

**Judicial Council of Georgia
Access 2 Justice Committee**

Wednesday, February 19, 2020

12:00 p.m. – 1:30 p.m.

Georgia Technology Authority
Ground Floor, Room G30
47 Trinity Avenue
Atlanta, Georgia 30334

Conference Call Information
Telephone # **1-877-273-4202**
Conference Room Number: **9583294**

- I. Welcome and Introductions** - 10 minutes, Justice Robert Benham and Justice Charlie Bethel
- II. Written Reports** - Summary of December 4, 2019

SAVE THE DATES- Upcoming Events

-Third Annual State of the South Conference, February 20th – 21st, 2020 (opening reception Feb. 20th) Feb. 21st 8:00 a.m. to 4:30 p.m., Georgia State University College of Law, Atlanta GA

- National Self Represented Litigation Network (SRLN) Conference, March 4th – 6th 2020, Vanderbilt Law, Nashville, TN

- Free Legal Record Restriction Series March 7th, 2020, Dalton GA

- Free Legal Record Restriction Series March 24th, 2020, Savannah GA

A2J Committee Project and Community Updates

- III. Free Legal Record Restriction/Expungement Clinic, Dalton GA** – 3 minutes, Justice Bethel
- IV. SRL Forms Working Group Update** - 2 minutes, Vicky Kimbrell
- V. Deaf and Hard of Hearing Working Group Update** -2 minutes, Dr. Will Simmons
- VI. Pilot Project Update** – 5 minutes, Nancy Long and Tabitha Ponder
- VII. Toolkit Update** – 3 -minutes Judge Cassandra Kirk
- VIII. Special Presentations** – 30 minutes
- IX. Old Business**

X. New Business (Stonewall Bar Presentation) - 5 minutes Judge Mike Jacobs

XI. Adjourn

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Present: Justice Benham; Justice Bethel; Judge Edwards; Judge Colvin; Judge Kristina Blum; Judge Bill Adams; Judge Cuthpert (phone); Judge Doyle

Others present Tabitha Ponder, Latoinna Lawrence, Judge Cassandra Kirk; Noelle Lagueux-Alvarez; Michelle Barclay; Paula Myrick, John Botero; Nancy Long; Vicki Kimbrell; MJ Blakely; Darlene Kelley; Alex Allibom; Meisa Pace; Keia Evans; LaShawn Murphy

I. Welcome and Introductions

The meeting was called to order at 12:04 p.m. Justice Benham opened the meeting with a quote and poem. Shortly after, Justice Bethel conducted the committee meeting introductions of everyone in attendance.

II. Written Reports

The previous written reports were distributed via email. A vote on the written reports was taken. The vote was carried. The future tentative commission meeting dates were discussed: February 19th, May 13th, August 19th and November 18th. If anyone has any conflicts, please contact Latoinna Lawrence and or Tabitha Ponder. The Chief Justice Commission on Professionalism was announced so attendees can save the date, which is scheduled for December 13th, 2019, 8:30 am to 5:00 pm.

III. SJI Grant

Michelle Barclay stated we will receive a \$40,000 grant to hold expungement clinics (record restrictions). We are going use the grant to pay lawyers, space/locations, PR, radio ads, and event planning. The check should be received in by the end of December 2019. The goal is to have one expungement clinic a month.

IV. Presentation on Handbook and Bench Card for Judges on the Servicemembers Civil Relief Act

The SCRA booklet guide is completed. 150 booklets will be ready for the Judicial Council meeting in December 2019. We are still working on the SCRA bench card. All edits are welcome. The Chief Justice Commission on Professionalism is helping us print out the booklets as a joint project.

V. Deaf and Hard of Hearing Working Group

The bench card is almost complete, currently it is in the final stages to full completion. This bench card was also sent to the Commission on Interpreters, as we are working with them. There is a question on if we can combine the bench card. Once we receive the stamp of approval from the Commission on Interpreter's and suggestions from William Goren, we should have the final product by the next committee meeting in 2020. John Botero will also assist us to enhance the bench card.

