I. Purpose

In establishing the Arkansas Access to Justice Commission, the Arkansas Supreme Court in 2003 authorized the Commission to establish rules. A copy of the per curiam opinion is attached as Appendix A. The purpose of these Operating Rules is to augment the 2003 order and subsequent amendments to formalize aspects of the Commission’s operation, including its mission, staffing, coordination with related entities, financial matters, composition, officers, meetings, and structure.

II. Authority and Origins

The Arkansas Access to Justice Commission was created at the request of the Arkansas Bar Association, which petitioned the Arkansas Supreme Court in August of 2003 to establish the Commission. The Arkansas Supreme Court granted the Association’s request in a per curiam opinion handed down on December 18, 2003, giving the newly-formed Commission the mission of providing “equal access to justice in civil cases to all Arkansans.” See In re Ark. Bar Petition for Creation of the Ark. Access to Justice Comm’n, No. 03-079, 178 S.W.3d 457 (2003), attached as Appendix A.

The Commission operates as a committee of the Supreme Court and receives funding for basic operating costs—staff salaries and benefits, insurance, and Commission travel expenses—from the Supreme Court Bar of Arkansas, which is the Supreme Court fund through which annual attorney license fees are paid (“Bar of Arkansas”).

III. Personnel

The Commission is staffed by a full-time Executive Director and full-time Executive Assistant, both of whom are considered employees of the Bar of Arkansas and are subject to its policies and procedures. The Bar of Arkansas provides salaries and benefits for Commission employees (health insurance, retirement through APERS, worker’s compensation insurance, a 457(b) plan).

A. Supreme Court Bar of Arkansas

The Bar of Arkansas has historically existed as a fund subject to the Supreme Court’s sole control, with all Bar of Arkansas employees (including those who work for the Office of Professional Conduct, Office of Professional Programs, and Judges and Lawyers Assistance Program) participating in employee benefit programs established for Bar of Arkansas employees. Beginning in 2013, the General Assembly made Bar of Arkansas funds subject to legislative appropriation, which had the effect of making all then-current Bar of Arkansas staff state

1 “Bar of Arkansas” is not to be confused with the Arkansas Bar Association, which is the state’s voluntary association for Arkansas attorneys. There is no connection between the two bodies.
employees effective July 1, 2013. A copy of the 2014-15 appropriation bill is attached as Appendix B.

B. Executive Director

The Executive Director of the Commission reports to and serves at the pleasure of the Arkansas Supreme Court. The Court created the position by per curiam order dated April 2, 2009. A copy of the order is attached as Appendix C. The Executive Director is authorized to manage the day-to-day affairs of the Commission.

The Executive Director is considered an “agency head, department director, or division director of state government” for purposes of Arkansas laws governing financial disclosure requirements found in Ark. Code Ann. § 21-8-701. Accordingly, the Executive Director is required to file a Statement of Financial Interest with the Arkansas Secretary of State no later than January 31 of each year. The Statement of Financial Interest form and instructions may be found on the Arkansas Ethics Commission website at http://www.arkansasethics.com/forms.htm.

C. Arkansas Access to Justice Commission, Arkansas Access to Justice Foundation, and IOLTA Program

The Commission’s responsibilities, as set forth in the per curiam order establishing it, include the following:

- Develop an objective and accurate understanding of the problems Arkansans face in using our legal system to obtain justice in civil cases
- Devise a strategic plan for statewide delivery of civil legal services to all Arkansans
- Review and report on the efficient allocation and application of available resources
- Educate the people of Arkansas about the importance of equal access to justice and of the problems many Arkansans face in gaining effective access to our civil justice system
- Encourage a strong and consistent commitment to providing equal access to justice among the leaders of our state
- Suggest innovations that will increase effective access to the civil justice system for all Arkansans
- Provide technical and other support to the efforts of the legislature, courts, and other government agencies to improve access to justice for the people of Arkansas
- Develop stable, long-term funding and other resources to support access to civil justice

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2 There is currently no constitutional basis for the Arkansas General Assembly’s actions in making Bar of Arkansas funds subject to legislative appropriation. Amendment 28 of the Arkansas Constitution assigns responsibility to the Judicial Branch for regulating the practice of law and professional conduct of attorneys. That duty necessarily extends to the making and enforcing rules governing the practice of law, including the power to “take whatever measures are essential and appropriate to the performance of the duty.” Such measures include the adequate financing of staff support for carrying out those duties. “That responsibility could not be effectively discharged if it were dependent upon action to be taken by the General Assembly.” In re Supreme Court License Fees, 251 Ark. 800, 483 S.W.2d 174 (1972).
The Commission’s Executive Director and Executive Assistant oversee the work of fulfilling these objectives in coordination with various stakeholders, including the judiciary, the bar, legal service programs, and the state’s two law schools. In addition, the Executive Director and Executive Assistant staff the Arkansas Access to Justice Foundation, which oversees the Arkansas IOLTA Program. The Executive Director and Executive Assistant also manage all aspects of the Foundation’s operations, including the development of an annual budget, board management, fundraising, grant program oversight, timely preparation of all required filings with the Arkansas Secretary of State and IRS, management of the Foundation’s retirement plan for former IOLTA Foundation employees, and website maintenance and content development.

The Foundation also contracts with a part-time IOLTA Program Manager who is responsible for day-to-day contact with participating banks and for managing the monthly reporting and remittance of interest earned. The ability of state-employed Commission staff to provide such support to the Foundation is specifically authorized in special language contained in the Supreme Court Bar of Arkansas’s appropriation. See Appendix B.

D. Other Personnel Support

The Bar of Arkansas provides a Financial Specialist, who handles all accounts receivable and payable for the Commission and Foundation, payroll, bank reconciliations, monthly financial reporting, and oversight of the Supreme Court Bar of Arkansas’s annual audit. The Financial Specialist performs similar functions for other Bar of Arkansas entities.

The Arkansas Legal Services Partnership—which is a statewide coordinating unit of the Center for Arkansas Legal Services and Legal Aid of Arkansas and which provides internal leadership, coordination, and logistical support for the delivery of civil legal aid in Arkansas—provides in-kind staff support to the Commission.

IV. Financial Policies

A. Annual Budget; Appropriations

The annual operating budget for the Commission, which is funded out of the Bar of Arkansas account, is normally developed and submitted to the Financial Officer for the Clerk of the Supreme Court in late April of each year. The budget is reviewed and ultimately approved by the Supreme Court in administrative conference. The budget, including the Commission’s personnel positions, are presently part of a larger Supreme Court legislative appropriation that the Arkansas General Assembly approves. Any changes to the Commission’s staffing configuration or operating budget are therefore subject to approval by the Supreme Court. The Arkansas General Assembly’s assertion of appropriation power over the Bar of Arkansas fund also impacts the Commission’s latitude to make significant changes to its budget or staffing configuration.

The annual budget for the Commission shall be developed by the Executive Director in consultation with the Commission’s Executive Committee, which shall approve the budget prior to its submission to the Court.
B. Travel Reimbursement

The Commission follows the Bar of Arkansas Accountable Reimbursement Policy, which is attached as Appendix D.

C. Financial Disclosure

Under Ark. Code Ann. § 21-8-701, there are two relevant “triggers” for financial disclosure with regard to those who are serving on Supreme Court Boards and Committees. The first relates to whether the group has “regulatory authority.” If so, then the members should file the statement. The second relates to what they receive for their service. Even if they have no regulatory authority, if they receive or disburse anything other than mileage (meals, travel, hotel reimbursement), they must file. Under § 21-8-701(a)(5),

(A) A public appointee to a state board or commission that is authorized or charged by law with the exercise of regulatory authority or is authorized to receive or disburse state or federal funds must file a statement of financial interest;

(B) A public appointee to a state board or commission that is not charged by law with the exercise of regulatory authority and that receives or disburses state or federal funds only in the form of mileage reimbursement for members attending meetings of the board or commission shall not be required to file a statement of financial interest.

