



Iowa Access to
Justice Commission
2018 Report

The mission of the Iowa Access to Justice Commission is to find solutions that will best serve Iowans who may encounter barriers to or difficulties with fully accessing Iowa's civil justice system.

Table of Contents

Members of the Commission	2
Introduction	3
Supreme Court Review of 2017 Report	5
Quarterly Meetings.....	7
Structure of Report	9
Corporate Involvement Work Group	10
Public Outreach Work Group	17
Pro Bono Work Group	23
Veterans Work Group	30
Rural Access Work Group	40
Language Access Work Group	49
Case Processing Work Group	58
Looking Forward	65
Conclusion	66
Appendix	67

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Introduction

This Report marks the culmination of the second year of activities of the Iowa Access to Justice Commission. The Commission enters its third year of existence with energy and with commitment to pursue the agenda described in the recommendations and goals in this Report.

The pressing need to address access to justice issues in Iowa continues unabated. As noted in the Commission’s 2017 Report, The Iowa State Bar Association estimated in 2015 that more than one million Iowans have difficulty affording an attorney to handle basic legal needs. Yet, as United States Supreme Court Justice Lewis F. Powell, Jr., noted during his tenure as President of the American Bar Association, “it is fundamental that justice should be the same, in substance and availability, without regard to economic status.”

Indeed, as Goodwin Liu, Associate Justice of the California Supreme Court, recently noted in the keynote address to the 2018 National Meeting of State Access to Justice Commission Chairs, legal aid lawyers are estimated to provide just one percent of the total personal legal needs in the United States each year. And it is further estimated that attorneys provide another two percent through an average of 30 hours of pro bono work. Said Associate Justice Liu: “Even if we asked every lawyer in America to do 100 more hours of pro bono work a year, all of that additional work would be enough to secure only 30 minutes per problem per household in America.”

The access to justice problem is not unique to Iowa. When the World Justice Project measured the accessibility and affordability of civil justice in 113 countries around the world in 2017, the United States tied for 94th place with Cameroon, Uganda, and Zambia.

In light of the urgent need to enhance access to justice for all Iowans, the Iowa Supreme Court established the Commission in 2016. In the order establishing the Commission, Chief Justice Cady noted:

Iowa courts are seeing an increasing number of self-represented litigants, many of whom have no choice but to proceed without the assistance of counsel. Inability to afford the cost of legal representation and other barriers to access to justice unfairly

impact the lives of too many Iowans. Despite the outstanding contributions from legal aid organizations in Iowa and the steadfast volunteer service of thousands of committed Iowa attorneys, Iowa must do more to assure meaningful and informed access to justice for all persons.

The Iowa Commission currently comprises 28 Iowans whom the Chief Justice has appointed. Iowa Supreme Court Justice Brent Appel continues to serve as Chair of the Commission. Attorney Anjela Shutts continues to serve as Vice Chair of the Commission. The Commission worked closely with The Iowa State Bar Association, which provides conference facilities for Commission meetings, and with its staff. The Commission gratefully acknowledges financial support from the Iowa State Bar Foundation, assistance that will continue next year. The Iowa Judicial Branch provides staff support for the Commission with Timothy Eckley, Assistant Counsel to the Chief Justice, serving as Secretary to the Commission.

The time, work, and dedication of Commission members and Work Group volunteers is the foundation of the Commission's efforts. The term of a number of original Commission members will expire on September 1, 2018. Many members have agreed to serve an additional term. In addition, Chief Justice Cady will be making new appointments in the near future to replace departing members and further the work of the Commission.

Supreme Court Review of 2017 Report



During its 2017 Administrative Term, the Iowa Supreme Court reviewed the Commission's 2017 Report (available on the Iowa Judicial Branch website under "Reports"). Chief Justice Mark Cady outlined the court's review in a September 1, 2017, letter to the Commission. See Appendix A. Chief Justice Cady expressed the court's general approval of the direction of the Commission. In addition, Chief Justice Cady described actions the court took in response to six specific recommendations from the 2017 Report:

Recommendation #6 (2017): allow attorneys registered as house counsel to provide pro bono services.

Response: The court approved an Office of Professional Regulation memo clarifying the ability of house counsel to provide pro bono services for dissemination to house counsel.

Recommendation #18 (2017): allow attorneys to claim CLE credit for pro bono services.

Response: The court considered, but declined to act, on this recommendation.

Recommendation #21 (2017): encourage establishment of a language access supreme court advisory committee.

Response. The court established the Language Access in the Courts Advisory Committee and appointed members by order dated September 14, 2017. The advisory committee has commenced its work and submitted its initial annual report to the court on May 31, 2018. See Language Access Work Group discussion at pp. 48-56.

Recommendation #23 (2017): review the Iowa Guardianship and Conservatorship Task Force Report for its impact on access to justice.

Response: The court reviewed the Task Force Report and provided it to the Commission.

Recommendation #24 (2017): provide judicial branch training on procedural fairness.

Response: The court directed state court administration to review its current training and look for areas of improvement. The judicial branch is providing a procedural fairness training at its court clerks and administrators conference in September 2018. A video of the training will be available on the judicial branch website. Procedural fairness will be incorporated into the training for new judges and magistrates.

Recommendation #26 (2017): examine the feasibility of making all self-represented litigant forms available as fill-in forms.

Response: The court directed State Court Administration and court staff to explore options for making forms easier to use. All court forms directed for self-represented litigant use that are on the judicial branch website are already fillable and savable. State court administration and supreme court staff have assembled a small informal group of practitioners and court staff to convert the “Divorce with no Children” forms contained in chapter 17 of the Iowa Court Rules into interactive forms (e.g., “Turbo Tax” format). Once this initial set of forms is successfully converted, the committee will be expanded to convert additional sets of forms.

Finally, Chief Justice Cady encouraged the Commission to continue its work, to engage business associations on access to justice initiatives, and to emphasize public outreach efforts.

Quarterly Meetings



The Commission held quarterly meetings at The Iowa State Bar Association CLE Center in Des Moines. Commission meetings featured educational components, Work Group breakout sessions, and Commission-wide discussions.

The first meeting of the 2017-2018 Commission year was held on September 29, 2017. The meeting began with a discussion of the New Iowans Legal Advice Clinic (NILAC), a free legal advice clinic for area residents that is a collaboration of the ISBA, Johnson County Bar Association, the Young Lawyers Division, IC Care, and the Center for Worker Justice of Eastern Iowa. See Appendix at B. Commission Member Brian Farrell, Lecturer in Law & Human Rights and Director of the Citizen Lawyer Program at the University of Iowa College of Law, introduced five UI law student volunteers to assist the Commission with research. John Goerd, Deputy State Court Administrator discussed language access issues and interpreter services in the Iowa court system. Corporate attorneys Travis Sheets and Ashley Raftis discussed the successful pro bono program of their company. Attorneys Justin Gross and Christopher Rottler presented the “low bono” business model of their law firm. Finally, Virginia Sipes, ISBA Innovation and Community Outreach Director, discussed the Law Firm Incubator program designed to help new lawyers develop lasting law practices that also narrow the justice gap.

The Commission held its next meeting December 8, 2017. The meeting began with an introduction of Todd Nuccio, new Iowa State Court Administrator, who described new or revitalized efforts of the judicial branch to address access to justice concerns, including updating of court forms and judicial education. Commissioner Leslie Kilgannon led a panel discussion on the Mental Health Court pilot program in Iowa’s 7th Judicial District. Josephine Gittler, Wiley B. Rutledge Professor of Law at the University of Iowa College of Law and Coordinator and Reporter of the Iowa Guardianship and Conservatorship Reform Task Force, presented recommendations of the 2017 Task Force Report. See Appendix at C. Commissioner Nicolle Schippers discussed the Iowa Access to Justice Commission Public Outreach Summit. Finally, Iowa State University Professor David J. Peters gave a presentation on population trends in Iowa and the effects on rural, urban, and suburban communities.

The March 2, 2018, meeting began with a presentation on the Iowa Accountability Program, established to address the disproportionate numbers of African Americans affected by domestic violence in Iowa. Kimberly Baxter, Director of the program, and Sarah Vandenberg, Program Assistant, discussed common goals of the Commission and the Iowa Accountability Program. See Appendix at D. Commission member Carol Phillips, Polk County Bar Association Executive Director, discussed highlights of the IAALS unbundling conference. Attorneys Amy Skogerson and Andrea McGinn presented their law practice model structured on limited scope representation services.

The Commission's final meeting of the 2017-2018 year, on June 1, 2018, focused on Work Group report presentations, discussions, and approval of reports. The meeting also included two educational components. First, Commissioners who attended the 2018 ABA National Meeting of State Access to Justice Commission Chairs highlighted their observations from the conference. Second, Mandy Easter, Law Librarian and Public Library Consultant for the Iowa State Law Library, discussed the role of public libraries in addressing access to justice issues. Mandy Easter will be filling the role of Liaison between the Commission and the State Library as the Commission works to leverage the outreach capabilities of public libraries.

Structure of Report

The Commission's Work Groups submitted reports detailing 2017-2018 activities and making recommendations for further action. Many of the recommendations and goals made in the Commission's prior report maintain their vitality. In order to provide the best overview of the Commission's activities to date, this Report combines the still relevant recommendations of the Commission's 2017 Report with new recommendations the Work Groups identified in 2018.

In the discussion of the Work Groups presented below, previously developed overview of issues, identification of available resources, and identification of unmet needs are presented with some changes in narrative to reflect current developments. Further, the Report generally repeats recommendations and goals advanced in 2017. The Report identifies and presents new recommendations developed in 2018 under a previous related recommendation. The new recommendations are numbered but also carry an alphabetic identifier to distinguish the new recommendation from past action and are slightly indented with an arrow symbol for easy identification.

Corporate Involvement Work Group



I. Overview of Issues

The Corporate Involvement Work Group has been working to address three main issues: (1) how to engage the corporate and business community to support access to justice activities; (2) once engaged, how to get the corporate community to advocate for access to justice issues, including to support funding for existing legal aid service providers; and (3) how to educate the corporate community on available legal assistance resources in order to expand access to justice.

The Work Group has produced two draft documents to address these issues: (1) the Access to Justice Corporate Playbook (Playbook) provides all of the information a corporation and its legal department needs to establish a robust access to justice program; (2) a document titled “Lack of Access to Affordable Legal Help is Hurting Businesses: What Business Leaders and In-House Counsel Can do to Help,” which provides the “why” for addressing access to justice issues and outlines how business leaders and in-house counsel can address issues arising from lack of access to affordable legal services. See Appendix at E and F.

II. Identification of Available Resources

As noted in the Commission’s 2017 Report, while there exists a wide variety of resources in the area of access to justice, they appear to be of limited utility in addressing the issues the Corporate Involvement Work Group is to address. The Work Group found it difficult to identify resources or locate relevant information specifically addressing corporate involvement. Resources in the corporate community seem to be limited to referring employees to employee assistance programs or offering a prepaid legal services benefit as an employee-purchased option.

The Work Group has developed two draft documents, namely, its Access to Justice Corporate Playbook and the document “Lack of Access to Affordable Legal Help is Hurting Businesses: What Business Leaders and In-House Counsel Can Do to Help,” to help fill this void.

III. Identification of Unmet Needs

Unmet needs include education and training of corporate counsel to overcome perceived obstacles to providing pro bono service. There appears to be no coordinated program or material to educate business leaders or corporate foundations about access to justice issues—what the issues involve and why access to justice should be important to them. There is also no clearinghouse of resources for corporate human resources departments to share with those in their workforce in need of legal services, especially for those of modest means who may not qualify for legal aid or have a prepaid legal services plan.

IV. Short Term Recommendations

Recommendation #1 (2017): Prepare a report on the need for and importance of access to justice as an economic issue of corporations, including analysis of impact on workforce and employee engagement.

A fair, impartial, and stable judicial system is recognized as being crucial to a vibrant business environment. Likewise, promoting access to the judicial system is a logical and important next step for the corporate community. The Work Group has prepared a draft report: “Lack of Access to Affordable Legal Help is Hurting Businesses: What Business Leaders and In-House Counsel Can Do to Help.” The draft report delineates the need for funding, education, and providers, and promotes access to justice as an Iowa value. The Work Group intends to beta test the draft report and develop a final product in the coming year.

Recommendation #2 (2017): Engage traditional business associations to adopt access to justice issues.

Groups such as the Iowa Business Council, Iowa Association of Business and Industry, The Greater Des Moines Partnership, Cedar Rapids Metro Economic Alliance, and local chambers of commerce should be engaged on access to justice issues.

- **Recommendation #2A (2018): Engage corporate counsel and business associations in access to justice discussions through use of the Access to Justice Corporate Playbook and the document entitled “Lack of Access to Affordable Legal Help is Hurting Businesses: What Business Leaders and In-House Counsel Can do to Help.”**

The Work Group has prepared a draft Access to Justice Corporate Playbook (Playbook) and a draft document entitled “Lack of Access to Affordable legal Help is Hurting Businesses: What Business Leaders and In-House Counsel Can Do to Help.” When finalized, these documents will form a basis to communicate with and educate the corporate community through meetings and presentations to Iowa business associations and directly to the leadership of Iowa companies.

- Recommendation #3 (2017): Develop a model Corporate Access to Justice Policy Statement that can be endorsed by business associations and adopted by constituent corporations.**

The corporate Playbook includes a “Pro Bono Policy Statement” to be used as an education tool and ensure appropriate buy-in from corporate leadership. Members of the Work Group and other members of the Commission could serve as ambassadors to help communicate this message. Longer term, closer coordination with legal aid and pro bono providers may be needed to ensure that the message is communicated throughout the state.

- Recommendation #4 (2017): Encourage corporate counsel to prioritize access to justice and partner with their private law firm providers to increase participation, sponsorship, and partnership in this area.**

Resources in this area can be developed to assist corporate counsel, including the following: (1) a model pro-bono policy for in-house counsel; (2) a model framework for partnering with private firms in provision of pro bono and limited scope services; and (3) a statement of commitment by Iowa businesses (to be signed by a corporation’s chief legal officer) that encourages use of law firms that share a commitment to access to justice. This is viewed as potentially a high impact activity that would take a modest level of resources

to be accomplished in the short term. The Work Group could lead the development of these resources, in coordination with the ISBA, American Bar Association (ABA), Association of Corporate Counsel (ACC), and other bar groups. A number of national law firms and large public corporations have also developed resources in this area, which could be leveraged and appropriately scaled for Iowa businesses to use.

Recommendation #5 (2017): Partner with corporate counsel to educate and train house counsel on available resources and how to effectively provide pro bono legal assistance.

A number of activities were identified in this area, including the following: (1) develop a manual in conjunction with legal aid providers to provide to in-house counsel to assist with provision of pro bono services; (2) develop and co-host CLE seminars with other bar organizations to educate in-house counsel on pro bono services; (3) develop a library of short YouTube videos to help train attorneys on various pro bono tasks; (4) partner with legal aid and pro bono providers to develop “brown bag” pro bono education and training sessions for corporate in-house counsel groups; and (5) educate in-house counsel on ways to overcome perceived obstacles to providing pro bono services, including the availability of malpractice insurance for pro bono services. This initiative has potentially high impact, requiring a medium level of resources to accomplish the tasks. Coordination would be necessary by and among the other Commission Work Groups, especially the Pro Bono Work Group. It would also be necessary to engage with other key resources, such as ISBA, ACC, Iowa Legal Aid, and the Polk County Volunteer Lawyers Project, to successfully accomplish this initiative. There is also a potential cost to maintain the training videos on the ISBA website.

