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- 4083 N Shiloh Drive, Suite 3
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- 901 South 21st Street
  Fort Smith AR 72901-4005
  479-785-5211
- 213 West Rush
  Harrison AR 72601
  870-741-2454
- 402 Franklin
  Helena-West Helena, AR 72342
  870-338-9834
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  Hot Springs AR 71913-4427
  501-624-2591
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- 303 West Capitol Ave., Suite 200
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  Mountain View AR 72560
  870-269-4355
- 100 Greenwood, Suite E
  Hot Springs AR 71913-4427
  501-624-2591
- 202 Walnut Street
  Newport AR 72112
  870-523-9892
- 1400 West 5th
  Pine Bluff AR 71601
  870-536-9006
- 101 E. Main St., Suite C
  Russellville AR 72801
  479-968-3993
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- 310 Mid-Continent Bldg/Ste 420
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STATEWIDE HELPLINE: 1-800-952-4253

"**JUSTICE** is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until **LIBERTY** be lost in the **Pursuit**.”

- James Madison

**2008 Annual Report**

**The Voices of Justice**

**CENTER FOR ARKANSAS LEGAL SERVICES**

LEGAL AID OF ARKANSAS
VISION OF JUSTICE

In times of great economic and political strain, immediate problems force many to forget the important values which have sustained our country for 222 years. One of those values, enshrined by our founders in the Constitution, is the Promise of Justice. It is a concept that has set our nation, state, and communities apart from all other societies in the world. We ignore it at our own peril. By ignoring it, we shred the very fabric which holds our nation together.

We are honored and humbled to be leading two organizations in Arkansas which work daily to fulfill the all-inclusive vision of justice as set forth by the founders of our great nation. Legal Aid of Arkansas and the Center for Arkansas Legal Services provide free civil legal help to thousands of low income citizens who have no other place to turn. One in 5 Arkansans are eligible for free civil legal aid. But because of limited resources, we can only accept about 50% of the people who come to us seeking help.

As our economy slid into recession this past year, we have witnessed a greater number of people coming to us with problems of bankruptcy, home foreclosures and evictions. Washington County, for example, had a 241% increase in foreclosures in 2008 over the previous year. There were 1,571 bankruptcies filed in Union County and surrounding counties last year. This all took place within the context of declining federal funding; reduced grant, contract, and private funding; and a dramatic decrease in IOLTA funding which is based on interest on lawyer trust accounts. The state remained 48th in the total amount of funding devoted to civil legal aid.

In this year you will hear some voices of justice as we share client stories of people we were able to help this year. Each one’s story provides compelling insight into the increasing difficulties many of our fellow citizens face in obtaining justice in a time of rising economic insecurity.

Our founders were visionaries who based society on laws and not men. But their vision is deeply debased by our current political leaders who place political gain ahead of the all-inclusive vision of justice as set forth by the founders of our great nation. Legal Aid of Arkansas and the Center for Arkansas Legal Services provide free civil legal help to thousands of low income citizens who have no other place to turn. One in 5 Arkansans are eligible for free civil legal aid. But because of limited resources, we can only accept about 50% of the people who come to us seeking help.

HELPING US END JUSTICE DENIED

The work of legal aid values Arkansans in their families, jobs, and homes thereby helping produce stable and productive lives which in turn sustain viable and healthy communities. The work of legal aid secures tangible income benefits for people who are living on the edge economically and protects their housing, health, education and employment. And legal aid accomplishes its work with productive dedicated staff, the creative use of resources, and respect for the dignity of clients.

What is clear is that when all these values are insecure – families disintegrate, children become victims, economic productivity becomes welfare dependency, and people are turned out of homes and into homeless shelters. Stability in these values promotes our strength as a state and extends the protections of justice to all citizens.

In Arkansas, 1 in 5, or 20% of our citizens are eligible for legal aid but nearly 50% of those who apply for assistance must be turned away due to lack of resources. In addition, 4 of every 5 dollars going to legal aid come from the federal government.

There is no state revenue appropriation for civil justice efforts in Arkansas. The Legislature has twice increased court filing fees to benefit legal aid. Without increased funding, however, the voice of justice cannot speak for the values we all hold important – family, economic security, health and home. As James Madison wrote, “We must pursue that justice for everyone – it is the primary end of government and must be pursued until it is obtained.” The political leaders of Arkansas must add their voices to that pursuit in order for the state to achieve the vision of justice for all. Without that commitment far too many Arkansans will continue to face justice denied.
Arkansans place a high value on supporting families, protecting children, securing economic opportunity and preserving health and home. These are the primary areas supported by the civil legal aid work done in Arkansas. Need for these services are increasing as the economy has slipped into recession and there have been increases in bankruptcies, foreclosures and unemployment.

**Consumer** – 14%

Within this category of cases there has been a dramatic rise in bankruptcy, foreclosure and collections. Garnishments and deceptive sales practices fill out this category. As economic conditions continue to decline these cases too are expected to rise.

**Housing and Health** – 11%

Landlord-tenant evictions are the predominate type of case in this category. Arkansas is the only state which criminalizes evictions plus there is no recognized warranty of habitability for rental property. Home ownership and foreclosure issues fill out the remaining areas of increase in this category. Medicaid cases are the most common in the health part of this category.

