

The State of Justice

2012 Annual Justice Partners Report



Center for Arkansas Legal Services | Legal Aid of Arkansas
Arkansas Access to Justice Commission | Arkansas IOLTA Foundation
Arkansas Pro Bono Partnership | Arkansas Access to Justice Foundation

YOU ARE PART OF AN HONORABLE TRADITION ENTRUSTED TO ADVANCE THE
CAUSE OF THE IMPOVERISHED, DEFENSELESS, AND OPPRESSED

YOU MADE A STAND
WHEN OTHERS TURNED AWAY

YOU SPOKE
FOR SOMEONE WHO COULD NOT SPEAK

YOU GAVE
YOUR TIME AND YOUR MONEY

YOU DECIDED TO HELP
AND IT MADE THE DIFFERENCE BETWEEN
JUSTICE FOR SOME AND JUSTICE FOR ALL

YOU ARE AN ARKANSAS PRO BONO ATTORNEY

DEAR ARKANSAS LAWYER,

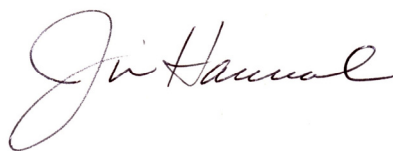
Over the past decade, our country has experienced dramatic economic and demographic changes that have made it increasingly difficult for many of our citizens to gain meaningful access to our civil justice system. The United States is ranked 66th out of 98 countries in access and affordability of civil legal services—behind such countries as Sierra Leone and Ghana—according to an American Bar Association initiative known as the World Justice Project. **We have seen this firsthand in Arkansas as the number of individuals who cannot afford an attorney and who represent themselves in court steadily grows.** Federal funding for our state’s two free legal aid organizations—the Center for Arkansas Legal Services (CALs) and Legal Aid of Arkansas (LAA)—continues to decline. At the same time, a significant number of recent law school graduates are unemployed or underemployed and many law practices in more rural, depressed areas of the state are struggling. These very real challenges are having a negative impact on our system of justice.

In spite of these challenges, Arkansas attorneys from the private, public, and nonprofit sectors are stepping up. Last year, more than 65% of all Arkansas-licensed attorneys reported having performed some pro bono service in Arkansas, either through legal aid or on their own. A total of 539 individual attorneys, 51 law firms, and 51 corporate donors made financial or in-kind contributions to support the work of Arkansas Access to Justice, CALs, and LAA. The names of contributors and pro bono attorneys who accepted referrals from legal aid are listed on the pages that follow.

The broader justice community is also stepping up by supporting innovative projects that stretch limited resources in creative ways to increase access to justice. Those partners include the Arkansas Access to Justice Commission, the Arkansas Access to Justice Foundation, the Arkansas IOLTA Foundation, the Arkansas Legal Services Partnership, and the Arkansas Pro Bono Partnership. This annual report highlights some of these innovations, as well as stories of the day-to-day work that our pro bono and legal aid attorneys do to fulfill their oaths as attorneys to take up “the cause of the impoverished, the defenseless, or the oppressed.”

Finally, this annual report provides the 2012 case and financial information for Arkansas’s two free legal aid organizations. In 2012, CALs and LAA closed more than 12,900 cases with over 2,500 pending cases at the end of the year. This staggering caseload is handled by a dedicated staff of only 58 attorneys who have devoted their legal careers to ensuring that the least among us are zealously represented.

There are many partners in this commendable effort, but there is one shared vision: **to champion equal access to justice for all, regardless of economic or social circumstances.** The need for pro bono volunteers and financial support has never been greater. Because of your continued support, thousands of Arkansans have meaningful access to our system of justice that would otherwise be denied. **Thank you for your dedication to ensuring access to justice for those who would otherwise do without.**



Honorable Jim Hannah, Chief Justice
Arkansas Supreme Court



2012 STATE OF JUSTICE PROJECTS

Housing Rights & Consumer Protection Program

Low to moderate-income Arkansans who are facing foreclosure, landlord and tenant issues, consumer fraud issues, and other housing-related legal problems can get free legal assistance through the Housing Rights and Consumer Protection Program.