➤ **Recommendation #5A (2018): Increase corporate counsel participation in pro bono services through use of the Playbook and Lack of Access documentation.**

The Playbook and Lack of Access documents this Work Group is developing will provide a foundation for outreach to the corporate world. The Playbook provides a Pro Bono Policy Statement education

tool to help gain buy-in from corporate leadership. An FAQ section answers common questions about malpractice insurance, trust accounts, and meeting with clients. A Case Studies section provides useful information on areas of the law and partnering with legal aid clinics and volunteer lawyers projects. Finally, the Playbook has a section on helpful resources. A challenge moving forward for the Work Group is how best to present this information to wide corporate audiences.

Recommendation #6 (2017): Advocate for change to or clarification of Iowa Court Rules to allow attorneys registered as house counsel to provide pro bono services.

As previously noted, the court approved a memo from the Office of Professional Regulation clarifying the ability of house counsel to provide pro bono services for dissemination to in-house counsel.

Recommendation #7 (2017): Engage the corporate counsel community to take a larger role in getting businesses focused on and engaged in the various access issues by volunteering and educating their workforce and community.

Nonlawyer volunteers within the corporate workforce could be encouraged and trained to serve as legal “navigators” (e.g., translator services, filling out forms, etc.). Opportunities could be compiled for easy reference and training programs could be developed. While this is expected to have a high impact, the Work Group recognizes that it will take significant resources to complete and may not be able to be accomplished in the short term.

Another initiative in this area would be development and implementation of a Judiciary “Gold Star” program—similar to the ACC Corporate Pro Bono Award Program—to recognize outstanding achievement by Iowa businesses for their contributions to access to justice. Similarly, a way could be developed for those participating to be championed by corporate bar or business associations. The Work Group believes this initiative would have only medium impact but could be accomplished with limited resources.

Recommendation #8 (2017): Encourage corporations to underwrite and produce educational material that promotes access to justice issues.

Encourage Iowa corporations to utilize their corporate communications departments to donate time and resources to produce public service messages. Corporations could also produce pamphlets to provide to employees with information on referrals to social service providers and pro bono or “low bono” attorneys qualified and willing to provide those services. This activity is seen as providing only modest impact and would require significant resources to accomplish. For that reason, it is identified by the Work Group as having a low priority.

V. Long Term Goals

Goal #1 (2017): Promote a legislative agenda to prioritize judicial needs and access to justice issues, particularly the need for funding.

Current resources appear inadequate even with the use of technology and enhanced volunteer contributions to expand access to justice.

Goal #2 (2017): Increase the visibility and desirability of access to justice as an object for corporate charitable giving and to develop a clearinghouse that can serve as a means of communication between companies about how they are addressing access to justice issues and what is working and not working.

This goal, as well as the goal of increased legislative support for access to justice initiatives, is viewed as having potentially high impact but requires long term development and a high level of resources and coordination to accomplish. The Corporate Involvement Work Group intends to further explore these goals in the next phase of the Commission’s work.

Corporate Involvement Work Group Members

Steven Bradford, Co-Chair

Robert Perna, Co-Chair

Kate Cutler

Jim Hansen

Medha Johnson

Gerry Neugent

Carol Phillips

Mark Rosenbury

Public Outreach Work Group



I. Overview of Issues

The Public Outreach Work Group continues working to promote access to the justice system as an Iowa value. Messaging is an important component of public outreach. The Iowa Access to Justice Commission and organizations providing legal services need to market their brand and value. The Work Group is developing a communication and strategic plan to help the Commission meet its mission short and long term, this will include exploring the use of social media, public service announcements (PSAs), and press releases that other state Commissions use.

The Work Group is cognizant that current resources may not be able to handle increased demand, and it recognizes that currently the Commission does not have substantial funds to assist initiatives. Low or no cost opportunities such as social media, general media, PSAs, electronic communications, etc., should be identified.

Although the Work Group is confident that there is generally a need for additional services to promote access, no comprehensive study of legal needs in Iowa has specifically identified and defined those needs. Specifically, more information is needed on how best to handle moderate and modest means persons with identification of their legal issues and providing resources for such persons. It is important that this population be included in public outreach, as they are also a population likely not able to afford an attorney's full services. The Work Group acknowledges that public outreach may confront language and diversity barriers as well.

II. Identification of Available Resources

Many organizations, such as Iowa Legal Aid and the ABA, have substantial information resources. It is imperative the Commission continue to research all of the resources available to understand how best to educate the public and alert the resources, if applicable, about the possible increased public need due to increased education by the Commission.

The comprehensive list of current providers should include all agencies offering some type of legal assistance, including Iowa Legal Aid, Justice for our Neighbors, providers of volunteer translators, pro bono attorneys, Iowa Free Legal Answers, Drake Legal Clinic, the University of Iowa College of Law Legal Clinic, and the Iowa ACLU. In addition, a list of potential service providers that could assist in identifying legal problems should be developed, including Habitat for Humanity, Food Bank of Iowa, the Human Service Advisory Council, veterans organizations, United Way, the NAACP, Hospice of Iowa, hospitals, doctors, human service providers, etc. (A list of all service organizations in Iowa is available on the Iowa Secretary of State website.)

The Work Group continues to identify other partners, such as businesses willing to provide volunteer marketing, writing, speakers, help with PSAs, social media dissemination, education, and the like. Voices for Civil Justice and other entities could provide communication services and help the Commission with its initiatives.

III. Identification of Unmet Needs

Overall, unmet legal needs arise from an inability of persons to know that they have a legal need, lack of awareness about current legal resources or other resources, and inability of current legal resources to handle the identified legal needs.

Current legal and judicial resources may not be able to handle the increased demand the Commission may create through broad public education. There is a need to determine the capacity of current legal resources for handling increased needs due to public outreach and determine appropriate education to service organizations so they can identify, handle, or provide alternative resources. Attention should be paid to not cause more demand than current legal resources can handle. Any outreach thus needs to be calculated, strategic, and right sized.

Consideration must be given to how best to handle moderate or modest means persons with identification of legal issues, education, and providing resources

for those issues. Another population with unmet civil legal needs may be incarcerated persons.

IV. Short Term Recommendations

Recommendation #9 (2017): Conduct inventory of current resources providing legal services and legal outreach, including what other states offer to determine if Iowa should provide similar resources.

The Work Group has compiled a list of current and potential providers of legal services in Iowa and continues to add to the list. See Appendix at G. Students from the University of Iowa College of Law researched public outreach efforts of other state Commissions and made suggestions for the other Iowa Commission Work Groups. See Appendix at H.

➤ **Recommendation #9A (2018): Establish a single source or website for all access to justice resources and educational tools for the public to use.**

An electronic central location for all identified resources should be created. This may require a gatekeeper for updates. Possible resources include the ISBA website, an independent Commission website, the Iowa Legal Aid website, or other websites. Other service organizations should be able to link to this website. The Work Group has mocked up websites based on other state Commission sites.

Recommendation #10 (2017): Develop a communications plan or report around all public outreach opportunities and events.

The Work Group is working with Voices for Civil Justice to help develop a communications plan. The plan will include the following: communicating the value of the justice system and recognizing the value of access to justice as a brand; an outreach component for attorneys and local or county bar associations for consistent communication and outreach; a component addressing diversity and language issues; a presentation and communications template that can be used by a variety of people; education about limited scope representation, including collaborative law; and a

component addressing access to justice CLEs regarding the work of the Commission and other access to justice developments.

V. Long Term Goals

Goal #3 (2017): Develop a strategic plan (expanding upon communication plan) on how, when, and how frequent to educate service providers on identification of legal issues and possible resources for referral.

This strategic plan will also include how, when, and how frequently to educate the general public on identifying legal issues and available resources.

Goal #4 (2017): Develop and hold a one-day summit for all service providers already assisting Iowans to help identify legal needs and make appropriate referrals.

The Work Group held a Public Outreach Summit in November 2017 for service organizations (such as United Way organizations) in Iowa to educate them and make them aware of legal issues their clients may face, as well as resources that are available. See Appendix at I. The Summit was successful, with 53 service group representatives attending the daylong session. The Summit presented 16 speakers providing education on topics such as family law, housing, elder law, and health care issues. The participants were surveyed after the Summit, with 72% responding that the Summit was excellent or very good. Examples of comments include:

- “The summit was very educational and provided answers and resources for many of my clients with child support cases. Finding available legal resources for them is a great need.”
- “I have been to similar conferences and I learned more at this one than at any other. The discussion panel-based format works very well.”

Attendees responding to the survey stated that it was worthwhile for their organization to be aware of the Commission’s mission to help Iowans with

legal issues they may face, and the attendees now have a better understanding of those legal issues and the resources available. The Work Group also gained two new volunteers from the Summit.

- **Goal #4A (2018): Develop and hold another one-day Summit for all service providers available in Iowa to help service providers already assisting Iowans to identify legal needs and make appropriate referrals.**

Using the format of the successful first Summit, the Work Group could hold another Summit for service providers. The Work Group could also collaborate with other Work Groups to identify and plan additional Summits, for example, with the corporate counsel community.

Goal #5 (2017): Develop and hold a series of public forums, such as Law Day, Free Will Day, Veterans' Day, ABA Pro Bono Day, Court Service Days, Corporations Days of Caring (allow employees to use volunteer hours for access to justice initiatives), and events in communities that will reach a broad and diverse audience.

The Commission's outreach could include advertising through different avenues, including general media, social media, PSA's, service organizations, corporate counsel, and HR departments. The Commission could recruit the Governor and other public figures to endorse public outreach efforts to show access to justice is a value in Iowa—this should create wide-spread media coverage. An informal legal needs study could be done through public forums from consumers, attorneys, and providers of services. Members of the Access to Justice Commission and others could be trained to engage in public outreach. The Commission should consider the viability and scope of a law in libraries program that has been implemented in other jurisdictions where trained legal volunteers present at community meetings in public libraries. Collaboration with other Work Groups of the Commission will be required for these efforts. A subcommittee of the Public Outreach Work Group may be required to work on this goal.

Goal #6 (2017): Determine whether certain technology should be developed in addition to the website of resources: e.g., develop an App to help navigate through legal issues and resources (such as a legal checkup, ABA Innovation Center).

The ABA has several technology initiatives, including a Legal Checkups Tool (app and web potentially) that the Commission should continue to watch to determine if it is a good resource for public outreach and education. Cost may be an issue.

Public Outreach Work Group Members

Rob Denson, Co-chair
Nicolle Schippers, Co-Chair
Glennay Jundt
Alex Kornya
Marvin DeJear
Anthony Allen
Brian Farrell
Brett Toresdahl
Tina Shaw
Debora Bussan

Pro Bono Work Group



I. Overview of Issues

The Pro Bono Work Group, in light of limited resources for direct legal aid, seeks to improve pro bono services in Iowa by increasing the number of persons served and increasing participation of Iowa bar members. Among other approaches, two specific ways to accomplish increased pro bono services are through the Iowa Legal Aid Pro Bono Innovations Fund grant and through promotion of increased use of limited scope representation.

II. Identification of Available Resources

Available resources include current volunteer lawyers projects (VLP): Polk County Bar VLP, Iowa Legal Aid VLP, and Story County VLP. Iowa Legal Aid has received a Pro Bono Innovations Fund grant to review pro bono projects, consider alternatives from around the country, develop information packets for limited scope representation, and pilot limited scope representation projects. Attorneys who have not yet volunteered to provide pro bono services can be encouraged to do more. The ISBA is currently developing and implementing Iowa Free Legal Answers, which promises to help expand access to attorney services.

III. Identification of Unmet Needs

Unmet needs for pro bono services include those persons whom legal aid is unable to represent as a result of conflicts or statutory or financial limitations. In addition, there is now common realization within the national community of access to justice commissions that “economically challenged” persons also face significant barriers to the justice system. These are persons and families who live pay check to pay check or who are unable to meet or have significant difficulty meeting the challenges of unexpected expenses, but whose income is above traditional markers of poverty levels or is even considered middle class.

IV. Short Term Recommendations

Recommendation #11 (2017): Determine barriers to attorneys providing more pro bono assistance and incorporate those findings into strategies for change in existing projects.

Modifying an ABA survey, the Pro Bono Work Group developed a survey to determine barriers to Iowa attorneys providing pro bono legal assistance. Working with the ISBA, Iowa Legal Aid, and volunteer lawyers projects, the survey was sent to nearly all Iowa licensed attorneys. The survey garnered a robust response of nearly 700 participants. Primary impressions from the survey include the following:

- The most compelling reason for an attorney to take a pro bono case is if a judge asks; the next most compelling reason is if a colleague asks.
- Attorneys are motivated to do pro bono work primarily for altruistic or ethical reasons.
- Attorneys are willing to consider using technology to help clients at a distance.
- In order to feel comfortable providing more unbundled legal services, attorneys would like more guidance and clarity concerning ethical obligations and more guidance on practical and procedural issues related to providing unbundling or limited scope services.

The survey revealed various reasons why private attorneys are not taking pro bono cases. Just over 73% of respondents stated that lack of time is a discouraging factor to doing pro bono work, and lack of time was the most discouraging factor overall. Increasing limited scope pro bono representation will encourage pro bono attorneys to help more clients because of the reduced time commitment in each case. The pro bono attorney will know at the outset what the time commitment will be, which is a time commitment greatly reduced from the current model of full representation case placement.

A comprehensive summary of the survey results are provided in the Appendix at J.

The Work Group will consider incentives that may improve pro bono participation such as:

- Asking law firms to give credit towards billable hours for pro bono services.
- Reducing bar dues for newer attorneys in exchange for pro bono services.
- Identifying and utilizing more technology to encourage participation.
- Seeking judicial support for pro bono services through resolutions and letters of support.
- Providing additional individual recognition to attorneys who have provided significant service (a type of star system).
- Encouraging administrative accommodations for attorneys providing pro bono services.
- Providing support to the Pro Bono Innovations Fund grant.
- Identifying spokespersons to champion the importance of pro bono work in coordination with the Public Outreach Work Group.
- Developing testimonial videos from pro bono attorneys discussing the rewards and benefits of providing pro bono services.

Based on the results of the 2018 Pro Bono Survey, the Work Group recruited speakers for the ISBA's 2018 Annual Meeting. The speakers addressed various concerns the private bar has expressed about limited scope representation. The survey found that the most important factor to encourage private attorneys to increase their likelihood of practicing limited scope representation is to have more clarity on the ethical obligations related to that type of practice. Justice Brent Appel and Tara VanBrederode, Assistant Director of the Iowa Office of Professional Regulation, gave a presentation on the ethical issues involved with limited scope representation.

Nearly 53% of survey respondents are worried that limited scope representation will expose them to more malpractice claims. To address this concern, the Work Group recruited two insurance carriers to speak on best practices for limited scope representation.

Finally, there was a panel discussion with attorneys successfully practicing limited scope representation, district court judges who want to see more such

representation in their courts, and a member of the Pro Bono Work Group explaining how limited scope representation can be used in the pro bono context. This panel approach of dealing with all the concerns attorneys have about limited scope representation could be replicated statewide to promote limited scope services.