Even though the Commission does not exercise regulatory authority and does not have spending authority independent of the Supreme Court, the Commission receives an annual appropriation of funds, and may, from time to time, receive other public monies. It is therefore the Commission’s policy that members should annually file a Statement of Financial Interest. Such statement must be filed with the Arkansas Secretary of State no later than January 31 of each year for the previous calendar year. The Statement of Financial Interest form and instructions may be found on the Arkansas Ethics Commission website at http://www.arkansasethics.com/forms.htm.

D. Insurance

The Bar of Arkansas maintains insurance policies for employee dishonesty (fidelity bond), unemployment, workers compensation, and building contents. No professional liability or directors and officers coverage is provided.

V. Commission Composition and Terms of Office

The composition of the Commission is set out by the 2003 per curiam order; the Court amended the composition in 2009 and again in 2015. Those amendments are attached as Appendix E and F.

A. Responsibilities. Each voting and ex officio Commissioner should use best efforts to attend all Commission meetings in person; prepare for participation in Commission
meetings by reviewing materials posted on the Commission portal or sent prior to such meetings; follow up on tasks assigned at Commission meetings; participate in Commission retreats, planning sessions, and orientation activities; and advance the work of the Commission by serving on at least one standing committee or task force of the Commission.

B. Voting Members. Each of the appointing authorities indicated below shall coordinate appointments of voting members to ensure that, at all times, the Commission shall reflect the diverse ethnic, gender, and geographic communities of the state. Appointments shall be made as follows:

1. The Arkansas Supreme Court shall appoint (a) one justice or retired justice of the Arkansas Supreme Court; (b) two circuit judges, one from a circuit with a total population of more than 100,000 and one from a circuit with a total population of less than 100,000; (c) one state district court judge or local district court judge; and (d) one representative from the faculty of the University of Arkansas or University of Arkansas at Little Rock Bowen Schools of Law.

2. The Arkansas Bar Association shall appoint (a) the President of the Arkansas Bar Association or his or her designee; (b) one attorney who is either employed as an in-house corporate counsel or whose practice is primarily focused on the representation of corporate clients; (c) one non-attorney employed in a full-time capacity as an advocate for the needs of low-income Arkansans; and (d) two attorneys active in the private practice of law who have demonstrated an interest in the provision of pro bono legal services.

3. The Governor shall appoint (a) one non-attorney employed in a full-time capacity by a nonprofit agency which is dedicated to providing for the needs of low-income Arkansans; (b) one attorney employed in a full-time capacity by the Center for Arkansas Legal Services or Legal Aid of Arkansas; and (c) one non-attorney representative of the Arkansas State Chamber of Commerce.

4. The Speaker of the Arkansas House of Representatives and the President Pro Tempore of the Arkansas Senate shall each be entitled to appoint one member of their respective chambers to serve as members of the Commission.

C. Ex Officio Members. The Director of the Center for Arkansas Legal Services, the Director of Legal Aid of Arkansas, the Chair of the Board of Directors of the Arkansas Access to Justice Foundation, and representatives of the legal clinics at the state’s two law schools appointed by their respective deans shall serve as ex officio members of the Commission.

D. Term of Office. All voting members of the Commission shall be appointed to serve three-year terms. A voting member may be appointed to serve no more than three successive three-year terms. Ex officio positions on the Commission are held by
virtue of the Commissioner’s employment by or election to, as applicable, the organization and position specified in Section IV.C above.

E. Vacancy. Should any vacancy in the term of a voting member occur, the appropriate appointing authority shall appoint a successor voting member who shall serve the remainder of the term. Any member whose term shall expire shall continue to serve until his or her successor is appointed.

VI. Meetings

A. Regular Meetings. An annual meeting of the Commission shall be held during the first quarter of each calendar year for the purpose of electing Officers provided for in Section VI of these Operating Rules, for appointing the Chairpersons of each standing committee and task force, and for the transaction of other business as may come before the meeting. The time and place of such meetings may be fixed by resolution of the Commission, and should provide for regular rotation among different geographic regions of the state. There shall be a minimum of three (3) regular meetings of the Commission per year.

B. Special Meetings. Special meetings of the Commission may be called by the Chairperson or at the request of three or more voting members of the Commission.

C. Notice. Written notice of all annual, regular, and special meetings shall be mailed or electronically transmitted to all Commissioners at least ten (10) days before the scheduled date set for the meeting and shall clearly and specifically state the subject matter of business or motions to come before the Commission.

D. Parliamentary Authority. The rules contained in the most recent edition of the Roberts Rules of Order shall govern the conduct of Commission meetings, except where inconsistent with these Operating Rules or other special rules of the Commission.

E. Quorum – Authority to Act. A majority of the voting members of the Commission then in office shall constitute a quorum for the transaction of any business requiring a vote of the Commission at any meeting of the Commission.

F. Remote Participation. Commissioners are expected to attend meetings in person whenever possible; however, those who are unable to attend in person will have the option of participating by telephone or other electronic means that allows for remote and in-person meeting participants to hear and interact with each other. Voting Commissioners who participate remotely as provided by this Section shall be considered present for purposes of establishing a quorum.

VII. Officers

The Commission shall, by majority vote, elect from among its voting members a Chairperson, Vice-Chairperson, and Secretary. Once elected, these officers shall serve a term of one year and
may be re-elected to successive terms. Each officer shall hold office until his or her successor shall have been duly elected or until the officer’s death or resignation.

A. Chairperson. The Chairperson shall preside at all meetings of the Commission and Executive Committee, and shall serve as an ex officio member of all other committees and task forces. Any voting member of the Commission who has served two or more years on the Commission shall be eligible to be elected Chairperson.

B. Vice-Chairperson. In the absence of the Chairperson or in the event of the Chairperson’s death, resignation, or inability to act, the Vice-Chairperson shall perform the duties of the Chairperson. The Vice-Chairperson shall serve on the Executive Committee and perform such other duties as from time to time may be assigned by the Chairperson of the Commission. Any voting member of the Commission who has served two or more years on the Commission shall be eligible to be elected Vice-Chairperson.

C. Secretary. The Secretary shall keep the minutes of the proceedings of the Commission; ensure that all notices are duly given in accordance with the provisions of these Operating Rules; declare whether or not a quorum is present at the beginning of each Commission meeting; serve on the Executive Committee; and perform such other duties as from time to time may be assigned by the Chairperson of the Commission. Any voting member of the Commission who has served one or more years on the Commission shall be eligible to be elected Secretary.

VIII. Committees, Task Forces, and Advisory Boards

A. Standing Committees

1. Executive Committee. This committee consists of the Commission Chairperson, Commission Vice-Chairperson, Secretary, Governance Committee Chair, and one at-large member appointed by the Chairperson, who shall be a voting member of the Commission. It shall be authorized to exercise the powers of the Commission in the management of the business and affairs of the Commission in between regularly scheduled meetings. Such business may include approval of matters related to oversight of any funds granted to or appropriated to the Commission; approval of Memorandums of Understanding between the Commission and any other entity; annual performance reviews of the Commission Executive Director; recommendation of the Commission’s annual operating budget to the Arkansas Supreme Court; and making reports to the Arkansas Supreme Court on the Commission's activities. This committee shall maintain regular minutes of its meetings, which shall be provided to the Commission at each regular meeting.

