

**Access to Justice Announcement Remarks**  
**June 22, 2010**

**Janice M. Holder, Chief Justice**  
**Supreme Court of Tennessee**

Good afternoon! On behalf of the Tennessee Supreme Court, I would like to welcome the judges, legislators, attorneys, and citizens who have joined us today to celebrate the achievements and commitment of the judiciary, the access to justice community, and the private bar in improving access to justice in Tennessee.

We are here today because we are united in our dedication to addressing the unmet legal needs of Tennesseans. Lack of equal access in our civil courts remains one of the most pressing issues facing our court system today. It is a common misconception that low-income citizens are entitled to legal assistance in civil matters. However, only Tennesseans who meet criteria based on the federal poverty guidelines are eligible for free legal assistance in resolving civil disputes. Our 81 federally funded legal aid attorneys can serve only one in five of the income-eligible people who request services. Thousands more who fall just outside the income guidelines are unable to afford representation when faced with a life-altering legal event.

In response to this growing need, the Supreme Court has declared access to justice as its number one strategic priority. In December 2008, the Court publicly announced its Access to Justice Initiative to more than 140 attorneys, judges, educators, and other interested citizens. [Many of you here today were in that audience, and I thank you for your continued support.] The campaign was launched at a time of economic uncertainty when unmet civil legal needs were growing. Since that launch, Tennessee has continued to be impacted by the economic downturn and has recently experienced unprecedented flooding in 53 of its 95 counties. As a result, the daily unmet legal needs across the state have only continued to grow, making our work even more important than ever.

Before sharing the Court's announcement today, I want to take a moment to acknowledge the remarkable work that has been accomplished in less than two years to further access to justice in our state. Tennessee is truly on the leading edge of access to justice efforts nationwide due to the longstanding tradition of exceptional coordination among members of our access to justice community, the bar, and the courts, locally and statewide. That coordination was highlighted by the immediate and generous response on the part of the legal community to the flooding and tornados in western and middle Tennessee in May. And it is this tradition of cooperation and coordination that has made the efforts of the last two years possible and so successful. I would like to briefly outline those efforts.

In 2009, the Supreme Court held five public meetings across the state to kick off its Access to Justice Initiative. These meetings allowed us to interact with a broad range of stakeholders in an effort to learn about the unique challenges facing local communities and to find creative solutions to the legal needs crisis in Tennessee.

As a result of these meetings, the Supreme Court created the Access to Justice Commission and announced the appointment of its 10 commissioners in a formal ceremony on April 3, 2009. The very capable and dedicated members of the Commission are attorneys, clergy, and business and community leaders from across the state. We are happy to announce that all of the original Commissioners have agreed to continue their service to the Commission in the coming years. Many of you already know the members of our Access to Justice Commission, but I would like to introduce the chair of the Commission, Margaret Behm, and the other Commissioners whose schedules allowed them to be here today.

As I say your name, would you please stand?

Margaret Behm, Chair

Buck Lewis, Vice-Chair

Doug Blaze

Katie Edge

Francis Guess

Greg Ramos

Maura Smith

Billye Sanders

I commend and thank all each of you for your service to the Commission, to the Court, and to the people of Tennessee. We truly appreciate all that you have done to advance the access to justice effort in the state. Let's give these dedicated volunteers a round of applause.

After its creation, the Access to Justice Commission formed several advisory committees, each headed by one of more of the Commissioners. These advisory committees were composed of volunteers from a variety of backgrounds, including legislators, judges, clerks, pro bono program directors, attorneys, state agency directors, librarians, and law school deans. Our ability to make this announcement today would not have occurred without the efforts of all of those hard-working volunteers, so many of whom are in the audience today.

Would those of you here who were part of the public meeting panels, advisory committees, subcommittees, or other Commission groups, including our Commissioners who are present, please stand and be recognized for your valuable contributions?

During the past year, the Supreme Court has also made a number of Rule changes aimed at encouraging pro bono activity. For example, we amended Supreme Court Rule 8 and Rule 21 to ask attorneys to provide 50 hours of pro bono service each year. We have also increased the continuing legal education credit from five hours to eight hours for each hour of pro bono work performed. And we permitted lawyers to provide legal representation on a more limited basis, in effect “unbundling” legal services and making the provision of such services more attractive to those offering their services without charge. We have also made Rule changes that will generate more funds for legal services and other access to justice programs and projects by making participation in IOLTA mandatory, a change from the voluntary participation that has existed since the adoption of IOLTA in 1984.

The General Assembly joined the Court in its Access to Justice effort by amending the Code to permit, for the first time, government-employed lawyers to offer pro bono services with certain limitations. In response to that change, the Supreme Court amended its rules to permit judicial research assistants to engage in some types of pro bono work. These changes added significantly to the pool of attorneys whom we ask to assist us in this effort.

During the past year, one of the principle efforts of the Access to Justice Commission has been to develop a strategic plan for the Court. The Commission presented its recommendations to the Court on April 1, 2010, and the Court has spent much time reviewing this incredible work product. As a result of the Commission’s work, we are pleased to announce today our intention to act on several aspects of that strategic plan.

Before I do so, I would like to invite to the podium Margaret Behm, the Chair of the Access to Justice Commission, to highlight the work of the Commission during the past year and talk briefly about Commission’s recommendations to the Court. Margaret?

Thank you, Margaret.

As Margaret mentioned, the Commission's recommendations included four goals for the Court to consider as we move forward with our access to justice efforts. The Court unanimously agreed to adopt the goals proposed by the Commission and today announces the steps that it will take to implement those four goals.