**Juvenile** – 8%

Children are often caught in the crosshairs of family disputes and require civil legal protections which legal aid provides them. Increased divorces create legal issues of guardianship, abuse and neglect as well.

**Income Maintenance** – 5%

Most cases involve maintaining or securing income for poor Arkansans through federal monies from Social Security and SSI. Legal aid improved or stabilized the income of families by securing over $1.5 million in federal money.

**Family** – 56%

More than fifty percent of the cases handled by legal aid this year involved families in distress. Most of these centered around divorce with domestic violence which often also entailed efforts to protect the children involved. With increasing economic stresses this category is expected to increase in the coming year.

**Expenditures reflect the challenge of doing the maximum with limited funds**

Funds by Congress through the Legal Services Corporation (LSC) are apportioned based on state poverty levels. These include funds from United Way, HUD, domestic Violence organizations, area Agencies on Aging, and similar client service operations.

**IOLTA** – 10%

Interest on lawyer trust accounts. Because of the economic recession the funds available have decreased 60%.

**Public Legal Aid Fund** – 6%

Proceeds from an increase in the circuit court reopening fee enacted by the Legislature in 2005.

**Private Donations** – 4%

Legal aid campaigns to local attorneys.

**Attorneys and Paralegals** – 60%

The single largest category reflects salaries and benefits of those individuals who directly manage client cases.

**Operations** – 20%

Rent, utilities, equipment, printing, postage and phone expenses.

**Support Staff** – 15%

Salaries and benefits of secretarial support, business management and technical staff.

**Coordinating Services** – 5%

Statewide efforts of both legal aid organizations; website, pro bono activities, board training, and legal training. In addition, staffing of the Access to Justice Commission.
THE VOICES OF JUSTICE – CLIENT STORIES

There is no better way to provide an understanding of the value of justice to readers of this annual report than to hear some of the voices of justice – those individual whose lives have been changed by legal aid. Their legal needs addressed issues ranging from financial stability, to educational equity, to fair housing, to guardianship, to bankruptcy, to foreclosure, to Social Security, to advance directives. These are the myriad problems faced daily by low income Arkansans. Together these stories, and thousands like them, are the voices of justice.

In Arkansas, we have seen an increase in the number of properties facing foreclosure. In 2008, 14,277 properties in Arkansas faced foreclosure, which is a 123% increase from the previous year. These homeowners come to legal aid when they can not afford to hire an attorney, and we try to help them keep their home. One resident of Washington County was such a homeowner. He fell behind on his mortgage payments and tried to negotiate a deal with his mortgage company. The company agreed to accept reduced payments. Instead of sending one check for the new payment, however, our client had split his payment between two checks. The mortgage company didn’t notice that the checks totaled his new payment; instead, the company thought that our client had failed to comply with his new contract. So the mortgage company sold the home and evicted our client. Legal aid initiated action on behalf evicted homeowner and explained the situation to his mortgage company. The company agreed to rescind the sale and to reinstate the new contract. (The mortgage company had been the buyer at the sale.)

Family law cases continue to be the single largest type of cases handled by the two legal aid organizations in the state. A particularly troubling such case this year centered on the follow up to a divorce. At the time of the dissolution of the marriage the father gained custody of the parties’ 17 year old daughter. As time went on the daughter began accusing the father of improperly touching her. Several such occasions were identified. In the meantime the father, with another minor child not his daughter, had been convicted of felony sexual abuse and was then registered as a sex offender. Legal aid on behalf of the 17 year old daughter obtained an ex parte custody order and later a permanent change of custody on behalf of the child client. In this new custody situation the father was denied visitation rights.

As the recession deepened this year more and more low income Arkansans faced economic hardships. People with limited income become prey to many an unscrupulous business practice. A 61-year-old disabled widow, entered into a contract with an online business. The business instructs individuals on how to build a website and sell merchandise online. As part of her contract the widow had made a down payment of $235 and agreed to let the company draft $142.98 monthly from her bank account. She ended up paying a total of $3,666.58 to the online business. After several months, however, she realized that she was not as computer savvy as she needed to be in order to successfully build a website. She contacted the business asking that the monthly withdrawals from her bank account be stopped. But the company refused to cancel the contract telling her that she could only have cancelled the contract within the first three days of signing it. The woman then contacted legal aid and her case was referred to a pro bono [volunteer] attorney. Within days the attorney reached an agreement with the company which rescinded the contract after one phone call.

Remember the tornados that swept through Arkansas last year? One of the tornados in May destroyed the mobile home of a Pope County resident and her disabled husband. After taking the correct actions with their insurance company, the couple was issued a check for $11,000, to be used for repairs. But the couple couldn’t find a repairman willing to take the job. No one was willing to make the long back roads trip that crossed downed trees and power lines to the damaged property. Moreover, the mobile home was damaged so badly that no repairman who managed to reach it was willing to take the job at that price. The insurance check was just too small to return the residents to a habitable home. So the rural couple came to legal aid for help. After becoming involved and talking to the insurance company, the insurer agreed to pay the whole amount owed on the mortgage. A legal aid attorney then directed the couple to apply for FEMA assistance even though they had missed FEMA’s deadline. FEMA directed them to the Small Business Administration, and SBA gave them a $57,000 loan. The displaced family are on their way to owning their own home again.