2. Governance Committee. This committee shall consist of at least three voting members of the Commission appointed by the Chairperson. This committee will develop and annually review a Commissioner “job description;” develop and update a Commission orientation curriculum; provide for the mentorship of newly appointed
Commissioners; recruit and recommend new members for appointment to the
Commission and its Task Forces; and recommend policies and operating rules for
adoption by the Commission.

B. Task Forces and Advisory Boards

The Commission may create such Task Forces as from time-to-time may be necessary or
desirable to carry out the Commission’s work. Task Forces shall include at least one
Commissioner who shall be designated to report to the Commission on the Task Force’s
activities. A current list of Task Forces is attached as Appendix G. The Commission may create
advisory boards, which may or may not include Commissioners, to provide input and
recommendations regarding any of the Commission’s initiatives. Task Force and Advisory Board
members are appointed by and serve at the pleasure of the Chairperson.

IX. Reports to Supreme Court and Bar Association

The Commission shall, through its Chairperson, Executive Director, and/or Supreme Court
Liaison, report on at least an annual basis to the supreme court and to the governing bodies of the
Arkansas Bar Association.

X. Amendment of Operating Rules

These Operating Rules may be altered, amended, or repealed and new operating rules adopted by
a majority of voting Commissioners present at a regular or special meeting of the Commission
where amendment of such Operating Rules is an item of business for which notice is properly
given.

XI. Miscellaneous Provisions

A. Conflict with Supreme Court Orders. If and to the extent these Operating Rules are in
conflict with any order of the Arkansas Supreme Court pertaining to the Arkansas Access
to Justice Commission, the supreme court order controls.

B. Records. For purposes of this policy, the Executive Director of the Commission is the
custodian of all records maintained by the Commission.
IN RE: ARKANSAS BAR ASSOCIATION--
PETITION for CREATION of the
ARKANSAS ACCESS to JUSTICE COMMISSION

Supreme Court of Arkansas
Delivered December 18, 2003

PER CURIAM. The Arkansas Bar Association has petitioned the Court to create the Arkansas Access to Justice Commission. The Bar through the work of its House of Delegates and Access to Justice Working Group ("Working Group") has submitted a detailed recommendation for a commission to coordinate efforts to improve access to the civil justice system for poor and near-poor individuals who cannot afford attorneys for representation in civil legal matters.

The Working Group reviewed access to justice efforts from across the nation in developing its recommendation to create an Arkansas Access to Justice Commission. The recommendation points out that "while there are no comprehensive studies of the unmet civil legal needs of poor and near poor Arkansans, case data from Arkansas' two legal services providers suggest the unmet need is substantial":

- Just 21% of the 12,588 cases Arkansas' two legal services providers completed in 2002 received full representation while 71% were given advice and counsel. While advice met the needs of some, a significant number would have benefitted from full representation. An additional 3,022 cases were pending at the end of the year.

- In addition to completed cases, Arkansas' legal services providers had to reject 4,858 cases in 2002 due to conflicts and other factors. This number does not include individuals who call and no case is opened.

- Demand for civil legal services for the poor is increasing. Arkansas' legal services providers completed seven percent more cases in 2002 than 2001. Requests for assistance are expected to accelerate in 2003 due to the declining economy, at a time when staff reductions at Arkansas' legal services providers will make it difficult to maintain the current level of services.

- Despite the growing need, the number of cases handled on a pro bono basis was more or less flat from 2001 to 2002.

- Due to a decline in Arkansas' share of the national poverty population, federal funds will decline in 2003 at the same time that Interest on Lawyers Trust Accounts (IOLTA) funds are decreasing. Arkansas' legal services providers have seen their revenue slashed nearly 20%, making it necessary to eliminate six support staff and nine attorney positions in 2003.

Appendix A
The Court has reviewed the proposal and concludes that a commission charged with the responsibility of assessing access to the civil justice system and furthering access to all Arkansans is called for. We thank the Arkansas Bar Association and the Working Group for its work on this project.

We incorporate the mission, goals, and structure for the Commission as contained in the the Working Group's Recommendation and set them out below. Members will be appointed at a later date. The remainder of the Recommendation is appended to the end of this order.

ARKANSAS ACCESS TO JUSTICE COMMISSION

MISSION STATEMENT

The Mission of the Arkansas Access to Justice Commission is to provide equal access to justice in civil cases to all Arkansans.

GOALS

A. Develop an objective and accurate understanding of the problems Arkansans face in using our legal system to obtain justice in civil cases.

B. Devise a strategic plan for statewide delivery of civil legal services to all Arkansans.

C. Review and report on the efficient allocation and application of the available resources.

D. Educate the people of Arkansas about the importance of equal access to justice and of the problems many Arkansans face in gaining effective access to our civil justice system.

E. Encourage a strong and consistent commitment to providing equal access to justice among the leaders of our state.

F. Suggest innovations that will increase effective access to the civil justice system for all Arkansans.

G. Provide technical and other support to the efforts of the legislature, courts, and other government agencies to improve access to justice for the people of Arkansas.

H. Develop stable, long-term funding and other resources to support access to civil justice.

STRUCTURE

A. The Commission shall consist of fifteen voting members, appointed as provided herein. The initial voting members shall draw their initial terms by lot, so that five members shall serve a one-year term, five shall serve a two-year term, and five shall serve a three-year term. All subsequent appointments of voting members shall be for a term of three years. A voting member may be appointed to serve no more than three successive three-year terms.

Appendix A
B. Should any vacancy in the term of a voting member occur, the appropriate appointing authority shall appoint a successor voting member who shall serve the remainder of the term. Any member whose term shall expire shall continue to serve until his or her successor is appointed.

C. Membership.

1. The Arkansas Supreme Court shall appoint five members of the Commission as follows:
   (a) one justice of the Arkansas Supreme Court,
   (b) two circuit judges, one from a circuit with a total population of more than 100,000 and one from a circuit with a total population of less than 100,000,
   (c) one full-time district court judge, and
   (d) one representative from the faculty of the University of Arkansas or University of Arkansas at Little Rock Schools of Law.

2. The Arkansas Bar Association shall appoint five members of the Commission as follows:
   (a) the President of the Arkansas Bar Association or his or her designee,
   (b) one attorney who is either employed as an in-house corporate counsel or whose practice is primarily focused on the representation of corporate clients,
   (c) one non-attorney employed in a full time capacity as an advocate for the needs of low income Arkansans, and
   (d) two attorneys active in the private practice of law who have demonstrated an interest in the provision of pro bono legal services.

3. The Governor shall be entitled to appoint three members of the Commission as follows:
   (a) one non-attorney employed in a full time capacity by a non-profit agency which is dedicated to providing for the needs of low income Arkansans,
   (b) one attorney employed in a full time capacity by the Center for Arkansas Legal Services or Legal Aid of Arkansas, and
   (c) one non-attorney representative of the Arkansas State Chamber of Commerce.

4. The Speaker of the Arkansas House of Representatives and the President Pro Tempore of the Arkansas Senate shall each be entitled to appoint one member of their respective chambers to serve as members of the Commission.

D. Each of the appointing authorities shall coordinate the appointments to insure that, at all times, the Commission shall reflect the diverse ethnic, gender and geographic communities of the state.
E. In addition to the voting members set out herein, the Director of the Center for Arkansas Legal Services, the Director of Legal Aid of Arkansas, the Director of the Arkansas IOLTA Foundation and representatives of legal clinics at the state's two law schools appointed by their respective deans shall serve as ex-officio members of the Commission.