Various limited scope options are being tested around the state:

- Training on limited scope representation and then placement of temporary matters cases, initially in custody and dissolution cases, in Webster, Hamilton, and Des Moines Counties.
- Potential judge referral of parties that appear in court pro se.
- Referral of preparation of child support guidelines to pro bono attorneys.

Several Work Group recommendations and action steps from last year were met during the past 12 months, including:

- Developing educational materials on limited scope representation.
- Presenting CLEs on limited scope representation.
- Actively pursuing opportunities to utilize limited scope options in the pro bono context.
- Completing the pro bono survey and analyzing results.
- Addressing concerns expressed by attorneys in the survey regarding limited scope representation, including the panel presentation at the ISBA Annual Meeting.
- Working with the Pro Bono Innovations Fund grant to improve and expand pro bono services.
- Researching issues related to government attorneys participating in pro bono work.
- Developing opportunities to present limited scope options to government attorneys.

- **Recommendation #11A (2018): Promote judicial support for pro bono services by resolution or press release during Pro Bono Week, October 21-27, 2018.**

The supreme court has generally been very supportive of access to justice initiatives. The Commission believes promotion of Pro Bono Week would be consistent with the court's commitment.

- **Recommendation #11B (2018): Develop testimonial videos from experienced pro bono attorneys discussing the benefits of engaging in pro bono practice.**

Many attorneys are unfamiliar with the personal satisfaction that arises from pro bono representation. Further, pro bono representation can lead to referrals of fee-paying clients. Video testimonials may help educate attorneys about the benefits of pro bono representation.

- **Recommendation #11C (2018): Explore new ways for experienced volunteer attorneys to encourage colleagues and other attorneys to participate in pro bono activities.**

One of the results of the pro bono survey is that attorneys are more likely to take on pro bono representation if they are asked to do so by another attorney.

- Recommendation #12 (2017): Reach out to government and new attorneys to encourage providing pro bono services with appropriate information and support.**

The Work Group identified government and new attorneys as specific groups that might be encouraged to provide additional pro bono services. With respect to newer attorneys, the ISBA Young Lawyers Division might be approached for ideas and support. Among other things, attorneys new to pro bono services will likely need CLEs on ethical responsibilities and on practical issues such as limited scope representation. As a result, readily accessible materials to assist attorneys in providing limited scope assistance should be

developed in coordination with the Pro Bono Innovations Fund grant. Mentors could support attorneys new to pro bono work.

- **Recommendation #12A (2018): Add limited scope representation referrals to the ISBA Find-a-Lawyer internet resource to allow potential clients to handle a portion or portions of a legal matter.**

Although slow to take hold, limited scope representation is gaining a foothold in the legal community. Establishing a base of support for referrals may assist in the expansion of limited scope services.

- **Recommendation #12B (2018): Partner with attorney groups to provide newer attorneys more exposure to the potential practice development of engaging in limited scope representation.**

Members of the Commission and the Iowa Supreme Court Family Law Reform Task Force have met to focus on promoting limited scope representation practice in Iowa. This ad hoc group believes that more attorneys, including new attorneys, will embrace limited scope representation if provided quality education on the practice, and that limited scope representation can be a key element in providing access to justice for low income Iowans.

Recommendation #13 (2017): Consider low bono practice options.

Low bono practices are designed to provide legal services to those who cannot pay prevailing ordinary hourly rates for lawyers but do have sufficient resources to make significant payments for legal services. At least one law firm in central Iowa has developed a business practice based on a low bono business model. Existing business models in Iowa and in other states could be analyzed for making recommendations to the ISBA, the Iowa law schools, or the court in connection with them.

V. Long Term Goals

Goal #7 (2017): As a cumulative effect of the above recommendations, materially increase the number of Iowa attorneys participating in pro bono activities through intensified recruitment, outreach, and support.

The 2018 Pro Bono Survey identified a variety of avenues for increasing the number of Iowa attorneys participating in pro bono activities, and the Work Group will continue expanding pro bono efforts based on this information.

Goal #8 (2017): Expand the availability of low bono representation for those who do not meet the financial requirements for legal aid but are nonetheless unable to afford legal representation at ordinary hourly rates.

Legal incubators have emerged as models that enable newly-admitted lawyers to acquire the range of skills necessary to launch successful practices that expand access to legal services for those of low and moderate incomes. The ISBA is promoting a Law Firm Incubator program.

Pro Bono Work Group Members

Chris Luzzie, Co-Chair
Carol Phillips, Co-Chair
Tom Levis
Meg Norberg
Charlie Nichols
Joel Greer

I. Overview of Issues

The Veterans Work Group focus has been to identify the primary unmet legal needs of Iowa’s veterans, identify existing legal resources, identify ways to disseminate information regarding those resources to veterans in need of legal assistance, and identify ways to provide contextual or “cultural-sensitivity” training to attorneys who are interested in providing legal assistance to veterans.

To that end, individual members of the group consulted with VA social workers, state and county veterans service officers, the administrator of Iowa’s only Veterans Treatment Court, members of the ISBA’s Military Affairs Committee, and active judges who are involved in Iowa’s existing drug treatment courts.

The Work Group reviewed existing studies that have identified the unmet legal needs of veterans nationwide and confirmed that these needs (including matters of eviction and foreclosure, restoring driver’s license, child support, outstanding warrants and fines, and military discharge upgrades) also affect Iowa’s veterans.

As with other Commission Work Groups, one major challenge in ensuring access to justice for Iowa’s veterans is to motivate attorneys to provide legal assistance on a pro or low bono basis.

In 2016, the ABA launched its Veterans Legal Services Initiative to address veterans’ legal needs through (1) creating centralized resources, (2) developing policy, and (3) supporting the delivery of legal services. One of the Initiative’s stated goals is to encourage state and local bar groups and law schools to create new programs and highlight existing programs that serve veterans. The Veterans Work Group can pattern its short term efforts on the ABA’s Veterans Legal Services Initiative.

The long term goals the Veterans Work Group identified—expanding veterans’ treatment courts or adding a veteran-centric overlay to Iowa’s existing drug treatment courts, and creating a veterans legal clinic at one of Iowa’s law schools—may not be realistic in light of the state budget environment.

However, private funding for a veterans legal clinic at an Iowa law school is a possibility.

In addition, there are approximately 15,000 active and reserve military members in Iowa who may also be in need of legal assistance. The ABA's "Homefront Program" is a useful resource for current active and reserve military members. Unfortunately, most current military members and their families are not aware of this resource.

To the extent the Veterans Work Group should expand its focus to include current active military members, it will need to identify ways to provide information on resources available to this population, as well as information on the potential interplay between military separation benefits and future VA benefits. This can happen via legal clinics conducted at the current active military members' "annual checkups," or when they are separated from service. Members of the ISBA's Military Affairs Committee have expressed an interest in the Work Group's efforts, and the Work Group has extended an invitation to participate to those members.

During the past year, the Veterans Work Group has focused on research and planning, having determined that it was imperative to understand the legal needs of veterans before attempting to address them. The Work Group determined that the most likely areas of need for veterans fall into one of five different categories: (1) eviction and foreclosure, (2) driver's license restoration, (3) child support issues, (4) outstanding warrants and fines, (5) discharge upgrades.

The Work Group also identified the Iowa counties in which most of the veterans were living. Those counties include: (1) Polk, (2) Blackhawk, (3) Linn, (4) Scott, (5) Woodbury, and (6) Johnson. A direct way to reach a large percentage of Iowa veterans is to focus efforts on the counties with the largest veteran populations. Finally, the Work Group identified several short term goals including: (1) Developing a means of identifying veterans in need of legal assistance, (2) developing a means of more effectively disseminating information to veterans, (3) providing information on VA benefits to active duty members, and (4) encouraging Iowa attorneys to provide pro or low bono services to veterans.

II. Identification of Available Resources

The Veterans Work Group canvassed available resources for veterans. It found many state, federal, and local resources. Part of the challenge to providing effective access to justice for veterans is effectively communicating with them about these resources.

During the past year, the Work Group developed resources in the following subject areas:

- Encouraging attorneys to volunteer to help veterans in need of legal assistance.
- Identifying partners who can assist veterans with legal issues and provide information on legal resources.
- Identifying veterans in need of legal assistance.
- Facilitating a method to connect veterans in need of legal assistance with attorneys who are willing to provide it.
- Exploring potential funding for outreach efforts.
- Exploring options for veterans legal clinics at VA medical facilities.

In addition, VA and the ABA have been promoting the use of the VA's Supportive Services for Veterans Families (SSVF) grants to provide legal services (civil) for low-income veterans and their families. *See Appendix at K.* Current (FY 2018) SSVF grant recipients in Iowa are: Primary Health Care, Family Alliance for Veterans in America, Hawkeye Area Community Action Program, and Humility of Mary Shelter. VA is encouraging all grantees to use at least a portion of their grant money for legal services where there are no pro bono or legal clinic services available.

III. Identification of Unmet Needs

A 2016 VA study has identified the top five unmet legal needs of veterans nationwide (male and female, homeless and nonhomeless) as: (1) legal assistance to prevent eviction and foreclosure; (2) legal assistance to help restore a driver's license; (3) legal assistance for child support issues; (4) legal assistance for outstanding warrants and fines; and (5) discharge upgrades.

The June 2016 VA Fact Sheet, Community Homelessness Assessment, Local Education and Networking Groups (CHALENG) provides much information. The CHALENG study is referenced in the First Annual Report of the White House Legal Aid Interagency Roundtable (WH-LAIR), *Expanding Access to Justice, Strengthening Federal Programs*. The full WH-LAIR report might be of interest to other Work Groups, and is available at <https://www.justice.gov/atj/page/file/913981/download>. Based on conversations with veterans, VA social workers, and state and county veterans service officers, Iowa’s veterans have the same unmet legal needs that are identified in the 2016 CHALENG report.

The unmet legal need on this list that applies only to veterans and not the general population is the need for assistance with discharge upgrades. In general, veterans are entitled to VA benefits as long as they were discharged under conditions “other than dishonorable” (i.e., honorable, other-than-honorable, general). For most state benefits, a veteran must have an honorable discharge. Many veterans who are in the criminal justice system on drug-related charges also have mental health issues, but may not be entitled to VA healthcare benefits because of their discharge status.

IV. Short Term Recommendations

Recommendation #14 (2017): Develop a means of identifying veterans in need of legal assistance.

Local jails are a contact point for veterans with civil legal needs. To identify this veteran population, county jails could be asked to add a line to the jail’s intake sheet: “Are you a veteran?” This is done in Woodbury County to identify veterans that might be eligible for the Woodbury County Veterans’ Treatment Court. Where there is a referral system in place, such a system would help to identify counties with the greatest need and enable jail staff to provide veterans with information on existing resources. In the alternative, information on existing veterans’ resources could be posted in prominent locations in the jails.

Another possibility is identification from court calendars of veterans seeking pro se divorce. It would be necessary to identify the districts that employ such a calendar as part of their docket. Those districts could then be provided information on pro and low bono legal resources for veterans seeking divorce.

Recommendation #15 (2017): More effective dissemination of existing information to veterans.

If the Commission develops a single source website for hosting access to justice resources for the public, it would be able to provide information for the “Veterans” section and provide links to existing service providers (VA medical facilities, Veterans Justice Outreach specialists, county veterans service organizations [VSOs], congressional constituents’ representatives, etc.). Information could be provided regarding existing state and federal benefits and regarding contact references for federal VA Justice Outreach specialists, county VSOs, and state and federal congressional constituents’ representatives. This information also could be distributed to the local jails, courthouses, homeless shelters, and vet centers.

➤ **Recommendation #15A (2018): Improve referral system of veterans to legal aid providers.**

There should be a way to accurately match veterans who are in need of legal services with the volunteer who has the skill set to assist them. Accordingly, the Veterans Work Group has formed a partnership with Iowa Legal Aid. Iowa Legal Aid has agreed to take calls from veterans who are in need of legal assistance. There are currently veterans being served by Iowa Legal Aid, but the Work Group hopes to improve the referral system to increase the number of veterans receiving legal assistance. Iowa Legal Aid will also maintain a list of volunteer attorneys who have agreed to provide legal assistance to veterans in areas identified by the attorneys. Iowa Legal Aid will then attempt to match up the caller with a volunteer who can help them with their legal issue.

Recommendation #16 (2017): Provide information on existing VA benefits and legal resources to current active military members.

Providing information on VA benefits and legal resources could be as simple as creating an information sheet and providing this information to military members at their “annual checkups.”

Recommendation #17 (2017): Encourage Iowa attorneys to provide pro or low bono assistance to veterans.

The ABA is doing an excellent job of encouraging attorneys to provide free or low cost legal assistance to veterans. However, their focus has been on helping veterans get VA benefits, which is not a top “unmet legal need” of veterans. Iowa attorneys can be encouraged to provide pro or low bono legal assistance to address veterans’ unmet legal needs through the vehicle that the Commission ultimately uses to encourage attorney participation for the general population.

This can also be accomplished by encouraging Iowa attorneys to sign on to VetLex, and perhaps linking to VetLex from the Iowa Judicial Branch’s Office of Professional Regulation website page. See <http://vetlex.org>.

In addition, the ISBA has a list of current members who are veterans. The Commission could reach out to this group to generate interest in providing pro or low bono assistance to their fellow veterans.

➤ **Recommendation #17A (2018): Conduct a pilot program with the Johnson County Bar Association where local attorneys would volunteer to help veterans specifically with their legal problems and expand the use of effective steps to other county bar associations.**

Several attorneys during an April 2018 luncheon expressed interest in volunteering to help veterans. The Veterans Work Group intends to employ a number of strategies in order to obtain and maintain volunteers who are willing to help veterans. These strategies include sending letters to local bar associations and sending emails to the

members to encourage those who are volunteering to continue to do so and to encourage those who have not yet volunteered to consider doing so. The strategies that prove to be successful in Johnson County will be replicated in other counties. The Work Group is forming a partnership with the Linn County Bar Association and hopes to form additional partnerships.

➤ **Recommendation #17B (2018): Leverage available grants and fellowships to offset lack of funding.**

One possible way to compensate for the lack of funding for access to justice initiatives is to take advantage of grants and fellowships. The Veterans Work Group learned of one such fellowship that may be helpful to obtaining greater access to justice for veterans in Iowa. This fellowship is through Equal Justice Works and is called the Veterans Legal Corps (VLC) program. This program is designed to provide civil legal assistance to veterans, military members, and their families. The Work Group is planning to form a partnership with Iowa Legal Aid in order to attempt to host a fellow. Equal Justice Works and AmeriCorps have partnered to provide the VLC fellowship opportunity to aid the legal needs of veterans and military families across the nation. If a fellow could be hosted in Iowa, it could greatly improve the ability to meet the legal needs of veterans and military families.

V. Long Term Goals

Goal #9 (2017): Establish a veterans legal clinic at one of the state's law schools.

Iowa is currently one of a few states in the nation that does *not* have a Veterans Legal Clinic. This has been proposed to the Dean of the University of Iowa's College of Law, but there is no money in the budget to allow for this. Funding possibilities could be explored by identifying veteran alumni via the University of Iowa Foundation and Drake University.

➤ **Goal #9A (2018): Establish a legal clinic in at least one VA medical facility in Iowa.**

The Work Group has contacted the Chair of the Legal Clinics Committee of the ABA’s Commission on Veterans Legal Services, and the VetLaw Director of the Minnesota Assistance Council for Veterans, about the different models for veterans legal clinics that are housed in VA medical facilities around the country. Iowa is one of only nine states in the country that does not have a legal clinic at a VA medical facility. The ABA and VA have been promoting the establishment of such clinics, and the Work Group discussed the various models, including those based on affiliations with an existing law school legal clinic, legal aid, volunteer lawyers projects, SSVF grantee, state bar association, or conglomeration of law firms.