The Center for Arkansas Legal Services and Legal Aid of Arkansas formed this program out of settlement funds directed by the Arkansas Attorney General to provide access to justice for Arkansans affected by the housing crisis. It includes a special team of legal aid attorneys who can assist Arkansans statewide with foreclosure defense, foreclosure prevention, eviction defense, housing discrimination, unfair or deceptive trade practices, housing-related predatory lending, and other matters related to safe and affordable housing.



Arkansans with housing-related legal issues can visit www.arlegalservices.org/foreclosure for more information.

Medical-Legal Partnerships Across Arkansas



A woman regularly suffers seizures and also has depression, conditions that qualify her for SSI benefits. However, when the Social Security Administration reviewed her case, it decided that she no longer qualified. No attorney would represent her, even the attorney who helped her qualify for benefits several years ago. With the end of her Medicaid benefits, she could no longer get her needed medication. A Mid-South therapist identified the client's needs and scheduled a time for her to see an attorney through the medical-legal partnership. Through this partnership, an attorney worked with the mental health clinic and got the client's SSI reinstated and continued to work for the client to help smooth her problems with Medicaid.

These medical-legal partnerships at Arkansas Children's Hospital, Clarendon, Mariana, and West Memphis have helped more than 440 patients and put more than \$180,900 back into the pockets of these families. Access to legal services not only helps low-income families address obstacles to good health and continuing recovery but also helps connect families with chronically ill patients to benefits and protections, including disability income, adequate nutrition, and safe affordable housing. The medical-legal partnership succeeded in placing a helpless baby with no home into adoptive care.

The Long Road to Justice

The 3rd Annual Road to Justice led by Legal Aid of Arkansas once again included law students helping low-income Arkansans. Legal aid staff, pro bono attorneys, and law students traveled across northern Arkansas to Marshall, Green Forest, Clinton, Melbourne, and Salem, conducting legal intakes and working side-by-side to assist clients on the spot. This was also the first year that the Road to Justice went to the Ozarks. The Road to Justice Program is organized by Legal Aid of Arkansas' AmeriCorps advocates and is funded in part by the Student Bar Association at the University of Arkansas School of Law.



Learn and Do Pro Bono Event Series



Pro bono attorneys, law students, notaries, and legal aid staff volunteered throughout the state to participate in providing our first responders and senior citizens important end-of-life legal documents, including simple wills, advance directives, and powers of attorney for health care and financial matters. Locations included Little Rock, Rogers, and Hot Springs. Approximately 105 attorneys from multiple law firms, bar associations, and other organizations prepared more than 410 legal documents for senior citizens and firefighters, police officers, emergency health care workers, military personnel and their families.

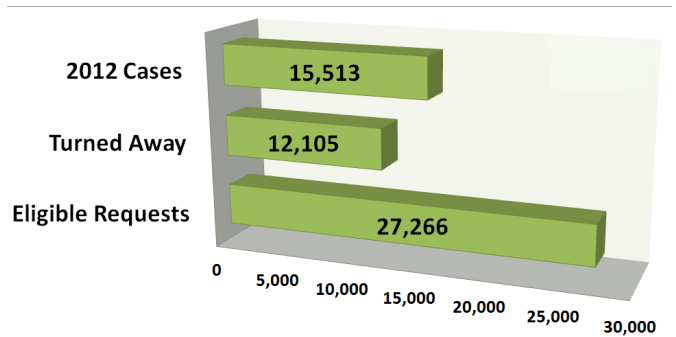
View more of our justice projects at www.arlegalservices.org/justiceprojects

LEGAL AID IN ARKANSAS 2012 – HOW WE HELP

Many Arkansas families are on the edge with increased bankruptcies, foreclosures, and unemployment. Unfortunately, funding for legal services continues to decline when Arkansans need it most. The two free legal aid organizations have recently completed a legal needs study of where to best focus our limited resources and look forward to implementing changes related to the findings in 2013. We would like to thank all members of the justice community who provided feedback for this study. The following tables and narratives show the number of cases, case types, and the value of the critical pro bono support provided by Arkansas attorneys.