F. The Commission shall, by majority vote, elect a Chairperson from among the voting members who shall serve a term of one year and who may be re-elected to successive terms. Such other officers of the Commission may be selected, pursuant to rules established by the Commission.

G. The Commission may create such committees and appoint such committee members as are necessary to facilitate the work of the Commission.

APPENDIX

Recommendation

To Create an Arkansas Access to Justice Commission

Submitted to the

Arkansas Bar Association

By

Access to Justice Working Group

March 2003

"Equal justice under law is not only a caption on the façade of the Supreme Court building. It is perhaps the most inspiring ideal of our society... It is fundamental that justice should be the same, in substance and availability, without regard to economic status."

Justice Lewis Powell, Jr.

U.S. Supreme Court

Equal justice hinges on all Arkansans being empowered to make their case in a court of law, not only in criminal cases but also in civil matters. Most often, people retain an attorney to make their case for them. Across the nation, however, a growing number of litigants now choose to represent themselves in civil matters. While the reasons vary, most represent themselves because they cannot afford an attorney. When people with limited income and education face a corporation or government agency without representation because they cannot afford an attorney, equal justice under the law can quickly become an unfulfilled promise.

Some 16% of Arkansans live below the federal poverty level, compared to 12.4% nationally. In nine Delta counties, more than 25% of the population lives in poverty. One-quarter of Arkansas adults lack a high school diploma, compared to 20% nationwide. Not only is justice not served when self-
represented litigants are unprepared, but these individuals also affect the functioning of the courts. Not surprisingly, the increase in self-represented litigants is occurring at the same time that funding for legal services for the poor is declining.

The National Council of State Courts, the American Judicature Society, the American Bar Association, the National Legal Aid and Defender Association and other national organizations have addressed the causes and consequences of barriers that impede access as well as strategies to improve access to justice in the civil legal system. In response, many states have created a broadly representative commission or similar entity to coordinate efforts to improve access to the civil justice system for poor and near-poor individuals who cannot afford attorneys. These commissions achieve their goals in part by bringing together leaders from the judiciary, private bar, advocacy community, academia, legal services and other interests who share a commitment to improving access to the civil legal system as a means to fulfilling the promise of equal justice under law. Their approaches range from reinvigorating pro bono programs to generating new resources for legal services to developing pro se materials to simplifying court procedures and forms.

National Studies and State Studies Provide Insight

In its landmark Comprehensive Legal Needs Study published in 1994, the American Bar Association found that 38% of poor households and 43% of near poor households in the South had one or more legal problems in the survey year. The most frequently reported legal problems were housing and real property, personal finance and consumer issues, family and domestic needs, and employment. Of these, 37% of poor households and 41% of near poor households sought help either from the civil justice system or a non-legal third party while 24% and 23% respectively reported handling their problem on their own. Even though the study was conducted nearly a decade ago, many states have conducted state-level legal needs studies more recently, most generating similar results.

A 1999 article published by the American Bar Association, Standing Committee on the Delivery of Legal Services, summarized recent research on the frequency of pro se litigation. A 1991 report from the National Center for State Courts examined the incidence of representation in divorce cases in urban jurisdictions. Just 28% of divorces proceeded with both parties represented by a lawyer. Frequently cited studies examining the trend of pro se litigation in domestic relations in Maricopa County, Arizona found that pro se cases in which one party proceeded without a lawyer grew from 24% in 1980 to 47% in 1985 and 88% in 1990. A 1996 Maryland study found 57% of pro se litigants surveyed reported they could not afford a lawyer.

Indicators Suggest Arkansas' Unmet Need is Substantial

While there are no comprehensive studies of the unmet civil legal needs of poor and near poor Arkansans, case data from Arkansas’ two legal services providers suggest the unmet need is substantial.

- Just 21% of the 12,588 cases Arkansas’ two legal services providers completed in 2002 received full representation while 71% were given advice and counsel. While advice met the needs of some, a significant number would have benefited from full representation. An additional 3,022 cases were pending at the end of the year.
· In addition to completed cases, Arkansas' legal services providers had to reject 4,858 cases in 2002 due to conflicts and other factors. This number does not include individuals who call and no case is opened.

· Demand for civil legal services for the poor is increasing. Arkansas' legal services providers completed seven percent more cases in 2002 than 2001. Requests for assistance are expected to accelerate in 2003 due to the declining economy, at a time when staff reductions at Arkansas' legal services providers will make it difficult to maintain the current level of services.

· Despite the growing need, the number of cases handled on a pro bono basis was more or less flat from 2001 to 2002.

· Due to a decline in Arkansas' share of the national poverty population, federal funds will decline in 2003 at the same time that Interest on Lawyers Trust Accounts (IOLTA) funds are decreasing. Arkansas' legal services providers have seen their revenue slashed nearly 20%, making it necessary to eliminate six support staff and nine attorney positions in 2003.

**The Process**

The Arkansas Access to Justice Conference brought 118 attorneys, judges and advocates representing Arkansas' justice community together on March 23, 2001 to identify challenges to access and develop a consensus about the most effective institutional vehicle to coordinate statewide efforts to improve access to justice. The conference concluded with a call to action to create a permanent Arkansas Access to Justice Commission. In response, the Arkansas Bar Association convened the Access To Justice Working Group, which held its first meeting in October 2002 (membership list attached). The Working Group's purpose is to determine if a need exists for a permanent Arkansas Access to Justice Commission and, if so, to develop a recommendation for the governance bodies of the Arkansas Bar Association.

To this end, the Arkansas Access to Justice Working Group has met as a body four times since October 2002. In addition, subcommittees have met in between meetings to develop work products for review. Through its deliberations, the Working Group has concluded:

· Fulfilling the promise of equal justice under law requires an ongoing process of continually improving access to the legal system.

· Leaders of the private bar, the judiciary, advocacy organizations, legal services and other Arkansans share a commitment to improving access to justice. Without a coordinated effort, however, progress will remain elusive.

· Improving access to justice hinges on documenting the unmet need in Arkansas, understanding the different dimensions of that need, and devising a long term plan of action, while demonstrating best practices through pilot projects and other means.

· Effective and frequent communication among different interests is fundamental to progress.
A permanent Arkansas Access to Justice Commission is the most effective forum to bring leaders committed to improving access to justice together and to promote coordinated effort.

To this end, the Access to Justice Working Group recommends that the Arkansas Bar Association submit a formal request to the Arkansas Supreme Court to create a permanent Arkansas Access to Justice Commission with the mission, goals and structure described below.

[... Mission, Goals, Structure...have been excerpted and may be found in body of order.]

**Recommendation**

The Access to Justice Working Group recommends that the Arkansas Bar Association submit a formal request to the Arkansas Supreme Court to create a permanent Arkansas Access to Justice Commission with the mission, goals and structure described above.

