tucker
West Tennessee Legal Services
Pro Bono Director

Terry Woods
Legal Aid of East TN (Knoxville)
Pro Bono Director

Pro Se Advisory Committee:

Francis S. Guess, Chair
Executive Vice President,
Danner Company

Cathy Allshouse
South East TN Legal Services

Chancellor Jerri Byrant
Chancery, 10th Judicial District

Charlotte Broyles
Coffee County Clerk & Master

Cindy Chappell
Attorney, Dodson & Parker

Anjanette Eash
TBA ATJ Coordinator

Kevin Fowler
Legal Aid Society (Clarksville)

Judge Phyllis Gardner
Shelby Co. General Sessions

Irene Hallet
Attorney, Courthouse Pro Se Clinic
Community Legal Center

Deb House
Legal Aid of East TN (Knoxville) &
TBA ATJ Committee Chair

Keys, Sondra
Legal Services/Joint Staff
TN General Assembly

Jeffrey Lawrence Levy
Corley Henard Lyle Levy & Langford

Kendra Mansur
Legal Aid of East Tennessee (Knoxville)

Carl Pierce
Interim Director, Baker Center
UT College of Law

Bruce A. Ralston
Attorney

Ricky Rooker
Davidson County Circuit Clerk

Judge Marie Williams
Circuit Court, 11th Judicial District

Deb Yeomans
Legal Aid of East TN (Johnson City)

Appendix F:

Summary of Resource
Materials Prepared
for July 17, 2009
Commission Meeting

**Tennessee
Access to Justice
Resources:**

Overview Materials

Tennessee Access to Justice (ATJ) Resources Overview:

I. Federal Sources: \$14,770,756

- A. Legal Services Corporation (LSC) Grants - \$7,430,166
- B. Other Fed. Grants (HUD -TN only, VAWA, VOCA, Title III, etc.) - \$6,640,590
- C. AOC Distributed DHHS Access & Visitation Grants - \$200,000
- D. AOC Distributed DHHS Child Support Demonstration Project Grant- \$500,000

II. State Sources: \$15,786,951

- A. Legislature: Total- \$ 15, 034,718
 - 1) Civil Indigent Fund: \$3,399,263
 - 2) Private Lawyer Civil Reimbursement: \$11,635,455
- B. State Contracts- \$268,553
- C. AOC - \$483,680 (without duplicating funds listed above)
 - 1) Parenting Education & Mediation Fund -\$200,000
 - 2) Court Improvement Project Training Grants - \$193,680
 - 3) Dedicated ATJ Strategic Priority Funding Estimate- \$90,000

III. Lawyer, Firm, Bar Association & Other Business ATJ Contributions: \$3,538,418

- A. Private Campaigns - \$1,206,008 (includes some non lawyers & businesses)
- B. IOLTA (Interest on Lawyers Trust Accounts) - \$1,015,700
- C. Tennessee Bar Association - \$133,355
 - 1) Corporate Counsel Pro Bono Initiative (CCPB Initiative) - \$43,355
 - 2) Funding for ATJ Coordinator & ATJ Committee Estimate- \$90,000
- D. Bar Foundations
 - 1) Tennessee Bar Foundation
 - a. IOLTA (captured above) - \$1,050,000
 - 2) Local Bar Foundations- no amounts reported
- E. Business Activities:
 - 1) Corporate Donations (captured in TBA CCPB Initiative & Private Campaigns)

IV. Other: \$ 2,066,898

- A. Foundation ATJ Contributions - \$589,361
- B. United Way ATJ Contributions - \$437,061
- C. Mixed & Unidentified Sources - \$805,315 (other contracts, interest, etc.)
- E. Local Grants (others pending) - \$165,499
 - LASMTC
 - \$66,041 WTLS
 - \$3,621 LAET

Overall TN ATJ Resource Total: \$36,163,023



OVERVIEW OF FUNDING FOR ACCESS TO JUSTICE IN TENNESSEE

Prepared for the Tennessee Access to Justice Commission

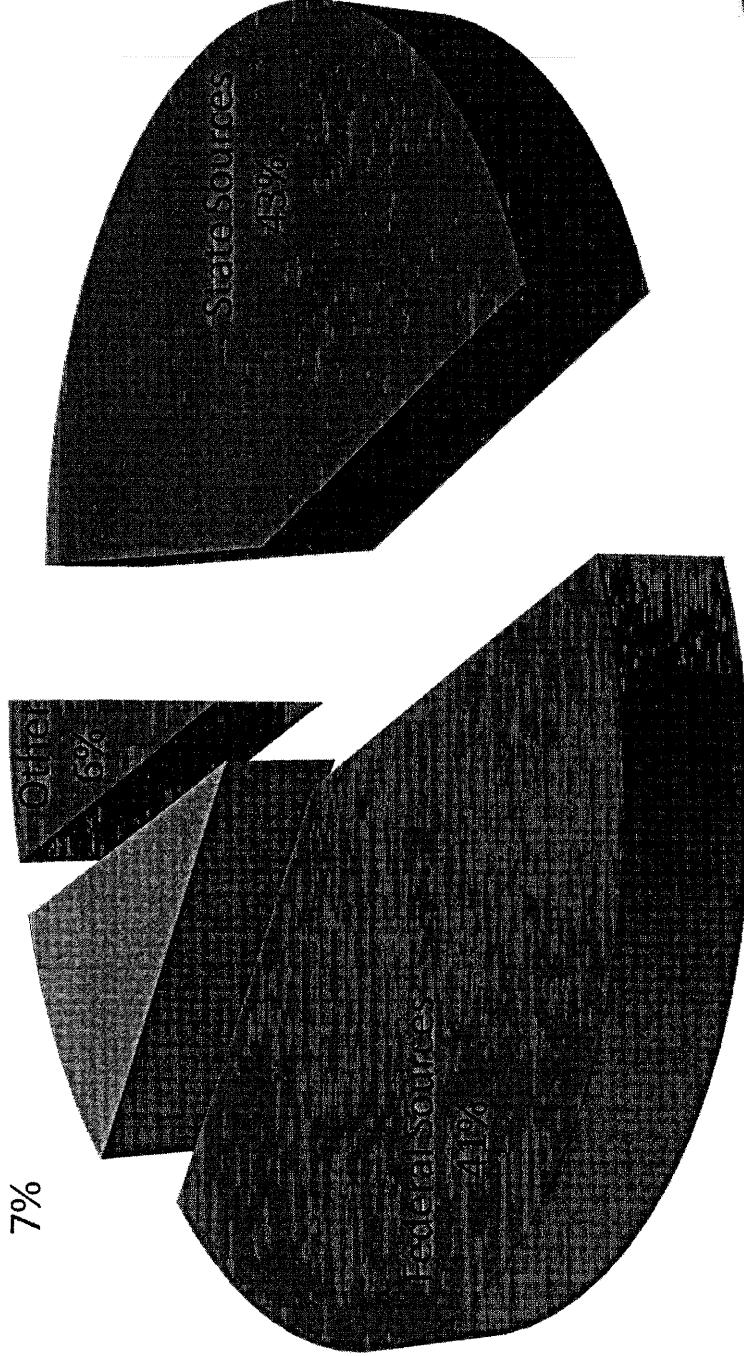
July, 2009

Erik Cole, Tennessee Alliance for Legal Services

Becky Rhodes, Tennessee Administrative Office of the Courts

**Funding for
Access to Justice in Tennessee**

Lawyer, Firm, Bar
Assoc. &
Business
7%

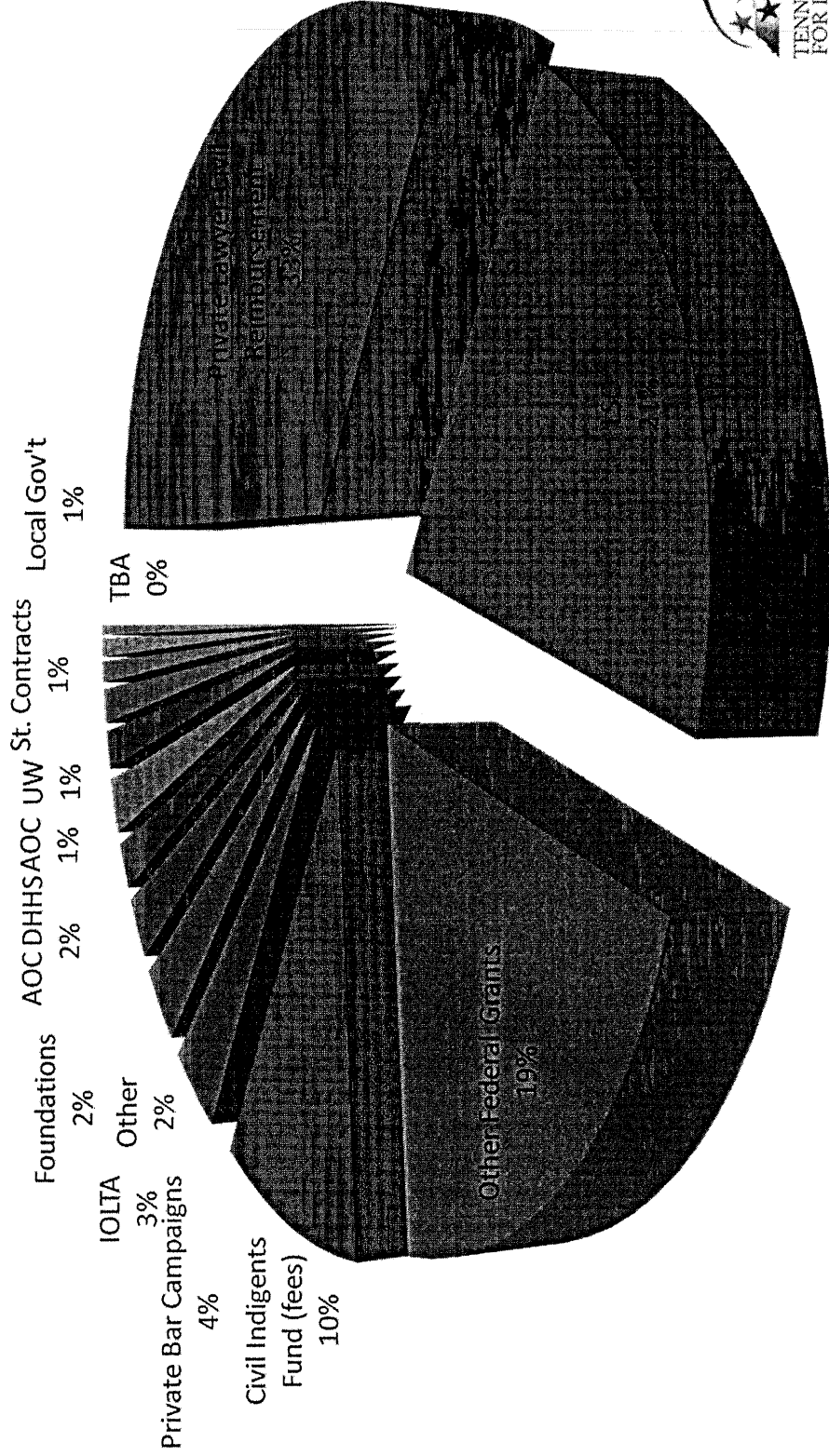


Overview of Funding for Access to Justice in Tennessee

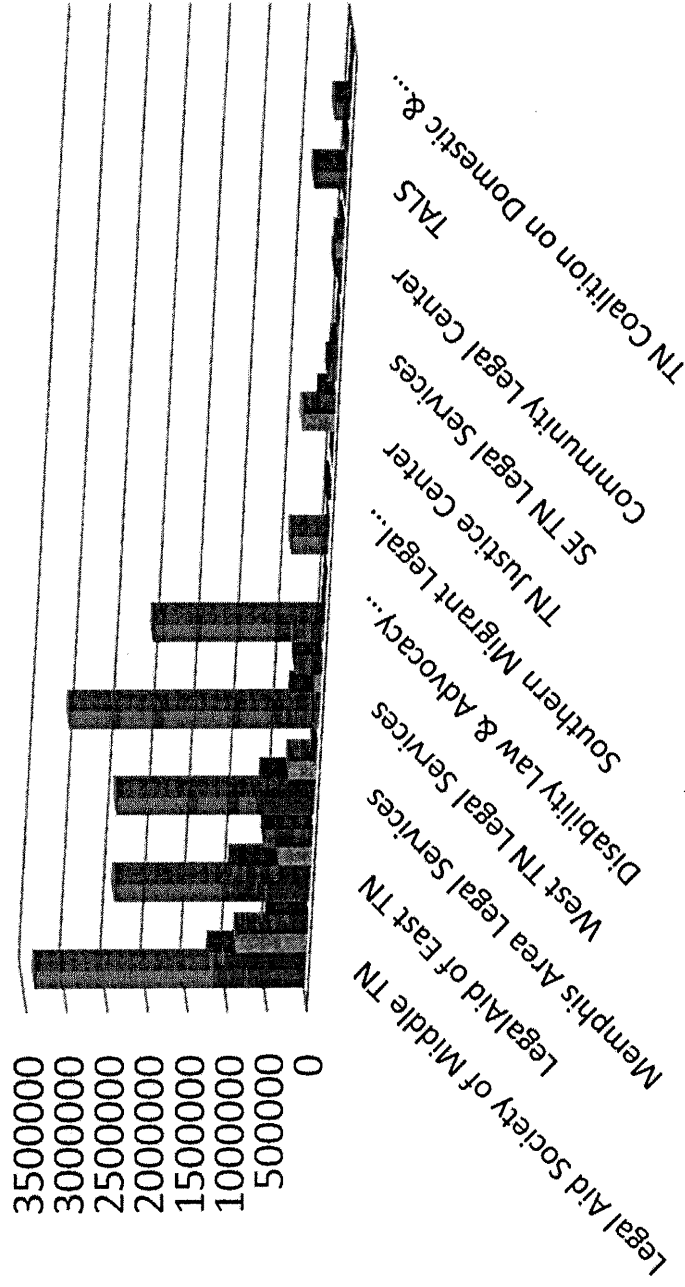
By Source:

- Federal Sources: \$14,770,756
- State Sources: \$15,786,951
- Lawyer, Firm, Bar Assoc. & Other Business ATJ Contributions: \$3,538,418
- Other: \$2,066,898

Funding in Tennessee by Specific Type

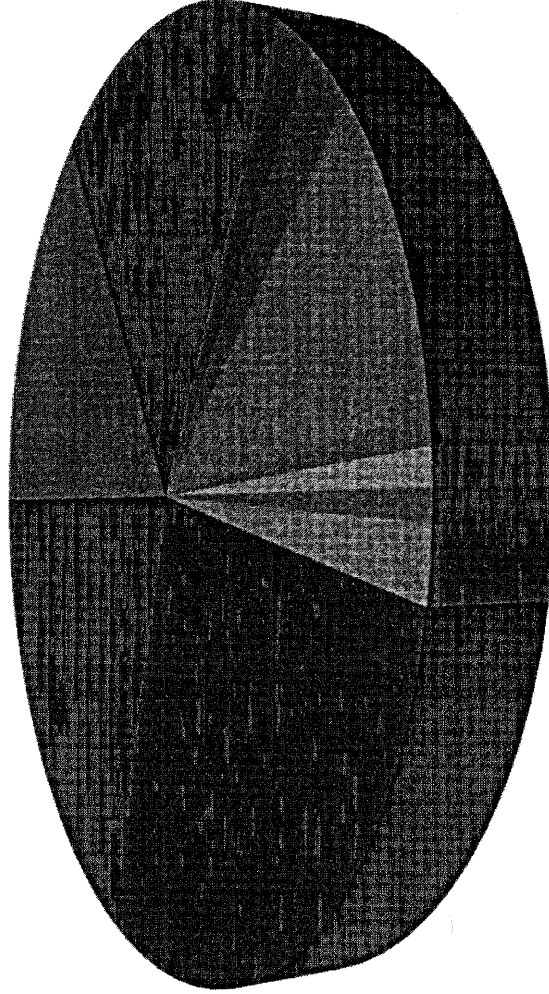


Funding by Organization by Type



Federal
 State
 Lawyer, Firm, Bar Assoc. & Business
 Other

Funding Per Organization as a Percentage of Total Funding



- Legal Aid Society of Middle TN
- LegalAid of East TN
- Memphis Area Legal Services
- West TN Legal Services
- Southern Migrant Legal Services
- TN Justice Center
- Disability Law & Advocacy Center
- SE TN Legal Services
- Community Legal Center
- TN Coalition on Domestic & Sexual Violence
- TALS



7/15/2009

Listing of Possible (Currently Untapped) ATJ Resources:

Federal Sources:

- Stimulus Funds
- AOC's Byrne Grant Money if Criminal ATJ Civil Connection Found

State Sources:

- Pro Hac Vice Fees: currently \$170 per calendar year as set by Court Rule 19 which ties the amount of the fee to a total of which equals the fees required of Tennessee lawyers under Tennessee Supreme Court Rules 9, Section 20.1, 25, Section 2.01, and 33.01 C.
- Cy Pres Awards to Voluntary Indigent Civil Legal Services Fund
- (Statute requires \$1 million seed before dispersal to LSC funded service providers)
- CLE Commission Surplus/Reserves
- BPR Surplus/ Reserves
- Attorney Registration Fee Surcharge (one-time or annual)

Lawyer, Law Firm & Bar Association Activities:

- Voluntary TBA or Local Bar Association Dues Check Off

Other Business Activities:

- Real State Agent Trust Accounts

Local Sources

- Local grants to legal service providers

Appendix G:
Attachments
Related
to
Recommendations

Model/ Sample
Corporate Legal Department
Pro Bono and Community Service Policy

The Legal Department of _____ (“the Department”) is adopting a Pro Bono and Community Service Policy in recognition of the value that pro bono and community service provides to those who are less fortunate in society and may not be able to afford to hire a lawyer. Moreover, pro bono legal service is an essential element of every attorney's professional responsibility. Lawyers possess unique skills and abilities to serve the disadvantaged and to promote the public interest in ways that no other profession can. The Department, therefore, encourages its lawyers and non-lawyers alike to render public interest legal service and/or community service. Members of the Department are currently engaged in a variety of such endeavors, including (list of current efforts).

The Department supports public interest legal service and community service because, first and foremost, lawyers have a duty, as professionals, to contribute to the welfare of the community; to assist in the development of the legal profession; and to broaden the overall commitment to access to justice for all people. Furthermore, in a society governed under the rule of law, lawyers have an obligation to make sure the legal system works, especially for the disadvantaged. The Department encourages its lawyers to meet or exceed the goal of 50 hours of pro bono legal service and/or community service per year. The Department recognizes that the Tennessee Supreme Court, the American Bar Association and the Tennessee Bar Association recommend that every lawyer devote at least 50 hours per year to Pro Bono Service. The Department also supports public interest legal service because it provides valuable experience for lawyers in the Department and is one avenue for lawyers to become actively involved in the community.

As members of the Tennessee Bar, each attorney is free to determine how to fulfill his or her pro bono responsibilities under Tennessee Supreme Court Rule 8, Tennessee Rules of Professional Conduct 6.1. For those admitted in other jurisdictions, you should determine how to best comply with those state or country rules. In Tennessee, for instance, pro bono service includes activities such as providing professional legal services for no fee to persons of limited means; service to public interest or charitable organizations, or other groups or activities the purpose of which is to improve the law, the legal profession or access to justice. Attorneys should possess the knowledge and experience required to provide effective legal services in the pro bono environment. Attorneys working on pro bono matters outside their areas of expertise are expected to seek advice, training, and if necessary, supervision from attorneys with the necessary knowledge.

For non-lawyers in our Department, there are no specific bar-mandated requirements so we leave it up to each individual to decide how much time to spend in community service. As members of the Legal Department, this Policy encourages our non-lawyers to serve in various not-for-profit organizations, including schools, religious and charitable institutions in the communities in which they work and live.

[The following procedure section can be included if the Department desires a more formal process:

1. The Department will appoint a pro bono coordinator to publish pro bono opportunities to the Department and coordinate the Department's pro bono efforts.
2. The Department will utilize a single intake or contact point, a pro bono liaison, coordinator, or other firm designee to handle the assignment of cases from a given pro bono program to lawyers within the corporation and/or the approval of pro bono cases; and/or
- 3 The Department employs a rotation policy to assign lawyers within the Department to pro bono cases the Department has been assigned; and/or

4. Lawyers within the Department accept individual assignments of pro bono cases from a given pro bono program or perform other qualified pro bono service; lawyers then notify the pro bono liaison, coordinator, or other Department designee to facilitate tracking the work and the time spent on pro bono matters.]

In sum, pro bono responsibilities enhance not only the image of the Legal Department and the profession but also the Company within the community.

General Counsel of _____

Listing of Strategies Matched to Unmet Needs & Vulnerable Populations:

Category: Family/Relational Legal Needs

Best Practices/ Strategies:

- Simple Forms Available in Multiple Languages for Many Legal Pleadings
- Simplified Pleadings & Procedures: Forms Easier & System Demystified
- Pro Se Forms with Advice & Assisted Completion Clinics or Appointments
- Pro Se Forms on Website & Document Assembly Programs
- Pro Bono Representation (Full and Limited Scope) Lawyers & Professionals (but hard to place cases and get lawyers to do limited scope pro bono)
- Training of Judges on Proactive but Still Impartial Dealing with Pro Se
- Community & Sliding Scale Mediation
- Pro Bono Mediation
- Collaborative Law Approaches
- Education of Service Providers
- Integration of Legal Referrals into Social Services Network/ Case Management
- Modest Means/ Reduce Fees Panels

Sub-Category: Domestic Violence as part of Family/Relational

Best Practices/ Strategies:

- Pro Bono Representation (Full and Limited Scope) Lawyers
- Law Student Pro Bono & Clinic Services (expansion)
- Educational Materials/ Pamphlets Distributed through Social Service Networks
- Educational Materials on Websites
- Educational Materials Available in Multiple Languages
- Specialty Courts (Housing, Family, Mental Health, Drug, Etc) in this case Family Justice Center Model

Category: Health Care: Access

Best Practices/ Strategies:

- Legal Services Representation (Full and Limited Scope) Resources to Fund
- Pro Bono Representation (Full and Limited Scope) Lawyers & Professionals Experts (but recruiting & training pro bono lawyers in technical areas hard because of conflicts with large firms and time necessary to come up to speed)
- Improving Back-Up Center Expert Support in Specialized/ Complicated Cases
 - Exploiting/ Networking TALS Task Force Expertise
 - Exploiting/ Networking Law School Expertise & Resources

Sub-Category: Health Care: Medical Bills

Best Practices/ Strategies:

- Pro Bono Representation (Full and Limited Scope) Lawyers & Professionals Experts (but recruiting hard because of conflicts with large firms in collections)
- Simple Forms Available in Multiple Languages for Many Legal Pleadings
- Simplified Pleadings & Procedures: Forms Easier & System Demystified
- Training of Judges on Proactive but Still Impartial Methods for Pro Se
- Integration of Legal Referrals into Social Services Network/ Case Management
- Modest Means/ Reduce Fees Panels

Category: Some Consumer/ Predatory Lending:

Best Practices/ Strategies:

- Legal Services Representation (Full and Limited Scope) Resources to Fund
- Pro Bono Representation (Full and Limited Scope) Lawyers & Professional Experts (but recruiting & training pro bono lawyers in technical areas hard because of conflicts with large firms and time necessary to come up to speed)
- Improving Back-Up Center Expert Support in Specialized/ Complicated Cases
 - Exploiting/ Networking TALS Task Force Expertise
 - Exploiting/ Networking Law School Expertise & Resources

Category: Juveniles

Best Practices/ Strategies:

- Pro Bono Representation (Full and Limited Scope) Lawyers & Professional Experts
- CAN LEARN as Back
- Improved Civic Education to Help Demystify the System
- Broad Community (or Specific Group) Legal Education Classes(Live or Video)
- Targeted Topic Community (or Specific Group) Legal Education Classes (Live or Video)
- Educational Materials Available in Multiple Languages
- Educational Materials/ Pamphlets in Libraries & Schools
- Educational Materials on Website
- Better Support for GAL System (AOC Court Improvement Program)
- Closer Collaboration with CASA & Other Advocacy Groups When Appropriate

Category: Homeless

Best Practices/ Strategies:

- Pro Bono Representation (Full and Limited Scope) Lawyers
- Targeted Pro Bono Clinics/ Limited Advice and Counsel on
 - Expungement
 - Health Care
 - Housing
 - Public Benefits
- Law Student Pro Bono & Clinic Services (same as above)
- Specialty Courts (Housing, Family, Mental Health, Drug, Etc)
- Integration of Legal Referrals into Social Services Network/ Case Management
- Educational Materials/ Pamphlets Distributed through Social Service Networks

Category: Those with Mental or Physical Disabilities

Best Practices/ Strategies:

- Pro Bono Representation (Full and Limited Scope) Lawyers
- Targeted Pro Bono Clinics/ Limited Advice and Counsel on
 - Health Care
 - Housing & Facility Access
 - Public Benefits
- Law Student Pro Bono & Clinic Services (same as above)
- Integration of Legal Referrals into Social Services Network/ Case Management
- Educational Materials/ Pamphlets Distributed through Social Service Networks
- Broad Community (or Specific Group) Legal Education Classes(Live or Video)

- Targeted Topic Community (or Specific Group) Legal Education Classes (Live or Video)

Category: Those in Jail/ Prison or Transitioning Out

Best Practices/ Strategies:

- Pro Bono Representation (Full and Limited Scope) Lawyers (in CLC or Jericho style outreach programs for those still in jail or prison)
- Targeted Pro Bono Clinics/ Limited Advice and Counsel where allowed inside or when inmates released on
 - Expungement
 - Drivers License Reinstatement
 - Housing
 - Public Benefits
- Law Student Pro Bono & Clinic Services (same as above)
- Integration of Legal Referrals into Social Services Network/ Case Management
- Educational Materials/ Pamphlets Distributed through Social Service Networks
- Broad Community (or Specific Group) Legal Education Classes(Live or Video)
- Targeted Topic Community (or Specific Group) Legal Education Classes (Live or Video)

Category: Immigrant Community (documented and undocumented)

Best Practices/ Strategies:

- Support for Existing and Creation of New Programs to Meet Targeted Unmet Needs or Underserved Populations (Non-LSC funded organizations to serve undocumented community as well as documented)
- Legal Services Representation (Full and Limited Scope) Resources to Fund (for LSC - funded- documented but only undocumented if restrictions lifted)
- Pro Bono Representation (Full and Limited Scope) Lawyers (if increase in bilingual bar members coming out of law school and/or improved access to pro bono interpreters)
- Targeted Pro Bono Clinics/ Limited Advice and Counsel (with bilingual lawyers and/or pro bono interpreters) on
 - Immigration Issues (basics)
 - Domestic Violence
 - Health Care
 - Housing
 - Public Benefits
 - Wage theft
- Law Student Pro Bono & Clinic Services (same as above)
- Greater Access to Interpreters (Paid by State or Pro Bono)
- Integration of Legal Referrals into Social Services Network/ Case Management
- Educational Materials Available in Multiple Languages
- Educational Materials/ Pamphlets Distributed through Social Service Networks
- Broad Community (or Specific Group) Legal Education Classes(Live or Video) (in multiple languages or with interpreters)
- Targeted Topic Community (or Specific Group) Legal Education Classes (Live or Video) (in multiple languages or with interpreters)
- Simple Forms Available in Multiple Languages for Many Legal Pleadings
- Pro Se Forms on Website & Document Assembly Programs (with ability to read and fill out in native language but covert and submit in English)
- Updated Legal Needs Study to Included Populations Not Included

Category: Elderly (perhaps especially the unmet legal needs related to relative caregiver issues and conservatorships)