The Chair of the Legal Clinics Committee of the ABA’s Commission on Veterans Legal Services has also spoken with Drake Law School about a legal clinic at the VA medical facility in Des Moines. The ABA has offered to facilitate a meeting of potential “stakeholders” either in Iowa City or Des Moines. Iowa State Bar Association officials have suggested that a future meeting should include representatives from Iowa Legal Aid, the Polk County Volunteer Lawyers Project, Drake Legal Clinic, the VA hospitals, and, possibly a Veterans Service Organization representative.

The Veterans Work Group believes the Commission should approach this goal on two fronts: Iowa City/University of Iowa and Des Moines/Drake University.

Goal #10 (2017): Establish a template for a Veterans Treatment Court “add-on” to Iowa’s existing drug treatment courts.

Given the current budget constraints for Iowa’s courts, it may not be realistic to attempt to establish a statewide network of Veterans Treatment Courts (VTC) here. It might be conceivable, however, to add a VTC element to the existing drug treatment courts, depending on the needs and resources of each county.

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- **Goal # 10A (2018): Develop an efficient mechanism for placing volunteers who want to help veterans specifically in contact with veterans in need.**

The Work Group is exploring some strategies to locate veterans who are in need and provide them with the appropriate contact information. The goal is to have an efficient mechanism in place through which volunteers who specifically want to assist veterans are easily able to find veterans in need. The Work Group is hoping to have something in place to serve veterans in Iowa's largest counties by the end of 2020. These counties include Johnson, Linn, Scott, Polk, Blackhawk, and Woodbury.

- **Goal #10B (2018): Confirm that those subject areas where veterans have the greatest needs are appropriately targeted.**

One of the most important components to serving the needs of veterans is determining if the correct practice areas are covered. The information gathered during the coming months and years will help target those areas in which veterans have the greatest unmet needs. Additionally, strategies employed to obtain and maintain a pool of volunteers that is large enough to meet the legal needs of veterans may need to be refined in the years to come. Follow up surveys of veterans served by volunteers would ensure their legal needs are being met. Follow up surveys of volunteers could determine how services can be improved from their perspective as well. For those veterans served by volunteers through Iowa Legal Aid, a survey can be sent to determine satisfaction with the services provided and identify additional service needs.

Veterans Work Group Members

Honorable Kevin McKeever, Co-Chair

Amy Kretkowski, Co-Chair

Phil Garland

Anjie Shutts, Commission Vice Chair

Rural Access Work Group



I. Overview of Issues

The Rural Access Work Group explored a wide range of issues related to access to legal services in Iowa, including the shortage of attorneys in rural Iowa and what might be the solutions, the potential role of technology, and how reduced judicial resources might impact rural Iowans.

The ISBA's Rural Practice Committee for several years has tried to encourage small town practitioners to hire an associate, especially through hiring a law clerk in the summer. The results have been mixed, but recent years have seen very few successes. While the interest is there, there are many obstacles to placing young lawyers in rural communities. The Committee and many small town attorneys have felt the frustration of young lawyers leaving their communities and taking government positions at the public defender's office or as an assistant or county attorney. Because of a federal government student loan debt forgiveness program, it is impossible for a small town practitioner to be competitive with salary, benefits such as IPERS and medical, and a ten percent per year debt forgiveness on student loans. In the last year there have been several young attorneys leaving rural Iowa for such government positions. One person was the first graduate placed through the Bar's Rural Practice Program who had been with her attorney for four years. After considerable investment from the attorney, she left to become a county attorney for the reasons state above.

II. Identification of Available Resources

The ISBA and Iowa Legal Aid have continued interest in rural access to justice issues. Other states have attempted to address rural access to justice issues through their Access to Justice Commissions. For example, the State of Nebraska's recently formed Access to Justice Commission is promoting formation of a Rural Access Committee to work with the Commission to address rural access challenges. The Oklahoma Access to Justice Commission has been working to engage rural libraries in pro bono efforts and to engage rural judges and courthouse navigators in rural access issues. State university law schools in Nebraska and North Dakota have developed programs encouraging rural law practices.

The ABA website “Rural Support Programs” lists these and other initiatives to energize rural law practices and address rural access to justice issues.

III. Identification of Unmet Needs

The unmet legal needs in rural Iowa remain as set forth in the Commission’s 2017 Report: Rural lawyers are aging and retiring. At the same time, it is becoming increasingly difficult to recruit new attorneys to practice law in rural Iowa. The reasons for the lack of new lawyers include: (1) need to maximize income to service high student loan debt, (2) perceived lack of social opportunities, (3) lack of job opportunities for spouses, (4) unwillingness of rural attorneys to transition to retirement and bring in new attorneys, and (5) reduced number of law students.

As noted in the Commission’s 2017 Report, a concern of every state is declining population in rural counties. Accompanying the general population decline in rural counties is an even greater decline in the number of rural attorneys. Twenty percent of the population of the United States is rural, yet only two percent of the attorneys are in rural America. Rural counties also have relatively low median income. Travel to see a lawyer in a neighboring county contributes to legal expenses.

Iowa does not yet have the degree of problems of its western neighbors, Nebraska and South Dakota. Nebraska has twelve counties with no attorneys. South Dakota has many areas with no attorneys. In both states, there are residents who do not have attorneys within 100 miles.

The ISBA Rural Practice Committee has met with legislators continually over the last several years. While the judicial branch struggles with funding, court-appointed attorney fees remain at \$60 per hour. Increasing funding for both has been a priority of the ISBA legislative program, leaving no room for any funding source from the state for attorneys going to small town Iowa. With the budgetary lean times ahead, it is not anticipated that there will be “state money” for the near future.

Factors that impact the recruitment and retention of rural legal practitioners include economic factors such as potential over-valuation of existing practices

coupled with increased law school debt for newer practitioners. It thus can be difficult for newer attorneys to consider a nonsalaried position or to consider buying into an ongoing law practice. Further, there may be real or perceived limits on lifestyle and social opportunities for professionals beginning their legal careers in rural areas. Similarly, there may be real or perceived limits on career opportunities for an attorney's spouse or partner (including implications related to health insurance or other benefits received via a spouse's employment). Limited diversity in rural communities may impact the interest of prospective new attorneys.

Current providers of free civil legal assistance are not able to provide sufficient personnel to address the needs of low income rural Iowans. Volunteer lawyers projects assist in filling the gaps but are not able to fully meet the need.

The inability to meet the legal needs of low income rural Iowans through free legal assistance has resulted in more litigants appearing in court without lawyers. This self-representation puts an additional burden on clerks and judges. Persistent lack of adequate financial resources to the judicial branch may disproportionately affect rural Iowans if clerks offices are closed and court service days are reduced.

IV. Short Term Recommendations

Recommendation #18 (2017): The Iowa Supreme Court should allow attorneys to receive a limited number of CLE credits each year for providing pro bono services.

During its 2017 Administrative Term, the Iowa Supreme Court took up this recommendation and determined that it would not act on it.

Recommendation #19 (2017): Full funding for the judicial branch to allow full-time court services in 99 counties.

The Iowa Legislature should provide funding necessary to maintain court services in all 99 counties. The most rural, least populated areas of Iowa are also those that have the highest percentage of low income residents. Closing clerk of court offices or otherwise reducing court services in these counties

disproportionately impacts rural low income Iowans, requiring some of the most needy to defer, wait, or travel for access to justice.

When considering substituting technology for a physical presence in the counties, the capacity of the population served must be considered. Limited means persons often do not have the resources or sophistication to use the technology necessary to be fully involved in our technology-driven culture. In addition, rural areas often do not have the high speed internet capability that is necessary to access the available resources. Finally, persons may have physical or mental limitations that make it impossible to effectively use technology.

In addition, by reducing or eliminating court services in some counties, the likelihood that attorneys will locate in those counties is severely diminished. This will further exacerbate the lack of attorneys in rural Iowa. It is recommended that all bar associations at every level focus on educating and communicating with legislators on the importance of full funding for the Iowa Judicial Branch.

Recommendation #20 (2017): Monitor and develop innovative pro bono courthouse assistance in rural areas.

Through the Pro Bono Innovations Fund grant and a grant from the Iowa State Bar Foundation, Iowa Legal Aid started pilot projects to increase pro bono assistance to low income litigants in family law cases in three rural counties. Iowa Legal Aid faced challenges both finding clients who needed representation in these rural counties and finding pro bono attorneys willing to represent them. Due to lack of clients and attorneys in the rural counties, Iowa Legal Aid now recognizes that rural areas may not be the best market to test out these new models.

Iowa Legal Aid has identified three mid-sized cities to develop and test new pro bono models that can then be replicated in rural areas. These cities are large enough markets that Iowa Legal Aid will have enough clients and volunteers to adequately test the effectiveness of the new models and then roll out the best practices in the rural areas.

V. Long Term Goals

Goal #11 (2017): Expand use of low bono representation in rural areas.

The Rural Access Work Group recommends exploring and expanding the use of low bono representation. Low bono representation involves the use of a sliding scale of fees based on ability to pay. Low bono representation presents a possible solution to the problem of too few attorneys and the high cost for legal services. The Work Group recommends an aggressive program to educate and provide low bono services to those who do not qualify for legal aid or a volunteer lawyers project. Iowa Legal Aid could, as a part of its intake process, determine whether a person would be eligible for low bono services. If a client was above the legal aid income guidelines, and would therefore not qualify, but would be below a certain income level, they could qualify for fees at a reduced rate. It was suggested that a person with income below the median household income average for the lowest twenty counties in Iowa could qualify for such services at a fee of perhaps \$100 per hour.

Goal #12 (2017): Expanded limited scope representation in rural areas.

A second available route to increase access to justice in rural areas is limited scope representation. Limited scope representation involves use of the services of a lawyer only at specifically identified and defined stages of a legal proceeding. Limited scope representation has been available for several years, but the need to educate the public and attorneys on these benefits continues.

Limited scope representation would not only make legal services more readily available but might further encourage attorneys to practice in rural communities. There are law firms in Iowa providing limited scope representation. Further, there are firms that will set an hourly rate below their average hourly rate for people who cannot afford to pay the normal fee. While no survey has been done, the Work Group estimates that perhaps 25%, if not more, of the attorneys in rural Iowa already use a sliding scale.

Current Iowa Supreme Court rules allow for limited scope representation, but many attorneys have been hesitant to implement it in their practice. This resistance may be based on unfamiliarity or unease with the practice. The

Work Group recommends that the ISBA undertake a concerted effort to educate attorneys on limited scope representation. Any education program should also include legal malpractice insurance providers to discuss procedures to minimize exposure to risk.

➤ **Goal #12A (2018): Promote rural law practice with a limited scope representation emphasis.**

Limited scope representation might further encourage attorneys to practice in rural communities. A small central Iowa law firm has successfully built a practice with a focus on providing unbundled services in a small community. Consistently available limited scope representation has proven beneficial in addressing access issues in rural communities.

Goal #13 (2017): Explore methods to expand recruitment of rural attorneys.

One aspect of maintaining and enhancing access to justice in rural Iowa is the presence of legal practitioners in Iowa's rural counties. For rural Iowans in need of legal services, seeking legal advice or representation in larger metropolitan areas could present additional barriers in terms of time, transportation, and more expense. Attorneys in metropolitan areas may be unwilling or unable to provide services in rural counties in a cost-effective manner. This is exemplified by the inability of court-appointed contract attorneys to claim travel time in criminal and juvenile cases. Moreover, many rural practitioners already provide informal pro bono or low bono services in communities where nonprofit organizations often do not have a full-time presence.

In Nebraska, Wayne State College, Chadron State College, the University of Nebraska at Kearney, and the University of Nebraska Law School have adopted a program entitled "The Rural Law Opportunities Program." Students who attend undergraduate school at the three schools and commit to the program will receive free tuition at those schools and will automatically be admitted to the University of Nebraska Law School, as long as they maintain a 3.5 average for all four years of their undergraduate study. This program

has not been in existence long enough to judge the effect it may have. It has been noted that many who apply for these scholarships would be at the top of their class anyway, and probably eligible for other scholarships, since maintaining a 3.5 grade average is not a given and only the best students will qualify.

Nebraska also has a similar approach to the ISBA summer clerking program. Nebraska provides a bus tour annually with students working at two law firms for a period of five weeks each. There has been some success with the program but time will tell its long range effect.

In South Dakota, The South Dakota Bar, the South Dakota Legislature, and local South Dakota economic development groups have been more aggressive. The South Dakota Rural Practice Initiative was started in 2013 with the first placements in 2015. The program was designed to place sixteen lawyers in rural South Dakota counties with a population under 10,000 (48 of the 66 counties). Graduates of the law school, who have passed the bar, receive approximately 90% of the cost of the tuition at the University of South Dakota Law School, payable over five years. The cost of the program was estimated at \$1,000,000 to be paid 50% by the State, 35% by the county where the attorney practiced, and 15% by the South Dakota Bar Association. The program was available for sixteen attorneys, who had to commit by 2018. All slots were filled within the first two years, and the program was extended for another sixteen attorneys, with a fulfillment date of 2022. Two attorneys have been placed in this second group.

Among other ideas, the Work Group will explore loan forgiveness programs for rural practitioners (such as the Kansas Rural Opportunity Zone LRAP program), explore other incentive programs for rural practitioners, continue to support and expand efforts to highlight rural practice opportunities and match students and young attorneys with experienced rural practitioners as the ISBA Rural Practice Committee is doing, provide guidance and education for established rural practitioners on planning for transition and economic factors, and encourage coverage of travel time in State Public Defender indigent defense contracts that often involve civil matters such as juvenile representation.

- **Goal #13A (2018): Explore new approaches to past efforts of the ISBA’s Rural Practice Committee that showed early promise as well as initiatives from other states.**

Since 2011, the ISBA Rural Practice Committee it has attempted to place law students in clerking positions in rural Iowa. There were approximately ten students in the summer of 2011 that were placed in various parts of the state. Several students within the program graduated in 2012 and began practicing in small town Iowa. The program’s best success was in 2015 when ten full-time associates were placed directly or indirectly through the program, as well as fifteen clerks for the summer.

- **Goal #13B (2018): Explore avenues for larger law firms in Iowa to place a satellite office with a resident attorney in a rural area.**

The Work Group has discussed the possibility of approaching firms in larger communities about the possibility of satellite offices in rural Iowa by placing a recent hire with an established rural practice, and that individual would eventually take over a local practice but would be a member of the "city firm." There are many satellite offices, especially in western Iowa, but unfortunately, in most of them there is no resident attorney. The establishment of a rural partnership such as this would be a way not only to keep a young attorney in the community, but also to be more competitive with online services. Rural Iowa communities likely will be slower to go the "online route" than their city cousins. This may assist small town attorneys who cannot afford to hire an associate and to keep legal services in the community with the expertise of a larger firm.

Goal #14 (2017): Consider increased use of technology including kiosks with fill-in forms.

The use of technology should be increased so that those litigants who are self-represented can proceed with limited assistance from the clerk or court. The current forms should be converted into a program that walks the user through a series of questions and fills in the forms. Kiosks could be placed in each courthouse that would be used for this purpose. This recommendation would require additional funding and is likely to be three to five years in implementing.