**Access to Justice Working Group**

Nate Coulter

*Attorney*

James D. Gingerich

*Administrative Office of the Courts*

Charles W. Goldner, Jr., Chair

*UALR School of Law*

The Honorable James R. Hannah

*Arkansas Supreme Court*

Louis "Bucky" Jones

*Attorney*

Chalk S. Mitchell

*Attorney*

Michael W. Mullane

*University of Arkansas School of Law*
Susie Pointer  
*IOLTA Foundation*

The Honorable Willard Proctor  
*Circuit Judge*

The Honorable Jim D. Spears  
*Circuit Judge*

Carolyn B. Witherspoon  
*Attorney*

Scott Holladay  
*Carelink*

Amy Rossi  
*Arkansas Advocates for Children & Families*

Frank Sewall  
*Arkansas Blue Cross and Blue Shield*

**Ex Officio**

Don Hollingsworth *Arkansas Bar Association*

Jean Turner Carter  
*Center for Arkansas Legal Services*

Mona Teague  
*Legal Aid of Arkansas*

Sandra Miller  
*Arkansas Legal Services Partnership*
A Bill

SENATE BILL 94

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
AND OPERATING EXPENSES FOR THE ARKANSAS SUPREME COURT
FOR THE FISCAL YEAR ENDING JUNE 30, 2015; AND FOR
OTHER PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS SUPREME COURT
APPROPRIATION FOR THE 2014-2015 FISCAL
YEAR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
for the Arkansas Supreme Court for the 2014-2015 fiscal year, the following
maximum number of regular employees.

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<th>Title</th>
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<td>1</td>
<td>GRADE N912</td>
</tr>
<tr>
<td>(2)</td>
<td>Q011C</td>
<td>CRIMINAL COORDINATOR</td>
<td>1</td>
<td>GRADE C129</td>
</tr>
<tr>
<td>(3)</td>
<td>Q010C</td>
<td>LIBRARY DIRECTOR</td>
<td>1</td>
<td>GRADE C129</td>
</tr>
<tr>
<td>(4)</td>
<td>Q012C</td>
<td>SUPREME COURT REPORTER</td>
<td>1</td>
<td>GRADE C129</td>
</tr>
<tr>
<td>(5)</td>
<td>Q021C</td>
<td>APPELLATE REVIEW ATTORNEY</td>
<td>2</td>
<td>GRADE C128</td>
</tr>
<tr>
<td>(6)</td>
<td>Q036C</td>
<td>CHIEF DEPUTY CLERK</td>
<td>1</td>
<td>GRADE C126</td>
</tr>
<tr>
<td>(7)</td>
<td>Q083C</td>
<td>COMMUNICATIONS COUNSEL</td>
<td>1</td>
<td>GRADE C126</td>
</tr>
</tbody>
</table>
1 (8) Q061X DEPUTY CRIMINAL COORDINATOR 1 GRADE C126
2 (9) Q035C SUPREME COURT LAW CLERK 14 GRADE C126
3 (10) Q037C ASSISTANT CRIMINAL COORDINATOR 2 GRADE C125
4 (11) Q038C DEPUTY REPORTER 1 GRADE C125
5 (12) Q051C NETWORK ADMINISTRATOR 1 GRADE C124
6 (13) Q072C FISCAL OFFICER 1 GRADE C122
7 (14) Q141C TECHNICAL ONLINE PUBLISHER 1 GRADE C122
8 (15) Q090C EXECUTIVE ASSISTANT TO CLERK 1 GRADE C119
9 (16) Q091C JUDICIAL CHIEF ADMINISTRATIVE ASSIST 1 GRADE C119
10 (17) Q107C ASSISTANT CHIEF DEPUTY CLERK 1 GRADE C118
11 (18) Q108C FINANCIAL SPECIALIST 1 GRADE C118
12 (19) Q192C PUBLIC SERVICE LIBRARIAN 1 GRADE C118
13 (20) Q109C RECORDS SUPERVISOR 1 GRADE C118
14 (21) Q106C TECHNICAL SERVICES LIBRARIAN 1 GRADE C118
15 (22) Q116C JUDICIAL ADMINISTRATIVE ASSISTANT 6 GRADE C117
16 (23) Q115C SUPREME COURT POLICE CHIEF 1 GRADE C117
17 (24) Q123C ADMINISTRATIVE ASSISTANT 1 GRADE C115
18 (25) Q122C EDITORIAL ASSISTANT 1 GRADE C115
19 (26) Q124C LIBRARY TECHNICAL ASSISTANT 1 GRADE C115
20 (27) Q125C SUPREME COURT POLICE OFFICER 2 GRADE C115
21 MAX. NO. OF EMPLOYEES 48

SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for
the Arkansas Supreme Court for the 2014-2015 fiscal year, the following
maximum number of part-time or temporary employees, to be known as "Extra
Help", payable from funds appropriated herein for such purposes: five (5)
temporary or part-time employees, when needed, at rates of pay not to exceed
those provided in the Uniform Classification and Compensation Act, or its
successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,
to the Arkansas Supreme Court, to be payable from the State Central Services
Fund, for personal services and operating expenses of the Arkansas Supreme
Court for the fiscal year ending June 30, 2015, the following:

ITEM FISCAL YEAR

2 01-23-2014 15:16:41 WLC038
<table>
<thead>
<tr>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>FISCAL YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>REGULAR SALARIES</td>
<td>$2,697,896</td>
</tr>
<tr>
<td>02</td>
<td>EXTRA HELP</td>
<td>30,000</td>
</tr>
<tr>
<td>03</td>
<td>PERSONAL SERVICES MATCHING</td>
<td>845,665</td>
</tr>
<tr>
<td>04</td>
<td>MAINT. &amp; GEN. OPERATION</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(A) OPER. EXPENSE</td>
<td>323,089</td>
</tr>
<tr>
<td></td>
<td>(B) CONF. &amp; TRAVEL</td>
<td>30,000</td>
</tr>
<tr>
<td></td>
<td>(C) PROF. FEES</td>
<td>25,000</td>
</tr>
<tr>
<td></td>
<td>(D) CAP. OUTLAY</td>
<td>112,000</td>
</tr>
<tr>
<td></td>
<td>(E) DATA PROC.</td>
<td>0</td>
</tr>
<tr>
<td>05</td>
<td>ARKANSAS REPORTS</td>
<td>229,477</td>
</tr>
<tr>
<td>06</td>
<td>COURT APPOINTED ATTORNEYS</td>
<td>195,000</td>
</tr>
<tr>
<td>07</td>
<td>COMMISSIONS AND COMMITTEES</td>
<td>20,000</td>
</tr>
<tr>
<td>08</td>
<td>SPECIAL JUSTICES</td>
<td>5,500</td>
</tr>
<tr>
<td>09</td>
<td>JUDICIAL EDUCATION</td>
<td>100,000</td>
</tr>
<tr>
<td></td>
<td>TOTAL AMOUNT APPROPRIATED</td>
<td>$4,613,627</td>
</tr>
</tbody>
</table>

SECTION 4. APPROPRIATION - APPELLATE MEDIATION - CASH. There is hereby appropriated, to the Arkansas Supreme Court, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses of the Arkansas Supreme Court - Appellate Mediation Pilot Program for the fiscal year ending June 30, 2015, the following:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>FISCAL YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>NO.</td>
<td>2014-2015</td>
</tr>
<tr>
<td>01</td>
<td>MAINT. &amp; GEN. OPERATION</td>
</tr>
<tr>
<td></td>
<td>(A) OPER. EXPENSE</td>
</tr>
<tr>
<td></td>
<td>(B) CONF. &amp; TRAVEL</td>
</tr>
<tr>
<td></td>
<td>(C) PROF. FEES</td>
</tr>
<tr>
<td></td>
<td>(D) CAP. OUTLAY</td>
</tr>
<tr>
<td></td>
<td>(E) DATA PROC.</td>
</tr>
<tr>
<td></td>
<td>TOTAL AMOUNT APPROPRIATED</td>
</tr>
</tbody>
</table>

SECTION 5. REGULAR SALARIES - SUPREME COURT BAR OF ARKANSAS. There is hereby established for the Arkansas Supreme Court - Bar of Arkansas for the
2014-2015 fiscal year, the following maximum number of regular employees.