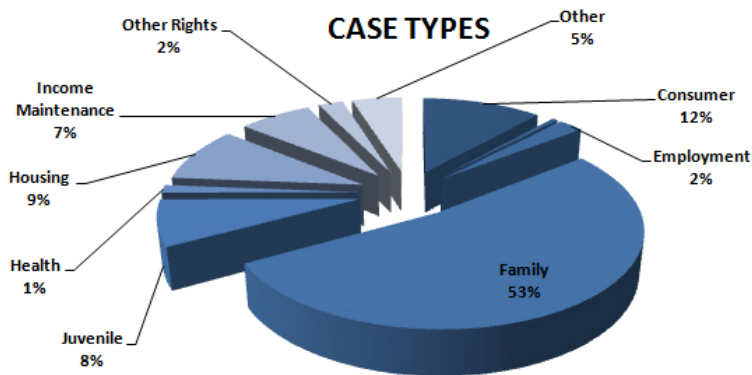
CLIENT NUMBERS

- 724,850 Arkansans are eligible for legal aid
- 27,266 eligible clients requested help
- 15,513 client cases (closed or pending)
- 12,105 Arkansans turned away due to resource limitations
- \$4.5 Million attained for Arkansans as client recovery
- 32,747 total Arkansans were helped (all household members)



PRIMARY AREAS OF PRACTICE

- 6,806 cases assisting families with domestic abuse, child protection, and other family law
- 1,497 consumer law cases (bankruptcy, foreclosure, collections, and other consumer law)
- 1,405 health & housing issues, including evictions, foreclosures, and Medicaid
- 1,019 juvenile cases for children who were neglected or abused (includes guardianships)
- 904 cases involving SSI and SSDI income maintenance
- 1,323 cases involving employment, education, individual rights and other civil legal matters



"I cannot convey in words how comforting it was to have representation when I had to go into the courtroom to face the man who hurt me. It was extremely frightening and emotionally charged, but my attorneys were a very great help and comfort to me.

Many thanks to all who were involved in my case. Please continue doing your great work."

PRO BONO SUPPORT

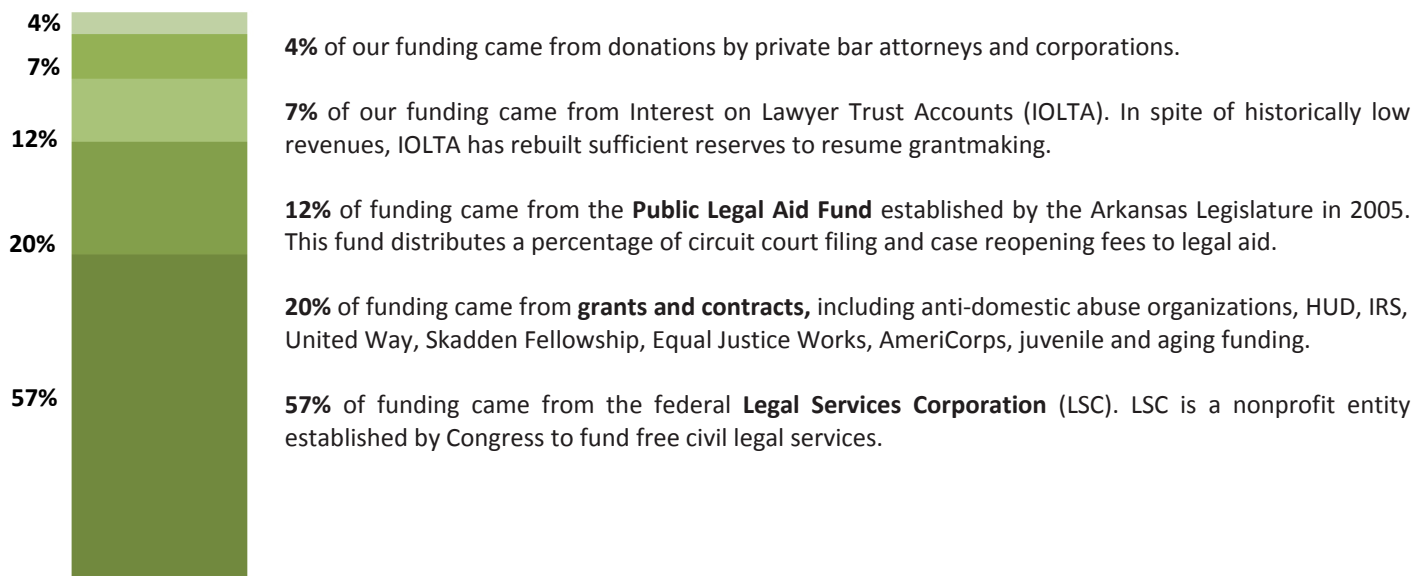
- 1,403 private attorneys volunteered to take cases pro bono
- 75 attorneys volunteered for alternative and limited scope pro bono events
- 56 out-of-state attorneys volunteered to take cases pro bono
- \$1,652,056 of pro bono services (in-kind value) was provided by Arkansas attorneys
- \$243,393 in private donations (VOCALS, LAA, and the Arkansas Access to Justice Foundation)