Rural Access Work Group Members

Phil Garland, Co-Chair
Elisabeth Reynoldson, Co-Chair
Brian Farrell
Bruce Walker

I. Overview of Issues

The Language Access Work Group notes the Iowa Supreme Court statement that “Knowledgeable and skilled court interpreters are an essential part of the Iowa Judicial Branch’s mission to provide high quality justice and service to all persons.”

II. Identification of Available Resources

In addition to establishment of the Iowa Supreme Court’s Language Access in the Courts Advisory Committee and the report it has submitted, the judicial branch website provides information on how to become a qualified interpreter, how to find an interpreter, information for current court interpreters, and testing and training schedules for interpreters. Chapter 47 of the Iowa Court Rules provides the Court Interpreter and Translator Rules, and chapter 48 sets forth the Code of Professional Conduct for Court Interpreters and Translators.

III. Identification of Unmet Needs

Iowa Judicial Branch information on its website, in court forms, and in courthouses across the state is lacking in translation into any languages. In addition, the state faces a shortage of qualified interpreters in all languages, including Spanish. Finally, the state and the judicial branch are far from compliance with the United States Department of Justice (USDOJ) 2010 Memo on Language Access Requirements for Recipients of Federal Funding, which includes the Iowa courts and most justice system agencies and departments. The USDOJ Memo requires recipients to provide free language access services to limited English proficiency persons involved in legal proceedings, consistent with the USDOJ’s interpretation of and guidelines on Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on nationality.

The Iowa Judicial branch website provides a list of 20 languages for which there are oral language and court interpreter examinations. There are no other certified court interpreters for any other languages. Frequently used court forms are not available in Spanish or other languages.

IV. Recommendations

Recommendation #21 (2017): Appoint and reinvigorate a language access in the courts advisory committee pursuant to Iowa Court Rule 47.9.

The primary recommendation of the Language Access Work Group in 2017 centered on Iowa Supreme Court appointment and reinvigoration of a language access in the courts advisory committee. On September 14, 2017, the supreme court established the Language Access in the Courts Advisory Committee. See Appendix at L. The advisory committee includes judges, attorneys, court staff, interpreters, and other representatives from key stakeholder groups. The advisory committee must provide an annual report, beginning June 1, 2018.

With appointment of the language access advisory committee, the Work Group notified the Commission on May 2, 2018, that with the efforts of the advisory committee closely matching the Work Group priorities and 2017 recommendations, the time and effort of the Work Group members would be better spent on other Commission initiatives.

The Commission is in receipt of the advisory committee 2018 report submitted to the court, “Recommended Language Access Priorities for FY 2019,” and has incorporated aspects of it into this Commission Report.

Recommendation #22 (2017): The Advisory Committee should consider and make recommendations to address various language access issues as soon as it is reasonably possible.

The following language access issues should be addressed:

- Streamlining the process for paying court interpreters and translators and implementing electronic filing and transmission of fee-claim forms and supporting documents.
- Ensuring that interpreters promptly receive notice of continuances of court proceedings and the new date for the proceeding.

- Developing standard statewide bilingual forms and instructions (beginning with English/Spanish) for Limited English proficient (LEP) self-represented parties involved in cases or proceedings for which there are currently only English language versions.
- Providing a telephone number to call for interpreter use in all Original Notices similar to Original Notices for hearing-impaired individuals.
- Developing bilingual (English/Spanish) or multilingual signs for courthouses.
- Developing guidelines and procedures for video conferencing technology to access qualified oral and sign language interpreters in remote locations and providing cost estimates for acquiring the technology and software necessary to provide this service statewide.
- Expanding judicial branch use of full-time certified Spanish staff interpreters by:
 - Providing interpretation and translation services for LEP litigants and participants in court proceedings.
 - Producing with approval and supervision from the state court administration office, written translations of bilingual English/Spanish (or multilingual) forms and instructions for self-represented parties.
- Employing a full-time Language Access Coordinator (preferably a certified Spanish interpreter) in the state court administration office to help coordinate interpreter recruitment, training, testing, and performance monitoring; translate court forms, instructions, and judicial branch website materials; and develop outreach efforts to educate immigrant communities about the court system.



Recommendation #22A (2018): Streamline the process for payment of court interpreter fees.

The most common complaint from court interpreters in Iowa is the delay in receiving payment after submission of fee claim forms and supporting documents. The primary source of the delay is the complexity of the payment process for court interpreters.

Three different government offices pay oral language court interpreters depending on case type and whether the LEP party is represented by a public defender or court appointed counsel. The State Public Defender’s Office pays interpreters who provide services in cases where there is an LEP party represented by a public defender or court-appointed attorney. State court administration pays oral language interpreters in all civil cases and criminal cases involving nonindigent LEP defendants. The county pays oral language interpreters who provide services in mental health commitment proceedings and sign language interpreters who provide services for deaf or hard-of-hearing parties in any type of case. Each office has slightly different paperwork requirements.

While certified Spanish interpreters and certified sign language interpreters who work regularly in Iowa courts may have mastered the complexities of the payment system, interpreters who do not interpret regularly in Iowa courts—primarily interpreters of oral languages other than Spanish—continue to find Iowa’s payment system to be confusing and frustrating. Multiple interpreters of uncommon languages have come to Iowa from other states and encountered long delays in being paid, and consequently have refused to return to Iowa to provide court interpreting services.

➤ **Recommendation #22B (2018): Develop standard statewide bilingual (English/Spanish) forms and instructions.**

The advisory committee has identified the highest priority forms, court orders, and instructions for translation. The committee recommendations include focusing first on domestic abuse forms and accompanying handbook, applications for appointment of counsel and court interpreters, certain small claims forms, and the petition and answer in dissolutions of marriage.

- **Recommendation #22C (2018): Translated forms should be in a format with English text first followed immediately by translated text.**

The advisory committee considered different formats for translated forms from other states and agreed on the “New Mexico” version of providing English text first with translated text immediately below or next to in a different font. An alternative format the committee rejected is to place the form content into columns for each language.

- **Recommendation #22D (2018): General information provided on the judicial branch website should be translated into Spanish.**

The advisory committee recommends that the judicial branch provide Spanish versions of general information on the judicial branch website, including the following:

- Representing Yourself in Court
<https://www.iowacourts.gov/for-the-public/representing-yourself/>
- Pay a Fine or Court Debt
<https://www.iowacourts.gov/for-the-public/pay-a-fine/>
- Common Legal Terms
<https://www.iowacourts.gov/for-the-public/common-legal-terms/>

- **Recommendation #22E (2018): Ensure prompt notification of court interpreters when a hearing is continued or cancelled.**

Over the past two years, there have been multiple occasions when court staff did not inform a court interpreter that a trial had been continued, and the interpreter drove three or more hours to get to the courthouse. In each of these instances, state court administration was obligated to pay the interpreter’s travel time and the cancelled trial time because the court failed to notify the interpreter. Consequently, failure to inform

interpreters of trial continuances or cancellations has cost the state thousands of dollars.

The district court administrators, the Director of Judicial Branch Information Technology, and state court administration discussed this issue during a recent meeting and will work to address this recommendation.

V. Long Term Goals

Goal #15 (2017): Provide training of court staff, judges, attorneys, and other stakeholders on language access issues.

Clerks and district court administration (DCA) staff should be trained in two areas: (1) requirements regarding the qualifications, scheduling, and management of court interpreters set forth in chapter 47 of the Iowa Court Rules; and (2) use of the telephone-based interpreter services approved by state court administration (e.g., Language Line, Inc., and CTS Language Link) for addressing language access needs involving LEP persons who come to clerks' or DCAs' offices for information or assistance.

Training for all judicial staff in the form of a PowerPoint similar to that which is provided by the State of Connecticut could help staff in dealing with persons with limited efficiency or proficiency in English. New judges and magistrates should receive training on rules pertaining to court interpreters and translators in chapter 47 of the court rules and on the management of proceedings involving a court interpreter. Advanced training should be periodically offered for experienced judges and magistrates.

Attorneys, especially criminal defense and legal aid attorneys, should receive information and training on the requirements in chapter 47 of the Iowa Court Rules.

- **Goal #15A (2018): Develop guidelines for and facilitate implementation of video remote interpreting (VRI) for sign and oral language interpreters, and ensure that all future courthouse expansions or renovations include proper wiring or other infrastructure to accommodate VRI.**

The Language Access in the Courts Advisory Committee is exploring development of guidelines for VRI.

- **Goal #15B (2018): Hire a full-time state-level Language Access Program Coordinator.**

This goal is contingent on judicial branch funding levels balanced with other personnel needs within the branch.

Goal #16 (2017): Recruit and share information about persons qualified to provide language access services for courts and other justice-related entities.

An initiative should be undertaken to coordinate efforts with area high schools, community colleges, colleges, and universities to encourage development of language interpreting and translating programs in foreign languages common in Iowa. Northwestern College in Orange City and Des Moines Area Community College already have interpreter training programs.

An initiative should be undertaken to coordinate efforts with government agencies, businesses, hospitals, and nonprofit organizations to recruit, train, and share information about the availability of persons with bilingual knowledge and skills in English and a foreign language, especially languages other than Spanish, to provide language access services in the justice system and communities throughout Iowa. Colleges and universities in Iowa should share information with the judicial branch regarding the availability of persons with advanced knowledge and skills in foreign languages who might be interested in providing language services for legal proceedings and to pursue the additional training and testing to be listed on the judicial branch roster of court interpreters. An effort should be made to recruit retired

language teachers for training to be listed on the roster and to generally encourage diverse hiring by the judicial branch.

➤ **Goal #16A (2018): Hire more full-time certified Spanish staff interpreters.**

Currently, only the 3rd Judicial District in Iowa has a full-time certified Spanish interpreter. Expansion to staff interpreters likely would require additional resources for the judicial branch.

Goal #17 (2017): Distribute information about existing resources for locating qualified interpreters.

The Iowa Judicial Branch should widely distribute to Iowa attorneys and stakeholder groups information about resources for locating certified and other qualified interpreters who are trained and available to provide language access services for LEP persons involved in legal proceedings or court-related programs, including but not limited to the following: (1) the judicial branch roster of court interpreters, available on the Iowa Judicial Branch website, and (2) The “Find an Interpreter” page on the judicial branch website.

Goal #18 (2017): Development of information on the use and cost of court interpreters and translators.

State court administration should develop a regular statistical report on the number of court cases and proceedings involving interpreters by case type, language type, and county, and the cost of interpreting and translation services. The current cost per word for interpretation is \$0.18 based on a September 2016 state court administrative directive on court interpreter and translator compensation.

Goal #19 (2017): Establish a goal to comply with the U.S. Department of Justice (USDOJ) 2010 Memo on Language Access Requirements for Recipients of Federal Funding (which includes the Iowa courts and most justice system agencies).

The ISBA and justice system leaders should advocate for revisions to the Iowa Code, court rules, and relevant policies to provide free language access services to LEP individuals in legal proceedings, consistent with the USDOJ's interpretation of and guidelines on Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on nationality.

Goal #20 (2017): Provide language access for LEP participants in executive branch administrative law proceedings.

The executive branch should adopt rules comparable to chapter 47 of the Iowa Court Rules for establishing qualifications for interpreters and translators in administrative law proceedings, and should aspire to have administrative law divisions comply with the USDOJ's 2010 memo regarding the requirements of Title VI of the Civil Rights Act. Common critical instructions or statements made by judicial officers to LEP parties should be developed.

Goal #21 (2017): Support funding to support language access initiatives.

Not all of these goals are achievable given the current budget situation. When the state funding situation improves, however, actions to achieve unmet goals should be pursued.

Language Access Work Group Members

Bruce Walker, Co-Chair
Ann Naffier, Co-Chair
Leesa McNeil
Leslie Kilgannon
Alfonso Erdmann
Jessica Taylor
John Goerd
Dave Ewert
Mio Santiago
David Suarez

I. Overview of Issues

Practices and procedures that assist self-represented litigants (SRLs) and low income, economically insecure, marginalized, or uninformed persons are most effective and efficient if they are standardized and implemented statewide after vigorous testing or piloting with targeted audiences. As important as finding and utilizing new services is identifying and eliminating barriers that deny justice to populations confronting explicit or implicit bias. With limited resources, case types with the highest concentration of SRLs—family law, small claims, landlord tenant, and guardianships and conservatorships—should be the focus.

The Iowa Judicial Branch must leverage its data collection abilities from its electronic filing and case management systems to confirm or provide a clearer understanding of which types of legal actions and proceedings most impact SRLs. With persistent limited resources, precisely targeting the right type of case and the most affected population is crucial.

All steps or initiatives taken to benefit SRLs should include the common criteria that processes and forms will be user friendly, employ plain English techniques, include disability rights advocacy input, and be tested or piloted before implementation statewide.

II. Identification of Available Resources

Existing staff vacancies may be able to be repurposed to positions and resources to support efforts to assist SRLs. Plain English tools are available and can be set as a standard as needed for efforts impacting SRLs. Establishing a standard by which all efforts can be measured will ensure consistency in forms and instructions SRLs use. Free resources such as YouTube may be helpful in reaching SRLs with information they need regarding forms and processes.

Vast resources are available for reference, guidance, and implementation of innovative processes from the access to justice

stakeholder community. Examples include: the American Bar Association’s Resource Center for Access to Justice, the Institute for the Advancement of the American Legal System (IAALS), the Self-Represented Litigation Network, the Center for Access to Justice at Fordham Law School, and the National Center for State Courts.

A number of resources are available locally, including current work product of this Commission and its Work Groups. Previous task force reports and studies are also available, including recently: the 2017 Iowa Guardianship and Conservatorship Reform Task Force Final Report, this Commission’s 2017 Report, and the 2016 Report of the Iowa Supreme Court Family Law Case Processing Reform Task Force. More dated reports and studies carry helpful information and recommendations, such as the 2012 Civil Justice Reform Task Force Report, Recommendations of the Court Interpreter Policies Advisory Committee in 2001, and the 1996 Charting the Future of Iowa’s Courts report.

III. Identification of Unmet Needs

There are persistent unmet needs challenging access to justice initiatives in Iowa. For example, there is a lack of comprehensive data tracking the numbers of SRLs in the court system and in which types of legal actions they are most involved. Anecdotal impressions, while they may generally prove accurate, are not a solid foundation upon which to invest limited resources. Another persistent need is a program or tool or method that will link SRLs with specific resources targeted to address their legal needs. Related to this need, and the lack of comprehensive data, is a lack of information gathered from the perspective of SRLs themselves. What are they telling us that they need? Finally, Iowa continues to be reactive to accommodations in the court system for people with disabilities rather than being proactive.

IV. Short Term Recommendations

Recommendation #23 (2017): Review the Guardianship and Conservatorship Taskforce Report for its impact on self-represented litigants and access to justice.

There are recommendations in the report that impact access issues for SRLs. All court efforts that impact case processing should be planned per standards set to ensure they are user-friendly and workable for SRLs.

The Iowa Guardianship and Conservatorship Reform Task Force provided its final Report in August 2017: “Reforming Iowa’s Guardianship and Conservatorship System.” The Case Processing Work Group recommends coordination with the Probate and Elder Law section of the ISBA to promote effective review and implementation of the Guardianship and Conservatorship Reform Task Force recommendations. Interested judicial districts and county courts should be encouraged to conduct pilot programs of proposed reforms. The judicial branch should re-engage the Office of Substitute Decision Maker.