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Title</th>
<th>No. of Employees</th>
<th>Maximum Annual Salary Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>SUPREME COURT DIRECTOR OF OPC</td>
<td>1</td>
<td>GRADE N917</td>
</tr>
<tr>
<td>(2)</td>
<td>SUPREME COURT DIRECTOR OF OPP</td>
<td>1</td>
<td>GRADE N916</td>
</tr>
<tr>
<td>(3)</td>
<td>SUPREME COURT DEP DIRECTOR OF OPC</td>
<td>1</td>
<td>GRADE N906</td>
</tr>
<tr>
<td>(4)</td>
<td>SUPREME COURT SENIOR STAFF ATTY OPC</td>
<td>1</td>
<td>GRADE C128</td>
</tr>
<tr>
<td>(5)</td>
<td>SUPREME COURT DIRECTOR OF AJC</td>
<td>1</td>
<td>GRADE C128</td>
</tr>
<tr>
<td>(6)</td>
<td>SUPREME COURT DIRECTOR OF JLAP</td>
<td>1</td>
<td>GRADE C128</td>
</tr>
<tr>
<td>(7)</td>
<td>SUPREME COURT STAFF ATTORNEY OPC</td>
<td>1</td>
<td>GRADE C126</td>
</tr>
<tr>
<td>(8)</td>
<td>SUPREME COURT PROGRAM COORDINATOR OPP</td>
<td>2</td>
<td>GRADE C120</td>
</tr>
<tr>
<td>(9)</td>
<td>SUPREME COURT DEPUTY DIRECTOR JLAP</td>
<td>1</td>
<td>GRADE C120</td>
</tr>
<tr>
<td>(10)</td>
<td>SUPREME COURT INVESTIGATOR OPC</td>
<td>1</td>
<td>GRADE C119</td>
</tr>
<tr>
<td>(11)</td>
<td>SUPREME COURT FINANCIAL SPECIALIST</td>
<td>1</td>
<td>GRADE C118</td>
</tr>
<tr>
<td>(12)</td>
<td>SUPREME COURT DATABASE MANAGER</td>
<td>1</td>
<td>GRADE C118</td>
</tr>
<tr>
<td>(13)</td>
<td>SUPREME COURT PARALEGAL OPC</td>
<td>1</td>
<td>GRADE C118</td>
</tr>
<tr>
<td>(14)</td>
<td>SUPREME COURT ADMIN ASSISTANT OPC</td>
<td>2</td>
<td>GRADE C115</td>
</tr>
<tr>
<td>(15)</td>
<td>SUPREME COURT ADMIN ASSISTANT OPP</td>
<td>2</td>
<td>GRADE C115</td>
</tr>
<tr>
<td>(16)</td>
<td>SUPREME COURT ADMIN ASSISTANT AJC</td>
<td>1</td>
<td>GRADE C115</td>
</tr>
</tbody>
</table>

MAX. NO. OF EMPLOYEES: 19

SECTION 6. EXTRA HELP - SUPREME COURT BAR OF ARKANSAS. There is hereby authorized, for the Arkansas Supreme Court - Bar of Arkansas for the 2014-2015 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: five (5) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 7. APPROPRIATION - SUPREME COURT BAR OF ARKANSAS. There is hereby appropriated, to the Arkansas Supreme Court, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas Supreme Court, for
personal services and operating expenses of the Arkansas Supreme Court - Bar of Arkansas for the fiscal year ending June 30, 2015, the following:

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>FISCAL YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>(01) REGULAR SALARIES</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>(02) EXTRA HELP</td>
<td>25,000</td>
</tr>
<tr>
<td>(03) PERSONAL SERV MATCHING</td>
<td>500,000</td>
</tr>
<tr>
<td>(04) MAINT. &amp; GEN. OPERATION</td>
<td></td>
</tr>
<tr>
<td>(A) OPER. EXPENSE</td>
<td>1,000,000</td>
</tr>
<tr>
<td>(B) CONF. &amp; TRAVEL</td>
<td>100,000</td>
</tr>
<tr>
<td>(C) PROF. FEES</td>
<td>500,000</td>
</tr>
<tr>
<td>(D) CAP. OUTLAY</td>
<td>100,000</td>
</tr>
<tr>
<td>(E) DATA PROC.</td>
<td>0</td>
</tr>
<tr>
<td>(05) CAPITAL IMPROVEMENTS</td>
<td>100,000</td>
</tr>
<tr>
<td>(06) TRANSFERS, RETIREMENT, INVESTMENTS</td>
<td>2,250,000</td>
</tr>
<tr>
<td>TOTAL AMOUNT APPROPRIATED</td>
<td>$6,075,000</td>
</tr>
</tbody>
</table>

SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ACCESS TO JUSTICE. The General Assembly finds that the Access to Justice Foundation serves a public purpose, therefore financial accounting, general bookkeeping, management and administrative services may be provided by employees of the Arkansas Supreme Court and the Supreme Court Bar of Arkansas in support of the Arkansas Access to Justice Foundation, Inc.

The provisions of this section shall be in effect only from July 1, 2014 through June 30, 2015.

SECTION 9. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Procurement Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be

Appendix B
SECTION 10. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 11. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2014 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2014 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2014.

APPROVED: 02/28/2014
The Arkansas Bar Association petitioned this court to create the Arkansas Access to Justice Commission, and the petition was granted in 2003. See In Re: Arkansas Bar Association Petition for Creation of the Arkansas Access to Justice Commission, 355 Ark. Appx. 709 (2003). The purpose of the Commission is to “coordinate efforts to improve access to the civil justice system for poor and near-poor individuals who cannot afford attorneys for representation in civil legal matters.” Id. at 710. The goals of the Commission are set out in the per curiam order:

A. Develop an objective and accurate understanding of the problems Arkansans face in using our legal system to obtain justice in civil cases.

B. Devise a strategic plan for statewide delivery of civil legal services to all Arkansans.

C. Review and report on the efficient allocation and application of the available resources.

D. Educate the people of Arkansas about the importance of equal access to justice and of the problems many Arkansans face in gaining effective
access to our civil justice system.

E. Encourage a strong and consistent commitment to providing equal access to justice among the leaders of our state.

F. Suggest innovations that will increase effective access to the civil justice system for all Arkansans.

G. Provide technical and other support to the efforts of the legislature, courts, and other government agencies to improve access to justice for the people of Arkansas.

H. Develop stable, long-term funding and other resources to support access to civil justice.

Id. at 711-712. The Commission consists of fifteen members appointed by the Governor, Arkansas Bar Association, Speaker of the House, President Pro Tempore of the Senate, and the Supreme Court.

Since its inception, staff support for the Commission has been provided by Arkansas Legal Services Partnership (“Partnership”), a consortium of two nonprofit legal services programs, the Center for Arkansas Legal Services and Legal Aid of Arkansas. However, staff support for the Commission is not the primary function of either of these entities1. They have

___________________________

1 The Center for Arkansas Legal Services, based in Little Rock, and Legal Aid of Arkansas, headquartered in Jonesboro, are 501(c)3 nonprofit organizations that provide free legal services to low-income Arkansans in non-criminal cases in such legal areas as family, consumer,
much on their plates already, and limited funding further strains their ability to meet the
growing demand for free legal services, especially during times of economic recession.