VI. Forms Working Group

Per Vicki Kimbrell, the forms working group met in December (Cathy Waddell, Latoinna Lawrence, Vicki Kimbrell, Judge Blum, Judge Adams, Tabitha Ponder). They looked at different forms and made a list to see what the top 12 forms self-represented litigants use. Family Law forms are the most widely used. 53% of self-represented litigants cases are family law. Videos have been created (how to represent yourself) by GA State students and placed on the Dougherty County website. In Gwinnett County has a whole set of videos on how to "represent yourself" assistance. The goal is to have GTA to pay for a search engine, we come up with the questions, then a form will create. If we provide them the information and the website, we want them to land on, it will help direct the self-represented litigants with their forms.

VII. Legal Clinic Record Restrictions

Tabitha Ponder is working with Justice Bethel on a Records Restriction/Expungement clinic in February 2020 in Dalton GA. A date shall be determined very soon.

VIII. JFA Strategic Plan

We received a small grant for printing from the Civil Justice Foundation to print more toolkit booklets. Judge Kirk will assistance Tabitha Ponder. We will give them out to the faith leaders when we visit. Judges and clerks' offices will have them on hand.

IX. Dougherty County Law Library

Lauren Alford has left the Dougherty County Law library and the succession plan has stopped. A lawyer is needed as soon as possible before they start to lose money. The Justices are now on board. The law library and the self-help centers cannot be separated. Nancy stated two law clerks are helping through the transition. \$36,000 comes from the state and the rest comes from the county. The ICLE contract brings in \$12,000 per quarter to the self-help center. A few board members will not fund the self-help center. Twelve members are supposed to be on the board (the trustees by statute). But all do not participate. \$300,000 is in their account is sitting in the law library. Nancy Long states Georgia is the only southern state that has received the grant. \$14,382 people are being served as of December 3rd, 2019. As of now, Tabitha Ponder does not have an update regarding bringing in a part time lawyer, but Judge Lockett is working on it.

X. Old Business

No old business was discussed.

XI. New Business

Per Judge Doyle, there was a situation in the Court of Appeals, there was an application by an incarcerated pro-se prisoner who was trying to file something in a timely manner. An application was granted, and the prisoner had 10 days to file a notice of appeal. The prisoner turned the application the next day, but it took too long to get to Fulton County (14 days later) and we were forced to dismiss it, leading him to lose his right to appeal. Brian Rickman and a clerk are on top of this. They want to work with the Department of Corrections. Judge Doyle would like to start working on this in 2020.

In May 2020, the National Equal Justice Access to Justice Conference will commence in Georgia. The Chief has agreed to be the keynote speaker and Justice Benham will receive an award for his life work on Access to Justice. It will start May 8th and 9th, 2020. Tabitha will need assistance to obtain sponsorships, attendance, funds, etc. Charles Lester is currently helping and has donated \$1000. We need to raise between \$5000 to \$10,000.

The meeting was adjourned at 1:11 p.m.



Best Practices for Courtroom Accessibility Deaf and Hard of Hearing Persons in the Courts



1. Notify the presiding judge of any party, witness, juror, or member of the bar, etc. who is deaf or hard of hearing and may need an accommodation. Provide information gathered from discussions with the party. The judge may initiate an accommodation request prior to the court proceeding.
2. Before any civil or criminal hearing, the judge should inquire on the record whether the parties have been notified of their rights under the Americans with Disabilities Act (ADA) and court rules.
3. Notify the other parties of the accommodation request.
4. Determine the degree of accommodation needed. Request reasonable documentation regarding the need for an accommodation.
5. The judge may determine if a hearing is necessary to determine the appropriate accommodation. Determine the need for assistance (interpreters, assisted listening devices, or sign language, etc.).

6. Obtain the necessary assistance or device available to address the accommodation request through the (district) court administrator. Ensure all requests for modifications are handled timely and with respect.
7. Allow for reasonable accommodations or modifications at the hearing so the party has an equal opportunity to present his or her case as the opposing party without a disability.
8. The court must provide accommodations or modifications without charge. The requested accommodations or modifications do not have to be provided if doing so would fundamentally alter the nature of the service, program, benefits, or activities of the court. The accommodation also does not have to be provided if doing so would jeopardize the overall financial resources of the governmental entity.
9. Promote the jurisdiction's procedures for requesting accommodations for litigants via a court website and printed ADA informational brochures.