Best Practices/ Strategies:

- Pro Bono Representation (Full and Limited Scope) Lawyers & Professionals Experts
- Pro Bono Clinics/ Limited Advice and Counsel
- Development of Practice Guides and Training Modules (with forms, etc. to promote more full and limited scope pro bono, reduced representation) (and service as conservators)
- Simplified Pleadings & Procedures: Forms Easier, Available & System Demystified
- Support for Existing & Creation of New Programs to Meet Targeted Unmet Needs or Underserved Populations
- Community & Sliding Scale Mediation
- Pro Bono Mediation
- Improving Back-Up Center Expert Support in Specialized/ Complicated Cases
 - Exploiting/ Networking TALS Task Force Expertise
 - Exploiting/ Networking Law School Expertise & Resources
- Educational Materials/ Pamphlets Distributed through Social Service Networks
- Targeted Topic Community (or Specific Group) Legal Education Classes (Live or Video)

Category: Discrimination

Best Practices/ Strategies:

- Better Communication & Coordination Between Legal & Other Service Providers (Local, state, and federal regulatory agencies to make what is available more effective)
- Pro Bono Representation (Full and Limited Scope) Lawyers & Professionals Experts
- Pro Bono Clinics/ Limited Advice and Counsel
- Development of Practice Guides and Training Modules (with forms, etc. to promote more full and limited scope pro bono, reduced fee representation)
- Law Student Pro Bono & Clinic Services

Category: Employment

Best Practices/ Strategies:

- Pro Bono Representation (Full and Limited Scope) Lawyers & Professionals Experts
- Pro Bono Clinics/ Limited Advice and Counsel
- Development of Practice Guides and Training Modules (with forms, etc. to promote more full and limited scope pro bono, reduced fee representation)
- Law Student Pro Bono & Clinic Services
- Targeted Topic Community (or Specific Group) Legal Education Classes (Live or Video)
-

Appendix H:
Survey Reports:

Clerks' Survey
Summary

&

Access to Justice
Community Survey
Full Report

Summary of 2009 Clerks Survey on Forms & Public Information Requests:

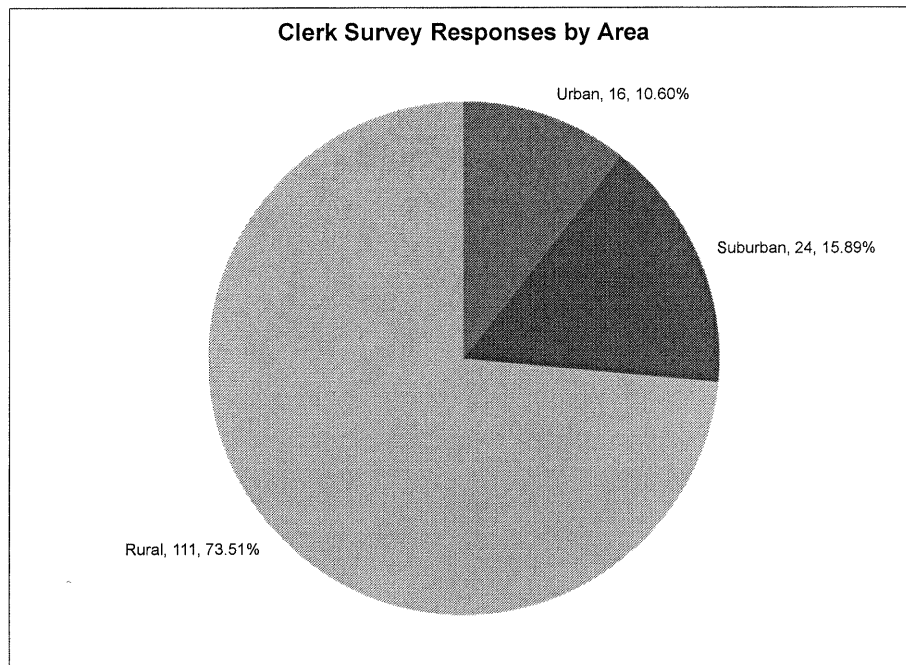
Background & Caveats:

There were 153 clerks who returned the survey forms that were distributed at the May 2009 and June 2009 Clerks' Conferences. Due to inconsistent and incomplete responses and clerks often serving in courts with multiple jurisdictions, statistically valid conclusions one can draw are limited. There was enough information returned, however, to gain some important insights into the types of requests clerks around the state seem to be getting relating to different types of cases and areas of the law.

Respondents:

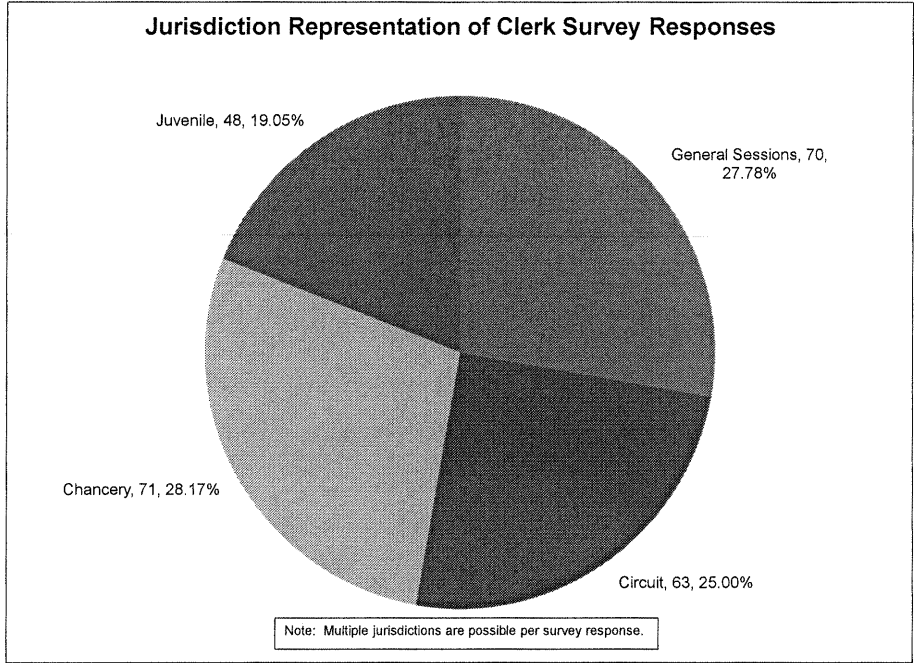
Of the clerks who responded about the nature of the areas (151) served by their courts:

- 73.51% reported Mostly Rural
- 15.89% reported Mostly Suburban
- 10.60% reported Mostly Urban



Because of the nature of court jurisdictions in Tennessee, the respondents' replies to the question regarding the "type of jurisdiction your court has" was categorized as follows:

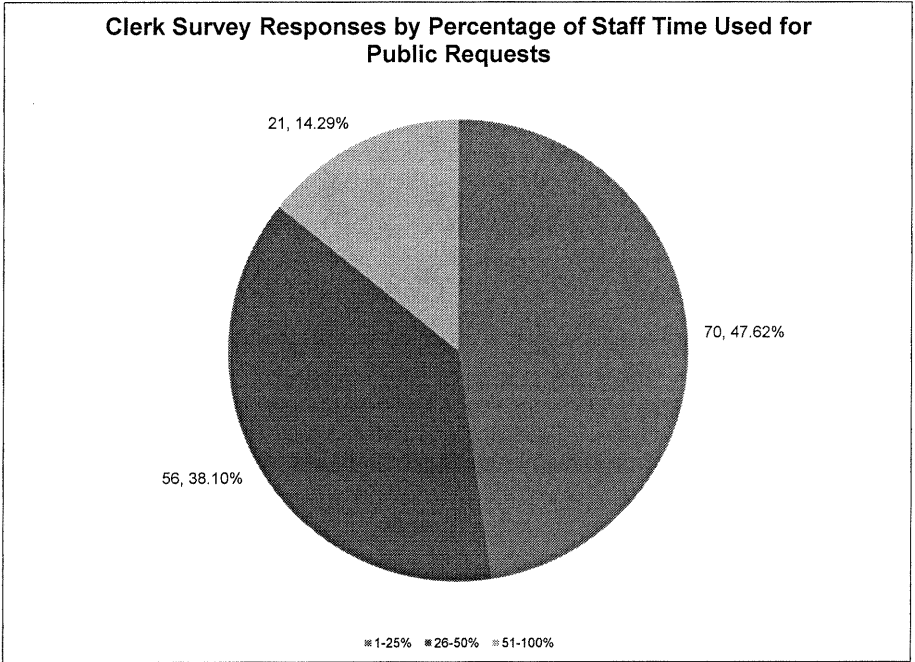
- 28.17% Chancery
- 27.78% General Session
- 25.00% Circuit
- 19.05% Juvenile



Time Spent on Public Requests:

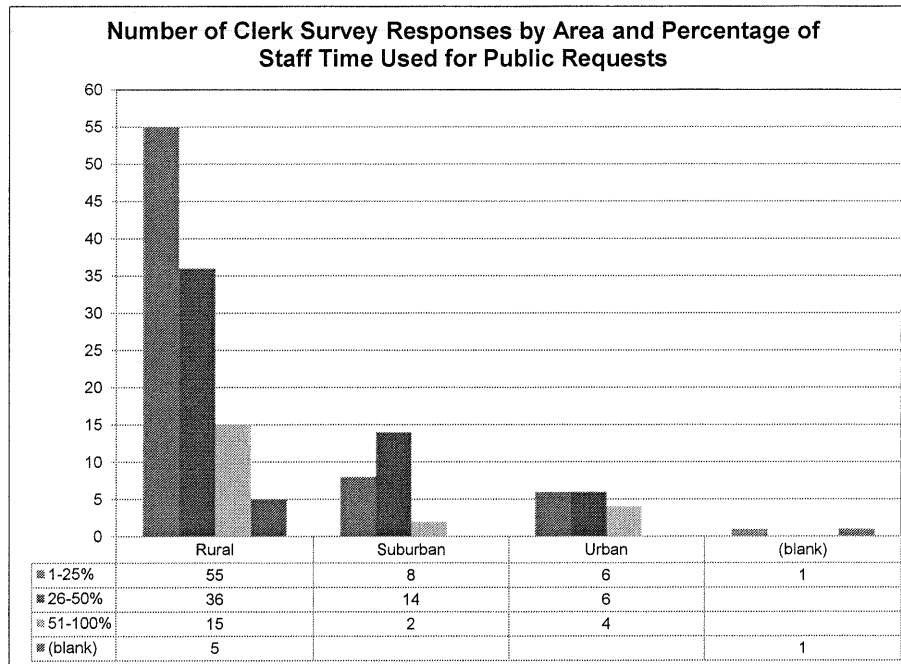
The clerks were asked to estimate “the average daily amount of staff time used to address public requests for pro se related matters (e.g. court procedure, rules, forms, etc.)” Only 147 responded to this question with a break down as follows:

- 1- 25% of Staff Time 47.62%
- 26- 50% of Staff Time 38.10%
- 51-100% of Staff Time 14.29%



Time Spent on Public Requests By Type of Service Area

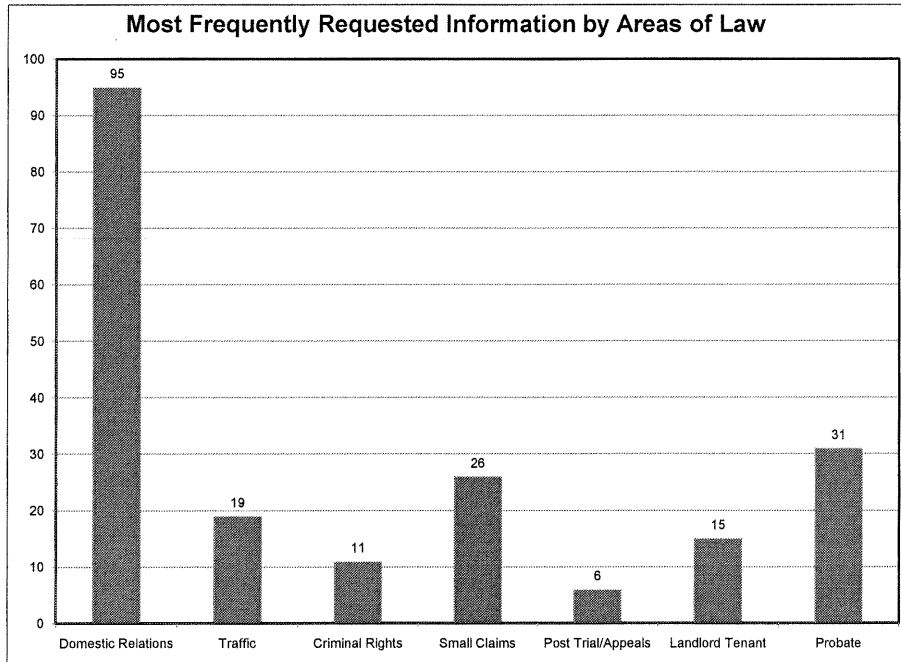
The chart below also shows the responses to the question about the amount of time spent on public requests by the type of area: rural, suburban or urban, identified by the respondent.



Requests for Information by Pro Se Litigants by Area of Law:

The categories provided as areas of law which the respondents were asked to rank by frequency of public requests to staff are set out below, and the percentage of respondents in each area, which was answered as the "very frequently" requested information. More than one area of law may have been selected as "very frequently" requested information on a single survey response. There were 203 areas of law that were selected as "very frequently" requested information by all 153 responses.