The Supreme Court has not provided staff or financial support to the Commission.
The court has approximately sixteen committees and boards which are supported by revenues
from attorney license fees. Since the Commission is a creature of the court, created at the
behest of the Arkansas Bar Association, we believe that it should receive financial and staff
assistance from the court as these other entities.

The court has historically tried to explain to Arkansas attorneys how the Bar of
Arkansas License Fee funds are used, why the assessment levels are set as they are, and why
the need for an increase if one is being made. When we last addressed this topic in 2001, the
Commission was not in existence, so its funding was not on the table. If it had been created,
we have little doubt that it would have been included.

In 2001, the annual dues for membership in the Bar of Arkansas were raised, effective
January 1, 2008, as follows: an annual license fee of $200.00 for lawyers who have been
licensed for three or more years, $125.00 for new enrollees who have been licensed for fewer
than three years, and $20.00 for lawyers who are sixty-five years of age or older. See In Re Bar
of Arkansas License Fees, 346 Ark. Appx. 574, 575 (2001). At that time, we discussed the
history of the assessment of annual dues and various increases over the years. In particular, we
explained the reasons for the need to increase the assessments, including: “new costs related

Appendix C

housing, elder, landlord-tenant, social security, medicaid, and medicare. Together the two
programs serve clients in all seventy-five counties in Arkansas.

-3-
to the implementation of the Arkansas Lawyer Assistance Program, restructure and expansion of the operations of the Office of Professional Conduct, and the need for additional resources for the Client Security Fund. These new and revised programs arose from the recommendations made by the Arkansas Bar Association, the American Bar Association, and individual members of the Bar.” Id. at 575.

In 2001, we anticipated that in the 2008-2009 time frame, there would be a deficit. Fortunately, our projections have not held true, and we are not currently running a deficit. With better than expected resources, the Supreme Court is in position to address the needs of the Commission, a need that heretofore has been borne by the Arkansas Legal Services Partnership.

As we have done in connection with other funding needs, we will take this opportunity to explain why the Commission should be supported by license fees revenue. The work of the Commission has been referenced in the per curiam order creating it. Going to the Commission’s website (www.arkansasjustice.org) will illustrate the work of the Commission and how far it has come since its creation in 2003. The Commission is organized in five committees: Legal Services, Pro Bono, Court Assistance, Education, and Legislative.

The Legal Services Committee seeks to address the wide disparity in access to justice for low-income individuals and families. The context for this work is the ever shrinking federal revenue support which since 1995 has been reduced over $2,000,000 in Arkansas. The census identifies 411,777 Arkansans eligible for free civil legal services. These are families at

Appendix C
or below 125% of the poverty level. The Center for Arkansas Legal Services and Legal Aid of Arkansas cannot handle all the cases that come to them. Additional resources will be required to better address the legal needs of the poor in our state.

The Pro Bono Committee works to improve and expand the pro bono services provided by attorneys in this state and to provide resources to these attorneys.

The Court Assistance Committee strives to make the courts more accessible to self-represented/pro se litigants and to identify measures to be taken by the courts, the bar, legal service providers, and other stakeholders to assist the pro se litigants. Simplified forms, online resources offices, and information in languages other than English are such measures.

The Education Committee seeks to inform the state’s legal community and entire population about the needs for legal aid, including the plight of the poor, and the limited resources available to service them. To aid in these efforts, a DVD was produced entitled “Access to Justice” and is available for showing at various public forums throughout the state and is also available online.

The Legislative Committee works to obtain funding from the State of Arkansas for civil legal aid for low-income Arkansans.

In looking at the work of the Commission, there can be no doubt of the need for staff assistance. The work of the Partnership and the Commission are inextricably linked, and financial support from the court will assist the Commission in achieving its goals and will

\[\text{Appendix C}\]

\[2\text{ See Arkansas Access to Justice Commission Website: http://www.arkansasjustice.org/about.html.}\]
assist the Partnership in its mission of providing free legal services to low-income Arkansans.

Finally, on a related matter, the court has observed that the work of Arkansas IOLTA Foundation, Inc., and the Commission overlap in many areas, and there are a number of individuals serving on both the IOLTA Board of Directors and the Commission. We request that the IOLTA Board of Directors and members of the Commission explore possible options regarding mission and structure and report to the court as to how the needs for legal services to low-income Arkansans can best be met.
BAR OF ARKANSAS
FULL ACCOUNTABLE REIMBURSEMENT POLICY

The following resolution was duly adopted by the Supreme Court of Arkansas meeting in conference on May 1, 2013.

WHEREAS, income tax regulations §1.162-17 and §1.274-5T(f) provide that employees need not report on their tax return expenses paid or incurred by them solely for the benefit of their employer for which they are required to account and do account to their employer and which are charged directly or indirectly to the employer; and

WHEREAS, income tax regulation §1.274-5T(5) further provides that an adequate accounting means the submission to the employer of an account book, diary, statement of expense or similar record maintained by the employee in which the information as to each element of expenditure (amount, date and place, business purpose, and business relationship) is recorded at or near the time of the expenditure, together with supporting documentary evidence, in a manner which conforms to all the adequate records requirements set forth in the regulation; and

WHEREAS, the Internal Revenue Service has determined that certain committee members, Bar Examiners and other volunteers working for the Bar of Arkansas are “employees” for purposes of employment tax liabilities; and

WHEREAS, the Bar of Arkansas will not compensate some committee members for their roles as such after December 31, 2012, but will reimburse such persons (hereinafter referred to as “Non-Staff Employees”) for their travel and meal expenses incurred in their performance for the Bar of Arkansas.

WHEREAS, the Bar of Arkansas has had a reimbursement policy pursuant to the regulations mentioned above for its regular staff and desires to continue operating under such policy;

BE IT THEREFORE RESOLVED, that the Bar of Arkansas hereby adopts an accountable reimbursement policy for its Non-Staff Employees pursuant to income tax regulations §1.162-17 and §1.274-5T(f) upon the following terms and conditions.

1. **Adequate accounting for reimbursed expenses.** Any Non-Staff Employee now or hereafter employed by the Bar of Arkansas (the “Employer”) shall be reimbursed for any properly approved ordinary and necessary business expense incurred on behalf of the Bar of Arkansas, if the following conditions are satisfied: (1) the expenses are reasonable in amount; (2) the employee documents the amount, date, place and business purpose of each such expense with the same kind of documentary
evidence as would be required to support a deduction of the expense on the employee’s federal tax return; and (3) the employee substantiates such expenses by providing the financial officer with an accounting of such expenses no less frequently than monthly (in no event will an expense be reimbursed if substantiated more than 90 days after the expense is paid or incurred by a Non-Staff Employee). Authorized transportation (automobile) expenses hereunder shall be reimbursed to an Employee at the rate of 56.5 cents per mile for properly substantiated mileage with an authorized company related business expense.

2. **Reimbursement not funded out of salary reductions.** Reimbursements shall be paid out of Bar of Arkansas funds and not by reducing pay checks of Non-Staff Employees by the amount of business expense reimbursements.

3. **Reimbursable business expenses.** Reimbursable business expenses include only transportation and travel (including lodging and meals).

4. **Tax reporting.** The Bar of Arkansas shall not include in a Non-Staff Employee’s Form W-2 form the amount of any business or professional expense properly substantiated and reimbursed according to this policy, and the Non-Staff Employee should not report the amount of any such reimbursement as income on Form 1040.

5. **Excess reimbursements.** Any Bar of Arkansas reimbursement that exceeds the amount of business or professional expenses properly accounted for by a Non-Staff Employee pursuant to this policy must be returned to the Bar of Arkansas within 120 days after the associated expenses are paid or incurred by the Non-Staff Employee, and shall not be retained by the Non-Staff Employee.