LEGAL AID IN ARKANSAS 2012 – FUNDING

There are **six sources of financial support** for legal aid in Arkansas. These funding sources include: Legal Services Corporation (LSC), grants and contracts, the Public Legal Aid Fund, Interest on Lawyer Trust Accounts (IOLTA), donations from private bar attorneys and corporations, and other donations and partnerships.

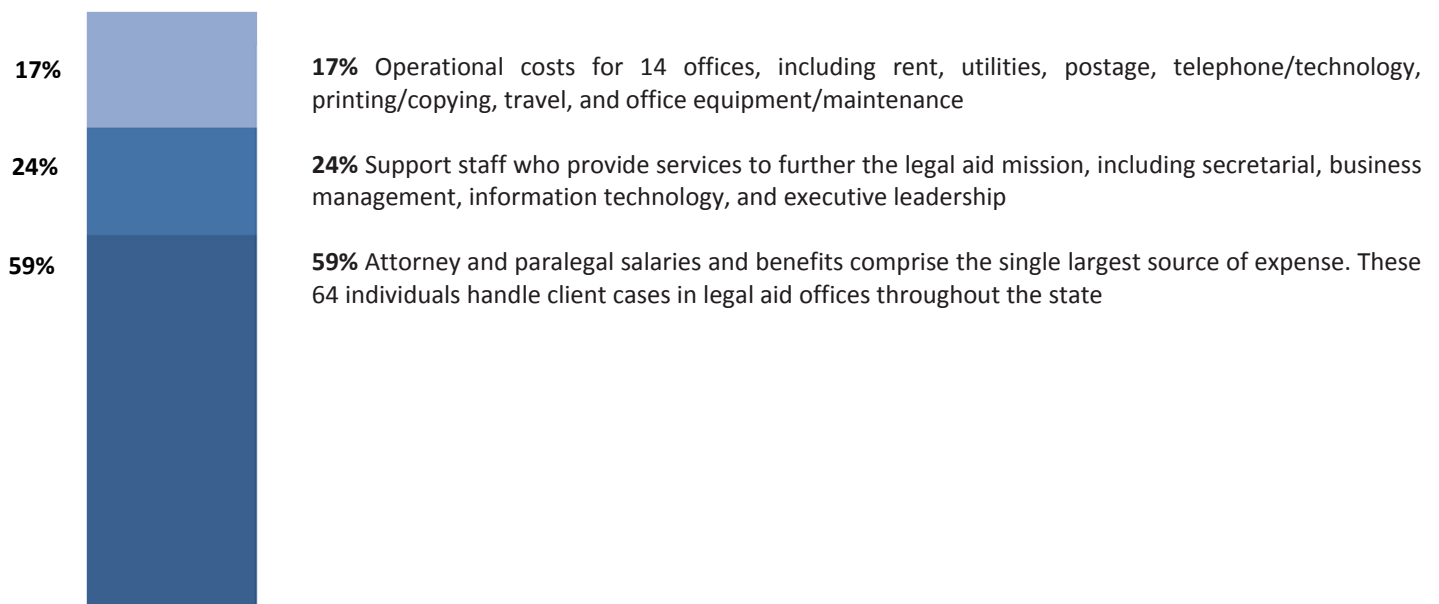
There was a **15% federal funding cut** to the two free legal aid organizations in 2012. The organizations have also received additional federal funding cuts of 5% so far in 2013. Adding to the problem, the Public Legal Aid Fund (Legal Aid's second largest funding source until 2012) **decreased by 16%** in 2012. The current array of funding sources and contributions is not a **viable substitute for stable funding** to ensure that legal assistance is available to the poor. The following charts and narratives show the revenue that are used to provide the services detailed on the previous page.