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

In response to Goal #1, I am excited to announce that the Court will host a Pro Bono Summit to be held on January 21, 2011, at the Nashville Downtown Public Library. This day-long summit will explore different pro bono issues, preview new technology that may help promote greater access to pro bono opportunities and services, and seek the input of the participants toward developing a more comprehensive pro bono referral system throughout the state. We hope to bring together representatives from firms of all sizes – both urban and rural – bar associations, law schools, legal aid and pro bono programs, mediation programs, and others. We believe that this summit will be a great launching pad for increasing pro bono efforts throughout the state, and we hope to see many of the people here today join us for this event.

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

One of the first steps the Court will take to make resources more readily available to the public is through the adoption of universally acceptable forms to be made available on our Web site. These plain-language forms will be reviewed and approved by the Supreme Court and will give self-represented litigants the ability to complete some legal transactions on their own.

The Supreme Court and its Access to Justice Commission have also fostered the growing collaboration between the Tennessee Alliance for Legal Services (TALS) and the state public library system. TALS is seeking a significant federal grant that would allow it to create a model partnership to advance access to justice for low-income, rural, and elderly Tennesseans. This effort will take place in close cooperation with the library system, the courts, and the access to justice community. One of the goals of the Access to Justice Commission, and of this new TALS program, is to use public libraries as a valuable tool to provide access to justice through the use of technology.

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

Because the court system is so complex, it can be difficult for the public, especially pro se litigants with limited resources, to understand and navigate the system. The Commission has recommended that the Supreme Court endorse "Guidelines for Tennessee Clerks who Assist Self Represented Litigants," which have been approved by the Tennessee State Court Clerks' Association for the use of clerks throughout the state. The Court is pleased to endorse those guidelines and thanks the Tennessee clerks for their efforts to assist litigants in Tennessee. Clerks are often the first contact litigants have with the court system, and these guidelines clarify how clerks can assist pro se litigants without engaging in the unauthorized practice of law.

The Court also has begun the development of an access to justice Web site that will be a repository of resources available to the public. This site will include downloadable versions of the plain-language forms, basic videos about the court system, and links to a variety of resources throughout the state. We are still in the early stages of developing this resource, but we are excited about the possibilities this site will offer. We plan to have the new site available in time for the Pro Bono Summit in January.

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

The new AOC website will allow residents in every corner of the state, from Union City to Cleveland, and from Bristol to Memphis, to access information about the services available to them both statewide and locally. This effort will go a long way toward removing geographic barriers that exist in our state.

The AOC also has obtained federal funds to establish scholarships to help those individuals interested in becoming credentialed court interpreters pay for the cost of the credentialing. These scholarships will help expand the availability of language interpreters across the state and reduce the language barriers for non-English speakers.

The Commission has proposed for the Court's consideration amendments to the Tennessee Rules of Criminal Procedure and the Tennessee Supreme Court Rules. We expect to receive more suggested Rule revisions from the Commission as the Commission's work continues. These proposals will be considered with a view to advancing our goal of equal access to justice and the removal of specific barriers to the public.

During our Pro Bono Summit, the Supreme Court also will explore and encourage the development of educational materials such as the "Pro Bono Clinic in a Box," that can be downloaded from our Web site to allow clinics to be conducted in less urban locations.

Finally, as part of our educational effort, the Supreme Court has developed a brand name to better describe our access to justice initiative. We believe that the development of a name and logo is an important way to unite volunteers in addressing the problem of equal access to justice. Beginning today, the Supreme Court will call this effort **Justice For All – A Tennessee Supreme Court Initiative**.

We are excited about this name and logo and believe that it embodies the initiative and its goals. This name builds upon the excellent work of the Tennessee Bar Association and their 4All Campaign. We are extremely grateful for the TBA's diligent efforts to encourage attorneys to offer pro bono services, and we consider the Bar to be a valuable partner in our work to increase access to justice in Tennessee.

This logo will be available on our Web site for groups to use in conjunction with their access to justice efforts. We hope that this name and logo serves as an important reminder of the many efforts of the Court, the Commission, the Bar, and the many attorneys, community members, and volunteers throughout the state.

The Supreme Court has also developed a short video to educate the public about the growing legal needs gap in Tennessee. We hope this video will provide judges, lawyers, church and community leaders, teachers, business people, and others with a valuable tool to use when speaking to various groups about the importance of increasing access to justice in our state.

We are excited to share this video, which we believe provides a compelling portrayal of the need to improve access to justice.

This video will be available on our Web site, [www.tncourts.gov](http://www.tncourts.gov), to encourage members of the public to learn about the growing legal needs in our state. This is an issue that affects all citizens of Tennessee, and I ask you to share this video with your colleagues and your communities.

I want to thank my fellow justices, the Access to Justice Commission, and the various committees and sub-committees for their commitment and leadership as we strive for equal justice for all Tennesseans. I am proud of the incredible contributions that so many have made to this effort. Together, we have made significant progress in addressing the civil legal needs crisis in our state.

While we have made great strides towards improving access to justice in Tennessee, there is still much work to be done. Your continued public service is vital to the success of this effort. For those of you have already provided so much of your time, you may be called upon again. And for those who have not yet been drafted into service, you can expect to be called on in the coming months to lend your experience, insight, and energy to help us find fresh ideas and creative solutions to address Tennessee's growing civil legal needs gap.

Once again, on behalf of the Supreme Court and the Access to Justice Commission, thank you all for making the promise of greater access to justice in Tennessee more of a reality today than yesterday.