- Domestic Relations 46.80%
- Traffic 9.36%
- Criminal rights 5.42%
- Small Claims 12.81%
- Post trial/appeals 2.96%
- Landlord Tenant 7.39%
- Probate 15.27%

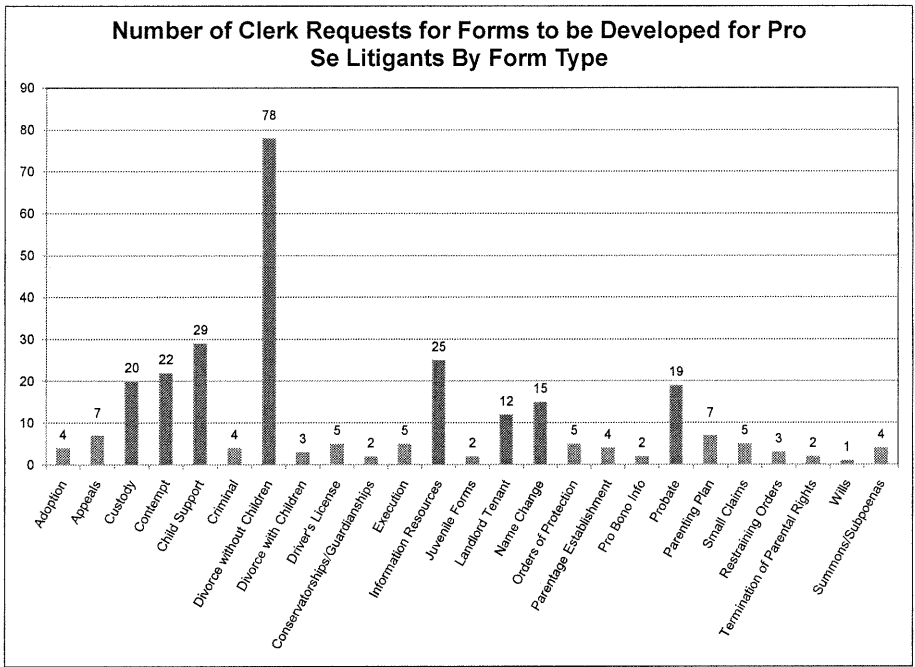


The effort to have the areas of law ranked was not successfully captured in the responses, but from the replies gathered, it appears that the most frequently requested information by far is in the domestic relations area, with 46.80% of the respondents indicating requests in this area. Probate was the second area of the law selected most often, with 15.27% of the respondents indicating requests in this area. Small Claims was the next most frequently selected area of the law, with almost 12.81% of the respondents indicating requests in this area. Traffic and Landlord/ Tennant were next with 9.36% and almost 7.39% of the respondents indicating requests in these areas respectively.

Clerk Requests for Forms to Be Developed for Pro Se Litigants:

The clerks were also asked to “list the top five types of forms for pro se litigants that you would like to see developed by the Tennessee Access to Justice Commission and made available to the public.” The ranking was not successfully captured by the responses, but of those who responded to the question on this topic (only 98), the most requests were for forms for divorces without children, with nearly 80% of the respondents wanting forms developed for such cases. The most frequent types of cases for which there were requests are listed below with percentages (but keep in mind that only 98 of the clerks completed any part of this section and many who want forms developed, suggested several categories).

- Divorces without Children 79.59%
- Child Support 29.59%
- Information Resources 25.51%
- Contempt 22.45%
- Custody 20.41%
- Probate 19.39%
- Name Change 15.31%
- Landlord/Tennant 12.24%



Report on Response to the Survey of
Legal Services Program Staff About
Access to Justice Barriers in
Tennessee:

Survey Administered Primarily through the
Tennessee Alliance for Legal Services'
Substantive Law Task Forces in
August 2009

Category Break Downs: ATJ Barriers Survey
185 Open Ended Answers Provided

CATEGORY:	# of Answers	%
DEBTOR CREDITOR: by Category Total:	44	23.8%
Increase Exemptions: 15		
Predatory Lending & Other Consumer Protection: 10		
Judicial Foreclosure: 6		
Debt Collection: 8		
Mobile Homes: 3		
Sworn Accounts: 2		
COURTY SYSTEM/ACCESSIBILITY: by Category Total:	40	21.6%
Pro Se: 22		
Indigent Filing: 8		
Interpreters & Language Barriers: 6		
Court Appointed Fees: 4		
FAMILY LAW & DOMESTIC VIOLENCE: by Category Total:	25	13.5%
Orders of Protection/ Domestic Violence Issues: 12		
Family Law Complexity: 7		
Criminal Victim Rights: 6		
LANDLORD TENNANT:	14	7.6%
RESOURCES:	12	6.5%
(Various from non-legal services to legal aid to Civil Gideon):		
COURT PROMOTION OF PRO BONO & PRIVATE BAR BEHAVIOR	10	5.4%
Pro Bono: 8 ((4for Emeritus Rule)		
Private Bar Associations: 2		
LSC RESTRICTIONS:	4	2.2%
DISABILITY ISSUES:	4	2.2%
JUVENILES:	3	1.6%
TENNCARE:	3	1.6%
MEDIATION:	2	1.1%
OTHER:	24	12.9%
(Answers Outside Categories Above)		
Total # of Open Ended Identification of Access to Justice Barriers	185	100%

**List of Survey Questions for
Legal Services Staff about Barriers to Access to Justice:**

The goal is to develop a survey for legal services staff that can be administered through Survey Monkey on-line and distributed through the TALS Task Force email groups with the results being compiled and available by early September. **(Guidance for drafters not recipients; not in final)**

This survey is an attempt to gather ideas about what the access to justice workers in the field see as systemic barriers to access to justice (specific laws, rules, policies and procedures) that the Tennessee Access to Justice Commission can evaluate for possible recommendations to the Tennessee Supreme Court for action by the appropriate policymakers. **(Will be part of final)**

Draft Questions:

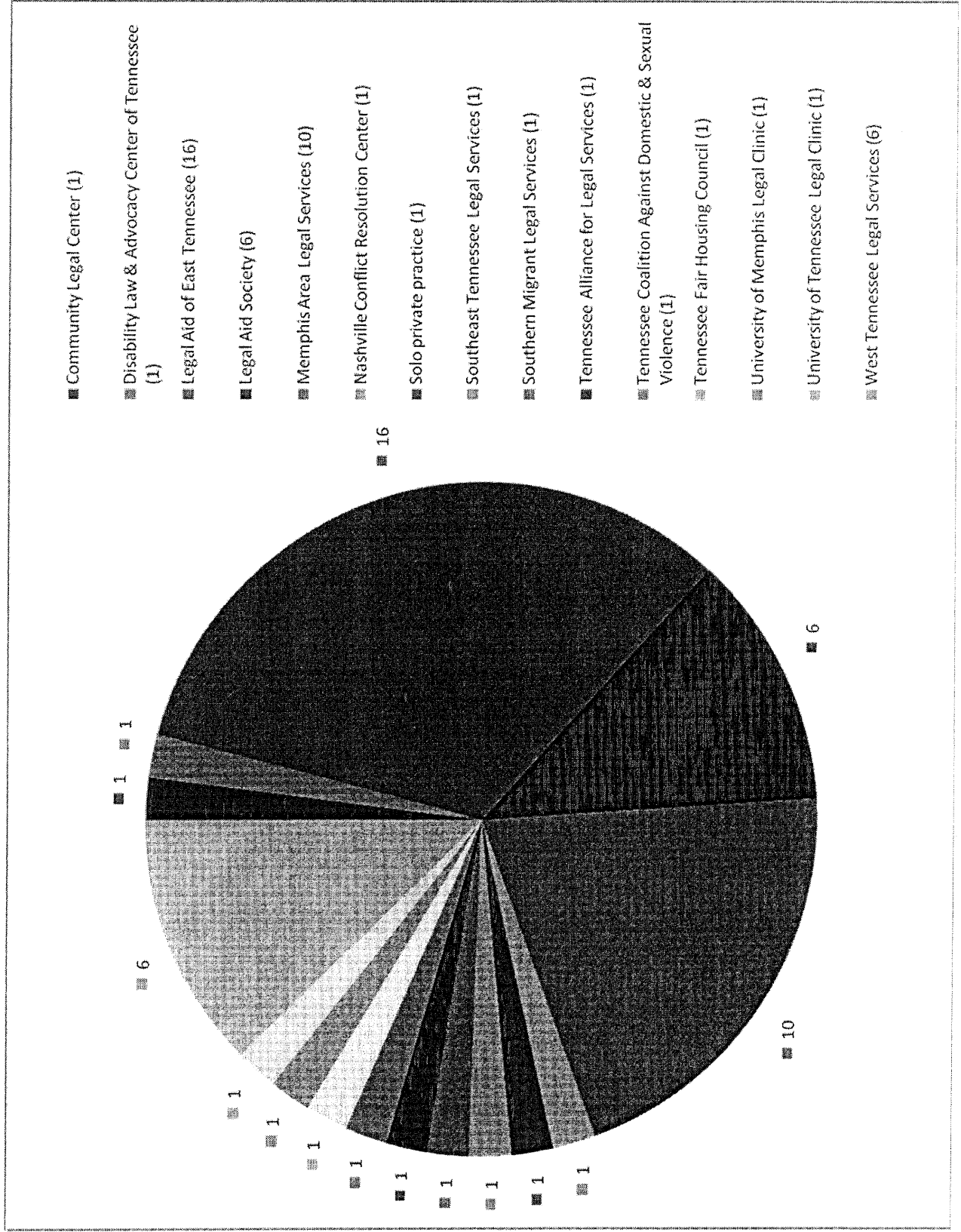
1) What program or organization do you work for? _____

2) What is the geographical location of your office?
_____ Urban _____ Suburban _____ Rural

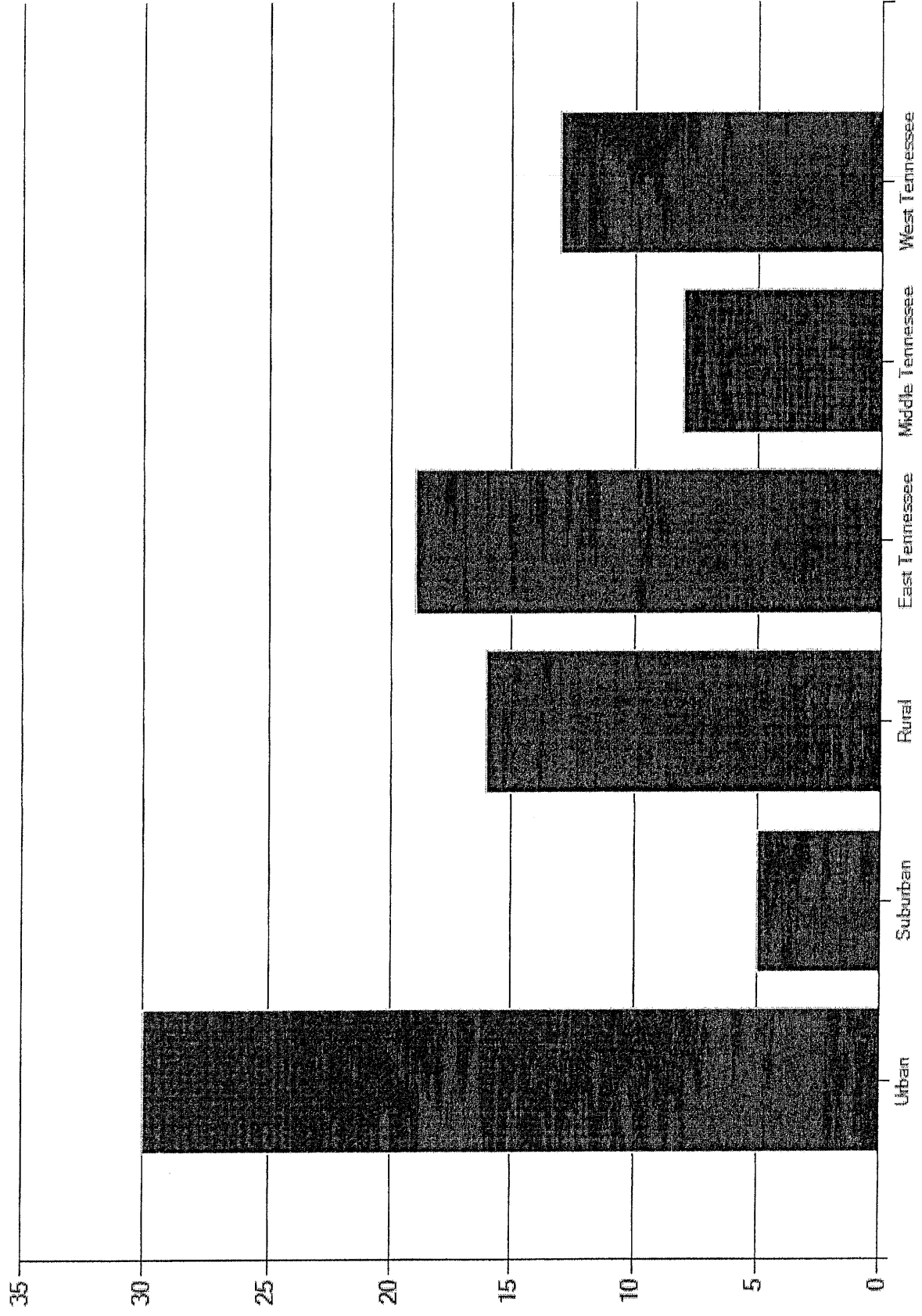
3) What is your staff position?
_____ Director or managing attorney _____ Staff lawyer
_____ Paralegal _____ Intake staff
_____ Other staff

4) Please provide up to five specific laws, rules, policies and procedures effective in Tennessee that you perceive as acting as barriers to access to justice. (Examples of such barriers might include: current dollar values on personal property exemptions from creditor actions; specific consumer protection laws that do not seem effective as written; or a specific law, rule or policy that has not been implemented in Tennessee but has proven effective elsewhere.) Please be as specific as you can about the laws, rules, policies and procedures you are referencing and how they are or should be implemented.