REVENUE



One of the most challenging aspects of legal aid work is **to extend the impact of limited funds as efficiently and effectively as possible**. The following charts show the expenditures that are used to provide the services detailed on the previous page.

EXPENDITURES



REPRESENTING HOPE – CLIENT STORIES

Partners for Justice

The client, who was more than 80 years old, fell in the bathtub and had to go to the hospital. During her time in rehabilitation, her daughter decided that she should be her mother's guardian. The client, however, was not mentally incompetent and was, in fact, very sharp. Unfortunately, after hiring an attorney, the client's daughter obtained a temporary Order of Guardianship over the client. Worse, while the client was in the nursing facility recovering, her daughter terminated the lease on the client's apartment and gave away the client's dog. The client reached out for help, and staff attorney Mark D'Auteuil was assigned to the case. With the help of the AAA Regional Ombudsman Stacy Pearson, they were able to convince the daughter's attorney that the medical evidence would not be enough to support the daughter's guardianship action. The action was dismissed, and the client got her dog back and settled into a new apartment.



Advocate: Mark D'Auteuil, Staff Attorney – *Center for Arkansas Legal Services*

Protecting Children and Families

After the client's mother unexpectedly passed away, the client sought guardianship over her 12-year old granddaughter. The father of the child was unknown, and the deceased mother's boyfriend continued threatening to take the child away from the client in order to obtain the child's Social Security benefits. VOCALS attorney LaTonya Austin accepted the case and filed a guardianship on the client's behalf. With Ms. Austin's help, the client was appointed as permanent guardian over her granddaughter, and the guardianship set aside at least \$125 per month of the granddaughter's Social Security benefits to be used by the child once she reaches the age of majority.



Advocate: LaTonya Austin, VOCALS Pro Bono Attorney – *The Austin Law Firm, PLLC*

Tax Help

A Marshallese client received a letter from the IRS stating she owed additional taxes as a result of claiming her biological children on her tax return. The IRS alleged she could not prove how she was related to the children. After an IRS audit from the client not sending in the requested information, she would owe around \$10,000. Legal Aid of Arkansas Low-Income Tax Clinic prepared audit reconsideration on the client's behalf. The IRS accepted the reconsideration, which resulted in the client's tax debt being wiped out. The client also received refunds totaling more than \$8,160 for the combined 2009 and 2010 tax years.



Advocate: Jennifer Liguori, Clinic Director – *Legal Aid of Arkansas Low-Income Tax Clinic*

Saving Homes

An elderly client needed help putting the land that her deceased parents had given her in her name. She'd paid taxes on the land for more than 10 years. Bill Waddell accepted the case through the Arkansas Volunteer Lawyers for the Elderly. He worked hard over a long period of time to identify and serve all of the heirs who might claim an interest in the property and filed a petition for a quiet title. Mr. Waddell represented the client at trial, and the client was named the clear owner of the property for the first time. Waddell didn't stop there, however, and drafted a Last Will and Testament for the client in the hopes of preventing this issue from occurring in the next generation.



Advocate: Bill Waddell, AVLE Pro Bono Attorney – *Friday, Eldredge & Clark, LLP*

More client stories are available on the Arkansas Legal Services Partnership website at www.arlegalservices.org/clientstories.

PRO BONO ATTORNEYS OF THE YEAR

Danyelle Jones Walker

Pulaski County VOCALS Attorney of the Year



The VOCALS Board of Directors honored Danyelle Jones Walker of the Law Office of Danyelle Walker as the VOCALS Attorney of the Year for 2012.