Recommendation #24 (2017): Mandatory new judge and new employee training on procedural fairness.

The judicial branch should require training for all new court employees and judges on procedural fairness. Until another tool is obtained, a PowerPoint that was utilized in a one-time training session at a clerk conference in 2012 could be updated and made available on the court’s iLearn system. This recommendation could be implemented in a matter of months.

Recommendation #25 (2017): Provide a comprehensive listing of available resources for SRLs to be made available on the judicial branch website, the ISBA website, and in all clerk of court and other court offices that interact with the public.

A survey of all 99 clerk offices and 8 District Court Administration offices in Iowa reveals there is no consistent or thorough information provided to SRLs about available resources. Providing information will enable more SRLs to

have access to existing resources. This effort could be undertaken as a subcommittee project. Such efforts have been undertaken in Wisconsin and Maryland. Information about the Iowa Department on Aging services and the Iowa Guardianship Establishment (IAGE) Program Application (<https://www.iowaaging.gov/iage-program>—go to application form link) should be included in the resource material that is developed. This is a project that could be undertaken immediately by a specially appointed Work Group. Much of the work could be accomplished by telephone conference and email exchanges.

Recommendation #26 (2017): Determine feasibility of making all forms SRLs may use available as fill-in forms to improve ease of efilng. (Think TurboTax!)

The current process of having to find a form, modify it for the filer’s purpose, save it, and then find it to attach as a filing is too cumbersome. The small claims forms are most in need of the update, followed by the family law forms.

It is unknown what technical features would be needed that are not currently available. Assistance from the Iowa Judicial Branch Information Technology department would be needed. As an example, the Iowa Department on Aging has made a fill-in form for the Iowa Guardianship Establishment Program Application. A Work Group appointed for this specific purpose could be formed immediately. By working through the needs for such a change, a timeframe and identification of the resources needed could be established.

➤ **Recommendation #26A (2018): In family law matters involving child custody, expand alternatives for parents to satisfy Children in the Middle requirements.**

Parents required to attend Children in the Middle classes as part of family law legal matters and required by Iowa Code section 598.15 must have more options and flexibility to meet this requirement. The judicial branch should provide and approve online parenting education classes. Classes should be available in common foreign languages, available on

more than the current limited basis, and available in a manner that does not require parents to hire and provide their own interpreters. At the very least, the judicial branch should provide on its website a comprehensive list of all available and approved options for attending Children in the Middle.

- **Recommendation #26B (2018): Expand application of the pro bono workshop as piloted in Clinton County, Ohio, into Iowa, with an emphasis on providing legal assistance to parents navigating the court system.**

Katie Wright, Child Support Enforcement Agency prosecutor in Clinton County, Ohio, started a free family law clinic that “empowers parents to resolve their legal problems.” With support from the local Volunteer Lawyers Project, the Child Support Enforcement Agency, and the Domestic Relations and Juvenile Court, the clinic provides advice on issues “such as parenting time, powers of attorney, and child support [and] provide[s] forms for common family law motions so clients could walk to the clerk’s office and file their motions.” See Appendix at M.

V. Long Term Goals

Goal #22 (2017): Ongoing training on procedural fairness for all judges and employees.

As judges and employees encounter SRLs they will become more effective working with SRLs and ensuring justice is done. Through increased attention and training on the topic, best practices for working with SRLs will become institutionalized. There is a need to identify the types of training, resources needed for such, and methods of delivery that can be utilized for training on procedural fairness. All staff evaluations should include a component that addresses the employees’ work to ensure procedural fairness.

Some jurisdictions utilize a peer review process for training judges whereby judges agree to videotape court sessions with SRLs, and peers

proficient in working with SRLs review the video and offer constructive feedback. This practice was recommended in an article by Richard Zorza in “Trends in Self-Represented Litigants Innovation,” p. 87.

All Judges and Staff should be made aware of the recommendations of recent commission and task force reports on family law case processing, Guardianships and Conservatorships Task Force, and this Commission. Statewide focus groups could respond to these recommendations to see how their own jobs and locations can help implement the recommendations. The Judicial Branch should outline a plan immediately to implement the recommendations of this Commission for training on procedural fairness.

Goal #23 (2017): Continue to explore opportunities to modify case-processing practices and forms to improve access and utilization by SRLs.

The Commission should engage in a continuous review process of forms and case processing practices.

➤ **Goal #23A (2018): Consult with disability rights advocates about how to improve access to justice for persons with disabilities.**

Persons with disabilities have unique access issues. The judicial branch provides judicial district ADA coordinators, but the branch should undertake a comprehensive study of the needs of persons with disabilities from their perspective.

➤ **Goal #23B (2018): Support and expand employment of access to justice coordinators as utilized by the Iowa Accountability Program.**

The Iowa Accountability Program (IAP) was established in 2005 to improve the process of domestic violence cases in Iowa. IAP’s specific focus is on domestic violence cases involving African Americans. There are few and perhaps no widely coordinated personal court resources

devoted to individuals coming to court without attorneys and seeking relief from domestic violence.

Case Processing Work Group Members

Honorable Artis Reis, Co-Chair

Leesa McNeil, Co-Chair

Chris Luzzie

Bob Oberbillig

Medha Johnson

Looking Forward



The Commission officers will schedule a minimum of four regular, in-person meetings of the Commission for the coming year. It is anticipated that at least one such regular meeting will be devoted to emerging uses of technology in the access to justice realm.

One of the first tasks for the Commission at the start of its third year will be to reassess the organization of the Work Groups and their subject areas of focus. The supreme court's establishment of its Language Access in the Courts Advisory Committee has effectively assumed the efforts of the Commission's Language Access Work Group. In addition, the increasing power of technology to enhance access to justice warrants consideration of whether a Commission Work Group should be dedicated to technological innovations.

The Commission will also review the recommendations and long term goals that the Work Groups have advanced.

An overriding goal of the Commission in its third year and a consideration for each Work Group in its activities will be to continue to broaden the umbrella of stakeholders committed to working with the Commission and Work Groups on access issues.

Several Commission members this past year attended national conferences targeting access to justice issues and emerging trends. For example, the National Meeting of State Access to Justice Commission Chairs held in conjunction with the ABA Equal Justice Conference provided valuable insight on access to justice issues for Commission attendees. Commission members also attended the IAALS "Better Access through Unbundling" conference in Denver, Colorado. It is anticipated that several Commission members will be able to attend similar conferences in 2019.

As in prior years, the Commission will prepare an annual report for submission to the Iowa Supreme Court.

Conclusion



As it did last year, the Iowa Access to Justice Commission realizes that through the preparation of this Report, the Commission has taken beginning steps in what promises to be a long and continuous journey. The Commission recognizes that its recommendations and goals are necessarily imperfect. It also recognizes that the Commission's work to date amounts to only the beginning steps towards addressing a very large problem. Yet, the Commission believes that its 2018 Report provides the framework for future efforts. The Commission takes comfort in the common-sense observation that all majestic oaks, without exception, begin as saplings.

Commission efforts to date reinforce its view that expanding meaningful access to justice for all members of the community is an urgent priority. The Commission plans in the coming year to focus on implementing recommendations and better understanding and refining of its goals in a fashion that generates future specific recommendations. The members of the Commission wish to thank the Iowa Supreme Court for the opportunity to serve in this important undertaking.

Appendix



- A.** Chief Justice Cady letter to Commission, September 1, 2017
- B.** New Iowans Legal Advice Clinic information
- C.** Guardianship and Conservatorship Reform Task Force presentation
- D.** Iowa Accountability Program
- E.** Access to Justice Corporate Playbook
- F.** “Lack of Access to Affordable Legal Help is Hurting Businesses: What Business Leaders and In-House Counsel Can Do to Help”
- G.** Iowa Resources List of Organizations
- H.** Research memorandum: “Recommendations from review of state ATJ websites & initiatives”
- I.** Iowa Access to Justice Public Outreach Summit
- J.** 2018 Pro Bono Survey results
- K.** VA’s Legal Services and SSVF Program
- L.** Iowa Supreme Court order, September 14, 2017
- M.** “Free Legal Clinic Empowers Parents,” June 5, 2017

Appendix A



Chief Justice Cady letter to Commission, September 1,
2107



Supreme Court of Iowa

MARK S. CADY
CHIEF JUSTICE

IOWA JUDICIAL BUILDING
1111 E. COURT AVENUE
DES MOINES, IA 50319

(515) 281-3952

September 1, 2017

The Honorable Brent Appel
Chair, Access to Justice Commission
1111 East Court
Des Moines, IA 50319

Dear Justice Appel and Members of the Commission,

During its administrative term, the Iowa Supreme Court reviewed the 2017 Access to Justice Report prepared by the Access to Justice Commission. On behalf of the court, I sincerely thank the commission for its hard work and thoughtful recommendations. I sincerely believe that the public-private partnership of this commission will lead to many successful efforts and programs that will improve access to justice throughout the state.

Having considered the report, the court expressed its general approval of the direction of the commission. I also want to inform you of the actions we took in response to some of the commission's recommendations.

Recommendation #6: Advocate for change or clarification to Iowa Court Rules to allow attorneys registered as house counsel to provide pro bono services.

Action: Tré Critelli, Director of the Office of Professional Regulation, prepared a memo that clarifies the ability of house counsel to provide pro bono legal services. This memo may be disseminated among house counsel. Please feel free to contact Tré with any further questions or concerns.

Recommendation #18: The Iowa Supreme Court should allow attorneys to receive a limited number of CLE credits each year for providing pro bono services.

Action: At this time, the supreme court will not act on this recommendation.

Recommendation #21: Appoint and reinvigorate a language access in the courts advisory committee (Advisory Committee) pursuant to Iowa Court Rule 47.9.

Action: The supreme court is in the process of soliciting recommendation and identifying the appropriate individuals and organizations to serve on the committee. Appointments will be made by the court by September 30, 2017.

Recommendation #23: Review the Guardianship and Conservatorship Taskforce Report for its impact on self-represented litigants and access to justice.

Action: The court received the Guardianship and Conservatorship Taskforce Report and is in the process of considering several recommendations. The Access to Justice Commission will receive copies of the report at its September meeting.

Recommendation #24: Mandatory new judge and new employee training on procedural fairness.

Action: The court asked incoming state court administrator, Todd Nuccio, to work with the Judicial Branch Education Division to review its current training and to look for areas of improvement.

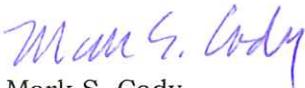
Recommendation #26: Determine feasibility of making all forms self-represented litigants may use available as fill-in forms to improve ease of e filing.

Action: Todd Nuccio and Tim Eckley, Assistant Counsel to the Chief Justice, will explore options for making judicial branch forms easier for Iowans to use.

The court strongly encourages the commission, through your workgroups, to implement other recommendations such as engaging traditional business associations to adopt access to justice issues and developing a communications plan for public outreach opportunities and events. It is only through our combined efforts that we will be able to make a difference in the lives of Iowans who cannot access our court system.

Thank you again for your dedication to justice and for all you do, every day, to serve Iowans.

Sincerely,



Mark S. Cady
Chief Justice

tjhb

Appendix B



New Iowans Legal Advice Clinic information

Iowa State Bar Association: New Iowans Legal Advice Clinic

The Iowa State Bar Association in collaboration with the Johnson County Bar Association, the Young Lawyers Division, IC Care, and the Center for Worker Justice of Eastern Iowa are establishing a free legal advice clinic for area residents. Although the clinic will be open to everyone in the community, the target population are those who cannot access other legal services, such as Legal Aid, due to their current citizenship status. This is a new initiative that will operate for the first time on November 17th, 2015 from 5:30-7:30 p.m.

Project Information: Volunteers will support the operation of the clinic; legal advice will be provided by volunteer attorneys. We are looking for enthusiastic students who are excited to be a part of launching of this critically needed resource in Johnson County. The clinic will be held at IC Compassion located at 1035 Ward Street, Iowa City. Although the first clinic will be held on November 17th all subsequent clinics will be on the second Tuesday of each month as follows:

- Tuesday, December 8, from 5:30-7:30 p.m.
- Tuesday, January 12, from 5:30-7:30 p.m.
- Tuesday, February 9 from 5:30-7:30 p.m.
- Tuesday, March 8, from 5:30-7:30 p.m.
- Tuesday, April 12, from 5:30-7:30 p.m.
- Tuesday, May 10, from 5:30-7:30 p.m.

Agency contact: Victoria Felt at victoria-felt@uiowa.edu

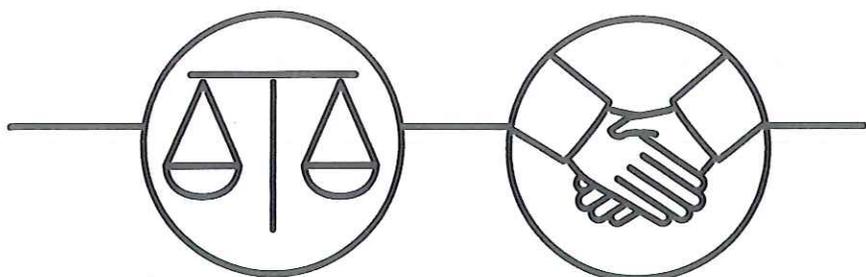
Volunteer Responsibilities: Students are expected to be engaged and open to helping as needed in the functioning of this new clinic. Flexibility is a must. Volunteer responsibilities will potentially include: initial marketing of clinic (posting flyers in targeted areas in town), assisting in the intake process, completing means testing evaluations, and helping clients fill out paperwork. Volunteer attorneys and the Clinic Coordinator, Victoria Felt, will supervise students. This project requires travel to IC Compassion, located at 1035 Ward Street, Iowa City. Students are expected to arrive at least fifteen minutes prior to the clinic opening and may be needed to stay after 7:30 to help close the clinic.

Agency responsibilities: The Center for Worker Justice will provide a coordinator (currently Victoria Felt) for the project. The coordinator will arrange for volunteer attorneys to staff the clinics, and will send reminders to the students for each clinic.

Time commitment/Scheduling: Students will be expected to commit approximately a total of 15 to 20 hours to the project during the semester, including training time. A required informational session (held at the College of Law) will be scheduled at a mutually agreed upon time once all volunteers are selected.

Criteria: Up to three positions are available. Suitable for all students, particularly those interested in issues experienced by the immigrant community. Preference to students who can commit to both semesters. Please indicate if you will be available for the December 8 and January 12 clinics, since these fall during finals and winter break. Proficiency in a second language is highly valued.

NEW IOWANS



LEGAL ADVICE CLINIC

BECAUSE EVERYONE DESERVES LEGAL HELP

Sponsored by the Johnson County Bar Association

When

**2nd Tuesday of every month:
Jan 10 • Feb 14 • Mar 14 • Apr 11 •
May 9 • June 13 • July 11 • Aug 8 •
Sept 12 • Oct 10 • Nov 14 • Dec 12**

5:30pm – 7:30pm

Where

IC Compassion

**Located in the Church of the Nazarene
1035 Wade Street, Iowa City 52240**

IN PARTNERSHIP WITH

IC Compassion • Iowa Legal Aid • Iowa State Bar Association • Johnson
County Bar Association Young Lawyers Division • University of Iowa
Citizen Lawyer Program • University of Iowa College of Law Legal Clinic •

What ?