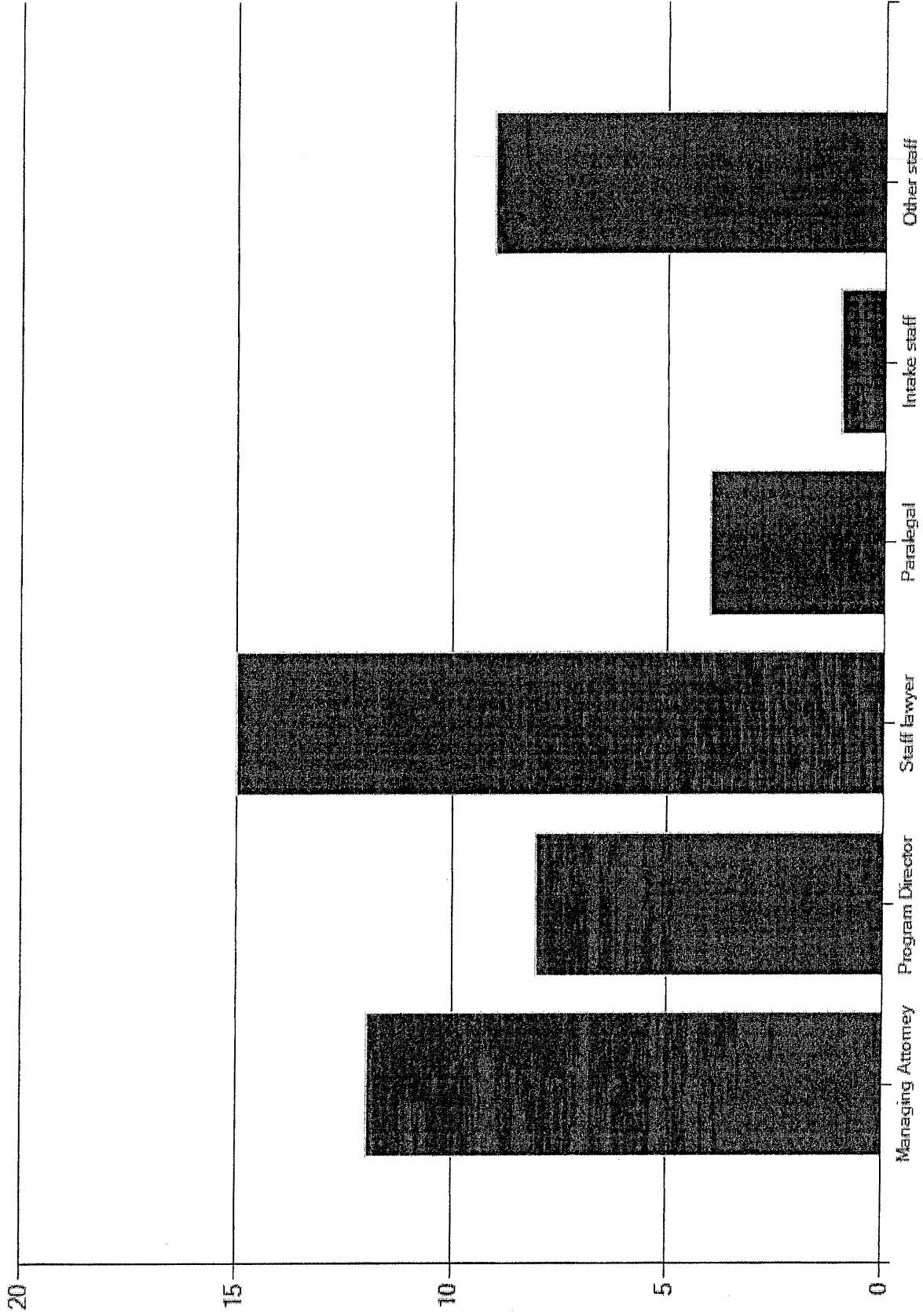
Pie Chart Showing Survey Responses by Program /Organization/or Entity



What is the geographical location of your office?



What is your staff position?



Shortened & Categorized Access to Justice Barrier Survey Results

DEBTOR/CREDITOR

Increase Exemptions:

- Current dollar values on personal property exemption
- Low dollar value of personal property exemptions
- Homestead exemption-\$7500 with some exceptions
- Current dollar values on homestead exemption limit from creditor actions
- Low exemption amount from creditors
- Low dollar value of homestead exemption
- Personal Property Exemptions
- Raise homestead exemption (at least \$100,000 per individual)
- Current dollar values on personal property exemption limit from creditor actions
- Too low personal property exemptions
- Personal property exemption needs to be increased.
- Inadequate homestead exemption
- The homestead exemption should be for its full value. Judgment liens on homes should not be enforceable until death of owners or sale of home
- Homestead exemption is too low--doesn't protect homes well
- There should be a separate auto exemption from non-pmsi type creditors. Auto equity easily eats up the personal property exemption. Transportation in rural counties is not a luxury.

Predatory Lending & Other Consumer Protection:

- Pay-day loan laws
- Interest and fees allowed on title pledge loans
- Failure, generally, to have a working usury law
- New Credit Card Laws
- Need for better consumer protection laws, such as pay day loans and car title pawns
- Predatory lending on home improvement loans
- Raise SOL (statute of Limitations) on the TCPA (TN Consumer Protection Act)
- Lack of sufficient limits on usury
- Consumer Protection Laws
- Need more stringent usury laws... title loans and check cashing loan banned

Judicial Foreclosure:

- Judicial foreclosure - available in other states
- Replace power of sale w/judicial foreclosure
- Non-judicial foreclosure
- Non-judicial foreclosure
- Judicial foreclosures is one means of protecting people from foreclosure
- TN is a non-judicial state... no day in court. Wrongful foreclosures are hard to set aside.

Debt Collection:

- Application of TRCP 69 to Sessions Court (potential ease of levy on debtor's home)
- Arbitration - does not work well for consumer debtors

- Attorneys who are allowed to wholesale sue people for debts that they know are no longer collectable/past the Statute of Limitations and the Judges never letting defendants know they're allowed to use this as a defense in a collection suit.
- Universal default provisions
- Very little attention to notice for debtors-ex=notice of judgment
- Non-mortgage creditors shouldn't have the power to render debtors homeless
- Repeal the statute that only allows the debtor one bite at the "request to pay by installments" apple
- Over use of judicial attachments

Mobile Homes:

- Owners of mobile homes need more notice to vacate when demanded by lot owners or ordered by the court.
- Lots owners take advantage of mobile home owners...the mobile owner will have to move and leave the mobile home, and thus the lot owner benefits...should be additional protections for mobile home owners who rent lots.
- Mortgage company should have to foreclose on mobile owners, not just repossess them

Sworn Accounts:

- Abolish sworn accounts
- Sworn Accounts: Sessions Court judges often call the docket on collection cases and send debtors out to talk to creditor's atty, resulting in debtors agreeing to make unaffordable installment payments; if debtors were given the chance to make a sworn denial first (requiring the judge to reset the case to give the creditor a chance to produce a witness to prove the debt), many cases would be dismissed or nonsuited (especially when plaintiff is an assignee of the original creditor); nonsuit or dismissal would be a just result because (1) many sworn accounts are based on affidavits verifying an "attached statement of account" that is not attached and (2) creditors who sell debts in bulk often make clerical errors resulting in the same debt being assigned to two different assignees; since the debtor often does not recognize the name of the assignee but assumes the claim is based on one of the debtor's multiple debts, the debtor does not realize that s/he is being sued for the same account by multiple assignees

COURTY SYSTEM/ACCESSIBILITY

Pro Se:

- Provide more forms, assistance, referrals and self-help materials on-line
- Generalized forms for simpler legal actions
- Lack of pro se forms & lack of procedural information for potential pro se clients
- Lack of forms... so tenants can get into court without a lawyer. Having a lawyer is better ...Low-income tenants have no recourse... illegal lock-outs or utility shut-offs ...not before a judge.
- Lack of basic information, written in plain language...court location, hours, rules, jurisdiction
- AOC should work with professionals, trained in plain writing, to simplify the forms it uses down to a fifth grade reading level and a much more user-friendly layout and format.
- Lack of uniformity in forms used
- Exemptions and self-help filings are too complicated

- TN court clerks still refusing to file pro se documents.
- Clerks who do not file any petition as written but try to filter what is filed
- Resistance from judges, clerks and others to assisting pro se litigants
- Give the court clerk's office (or somebody in the courthouse) the responsibility to provide more assistance to unrepresented parties, and the resources and authority to do so.
- Lack of court personnel whose job would be to assist pro se litigants
- The courts in some counties being pro se friendly for uncontested/no fault divorces and some counties being very pro se UN-friendly – everybody needs to be on the same page about that.
- Lack of promotion of unbundled legal services
- Lack of support for pro se litigants
- Lack of effective self-help process for family law
- Better access for pro se litigants in divorce cases
- Procedural rules are promulgated for lawyers
- Institute a true small claims court
- Procedure of General Sessions Judges NOT explaining to defendants that they do not HAVE to 'work something out' with the plaintiffs in law suit
- Courts making defendants believe that they have to give information to the plaintiff's attorney, not telling the defendant that he has a right to make the other side prove the debt or the eviction, and beginning the proceeding with, "Do you owe the money?" "Are you behind in your rent?" and "You all go out in the hall and talk to this attorney here and see if you all can't work something out."

Indigent Filing:

- Lack of uniformity of approval of use of the Affidavit of Indigency
- Bonds required for some appeals, even those on an affidavit of indigency
- High cost of motions/petitions
- Cost of filing fees
- Problems with interpretation & enforcement... for assessing indigency of criminal defendants
- The rise from free to \$4.00 to \$25.00 in fees in Davidson county for filing things like a PPE, Slow-Pay Motion or Motion to Quash –
- Lack of notice of availability of paupers oath in General Sessions Court

Interpreters & Language Barriers:

- Language barriers for Latino community
- Problems with content and enforcement of Rule 42 re: interpreters
- Need to have more widely available interpretation services
- Lack of access to F/T court interpreters for persons in language minorities. Or, lift up restriction to have only court certified interpreters
- Failure to fully educate Tennessee attorneys and court personnel regarding the requirements of TCA 24-1-211...in regard to sign language interpreters for court and related settings
- Lack of a policy or rule to require certification for sign language interpreters in court settings

Court Appointed Fees:

- Current caps on maximum compensation for court appointed counsel in criminal cases

- Current rate of compensation for court appointed attorneys
- Low and slow payments to court appointed lawyers.
- Current fees scale for experts and investigators in criminal cases

FAMILY LAW & DOMESTIC VIOLENCE

Family Law Complexity:

- Complexity of domestic relations laws
- Tennessee should simplify the process for filing an uncontested divorce with no children.
- Very complex formula for determining child support
- Of course family law (too complex)
- Difficulty in getting divorced in there are paternity questions
- Difficulty filing for divorce in Shelby Co. if don't have soc sec #
- Difficulty in getting child support orders in Shelby Co.

Orders of Protection/ Domestic Violence Issues:

- Financial support & custody not addressed in Orders of Protection as outlined in the law
- Use of judicial commissioners in OP cases without no clear authority to provide full relief
- Judicial commissioner hearing order of protection cases without having the perceived authority to grant all of the remedies allowed by statute
- Allowing judicial commissioners/magistrates to hear OP and juvenile court cases
- Judges not hearing issues of support, custody etc in OP hearings
- Court clerks not putting OP into the system unless it is an exparte order
- Loopholes in the Order of Protection laws
- The practice of some counties in Middle TN NOT granting OP's to victims unless they move out/leave the household ...nowhere to go before some counties will allow them to file for OP.
- In domestic violence cases, a judge cannot decline to rule on issues of custody of and child support for children
- Child support through an order of protection expires when the order expires
- Amend 36-4-101. This statute allows someone to come to this state for the sole purpose of getting a divorce. The defendant may be 3,000 miles away, never stepped foot in this state, no funds to get to this state, all evidence of abuse (doctors, law enforcement, shelter workers who have seen the bruises) 3,00 miles away, and by being here 6 months, plaintiff can get the divorce.
- TCA 36-3-617 court costs for a non-"victim" (previously, no petitioner for an OP paid costs)

Criminal Victim Rights:

- Victim Rights... ignored...Constitutional amendments, rights without a remedy.
- Standing to invoke Victims Rights under the state Constitution & court rules to govern the exercise of Victims Rights
- Lack of legally trained advocates to provide victim advocacy.
- Advocates in Legal Services should get involved in Criminal Injuries Compensation for victims...to remove serious barriers for victims... the Division of claims says it has no manual or rules and regulations... need advocates trained to handle benefits cases ...victims of crime encounter barriers to access to justice on a daily basis.
- DV, SA (sic- domestic violence & sexual assault) victims ability to terminate their leases
- Filing fees concerning victims

LANDLORD TENNANT

- No URLTA (Uniform Landlord Tenant Act) for the less populated counties.
- Failure to extend URLTA statewide
- Landlord/Tenant Act does not apply in rural counties
- A landlord tenant law that favors the landlords in TN
- Amend URLTA to say you cannot put a clause in a lease that allows the landlord to disregard the 30 day written notice.
- Ineffective remedies under the URLTA for maintenance issues, especially if the tenant is facing eviction for withholding rent
- More Rights to Tenants and expansion of Landlord Tenant Laws to all counties and cities irrespective of size
- Lack of uniform residential landlord tenant law in Tn. There are two laws. Rural counties are disadvantaged, but because many of the laws affecting tenants are through case-law...Without these specific laws, tenants and LL's have very little protection, but tenants are having a worse time in the rural counties. ...(and more about victims needing right to terminate leases)
- Ineffective remedies for landlord abuses -- e.g., we need judges & clerks on board with a pro se form for tenants to request TRO against (1) constructive eviction by utility shut off and (2) landlord's use of writ of possession when landlord and tenant have entered a new tenancy after landlord's original judgment for possession
- HUGE bond requirement to remain in rental housing while appealing an adverse LL-T judgment in GS court
- Requirement for tenant to post bond in detainer appeals
- No deadline for return of security deposit under TCA 66-28-301
- Requirement that tenant post bond equal to 1 years rent in order to appeal from general sessions to circuit court and to remain in possession
- There is no practical appeal procedure for a tenant when there is a judgment for rent: posting a year's rent as bond to remain on the premises during the appeal is impractical. No tenant can afford the bond. If tenant has to vacate during the appeal and wins, the property will most likely be re-rented to another. Tenant loses his/her housing, a hollow victory for the most part.