Ms. Walker joined VOCALS to help clients file bankruptcy and quickly proved to be a

dependable asset to the program by helping numerous clients. As a member of VOCALS, Ms. Walker has accepted 161 cases.

The changes in bankruptcy laws that went into effect in October 2005 reduced the number of attorneys practicing in bankruptcy, making attorneys accepting pro bono bankruptcies even harder to find. This, however, didn't deter Ms. Walker. She agreed to continue to accept bankruptcy clients pro bono.

With this determination and veracity, Ms. Walker has been key in showcasing the model attorney.

Danyelle Jones Walker – Law Office of Danyelle Walker, PLLC

Mark Chadick

Jefferson County VOCALS Attorney of the Year



Mark Chadick has been named the Jefferson County VOCALS Pro Bono Attorney of the Year for 2012.

Since joining VOCALS, Mr. Chadick has volunteered for 48 pro bono cases. For him, there is no greater service or satisfaction than battling for those who are impoverished. Mr. Chadick's volunteer work has provided critical legal assistance to low-income residents in Jefferson County.

Mark Chadick – Law Offices of Mark B. Chadick

View previous pro bono awardees at
www.arlegalservices.org/probonoawards

Randall McGinnis

River Valley Volunteer Attorney Project Attorney of the Year

The River Valley Volunteer Attorney Project presented its 2012 Pro Bono Publico Award to Randall McGinnis.



For nearly 20 years, Mr. McGinnis has provided pro bono legal counsel and representation to indigent Arkansans, donating 58 hours of volunteer work for cases involving adoption and guardianship.

Randall McGinnis – Jones, Jackson & Moll

Donn Mixon

Outstanding Volunteer Attorney for Legal Aid of Arkansas

Legal Aid of Arkansas recognized Donn Mixon as the 2012 Outstanding Volunteer Attorney. Mr. Mixon showed his commitment to serving low-income individuals by volunteering more than 100 hours of pro bono service to Arkansans in Clay, Craighead, Crittenden, Greene, Mississippi, and Poinsett Counties.



His donation represents the largest number of hours volunteered by any attorney in the Legal Aid service area.

Mr. Mixon also earned the Price Dickson Award and the Arkansas Bar Association Foundation Award for published legal articles.

Donn Mixon – Mixon Law Firm

Roger Colbert

Volunteer Lawyers for the Elderly Attorney of the Year



The Arkansas Volunteer Lawyers for the Elderly (AVLE) named Roger Colbert as its 2012 Pro Bono Attorney of the Year. Mr. Colbert donated his pro bono hours exclusively to elderly clients in need of help on a variety of legal issues, including wills, powers of attorney, and

property issues.

Roger Colbert – Hamilton, Colbert & Scurlock, LLP

CHAMPION OF JUSTICE AWARDS

Lynn Pence

Center for Arkansas Legal Services



The Arkansas Access to Justice Commission awarded Lynn Pence with the 2012 Champion of Justice Award.

Ms. Pence has been a staff attorney at the Center for Arkansas Legal Services Little Rock office for more than 26 years, handling civil cases in state court and some appellate and federal court cases. Ms. Pence's legal career also includes being a member of various focus groups working on policy issues and a dedication to practicing law that benefits and assists low-income Arkansans.

Through her efforts, the Arkansas law that allowed involuntary sterilization of incompetents was declared unconstitutional. Ms. Pence helped put a stop to the practice of sterilizing incompetent persons against their will without first obtaining a court order. She has also worked on such significant cases as *Bruce v. Dillahunty*, *McAfee v. Spencer*, and *Weesner v. Johnson*.

Six years after working as a staff attorney for the Center for Arkansas Legal Services, Ms. Pence was promoted to Managing Attorney of the Little Rock office, where she worked closely with then Executive Director Don Hollingsworth in the development of overall policies and procedures.

In 1997, Ms. Pence chose to return to her position as staff attorney. From 2007-2010, she served as Parent Counsel Coordinator for the State of Arkansas through a contract between the Administrative Office of the Courts and the Center for Arkansas Legal Services. As Parent Counsel Coordinator, she had the responsibility of ensuring that every indigent parent statutorily entitled to appointed counsel in dependency/neglect proceedings was represented.