∞ Free legal advice
clinic

∞ Consultations with
lawyers about issues
such as:

- Landlord/tenant
- Immigration
- Employment/
Work Issues
- Family Law
- Consumer Issues
- Taxes

Who?

Area residents
REGARDLESS of their
immigration status
who cannot access
other free legal
services.

Questions?

newiowanslegalclinic@iabar.org

Johnson County Bar Association
New Iowans Legal Advice Clinic

Client Intake Form – Initial Interview
Cuestionario para la Consulta Preliminar del Cliente

Initial Intake Date: _____ Intake Volunteer: _____

INTAKE ATTORNEY: _____

Languages spoken / *Idiomas que habla el cliente:* English Spanish French Arabic

Translator needed / *¿Necesita interprete?* Yes No

First name / *nombre* Middle name / *segundo nombre* Last names / *apellidos*

Street Address / *Calle* Apartment / *# de apartamento*

City / *Ciudad* Zip Code / *Código Postal*

Telephone / *Teléfono* Alternative Phone / *Otro número*

Contact Person who speaks English (Name & Phone #)

Male / *Masculino* Female / *Feminino* Race / *Raza:* _____

Date of Birth / *Fecha de Nacimiento:* _____

Who is your employer? / *¿Quién es su patrón?:* _____

Marital Status: Single Married Divorced Separated Living Together
(*soltero/a*) (*casado/a*) (*divorciado/a*) (*separado/a*) (*cohabitante*)

How many people, other than yourself, live at your address? / *¿Cuántas personas, aparte de usted, viven en su domicilio?:* _____

Of those, how many are related to you by marriage or blood? / *De ellos, ¿cuántos son familiares por sangre o por matrimonio?* _____

Do you have children? / *¿Tiene usted hijos?* Yes / *Sí* No. How many? / *¿Cuántos?* _____

Have you or any family members ever received public benefits? / *¿Alguna vez usted o algún familiar suyo recibió beneficios públicos?* Yes / *Sí* No

If yes / Si respondió que sí: TANF / Welfare Food Stamps / *Estampillas de Comida* SSI
Medicaid Unemployment / *Desempleo* Other / *otro* _____

How did you find out about this legal advice clinic? / *¿Cómo se enteró Ud. de esta clínica?*

Appendix C



Guardianship and Conservatorship Reform Task Force
presentation

IOWA SUPREME COURT

GUARDIANSHIP AND CONSERVATORSHIP REFORM TASK FORCE

Presentation to:

Iowa Supreme Court, Access to Justice Commission

Presentation by:

Josephine Gittler, Wiley B. Rutledge Professor of Law , University of Iowa College of Law, Coordinator and Reporter, Iowa Supreme Court, Guardianship and Conservatorship Reform Task Force

December 7, 2017

I. BACKGROUND

1. Nearly 23,000 Iowans are subject to guardianship and conservatorship.
2. Adults subject to guardianship and conservatorship have diminished decision-making capacity. The single largest category is adults with intellectual disabilities and the next largest category is older adults with Alzheimer's and other dementias. In the vast majority of minor guardianship cases, the reason for the appointment of a guardian is parental failure to fulfill parental responsibilities with respect to the custody and care of a child. In the vast majority of minor conservatorship cases, the reason for the appointment of a conservator is that the child had received financial assets as a result of either a legal settlement or inheritance.
3. In January of 2015, Chief Justice Cady issued an order establishing the Guardianship and Conservatorship Reform Task Force.
4. The Task Force had the following components: a Steering Committee, five Work Groups and a Resource Committee on Clinical Evaluations. Over 70 individuals served as members of the Task Force. They represented all of the major stakeholders in the guardianship and conservatorship system (judges and other judicial branch personnel, attorneys, guardians and conservators, financial institutions, bonding companies, advocates for individuals with disabilities, mental illnesses and brain injuries, advocates for the older individuals, state and local agencies, clinicians and service providers, and legal academics).
5. The Task Force Final Report, containing 272 recommendations with comments, was submitted to the Supreme Court in August of 2017. The full report is available at: <https://www.iowacourts.gov/for-the-public/reports/>.

II. PROBLEMS IDENTIFIED RELATED TO ACCESS TO JUSTICE

A. Establishment of guardianships and conservatorships

1. Probate Code provisions regarding establishment of guardianships and conservatorships are not clear and understandable to lay persons.
2. Existing forms lack instructions and are not user-friendly for unrepresented participants in the proceedings (petitioners, proposed guardians and conservators, court-appointed guardians and conservators, persons subject to guardianship and conservatorship and other persons with an interest in the proceedings).
3. Additional user-friendly forms with instructions are needed.

B. Court monitoring of guardianships and conservatorships

1. Forms required to be submitted by guardians for court review and approval lack specificity and detail, lack instructions, and are not user-friendly.
2. Separate forms are not required for adults subject to guardianship and conservatorship and minors subject to guardianship and conservatorship.
3. Guardians and conservators do not receive needed education, guidance, and assistance as to their duties and responsibilities.

C. Modification and termination of guardianships and conservatorships

1. Persons subject to guardianship and conservatorship, as well as other persons interested in their welfare, encounter barriers in seeking modification and termination of a guardianship or a conservatorship.

D. Citizen complaint process

1. There is no citizen complaint process for communicating concerns to the court about guardianships and conservatorships and the performance of guardians and conservators.

III. RELEVANT TASK FORCE RECOMMENDATIONS

A. Revision of Probate Code

1.1. The Iowa General Assembly should undertake a comprehensive revision of the Iowa Probate Code provisions with respect to establishment of adult guardianships and conservatorships in accordance with the recommendations of the Iowa Guardianship and Conservatorship Reform Task Force.

Task Force Report, Page 11.

B. Revision of existing forms and development of additional forms

4.6. The Judicial Branch should adopt a standardized form for the initial care plan for the use of guardians of adults. The form should be user-friendly, i.e., written in plain language, easily readable type, and understandable by persons with different educational levels and different backgrounds.

4.7. The Judicial Branch should revise the existing form for the annual report for the use of guardians of adults. This form should elicit more detail and specificity with respect to the status and well-being of the protected adult and the activities of the guardian. The form should be user-friendly, i.e., written in plain language, easily readable type, and understandable by persons with different educational levels and different backgrounds.

Task Force Report, Page 92.

4.10. The Judicial Branch should adopt a separate standardized form for the initial care plan specifically for the use of guardians of minors. The form should be user-friendly, i.e., written in plain language, easily readable type, and understandable by persons with different educational levels and from different backgrounds.

4.11. The Judicial Branch should adopt a separate standardized annual report form specifically for the use of guardians of minors that describes the status and condition of the minor and the guardian's actions and activities on behalf of the minor. The form should be user-friendly, i.e., written in plain language, easily readable type, and understandable by persons with different educational levels and from different backgrounds.

Task Force Report, Page 95.

4.14. The Judicial Branch should adopt a standardized initial financial management plan form for the use of conservators. The form should be user-friendly, i.e., written in plain language, easily readable type, and understandable by persons with different educational levels and different backgrounds.

4.15. The Judicial Branch should adopt a revised standardized annual report form for the use of conservators. The form should be user-friendly, i.e., written in plain language, easily readable type, and understandable by persons with different educational levels and different backgrounds.

Task Force Report, Page 97.

5.28. The Supreme Court should create a committee, or some other entity, to revise existing standardized forms and to develop new forms that reflect the recommendations of the Guardianship and Conservatorship Reform Task Force. Forms and form instructions should be developed and revised in collaboration with representatives from other appropriate major stakeholders, and these forms and instructions, particularly those for use by lay persons not represented by attorneys, should be user-friendly.

Task Force Report, Page 135.

Appendix J: Initial Care Plan for Adult, Model Form.

Task Force Report, A:83.

Appendix K: Annual Report for Adult, Model Form.

Task Force Report, A:89.

Appendix L: Initial Care Plan for Minor, Model Form.

Task Force Report, A:95.

Appendix M: Annual Report for Minor, Model Form.

Task Force Report, A:101.

C. Guardian and conservator education, guidance and assistance

5.8. Volunteer programs that provide education and assistance to guardians and conservators and volunteer programs that provide assistance to the court in monitoring guardianships and conservatorships should be developed.

(a) Court-sponsored volunteer programs, modeled on the Iowa Guardianship and Conservatorship Assistance & Monitoring Pilot Project, in which law, business, and social work students participate, should be developed for interested judicial districts in collaboration with the University of Iowa College of Law and the Drake University School of Law. Such programs should provide education and assistance to guardians and conservators and/or provide assistance to the court in monitoring guardianships and conservatorships.

(b) Court-sponsored or court-managed programs utilizing community volunteers (e.g., AARP Iowa members) should be developed. Such programs should provide education and assistance to guardians and conservators and/or provide assistance to the court in monitoring guardianships and conservatorships.

(c) Consideration should be given to the development of programs utilizing attorneys to assist the court in monitoring guardianships and conservatorships.

Task Force Report, page 124-125.

D. Modification and termination of guardianships and conservatorships

4.28 The Iowa Code and/or a court rule should provide that the court may conduct a hearing to determine whether termination or modification of a guardianship or conservatorship is appropriate upon:

(a) the filing of a petition by a person subject to guardianship or conservatorship, a guardian, a conservator, or other person with an interest in the welfare of such an adult,

(b) the receipt of a written communication from an adult subject to guardianship or conservatorship, a guardian, a conservator, or other person with an interest in the welfare of such an adult indicating that termination or modification may be appropriate,

(c) a report from a guardian or a conservator, or

(d) the court's determination that such a hearing would be in the best interest of an adult subject to guardianship or conservatorship.

Task Force Report, page 106-107.

E. Citizen complaint process

5.34. The Judicial Branch should establish a clear and easy to use citizen complaint process for communicating concerns to the court about guardianships and conservatorships and the performance of guardians and conservators. The process should outline circumstances under which a court can receive ex parte communications. Following the appointment of a guardian or conservator, the court should provide a description of the process to the person subject to guardianship or conservatorship, the guardian or conservator, and to all persons who received notice of the original petition.

Task Force Report, page 141.

Appendix D



Iowa Accountability Program



Iowa
Accountability
Program

Todd Nuccio
State Court Administrator

Kimberly Baxter
Director, Iowa Accountability Program

The Iowa Accountability Program (IAP) was established in 2005 to improve the judicial handling of domestic violence cases in Iowa. Since inception, IAP has had a specific focus on domestic violence cases involving African Americans, as the rate of African Americans involved in domestic violence cases has consistently been disproportionately high. Through funding from the U.S. Department of Justice, Office on Violence Against Women, IAP has accomplished much over the past twelve years and has received continuous bi-partisan support from Iowa Governors, U.S. Senator Charles Grassley, and former U.S. Senator Tom Harkin.

ACCOMPLISHMENTS OF THE IOWA ACCOUNTABILITY PROGRAM

IAP's many achievements in the past twelve years include, but are not limited to the following:

2015-today **Establish Access to Justice Coordinators** in Des Moines, Iowa City, and Waterloo to serve as dedicated first points-of-contact in local courthouses for people coming to the courts for relief from domestic violence. These Coordinators have the expertise to provide services that take into account the unique needs and trauma that domestic violence victims experience (e.g., filling out court forms, explaining complex court processes, providing referrals to community services, etc.).

Establish and pilot the IAP Restitution Project in Ottumwa, which researches, develops and tests a financial ability assessment tool to help the Court better assess an offender's ability to pay victim restitution and improve payment compliance. This project has been done in collaboration with the Iowa Attorney General's Office, Crime Victim Assistance Division and the Courts of the 8th Judicial District.

Pilot the use of the Ontario Domestic Assault Risk Assessment (ODARA) in Iowa City. The ODARA is a 13-item research validated, offender behavior-based, actuarial risk assessment. As part of this project, the Implementation Team has trained all area law enforcement, prosecutors, judges, victim advocates, defense attorneys, family law mediators, corrections and other area professionals. Law enforcement and other system providers have used the ODARA to better inform the courts and themselves of a defendant's risk of danger/lethality to the victim. ODARA provides an objective, common language to discuss domestic violence cases and related risk.

Pilot a High Risk Review Team in Iowa City to provide a collaborative community response to the highest risk domestic violence cases. This Team works together to ensure that members are fully informed about the case and that appropriate services and interventions are provided to the defendant and the victim.

Implement Safe & Together™ across the state. Safe & Together™ is a survivor strength-based, offender accountability approach to child safety that works to keep the child safe with the non-offending parent and intervene with the perpetrator to reduce risk and harm to the child. This project has been done in collaboration with Iowa Department of Human Services and Iowa Children's Justice.

- 2012-2014** Conduct four concurrent **Decision Point Analyses** in Black Hawk, Polk, Scott and Johnson Counties to examine how current court practices and processes either help or hinder victim safety and/or offender accountability as well as whether there are differences in case outcomes for persons of color, specifically African Americans.
- 2011-today** **Research, develop and implement the IAP Judicial Training Institute** across the state to provide holistic, innovative training to judges, court staff, attorneys, law enforcement, and community members on topics such as domestic violence, ethics, trauma, implicit bias, procedural fairness, etc.
- Develop and establish Iowa's first Domestic Violence (DV) Court** in Black Hawk County. This DV Court provides one judge for one family to ensure the judge makes the most informed decision by knowing all of the facts and dynamics of a case.
- 2008-today** Develop and implement *Achieving Change Through Value-Based Behavior (ACTV)* across the state. ACTV, a culturally competent Batterer's Education Program (BEP) curricula, is now the preferred BEP curricula in all judicial districts across the state. Although BEP is now referred to as the Iowa Domestic Abuse Program (IDAP), the curriculum currently being used across the state was made possible by IAP.
- Develop and pilot the IDAP Aftercare Program, *Workin' It Together* (WIT)**, in Black Hawk County. WIT is designed to sustain change efforts for African American (AA) offenders who have successfully completed the IDAP. Specifically, WIT emphasizes collaborative, proactive roles in increasing victim safety and offender accountability through ongoing practice of evidence-based skills learned as part of the ACTV Curriculum.
- 2007** **Sponsor Tactical Communication Courses (aka Verbal Judo)** across the state for Judicial staff, which helps them to improve their communication and services to the community.
- 2006-today** **Maintain the annual Greater Iowa African American Resource Guide** throughout the state, listing African American owned and targeted businesses/organizations. This Guide allows IAP and staff to engage and stay connected with the African American community, ensuring that IAP is able to identify and address the unique needs of the African American community in its programming.
- 2006-2011** **Develop and facilitate educational courses** across the state for the Iowa Supreme Court, Judges and other court personnel, law enforcement, African American community, domestic violence service providers, etc. Course topics include: domestic violence, cultural competency, implicit bias, trauma, etc.
- 2006-2007** **Facilitate eight race-based Safety and Accountability Audits** in Des Moines, Iowa City, Fort Dodge, Cedar Rapids, Waterloo, Sioux City, Mason City and Davenport to determine whether or not there are gaps in local legal systems involved in domestic violence-related issues based on the effectiveness of services provided for victims and offenders.



Goal 1: Create Good Courts -- Establishing an evidence-based framework to help ensure the Iowa Judicial Branch is providing equal justice for all.