RESOURCES

(Various from non-legal services to legal aid to Civil Gideon):

- Insufficient monetary and other resources to secure access to justice
- Legal access to low income persons who are non-LSC eligible.
- Lack of funding for Legal Aid
- Lack of general fund significant funding for civil legal aid
- Recommend strategies to increase resources and funding for access to justice in civil matters for persons in language minorities.
- Policy of no court appointed counsel in civil cases for indigent defendants (Civil Gideon)
- Lack of Civil Gideon for fundamental civil rights
- Under funded court system
- Authorization and adequate funding for specialty courts-Family, Housing, for example.
- Lack of resources to provide professional advocacy services for incapacitated or impoverished residents of state

- Lack of supervised visitation centers
- More resources needed for TN Human Rights Commission

COURT PROMOTION OF PRO BONO & PRIVATE BAR BEHAVIOR

Pro Bono:

- Sup. Court fees on senior lawyers only doing pro bono.
- Emeritus rule for retired lawyers.
- TN Privilege tax on senior lawyers only doing pro bono. Need an Emeritus Rule & no privilege tax for Emeritus attorneys
- Expansion of the Law Student Practice Rule to include all Federal Courts
- Lack of a rule allowing Law Professors not licensed in TN, but licensed in another state ability to practice pro bono under supervision of legal aid
- Local courts should work with AOC, legal aid and the local bars to provide a managed (i.e. administered/funded) pro bono attorney of the day (or afternoon) in key courts to guide and assist unrepresented parties.
- Promote Pro Bono activities/Saturday Bar Clinics for non-LSC eligible persons in language minorities.

Private Bar Associations:

- Absence of attorneys who regularly provide civil legal services to the indigent and to non-citizens from bodies/committees that proposed or evaluate changes to rules of legal ethics and of civil and criminal procedure
- Promote the incorporation of bilingual staff for city Bar Associations.

LSC RESTRICTIONS

- Legal Services Corporations restrictions, particularly as affecting non-citizens
- Eligibility guidelines for MALS assistance (could stand to be a little higher)
- Income limits
- Income eligibility requirements

DISABILITY ISSUES:

- Require GALs to undergo basic training of rights and responsibilities under IDEA
- Refusal to consider potential ADA violations in APA hearings
- TCA 33-6-901 is a law which allows (and expresses a preference for) people with mental illness to be transported between mental health facilities by law enforcement officers. Results in individuals with MI who have not committed a crime being stigmatized by transport in police vehicles. In addition, such individuals are often handcuffed.
- Multiple state laws still contain outdated terms to refer to individuals with disabilities. Terms include disabled, handicapped, mentally retarded. These terms help keep stigma alive.

JUVENILES:

- Funds should be provided for juvenile court appointment of and fees for surrogate parents for disabled children in DCS custody under IDEA
- Minor consent to forensic evaluations
- Lack of handouts regarding juvenile court rights for children and parents

TENNCARE:

- A less costly treatment that is adequate for enrollee's condition(s) cannot be used to institutionalize an enrollee involuntarily
- Under TennCare, State should have the burden of proof that there is a less costly alternative treatment that is adequate for enrollee's condition(s)
- The mandatory 3 month waiting period for someone to get AccessTN, CoverTN, etc. once they are cut off Medicaid- most states don't have this anymore and it makes no sense

MEDIATION:

- Tennessee courts ought to make mediation mandatory - not only for divorce - but for General Sessions Civil and Criminal cases....funding should be increased (from \$150K to \$400K).
- Mediation for cases other than domestic

OTHER

Answers Outside Categories Above:

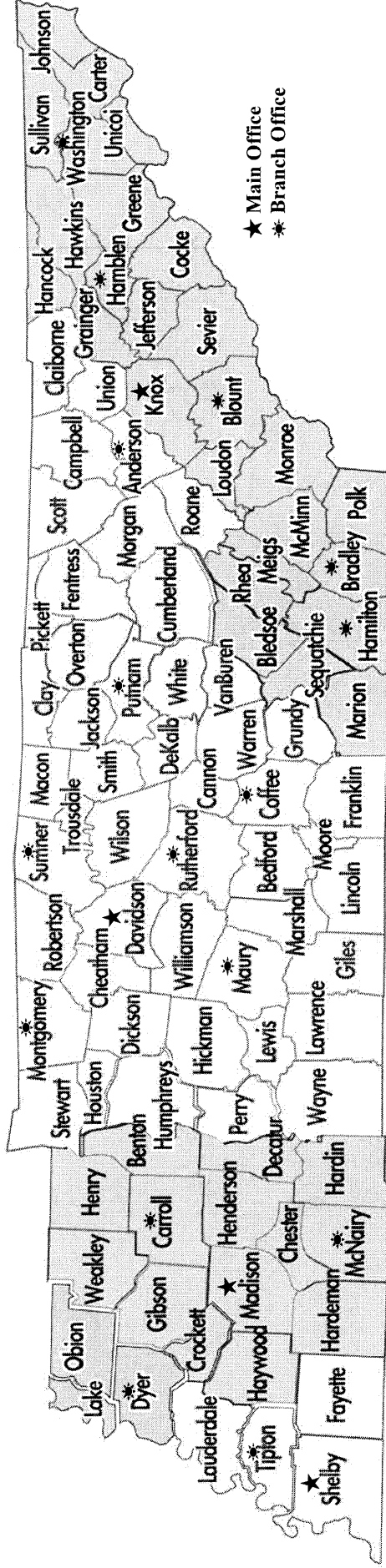
- Inadequate, costly tracking procedures for money orders
- Uniform Power of Attorney Act (not implemented in TN)
- Inconsistent application of DHS policies among offices as pertains to Medicaid, FF, foodstamp
- If property has been a site of a meth lab there should be some to attach to a deed to make people that are purchasing the property aware that there was a meth lab on the property
- Cost of medical records for pro se SS folks
- Issuance by the clerk's office of a writ of possession up to one (?)
- Police officers who refuse to recognize an unwed mother's statutory custody
- Refusal to consider new evidence in some APA hearings
- It has been very difficult to get DHS appeals staff to answer phone...
- Confusing rules that conflict with rules of procedure
- Public utilities laws
- "Unclaimed" Registered/Certified Mail should NOT be good service! Amend TRCP 4.04(11).
- SS disability backlog; TN DDS in bottom 5 of approval rates in country
- Tax assessor values that do not reflect the actual value of the property
- Permitting Attorneys Other than TN-AG to use Class Action Tool... Consumer Protection Act
- Limitations/Restrictions placed on Monies Granted from the AOC to Legal Aid org
- Lack of sufficient control over lower courts by the TN Supreme Court
- The Administrative Procedures Act
- TCPA licensing of contractors - some counties have opted out of this requirement and AG's office has not clarified whether counties are allowed to opt out
- Failure of Tennessee Human Rights Commission and the Sec'y of State's office to effectively enforce the TN Human Rights Act
- ID theft issues
- Lack of realization by homeless housing providers that legal services attorneys and paralegals could really help clients in SS advocacy
- Restrictions on expungement of criminal record (viz. employment, housing opportunities)
- Lack of public awareness

Appendix J:

- i. TALS Map of Providers
- ii. Executive Summary of 2004 Legal Needs Study

TENNESSEE ALLIANCE FOR LEGAL SERVICES

Erik Cole, Executive Director • 50 Vantage Way, Suite 250 • Nashville, TN 37228 • (615) 627-0956 • (888) 395-9297 • F: (615) 627-0964 • www.tals.org



★ Main Office
* Branch Office

MEMPHIS AREA LEGAL SERVICES	WEST TENNESSEE LEGAL SERVICES	LEGAL AID SOCIETY OF MIDDLE TENNESSEE & THE CUMBERLANDS	LEGAL AID OF EAST TENNESSEE
<p>Harrison D. McIver III, Executive Director hdmciver@malsi.org 109 North Main Street, 2nd Floor Memphis, TN 38103 (901) 523-8822 • F: (901) 578-8566</p> <p>Branch Office: Covington (901) 476-1808 • F: (901) 475-6330 Fayette and Lauderdale County Residents (888) 207-6386</p>	<p>J. Steven Xanthopoulos, Executive Director steve@wtls.org P.O. Box 2066 Jackson, TN 38302-2066 (731) 423-0616 • F: (731) 423-2600 (800) 372-8346</p> <p>Branch Offices: Dyersburg (731) 285-8183 • F: (731) 285-8184 Huntingdon (731) 986-8975 • F: (731) 986-8977 (800) 499-1602 Selmer (731) 285-8183 • F: (731) 645-7963</p>	<p>Gary Housepian, Executive Director ghousepian@las.org 300 Deaderick Street, Nashville, TN 37201 (615) 244-6610 • F: (615) 244-6186 (800) 238-1443</p> <p>Branch Offices: Clarksville (931) 552-6656 • F: (931) 552-9442 (800) 342-3317 Columbia (931) 381-5533 • F: (931) 381-5541 (866) 660-7164 Cookeville (931) 528-7436 • F: (931) 528-9350 (800) 262-6817 Gallatin (615) 451-1880 • F: (615) 230-9952 (888) 475-4150 Murfreesboro (615) 890-0905 • F: (615) 890-5274 Oak Ridge (865) 483-8454 • F: (865) 483-8905 (800) 483-8457 Tullahoma (931) 455-7000 • F: (931) 455-7003 (866) 898-0171</p>	<p>David R. Yoder, Executive Director dyoder@laet.org 502 South Gay Street, Suite 404 Knoxville, TN 37902 (865) 637-0484 • F: (865) 525-1162</p> <p>Branch Offices: Cleveland (423) 479-8577 • F: (423) 339-3282 (800) 445-3219 Chattanooga (423) 756-4013 • F: (423) 265-4164 (800) 572-7457 Johnson City (423) 928-8311 • F: (423) 928-9488 (800) 821-1312 Maryville (865) 981-1818 • F: (865) 981-1816 Morristown (423) 587-4850 • F: (423) 587-4857 (800) 821-1309</p>
<p>SOUTHERN MIGRANT LEGAL SERVICES Douglas Stevick, Managing Attorney dstevick@trla.org 101 Church Street, Suite 325 Nashville, TN 37201 (866) 721-7828 • F: (615) 251-3347 Alternate #: (615) 251-3244</p>			

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INDEPENDENT LEGAL SERVICES PROGRAMS IN TENNESSEE

<p>COMMUNITY LEGAL CENTER 910 Vance Memphis, TN 38126</p> <p style="text-align: center;">•</p> <p>Phone: (901) 543-3395 Fax: (901) 543-0907 www.clememphis.org</p> <p><i>Counties Served:</i> Shelby</p> <p style="text-align: center;">•</p> <p>The Community Legal Center provides pro bono legal services, as well as educational programs and Clinics concerning legal issues, to persons of limited means in Shelby County. The CLC's services are available to hard working people without enough resources to both "pay the rent" and pay a lawyer.</p>	<p>TENNESSEE JUSTICE CENTER 301 Charlotte Avenue Nashville, TN 37201</p> <p style="text-align: center;">•</p> <p>Phone: (615) 255-0331 Fax: (615) 255-0354 Toll-Free: (877) 608-1009 www.tnjustice.org</p> <p><i>Counties Served:</i> All Counties in Tennessee</p> <p style="text-align: center;">•</p> <p>The Tennessee Justice Center is a non-profit, public interest law and advocacy firm serving the poor. They give priority to policy issues and civil cases in which the most basic necessities of life are at stake, and where their advocacy can benefit families statewide. They work to empower their clients by holding government accountable for its policies and actions.</p>	<p>DISABILITY LAW AND ADVOCACY CENTER OF TENNESSEE 2416 21st Avenue South Nashville, TN 37212</p> <p style="text-align: center;">•</p> <p>Phone: (615) 298-1080 Fax: (615) 298-2046 Toll-Free: (800) 342-1660 TTY: (888) 852-2852 www.dlactn.org</p> <p><i>Counties Served:</i> All Counties in Tennessee</p> <p style="text-align: center;">•</p> <p>Disability Law & Advocacy Center of Tennessee (DLAC) advocates for the rights of Tennesseans with disabilities to ensure they have an equal opportunity to be productive and respected members of our society.</p>	<p>SOUTHEAST TENNESSEE LEGAL SERVICES 29 Patten Parkway Chattanooga, TN 37402</p> <p style="text-align: center;">•</p> <p>Phone: (423) 756-0128 Fax: (423) 756-0181 Toll-Free: (800) 836-0128 www.selegal.org</p> <p><i>Counties Served:</i> Hamilton, Bledsoe, Bradley, Marion, McMinn, Meigs, Monroe, Polk, Rhea and Sequatchie</p> <p style="text-align: center;">•</p> <p>Southeast Tennessee Legal Services is a public interest law firm. They operate as a nonprofit legal organization receiving private contributions as well as federal and state funds. They not only give advice but also file lawsuits in state and federal courts. Their principal programs are for the victims of domestic violence, seniors, and persons who have suffered from unfair home loan practices.</p>
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***Executive Summary:
Highlighted Findings from the
Statewide Comprehensive Legal
Needs Survey for 2003***

January 2004

*PREPARED FOR THE
Tennessee Alliance for Legal Services*

TALS



THE UNIVERSITY OF TENNESSEE
COLLEGE OF SOCIAL WORK
OFFICE OF RESEARCH AND PUBLIC SERVICE

Executive Summary: Highlighted Findings from the Statewide Comprehensive Legal Needs Survey for 2003

January 2004

*PREPARED FOR THE
Tennessee Alliance for Legal Services*

TALS

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COLLEGE OF SOCIAL WORK
OFFICE OF RESEARCH AND PUBLIC SERVICE**

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Project # 04017

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- ◆ Tom Galligan, Chair
- ◆ Barri Bernstein
- ◆ Jackie Dixon
- ◆ Neil McBride
- ◆ Eric Miller
- ◆ Larry Pivnick
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Executive Summary: Highlighted Findings from the Statewide Comprehensive Legal Needs Survey for 2003

According to figures from the 2000 United States Census, slightly more than a million Tennessee residents have incomes below 125.0% of federal poverty guidelines.¹ These Tennessee residents, who represent more than 18.0% of the state's total population, are generally the least able to afford assistance to resolve civil legal matters that affect their households.