6. **Expenses not fully reimbursed.** If, for any reason, the Bar of Arkansas’ reimbursements are less than the amount of business and professional expenses properly substantiated by a Non-Staff Employee, the Bar of Arkansas will report no part of the reimbursements on the Non-Staff Employee’s Form W-2, and the Non-Staff Employee may deduct the unreimbursed expenses as allowed by law.

7. **Adequate substantiation.** Any Non-Staff Employee requesting reimbursement for authorized business expenses hereunder must furnish to the Bar of Arkansas adequate substantiation of expenses to be reimbursed. Adequate substantiation shall be accomplished by timely submission to the Bar of Arkansas of an expense reimbursement voucher properly completed in accordance with the substantiation requirements of Federal tax law, together with any relevant documentation evidence required under the substantiation requirement of Federal law. Such documentary evidence shall indicate the amount, description indicating the
particular nature of the expense, time place and business purpose or use of any authorized business expenses and any other necessary, related information.

Under no circumstances will the Bar of Arkansas reimburse the Non-Staff Employee for expenses incurred on behalf of the Bar of Arkansas that are not properly substantiated according to this policy. The Bar of Arkansas and staff understand that this requirement is necessary to prevent the Bar of Arkansas’ reimbursement plan from being classified as a non-accountable plan.

8. Retention of Records. All receipts and other documentary evidence used by a Non-Staff Employee to substantiate expenses reimbursed under this policy shall be retained by the Bar of Arkansas.

BY: Jim Hannah
Chief Justice

ATTEST:

James D. Gingerich
Director
Administrative Office of the Courts
In 2003, the Supreme Court established the Arkansas Access to Justice Commission and set out its structure. In re Arkansas Bar Association - Petition for Creation of the Arkansas Access to Justice Commission, 355 Ark. 709 (2003) (per curiam). We hereby amend, effective immediately, subsection (C)(1)(a) of the provision setting out the Commission’s structure as set out below. Except for this amendment, all other provisions remain unchanged.

 STRUCTURE

...  

C. Membership.

1. The Arkansas Supreme Court shall appoint five members of the Commission as follows:

(a) one justice or retired justice of the Arkansas Supreme Court,

(b) two circuit judges, one from a circuit with a total population of more than 100,000 and one from a circuit with a total population of less than 100,000,

(c) one full-time district court judge, and

(d) one representative from the faculty of the University of Arkansas or University of Arkansas at Little Rock Schools of Law.

...
PER CURIAM


STRUCTURE

C. Membership.

1.

... 

c. one state district court judge or local district court judge, and

*Appendix F*
E. In addition to the voting members set out herein, the Director of the Center for Arkansas Legal Services, the Director of Legal Aid of Arkansas, the Chair of the Board of Directors of Arkansas Access to Justice Foundation, Inc., and representatives of legal clinics at the state’s two law schools appointed by their respective deans shall serve as ex-officio members of the Commission.
COMMISSION TASK FORCES, STANDING COMMITTEES, 
AND ADVISORY BOARDS 
January 26, 2015

I. Standing Committees

Executive Committee
This committee consists of the Commission Chairperson, Commission Vice-Chairperson, Secretary, Governance Committee Chair, and one at-large member appointed by the Chairperson, who shall be a voting member of the Commission. It shall be authorized to exercise the powers of the Commission in the management of the business and affairs of the Commission in between regularly scheduled meetings. Such business may include approval of matters related to oversight of any other funds granted to or appropriated to the Commission; approval of Memorandums of Understanding between the Commission and any other entity; annual performance reviews of the Commission Executive Director; recommendation of the Commission’s annual operating budget to the Arkansas Supreme Court; and making reports to the Arkansas Supreme Court on the Commission's activities. This committee shall maintain regular minutes of its meetings, which shall be provided to the Commission at each regular meeting.

Governance Committee
This committee shall consist of at least three voting members of the Commission. This committee will develop and annually review a Commissioner “job description;” develop and update a Commission orientation curriculum; provide for the mentorship of newly appointed Commissioners; recruit and recommend new members for appointment to the Commission and its Task Forces; and recommend policies and operating rules for adoption by the Commission.

II. Task Forces

Task Force on Self-Represented Litigants
This task force was created by the Commission to oversee implementation of the Plan for the Delivery of Services to Self-Represented Litigants adopted by the Commission in 2013. This Task Force replaces the Commission’s former Court Assistance Committee. The Task Force has three committees:

(1) Committee on Rules and Policies, which is responsible for developing and recommending proposed changes to the Rules of Professional Conduct, the Code of Judicial Conduct, and the Rules of Civil Procedure for adoption by the Arkansas Supreme Court. In addition, the committee is responsible for developing policies and training curricula for judges, court staff, and librarians on assistance to self-represented litigants.
Committee on Libraries and Self Help, which is responsible for coordinating with the Administrative Office of the Courts’ public education initiatives, determining the feasibility of establishing the Supreme Court Law Library as the hub of a statewide network of self-help centers, identifying areas of greatest unmet need for self-help resources, and planning for the sustainability of self-help resources.

Committee on Limited Scope Representation, which is responsible for overseeing the ABA-funded pilot project on limited scope representation; developing a toolkit for attorneys who desire to incorporate limited scope representation into their practices; and education of the bench and bar regarding limited scope practice.

Joint Resource Development Task Force
This is joint task force consisting of commissioners; members of the Arkansas Access to Justice Foundation board; and the boards of the Center for Arkansas Legal Services, Legal Aid of Arkansas, and VOCALS. This task force’s mission is to oversee implementation of a comprehensive resource development strategy that includes coordination of a statewide annual private bar fundraising campaign.

Pro Bono Task Force
This Task Force oversees accomplishment of task-oriented objectives related to pro bono and “low bono” services, including a survey of attorneys regarding pro bono service, planning of National Pro Bono Week activities, and the development of toolkits and other support materials that would assist in cultivating pro bono service in Arkansas. This Task Force replaces the Commission’s former Pro Bono Committee.

Legislative Task Force
This Task Force works to obtain funding from the State of Arkansans for civil legal aid for low-income Arkansans and to support or propose substantive legislation that would improve access to the court system, to legal services, and to legal remedies available to Arkansans of limited or modest means. In addition, this Task Force addresses short-term, time-sensitive requests from access-to-justice-related national entities for outreach to members of the state’s federal congressional delegation on matters related to Legal Services Corporation and IOLTA funding.

III. Advisory Boards

Corporate Advisory Board
The Corporate Advisory Board consists of corporate counsel from some of Arkansas’s leading corporations to help the Commission and its sister foundation devise a strategy for broadening the support base for civil legal aid within the state’s corporate community. The group is small, informal, and acts in an advisory capacity to the Commission, Foundation, and their partners to advise on how to best secure financial and other support from Arkansas corporations and corporate law departments.
Advisory Board members will act as a sounding board, meeting 1-2 times a year and offering input (via email or phone call) as needed to assist in
• Recruiting corporate leaders to serve on local boards of directors and annual fundraising campaign committees, as well as the Access to Justice Commission and Foundation;

Appendix F
• Identifying and approaching corporate legal departments regarding participation of corporate attorneys in the statewide annual fundraising campaign for legal aid;
• Identifying and approaching corporations regarding gifts from corporate giving program or foundation for general support or project grants;
• Expanding the support of the private bar through corporate counsel contacts with Arkansas firms and attorneys; and
• Leveraging funding from the legislature through corporate contacts with legislators.