Margaret Reger

Legal Aid of Arkansas

The Arkansas Access to Justice Commission honored Margaret Reger with the 2012 Champion of Justice Award.

Ms. Reger is a senior staff attorney at the Legal Aid of Arkansas Harrison office and has worked for Legal Aid for 35 years, dedicating herself to defending equal access to justice. She's worked hard to provide this access for her clients, who include victims of domestic violence, individuals with substance abuse problems, and parents who have lost their children to state custody.



Ms. Reger's sense of duty, professionalism, and a genuine desire to give back to the community earned her the Lawyer Community Legacy Award from the Arkansas Bar Association in 2006.

Throughout her legal career, Ms. Reger fought to keep the doors of the legal services offices open amid funding crises while managing an ever-increasing caseload. She has continued to serve as a role model for fellow advocates and attorneys by representing those in the community in critical need of legal help.

FOUNDATION OF HOPE: RAISING RESOURCES FOR JUSTICE

ANNUAL CAMPAIGN

In 2012, the Arkansas Access to Justice Foundation, Legal Aid of Arkansas, and the Volunteer Organization of the Center for Arkansas Legal Services raised a **combined total of \$243,393** to support free civil legal services for low-income Arkansans and projects to increase access to civil justice. Significant gifts came from the **Walmart Legal Department; Friday, Eldredge & Clark; Acxiom Corporation; and Wright, Lindsey & Jennings.**

The mission of the Arkansas Access to Justice Foundation is to promote and to support access to the civil justice system by persons in Arkansas who cannot afford a lawyer and for whom the law does not provide a right to counsel; to educate the public regarding the needs of Arkansans related to meaningful access to the justice system; and to assist in support activities, including fundraising, that enable the Arkansas Access to Justice Commission, the Center for Arkansas Legal Services (CALs), and Legal Aid of Arkansas (LAA) to fulfill their missions of providing access to civil justice and legal aid to Arkansans who cannot afford a lawyer and who qualify for legal services. The majority of the Foundation's revenues go directly to CALs and LAA to support the provision of legal services for the poor. **In 2012, the Foundation distributed nearly \$160,000 directly to CALs and LAA.**

The names of the individuals, law firms, and corporations that contributed to the 2012 campaign are listed in the pages that follow. **For additional information, visit www.arkansasjustice.org/2012campaign.**

IOLTA PROGRAM UPDATE

Created in 1985, the Arkansas IOLTA Foundation (IOLTA) was established as a voluntary program permitting the collection of interest on lawyers' trust accounts that are nominal in amount and of short duration to use for purposes approved by the Supreme Court, including **legal aid to the poor, student loans and scholarships, and improvement of the administration of justice.** In 1994, the Arkansas Supreme Court made attorney participation in the program mandatory. IOLTA has since generated a collective total of almost \$10,000,000 to support these critically needed programs through grants. However, the recent economic crisis has caused IOLTA program revenues to plummet to historic lows, resulting in a severe reduction of the grants that IOLTA makes in fulfillment of its mission. In 2010 and 2011, IOLTA was unable to make grants in any amount to support legal aid to the poor. Modest grantmaking resumed in 2012, with general support grants for legal aid totaling approximately \$317,000. **Because interest rates are projected to remain low until at least 2015, significant grants of IOLTA program funds are not likely for several more years.**

In spite of these developments, IOLTA is playing a critical role in directing resources to programs that provide legal representation. IOLTA is administering grants for the **Housing Rights & Consumer Protection Program** out of a **\$2,000,000 distribution made by the Arkansas Attorney General** as a result of a 2012 multi-state settlement with the country's five largest mortgage lenders. IOLTA also recognizes "preferred banks" that waive their fees and pay competitive interest rates on IOLTA accounts.

In addition to making individual contributions, attorneys who participate in the Arkansas IOLTA program can help us increase the resources available to support fair access to the justice system by banking with a preferred bank. **For a complete list of our participating and our preferred banks, visit www.arkansaiolta.org.**

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