The Tennessee Alliance for Legal Services (TALS) is a statewide, nonprofit organization. TALS's primary purpose is to support the availability and effectiveness of civil legal services for Tennessee residents who must contend with severely limited resources as they face legal challenges. In order to better achieve this goal, TALS has contracted with The University of Tennessee College of Social Work Office of Research and Public Service (SWORPS) to conduct a statewide assessment (Statewide Comprehensive Legal Needs Survey) of the civil legal needs among Tennessee's low-income population. The findings presented in this summary represent only *highlights* from the statewide assessment. For more detailed data or survey information, the reader is directed to the full report.

Description of Surveyed Households

The Legal Services Corporation's income standard that determines household eligibility for legal assistance is a household income that does not exceed 125.0% of the U.S. Department of Health and Human Services (USDHHS) poverty guidelines

¹ U.S. Census Bureau. (2003). *American FactFinder: Census 2000 summary file 4 (SF4)*. Retrieved November 24, 2003, from <http://www.aspe.hhs.gov/poverty/03computations.htm>

as determined by household size. In accordance with this standard, survey participants were drawn from a targeted listed sample of identified households in Tennessee with annual incomes of \$35,000 or less. The final telephone survey sample consisted of 824 Tennessee households with incomes equal to or less than 125.0% of the federal poverty guidelines for 2003. For example, based on these guidelines, a single-person household with an annual income of \$11,000 or less and a family of four with an annual income of \$23,000 or less would both qualify for legal services and, thus, for the Statewide Comprehensive Legal Needs Survey. From respondent information, the survey team then divided the households into 2 subgroups based on severity of poverty—Extremely Low-Income Households (i.e., at or below 62.5% of poverty guidelines) and Low-Income Households (i.e., more than 62.5% but equal to or less than 125.0% of poverty guidelines). Of the 824 surveyed households, 454 (55.1%) were Low Income and 341 (41.4%) were Extremely Low Income. Sufficient income information was unavailable for the remaining 29 surveyed households.

Number of Civil Legal Problems Reported

Through a brief 15-minute telephone survey, respondents were asked detailed questions about 37 types of common civil legal problems that they or someone in their households may have experienced during the previous 12 months. The 824 survey participants reported that their households had experienced between 0 and 21 such problems during the year, with an overall average of 3.3 problems per household. Of the 824 households, 575 or 69.8% had experienced at least 1 civil legal problem. Figure 1 records the number of civil legal problems reported per household for all survey participants. Please note that the percentages in this figure do not total 100.0% because of rounding during the data analysis process.

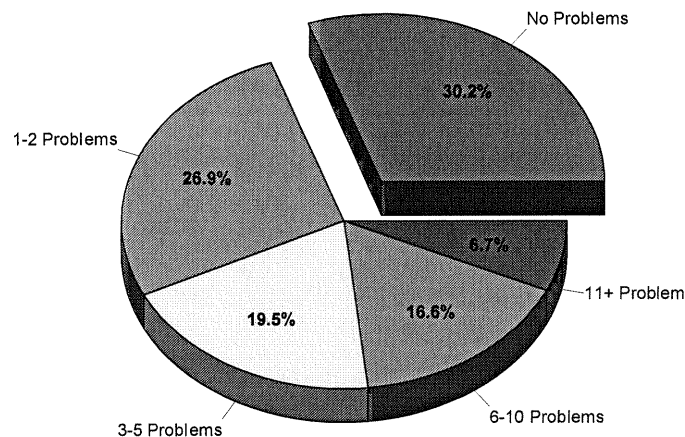


Figure 1. Number of Civil Legal Problems Per Household within the Previous 12 Months as Reported for All Survey Participants (n=824)

Further analysis points to the following:

- ◆ *No statistically significant* relationship was identified between the number of problem areas reported per household and the identification of that household as either Low Income or Extremely Low Income.
- ◆ A statistically significant relationship was identified between the size of the household and the number of problem areas reported by that household. Generally, as the size of the household increased, the number of reported problem areas increased.
- ◆ White respondents were significantly more likely to report *fewer* problem areas than were Hispanics/Latinos, Blacks, or other races.
- ◆ Households with individuals aged 60 years or older reported significantly fewer problems than households with all members less than 60 years old.
- ◆ Households identified as “working poor” (i.e., a household that has employment income but is still at or below 125.0% of the 2003 USDHHS Poverty Guidelines) reported significantly more problems than did the non-working poor.

Types of Civil Legal Problems Reported by Each Household

Data collected by the survey for the prevalence of specific legal problems should be examined with caution. For example, reports regarding domestic violence or abuse of an elderly relative are dependent on the respondent’s proximity to the abuser. If the respondent is the abuser, he/she is unlikely to admit such abuse to a surveyor. Moreover, if the respondent is the abused individual, he/she may fear that reporting such behavior could prompt or increase the abuse. Similarly, immigrants, especially undocumented immigrants, may be reluctant to report problems with immigration for fear of jeopardizing their continued residency in this country.

Of the 37 civil legal problem areas addressed by the survey, all problem areas reported by 5.0% or more of the 824 respondents are listed in Figure 2. The problems that were reported by less than 5.0% of households are as follows: issues that pertain to unemployment or worker’s compensation (4.7%); unsafe working conditions (4.7%); domestic violence (4.5%); receiving pay from employment (4.5%); unfair treatment at work (3.2%); wills, estates, or trusts (2.5%); lawsuits (2.4%); pension or retirement benefits (2.2%); removal of a child from the home (1.5%); veteran’s issues (1.2%); abuse of an elderly relative (1.1%); immigration issues (0.8%); institutional care of an elder (0.5%); unfair treatment as an immigrant (0.5%); and treatment received by an institutionalized youth (0.2%).

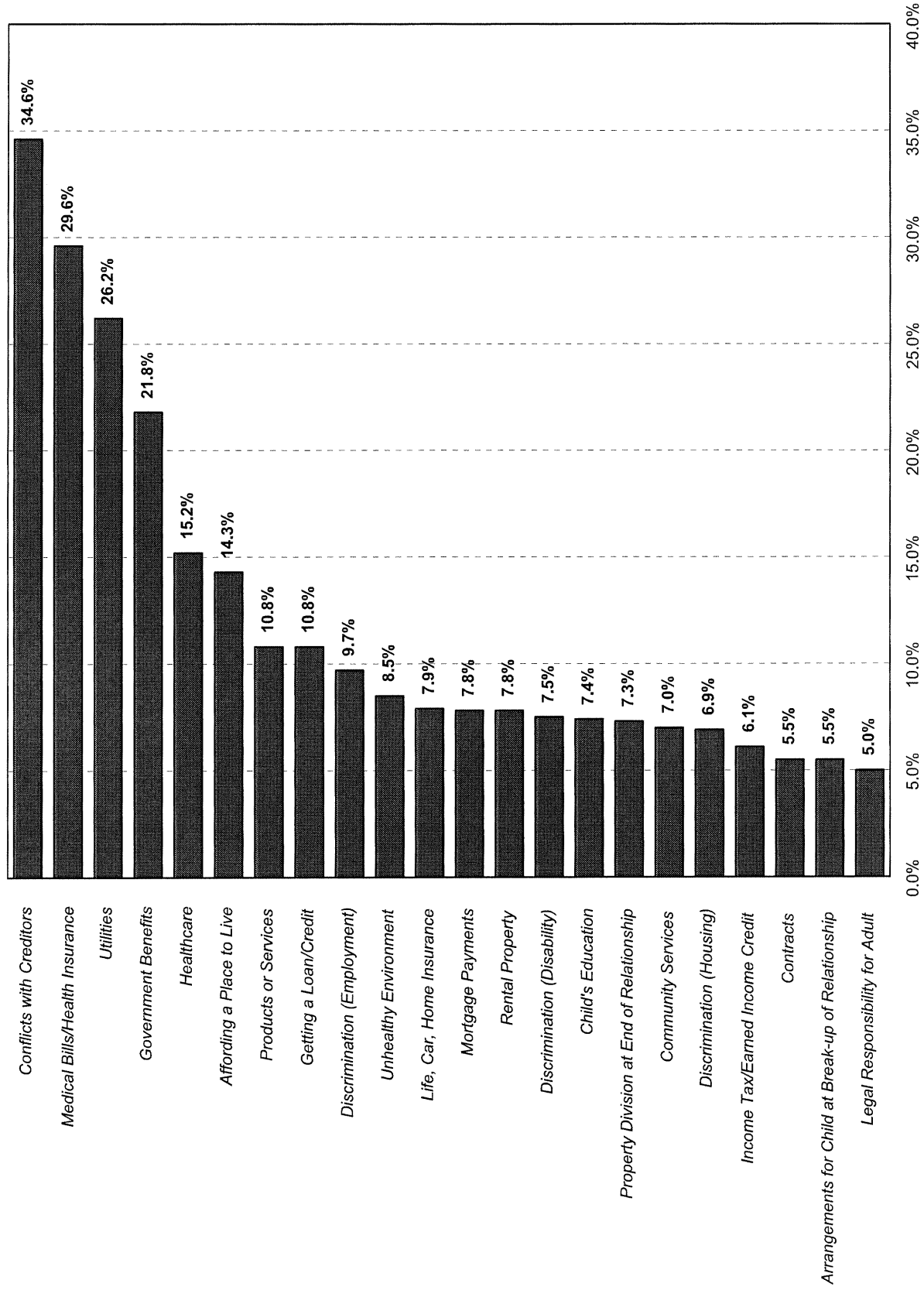


Figure 2. Percentages of Households that Experienced Specific Types of Civil Legal Problems during the Previous 12 Months (n=824)

Most Troublesome Problem Categories

The 575 respondents who reported that their households had experienced one or more civil legal problems during the previous 12 months were then asked to identify which of these was the “biggest problem” for their households. For analysis purposes, the biggest problems were then collapsed into 11 categories. A total of 511 survey participants responded to this question, as reported in Figure 3. The following should be noted when reviewing this figure: First, because problems with discrimination were often reported as part of other categories (i.e., housing, employment, etc.) the data that describe the Discrimination Category are at least partially duplicative of other data recorded in Figure 3. Second, the Family/Relational category includes a wide-range of problems stemming from such issues as divorce, child custody, and division of property. Finally, as previously advised, caution must be taken when viewing any data pertaining to reports of immigration problems, domestic violence, or elderly abuse, primarily because of the

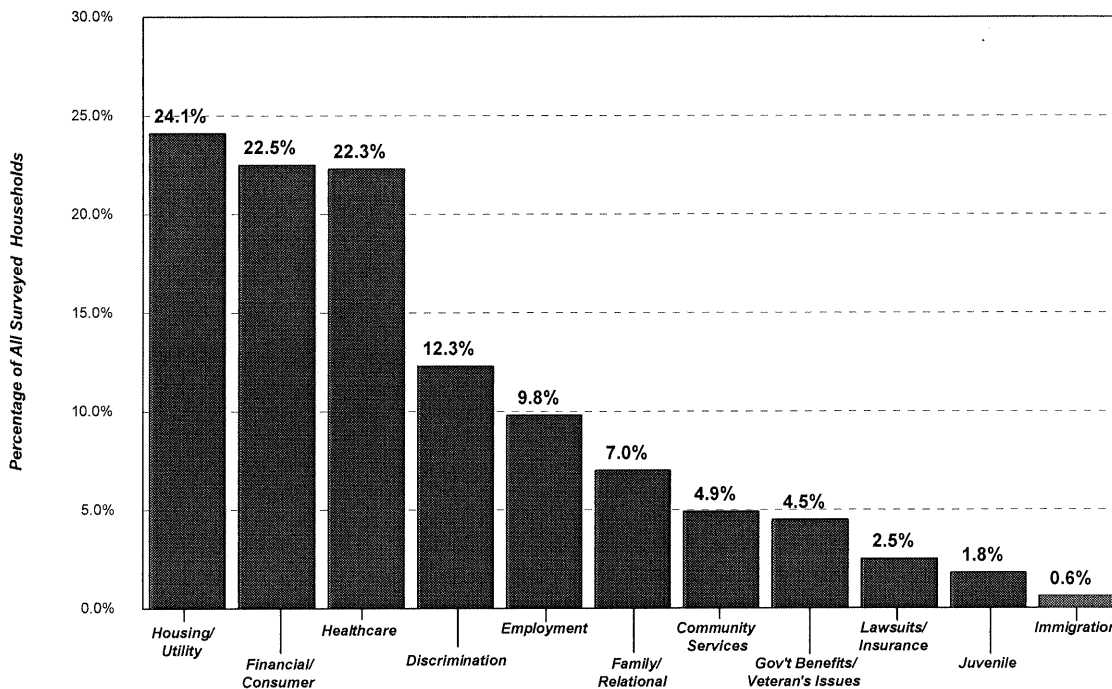


Figure 3. The Problem Categories that Caused the “Biggest Problems” for Respondent Households (n=511)

Using a 3-point scale in which 1=not much trouble, 2=some trouble, and 3=a lot of trouble), 503 respondents rated the *level* of trouble that their “biggest” problems actually caused their households to resolve. Of these 503 respondents, 250 (49.7%)

rated their problems as causing “a lot of trouble” to resolve. No statistically significant relationship, however, could be established between the level of trouble caused by any problem category and such variables as size of the household, severity of poverty, race of respondent, or the identification of the household as “working poor.”

Using the above 3-point scale, average levels of trouble experienced by households were determined for all 11 problem categories, including Discrimination (Figure 4). Of note is the contrast between Figures 3 and 4. A total of 123 (24.1%) of the 511 respondents reported that issues from the Housing/Utility category caused the biggest problem for their households. However, respondents then awarded a relatively low rating (2.2 or “some trouble”) for the level of trouble that this problem actually caused their households to resolve. Although the Housing/Utility category ranked first in the *number* of household reports for biggest problem, it ranked only tenth in the *level of trouble* it in fact caused each household.