Considerations to Ensure Persons with Disabilities Have Meaningful Access per the ADA

10. Identify yearly training opportunities for judges and administrative staff on ADA compliance.
11. Designate a circuit ADA coordinator to collaborate with well-trained local human resources staff and the local county or city attorney's office.
12. Establish an ADA grievance process. The language access coordinator may serve as the designee for this task.
13. Consider any request on an individual basis.
14. Educate court personnel and be familiar with federal regulations on service animals and effective communications.
15. Be receptive and give primary consideration to the individual's preferred mode of communicating.
16. Establish specific but flexible procedures to address reasonable accommodation or modification requests and to meet recurring accessibility needs.

Resources

- Georgia Judicial Handbook for Courtroom Accessibility
Jurors with Disabilities. National Center for State Courts (2018).
<https://www.ncsc.org/-/media/Microsites/Files/CJS/Other/Juror%20with%20Disabilities%20Final%20Report.ashx>
National Association of the Deaf (www.nad.org).
- Douglas, M. (2011). Understanding the Rights of Deaf and Hard of Hearing Individuals to Meaningful Participation in Court Proceedings. Valparaiso University Law Review. Vol. 45, N. 3; pp. 927-965. [Pravdahttps://scholar.valpo.edu/cgi/viewcontent.cgi?article=1833&context=vulr](https://scholar.valpo.edu/cgi/viewcontent.cgi?article=1833&context=vulr)
The Understanding ADA blog, <http://www.williamgoren.com/blog>
Silva v. Baptist Health South Florida, 865 F.3d 824 (11th Cir. 2017).

Proposal to the Commission on Continuing Lawyer Competency
(CCLC)
Emergency Grant Request

Program Title: NCSC JFA-Pilot Project (DOCO Law Library)

Requested by: Dougherty County Law Library/Southwest Georgia Legal Self-Help Center Board

Agency Name to Receive the Grant: DOCO Law Library

Project Projected Completion Date: August 1, 2021

Amount of Request: \$300,000

In March 2018, the National Center for State Courts selected the Dougherty County Law Library as the pilot project representing Georgia in the Justice for All Project. The Justice for All project, with funding from the Public Welfare Foundation, awarded grants to seven states to advance the goal of providing civil justice for all. This grant was only awarded to: Alaska, Colorado, Georgia, Hawaii, Massachusetts, Minnesota, and New York. Later in 2018, the Judicial Council's Access to Justice Committee (A2J) voted to adopt the State Bar's Justice for All (JFA) Strategic Plan and has overseen the implementation and progress of the project.

The project goal of providing meaningful access to justice for all will be achieved by providing a wide range of legal services through comprehensive collaboration among legal services providers and community resource organizations. The Legal Service Corporation's 2017 Justice Gap Report found that 86% of low-income Americans received **inadequate or no legal help**. Over half of the 1.7 million problems brought to legal aid organizations were turned away due to a lack of resources. In fact, Georgia had 800,000 self-represented litigants in 2016 and over 1.2 million in 2017. As you may know, many counties in rural Georgia have few or no lawyers.

The A2J Committee is diligently working on action items in the Strategic Plan, and we are grateful for this opportunity to collaborate with the State Bar to address critical legal needs throughout Georgia. There has been amazing progress with the pilot project, Dougherty County Law Library/Self-Help Center (DOCO), as they consistently assist well over 40 to 50 patrons each day. This underfunded library has also provided services to residents of 98 counties throughout the state of Georgia, and is on track to assist over 10,000 self-represented litigants (SRLs) for the year.

Georgia's Pilot Project helps citizens of Georgia who otherwise have no access to civil legal services. The center currently provides the following types of services:

- Triage, diagnosis & referral
- Access to legal information – substantive & procedural
- Help filling out forms

- How-to videos
- Follow-up help (contempt, enforcement)
- Planning & prevention (wills, advance directives, etc.)
- Attorney referrals – full service, pro/low bono, limited scope
- Referrals to other community agencies

Through this project, we hope to achieve the following goals:

- ❖ Greater confidence in fairness, helpfulness and usefulness of the justice system;
- ❖ Increased efficiency with case flow through the court docket;
- ❖ More people with meaningful access to justice;
- ❖ Reduce demand for the unauthorized practice of law by providing appropriate alternatives to people who cannot afford full-service representation;
- ❖ Provide a model that can be replicated in other parts of the state.