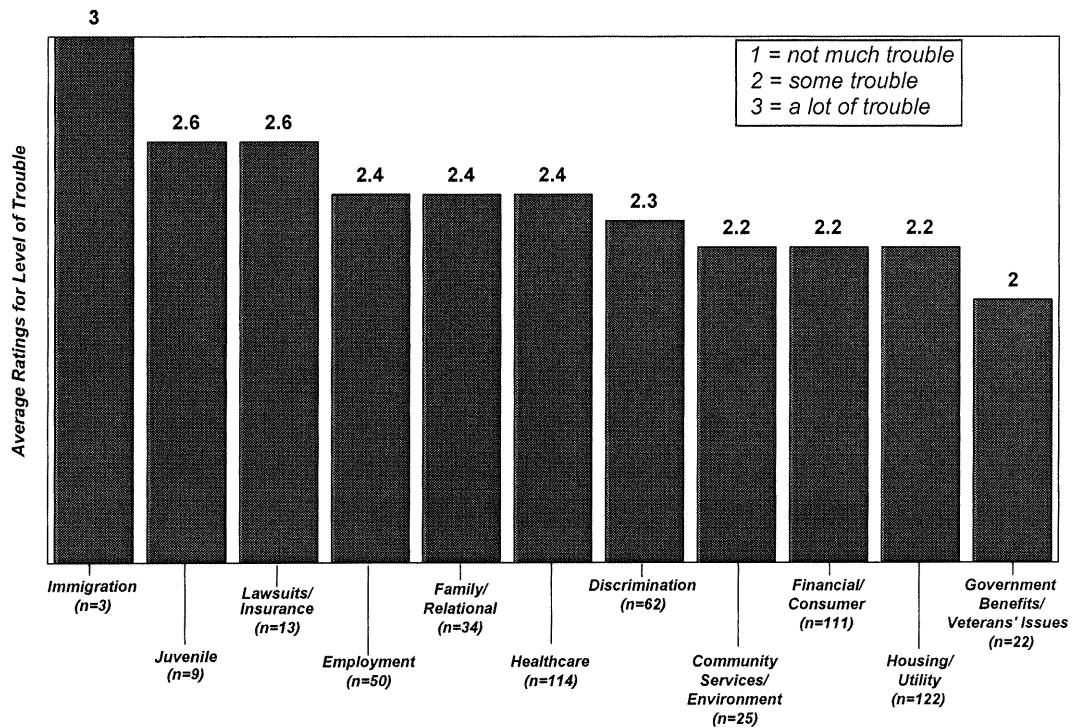


Figure 4. Average Level of Trouble Caused for Households by the Eleven Problem Categories (n=503)

Household Response to “Biggest” Civil Legal Problem

The 511 households that identified their biggest civil legal problems were then asked what action they took to resolve those particular problems during the past 12 months. Of these 511 households, 125 (24.5%) took no action at all. Figure 5 presents the four most frequently reported reasons given by the 125 respondents whose households took no action.

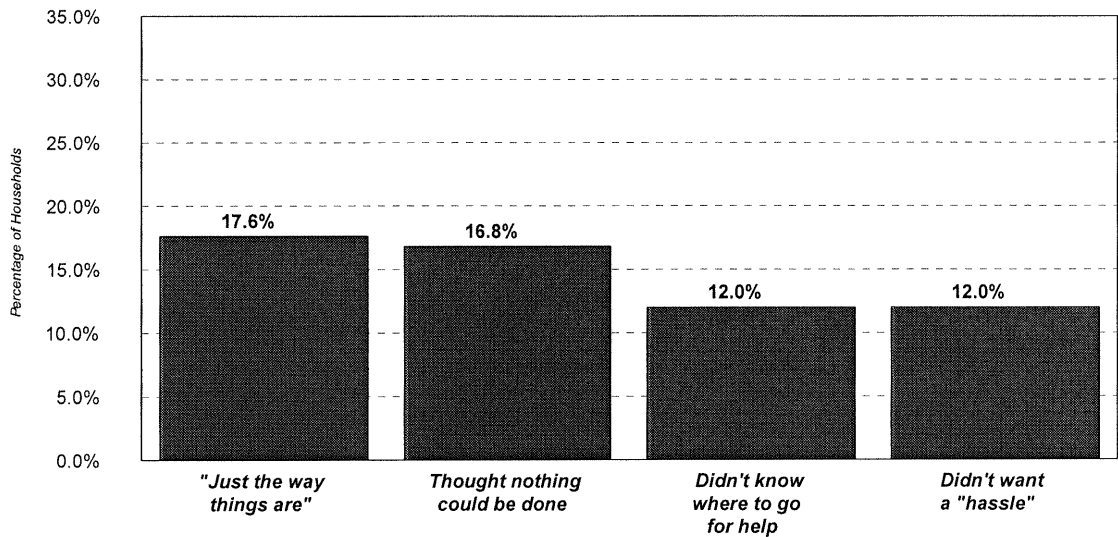


Figure 5. Primary Reasons Households Took No Action to Resolve Their “Biggest” Civil Legal Problems (n=125)

Although 386 (75.5%) of the 511 households took one or more actions to resolve their “biggest” civil legal problems, descriptions of these actions were only reported for 382 of these households. Figure 6 describes the four most frequently reported actions taken by these households.

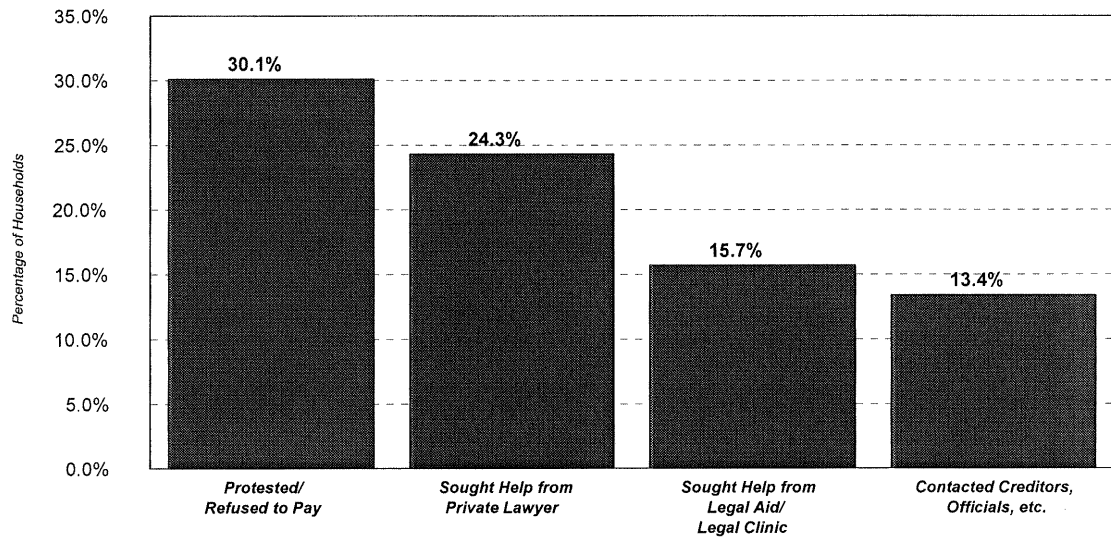


Figure 6. The Four Most Common Actions Taken by Households to Resolve Their Most Troublesome Civil Legal Problems (n=382)

Assistance Provided to Households by Legal Aid Organizations or Legal Clinics

Of the 382 households that took action to resolve their “biggest” civil legal problems, 60 (15.7%) reportedly turned to a legal aid organization or to a legal clinic for help. The organizations were then able to assist more than half (55.0%) of the 60 households. Figure 7 presents the most frequently reported actions taken by these groups to assist households with their legal problems.

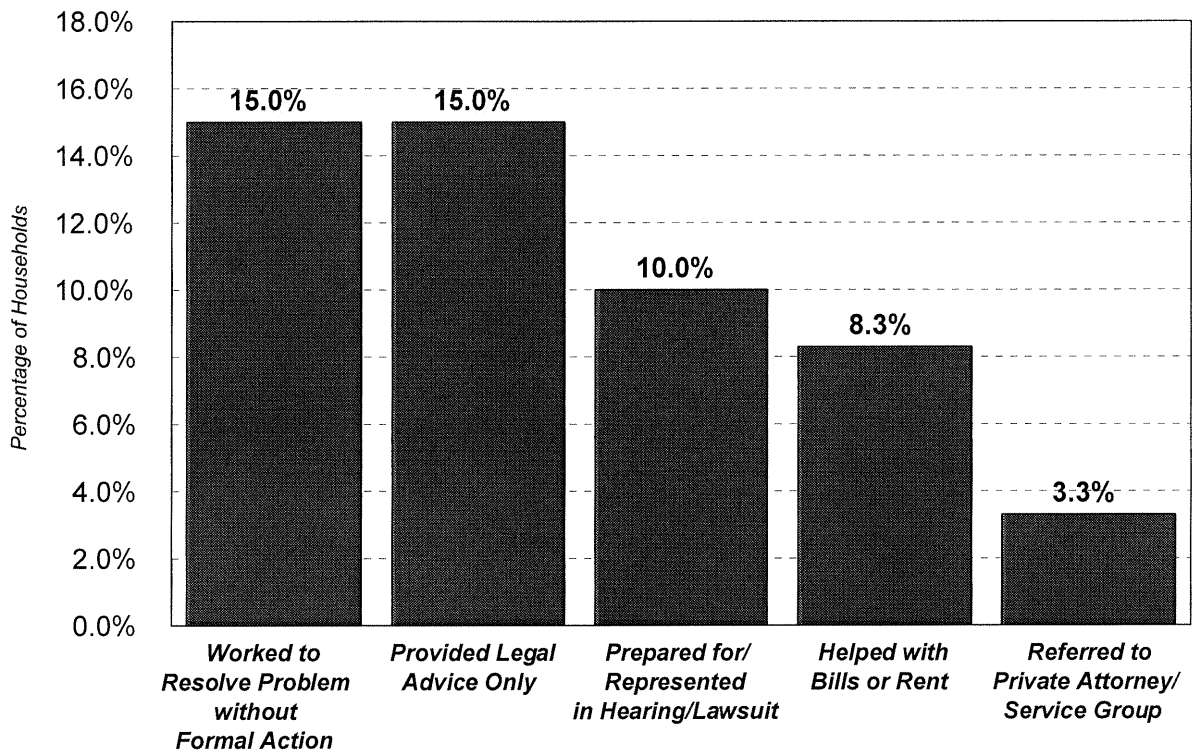


Figure 7. Assistance Given to Households (n=60) by Legal Aid Organizations or Legal Clinics

Knowledge of and Access to Legal Assistance

The survey also addressed respondents' awareness of legal resources and access to services like transportation or to quick information sources such as the Internet and/or email. Of the 824 households surveyed,

- ◆ 651 (79.0%) of the households had a car.
- ◆ 354 (43.0%) of the households had access to the Internet.
- ◆ 254 (30.8%) of the households had access to email.
- ◆ 175 (21.2%) of the households were aware of a source of free civil legal assistance for low-income households.
- ◆ 82 (10.0%) of the households had easy accessibility to bus service.

Final Notes

Findings from the Statewide Comprehensive Legal Needs Survey can be generalized to households across Tennessee at a 95.0% level of confidence with a $\pm 3.5\%$ margin of error. The following statements are based on these generalizations:

- ◆ Nearly 70.0% of poor or near-poor Tennessee households (i.e., households at or below 125.0% of the USDHHS poverty guidelines for 2003) faced one or more civil legal problems during the previous year.
- ◆ Based on the survey findings, the 824 participating households experienced an average of 3.3 civil legal problems during the previous year. These 824 households represent 2,282 individuals and an average of 1.2 civil legal problems per person. Projecting these findings onto the larger poor or near-poor population in Tennessee, approximately 1 million individuals would be estimated to have experienced an average of 1.2 civil legal problems during the 12-month period.²
- ◆ Less than 30.0% of poor/near-poor households are aware of sources of assistance with their civil legal problems.
- ◆ An estimated 43.0% of poor or near-poor households in Tennessee have access to the Internet. In fact, 38.4% of Extremely Low-Income Households (i.e., incomes at or below 62.5% of USDHHS poverty guidelines for 2003) have Internet access. If access continues to grow, the Internet may prove to be fertile ground for increasing awareness about the availability of legal services and a means for families to obtain basic legal information that can enable them to resolve their least difficult legal problems on their own. However, at this time, more than 60.0% of households identified as Extremely Low Income *do not have* Internet access and must, therefore, receive information or legal assistance through some other more traditional means.

Other conclusions to be drawn from the survey include the following:

- ◆ Because of limited resources that are available to assist poor or near-poor households with their civil legal problems, policy choices may need to be made between helping a large number of people with common but less difficult problems versus helping a small number of people with less common but more difficult problems.

² The estimated average number of problems experienced per individual (each household member) is most likely an undercount. This undercount exists primarily because of the inability to accurately calculate the number of household members that experienced a specific problem that had been reported for the household as a whole.

- ◆ Although this study addressed the actions taken by poor or near-poor Tennessee households to resolve their civil legal problems, *no* information was gathered that identified the households' satisfaction with the outcomes of their actions. Simply supplying information about and access to legal services does not guarantee successful resolutions to legal problems. Further evaluation that identifies outcomes to specific services and also gauges the level of success of those outcomes would further benefit TALS's program and service planning, thus allowing for the most effective allocation of limited resources.

Appendix K:

Additional Resources Available from the Access to Justice Coordinator upon Request Include:

- i. Summaries of the Five Public Meetings
- ii. Summaries of the Technology Presentations
- iii. More Detailed Resource Materials
- iv. Complete 2004 Statewide Legal Needs Study
- v. Calendar of Commission and Advisory Committee Meetings and Activities

The Access to Justice Coordinator Can Be Reached at:

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