The preliminary feedback from judges within judicial district #2 has been positive. 100% of the judges surveyed rated the project quality as “excellent.” 100% of judges surveyed said that self-represented litigants assisted by the center took less judicial time. **More importantly, SRLs assisted through the project were 40% less likely to have hearings re-scheduled due to lack of preparation**, and needed less assistance from the bench to complete their hearings.

Although this project has been extremely successful, adequate local support to assist in finding a sustainable funding mechanism is missing. Those concerned with access to justice issues in Georgia are appreciative of the undeniable results and model program that has developed from this initiative, and hope to replicate similar programs in various parts of Georgia. Unfortunately, this program struggles with adequate funding, and currently seeks immediate assistance as outlined below:

Why are emergency funds needed?

- The DOCO Law Library **statutory funds dropped 32%** from fiscal year 2017/18 to 2018/19, largely due to the AG opinion redefining “case” for the purpose of collecting law library funds.
- The Law Library will be **over \$15,000 in the red** even with only one part-time employee and no further funding cuts.
- Help Center **grant funds are almost depleted** as we near the end of the initial one-year grant period in mid-June
 - \$9,353.57 in the bank
 - \$900 owed to accountants for 990N tax return
 - \$2,500 - \$3,000 allocated for trip to New York JFA grant recipients
- **New grant monies will not arrive until late August at the earliest.**
 - Fellows grant--\$10,000 sought
 - IOLTA grant—\$94,500 sought
 - Wells Fargo grant—amount TBD, but it will be a large grant.

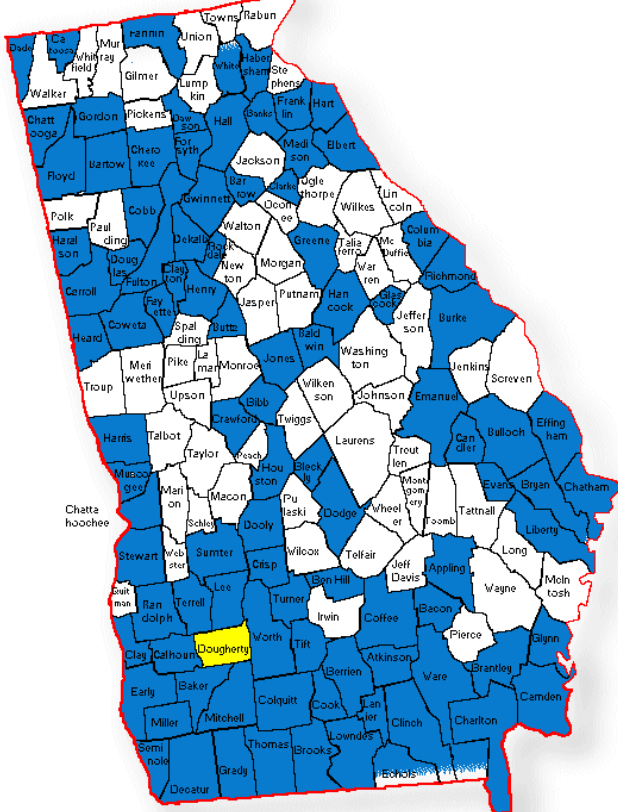
- Getting a different funding mechanism or different funding legislation will take longer than acquiring additional grant funds.

DOCO Law Library is implementing plans to raise revenue and reduce pressure on existing funds

- **We earned \$12,218.77 last year** in miscellaneous revenue.
- **We can earn an additional \$50,000 per year** if we charge \$20 each time we help someone fill out forms.
- We can earn money through an **alternative dispute resolution program**. We need time to convince local judges to create it.
- We can earn money through a **lawyer referral service**. We need time to get attorneys on board and involved, as well as garner support from GA Judiciary.

Receiving the requested \$300,000 would ensure that this project continue for an additional two years. This will allow for sufficient time to secure a sustainable funding source, and to complete much needed case docket research and data retrieval. We must all keep in mind that this is ultimately a "Georgia" project. As mentioned earlier, this grant was awarded to a limited number of states, and Georgia is the only southern state chosen as a recipient. Let's continue to lead the southern states, by exemplifying our continued pursuit of access to justice for all of Georgia's citizens.

Counties Served 6/1/2018 – 6/30/2019



Source: diymaps.net (c)