Short-Term Objectives:

1. Develop standardized training for all court staff on a variety of specialized topics, such as: Domestic Violence 101/201, domestic violence risk assessments, best practices/policies from specialty courts that can be infused in regular courts, de-escalation/Verbal Judo, etc.
2. Maintain and expand the use of IAP Access to Justice Coordinators at local courthouses to serve as a dedicated point-of-contact for victims coming to the courts for relief from domestic violence.
3. Remove barriers to improve access to justice for court users, especially those with disabilities, who are Deaf/hard of hearing, or have limited English proficiency.
 - ATC Goal #15: Provide training of court staff, judges, attorneys, and other stakeholders on language access issues.
4. Evaluate the court's trauma-informed service provision practices to determine needed time-tested and evidence-based approaches that would ensure the courts take into account the trauma court users have experienced.
5. Improve Procedural Fairness by conducting pilots to review and establish court practices that ensure courts meet public's expectations of fairness, thus increasing court users' trust and faith in the courts to assure that they have a better understanding of the system, feel heard, and believe the court process is fair.
 - ATC Goal #23: Continue to explore opportunities to modify case-processing practices and forms to improve access and utilization by SRLs to determine what is going well and what could be improved:
 - regular audits
 - evaluations
 - focus group
 - ATC Recommendation #24: Mandatory new judge and new employee training on procedural fairness.
 - ATC Goal #22: Ongoing training on procedural fairness for all judges and employees.

Appendix E



Access to Justice Corporate Playbook

ACCESS TO JUSTICE CORPORATE PLAYBOOK

Overview

1. **Preface.**
2. **Pro Bono Policy Statement.**
3. **FAQ.**
4. **Case Studies.**
5. **Logistics & Resources.**
6. **Appendix**

Preface

The majority of Americans don't have access to affordable legal services. When the World Justice Project measured the accessibility and affordability of civil justice in 113 countries around the world in 2017, the United States tied for 94th place with Cameroon, Uganda and Zambia.¹

Access to justice issues don't just affect individuals. They impact:

- ✓ Businesses
- ✓ Communities
- ✓ The Court System

Corporate counsel are particularly powerful messengers of the access to justice message because they are familiar with all aspects of the problem and are representatives of the business community. Corporate counsel are participating in pro bono legal services at lower rates than their private practice counterparts, and this playbook is designed to help Iowa corporate counsel overcome barriers to participation.

We start with a Pro Bono Policy Statement, which is designed to get endorsement from your company and legal department for participating in pro bono legal activities. Then we move into FAQ's, which help address common questions and hurdles corporate counsel face in deciding whether to volunteer. After which we look at several case studies that provide current examples of corporate pro bono programs currently active in Iowa. Finally, we provide you a list of contacts and other resources to help get you started.

Please also feel free to reach out to any of us, your Access to Justice Corporate Counsel Committee members.

Robert Perna, Co-Chair
Sr. VP & General Counsel
Rockwell Collins, Inc.

Steven Bradford, Co-Chair
Sr. VP & General Counsel
HNI Corporation

Medha Johnson
VP Human Resources
American Enterprise Group

Gerry Neugent
President & CEO
Knapp Properties, Inc.

Carol Phillips
Executive Director
Polk County Bar Assn

Angela Reier
Associate General Counsel
HNI Corporation

Travis Sheets
VP & General Counsel
BH Management Ser., LLC

Anjela Shutts
Attorney
Whitfield & Eddy, PLC

Brett Toresdahl
Administrator
Iowa Public Information Board

Pro Bono Policy Statement

In recent years, more and more corporate law departments have developed pro bono programs. While companies recognize the need to provide pro bono legal services as part of their commitment to good corporate citizenship and in furtherance of their responsibility to the communities in which they are located, there are a number of other reasons why law departments should encourage their legal professionals to provide pro bono service, including the following:

- A pro bono program permits the corporation to enable its lawyers to fulfill their professional responsibility to provide pro bono assistance to persons in need of legal services who cannot afford them;
- Participation in pro bono activities may result in improved recruiting and retention of legal professionals by satisfying their sense of purpose and desire to “give back” to the community;
- A strong pro bono program can contribute to a positive office environment, and improve employee engagement and loyalty to the corporation;
- A successful pro bono program can also provide opportunities for lawyers from different practice areas to work together as a team and share pro bono successes, fostering a sense of pride and accomplishment among your department;
- Pro bono is an excellent way for your legal professionals to use their special skills and training to add to your corporation’s overall community service;
- Pro bono engagements are a great way to raise the visibility of your legal department, and enhance your organization’s reputation;
- By partnering with outside lawyers to provide pro bono services, in-house counsel can foster closer relationships with attorneys and firms with which they have existing relationships; and
- Through pro bono projects, junior attorneys have an opportunity to gain valuable hands on experience, substantial client contact and valuable skills development.

Developing a pro bono policy for your legal department is the first step in establishing a strong pro bono program. It underscores the corporation’s commitment to pro bono work, promotes a shared understanding of the pro bono process, establishes consistent guidelines and procedures, and helps build the necessary support for the program among senior management and better ensures the sustainability of the program.

In addition to defining how your pro bono programs fits into your corporation’s mission statement and describing why pro bono is important, a written pro bono policy should address the following topics:

- Definition of pro bono;
- Management of pro bono program;
- Process of taking on a pro bono case;

- Insurance coverage;
- Use of corporate facilities and resources for pro bono work;
- Training; and
- Legal ethical rules governing pro bono.

Attached as Appendix A is a sample pro bono policy to give you an idea of what other corporations have incorporated into their pro bono programs. You should tailor the policy to align with your particular pro bono program and the different procedures you may have adopted for implementing and managing the program.



Sample Pro Bono
Policy.pdf

FAQ

1. How do I handle malpractice insurance?

If clients are referred to you or you participate in a clinic organized by Iowa Legal Aid or the Polk County Bar Association (each have a Volunteer Lawyers Project (VLP), primary professional liability insurance is provided through the respective program. Both programs are insured through NLADA Insurance Program. The face page for policies for both VLP programs are attached in the Appendix.

2. Will I need to set up a trust account?

If there are costs collected for the representation of a client referred to you by one of the VLP, there are trust accounts provided for these cases by each program.

3. What if I do not know anything about this area of law?

If you are totally unfamiliar with an area of law but want to assist by taking that particular type of case, there are frequent CLE's provided. If you are part of a group of attorneys that would like training, programs have been made available through the VLP programs to train that group in a particular area of law. Examples are representing clients in uncontested dissolution of marriage cases, expungements, and eviction cases.

If you have some familiarity with a particular area of law but are not comfortable proceeding without assistance there are several resources available. The VLPs will provide either a staff attorney or a volunteer attorney in private practice to assist you with a case by being available to answer questions that may arise. Additionally, the Resource Section of this Playbook provides a list of private practice attorneys who are willing to be a first contact to help point you in the right direction. There is also an online resource ProBono.net/Iowa available to volunteers.

4. Where do I meet with my client?

There is not a uniform answer to this question. In some cases you may be able to meet in a conference room at your office or place of business. If that is not available to you, the Polk

County VLP has a conference room that can be used by appointment. Regional Legal Aid offices generally have meeting space available as well. The Iowa State Bar Association has two visiting attorney offices that may be used by appointment. It is also acceptable to meet in a public place, like a coffee shop, if that is the most convenient for you and your client, provided you can address the need for confidentiality in these areas.

5. What if I only have a limited in-house license in the State of Iowa?

For Iowa licensed attorneys who registered as “in-house” under Rule 31.16, there are no license restrictions on providing pro-bono services. For attorneys licensed in states other than Iowa who are providing legal services only to their employer pursuant to Rule 32:5.5(d)(1), there is an exception that allows those attorneys to provide pro bono legal services (“a lawyer registered under this rule is authorized to provide pro bono legal services through an established not-for-profit bar association, pro bono program or legal services program...”).

Case Studies

To start a pro bono legal services program at your company, there typically are three key players. The first is the pro bono project champion. Both Iowa Legal Aid and the Polk County Bar Association have full-time employees running volunteer lawyer programs (VLP), and these individuals are excited to help you develop a program that fits your company’s goals and time commitment limitations (current contacts listed in Resources section of this Playbook). Second, we recommend you identify someone in your law department who will be the company champion. This person can filter the information and coordinate with the VLP. The law department champion need not be a lawyer. This may be a great opportunity for other members of the department to participate in your volunteer program. After the VLP and law department champion have met and discussed ideas, the next step is to involve the whole department. Once you have established a course of action for your departments (i.e., pursue all family law cases), then it is time to identify the third player: the private practice resource. With an overall goal of reducing the workload of the pro bono service providers and reaching additional cases, we recommend finding a private practice partner that can assist with forms, questions that arise, and general counseling. If this isn’t viable, a legal aid staff attorney is another great resource.

The following case studies provide ideas of programs currently utilized in Iowa. The VLP is excited to brainstorm with you should your volunteer goals differ from existing programs.

a. General.

There are two general forms of pro bono volunteering. First, is intake work. Iowa Legal Aid utilizes a state-wide intake hotline accessible through any Legal Aid office (listing here: <https://www.iowalegalaid.org/find-legal-help>). Lawyers in your company can sign up to do reoccurring intake work (typically a three-hour shift). Legal Aid will provide training prior to commencing the first shift.

A second “general” form of volunteering emanates from a partnership between law department professionals and those of a law firm. These partnerships can take various forms, from an ad hoc engagement with a law department employee working informally with a law firm attorney, to having a written protocol and process for engagement. Best practices would dictate that law department professionals indicate areas of interest for volunteer case referrals, and when a case is assigned to a law firm, the law firm consults with the coordinator of the law department

to seek volunteers for the particular case. This partnership fosters development of legal professionals in both departments. In Des Moines, American Equity Investment Life Insurance Company has recently adopted a similar approach for no-fault divorces by partnering with Whitfield & Eddy and the Polk County Bar's VLP.

Of note, the volunteer case work can be limited in scope. Limited scope work provides a lawyer an opportunity to agree to provide a defined scope of services for a client (i.e., at a single hearing, reviewing one document) rather than seeing the case through from start to finish. Please see the limited scope rule outline included in the Appendix.

b. **No contest divorces.**

Low-income individuals face significant barriers to obtaining a divorce, as multiple filings, costs and deadlines are involved in the process. Other factors, including the presence of children or divisible property, further complicate the proceedings. Additionally, if low-income individuals proceed *pro se*, they impose a significant burden on the judicial system, with its judges and staff serving as the only guides and resources to *pro se* parties. The Polk County Bar Association, through its VLP and in partnership with Whitfield & Eddy, provides intake and matches individuals with attorneys willing to represent them on a pro bono basis.

How does the process work? Attorneys interested in providing pro bono support for no contest divorces, or in-house legal departments wanting to engage in pro bono partnerships, should reach out to Carol Phillips at the Polk County Bar VLP. The VLP and Whitfield & Eddy have created a resource that provides templates for all required filings. In addition, they have provided group training sessions and ongoing support to assist pro bono attorneys with the process. The VLP then matches clients seeking representation with a pro bono attorney. Additionally, the VLP holds and disburses all client funds.

What is required of volunteer attorneys? Attorneys typically meet with their clients 1-2 times during the process and may have to attend a conference with the presiding judge. Attorneys prepare filings on behalf of their clients, including the petition, service documents and stipulation, and assist them with serving notice on the client's spouse. Attorneys coordinate with the VLP to disburse filing fees to the court.

Why should in-house legal departments volunteer? This process lends itself to group meetings and ongoing collaboration as in-house attorneys are working on similar issues and filings. It provides an increased opportunity for engagement and team building, and it builds core legal skills related to litigation management and filing. Additionally, it provides an opportunity for hands-on client service.

c. **Expungement clinics for the Race Equity Project.**

A person with a criminal record may have trouble finding housing and employment or getting a driver's license or a vehicle registration. Criminal charges also impose huge financial burdens on low-income Iowans, including fines, jail fees, and the costs of court-appointed attorneys. Many of these costs are more related to being low-income than being culpable. In Iowa, the civil collateral consequences of criminal justice involvement disproportionately impact African Americans. Iowa's African American population experiences higher rates of poverty, even compared to most of the rest of the United States, and comprises 25.9% of Iowa's prison population, despite comprising only 3.4% of Iowa's total population. African Americans in Iowa

have also recently experienced the highest unemployment rate in the nation. The disparities in criminal justice involvement for African Americans may have some influence on the higher unemployment and poverty rates for this group.

How do the clinics operate? The clinics are held in affected communities at the facilities of site hosting partners. Prior to the day of the clinic, a full criminal background review is conducted by Iowa Legal Aid staff or a volunteer law student. Iowa Legal Aid has developed a tool called a “criminal records spreadsheet” that allows for efficient analysis of a client’s legal options, which the volunteer or staff member uses to prepare the client’s file. On the day of the clinic, registrants meet with Iowa Legal Aid staff or volunteer lawyers. The attorneys ask further questions, provide advice and where appropriate help the clients fill out forms for expungement, temporary restricted licenses, and other issues. Clients who need more extensive service are considered for representation by Iowa Legal Aid or referral to the Volunteer Lawyer Project.

How can volunteer attorneys help? The volunteer lawyer will receive education on expungements and participate in a single-day clinic. While the relief can sometimes be life changing, there is no expectation that the volunteer will provide services to any particular client beyond the day of the clinic itself. Finally, Iowa Legal Aid provides a training session a few days before the clinic, a printed manual with detailed legal advice for most situations, and a lot of support on the day of the clinic itself. The expungement clinics are funded by a grant and are limited to the following cities: Davenport, Dubuque, and Cedar Rapids.

d. Community economic development.

Iowa Legal Aid has started a new program focused on helping low income individuals start a business. For low-income people in distressed communities, entrepreneurship is not only an economic lifeline for the entrepreneur, but for the entire community. However, there are many legal pitfalls and mistakes that can sever this lifeline before it has a chance to create true community impact. Iowa Legal Aid’s Community Economic Development project endeavors to help clients avoid the avoidable mistakes, provide financial stability to clients, and improve economically depressed areas by reducing barriers to growing small businesses, create jobs, and replace vacant storefronts with thriving enterprises.

Iowa Legal Aid needs help from corporate attorneys to assist clients in the following areas: business entity formation; drafting operating documents; non-profit formation; non-profit 501c3 application; commercial lease review; contract review; tax planning; taxation; regulatory compliance; intellectual property; commercial collection; employment law; land use/zoning; permitting and licensing; and risk/liability evaluation.

e. Veteran’s affairs.

Jones Day and the American Bar Association have partnered with Unite Us, a technology company, to build a web-based platform called, VetLex. VetLex is a tool for lawyers who would like to represent veterans but don’t know how to get involved or how to find veteran clients. VetLex does not provide legal services; rather, it is a cooperative system of intake, assessment, and referral designed to more efficiently and effectively bring together veterans in need of legal services with those who can best assist them. VetLex will provide veterans a method to request legal aid on a particular matter while providing existing pro bono legal service providers a way to connect to these veterans needing their services. Lawyers can sign onto VetLex and create a profile that limits the kinds of cases they are willing to take on. For example, many in-house corporate attorneys

have difficulty finding pro bono opportunities because they live and work in a place where they are not barred. Corporate legal departments may want to create a monthly or quarterly clinic during which its legal professionals handle veterans benefit cases, referred through the VetLex tool. VetLex can provide those lawyers with training to become accredited with the Department of Veterans Affairs to handle veterans benefit cases. VetLex may also provide brief banks, chat boards, and other case management mechanisms to allow lawyers serving veterans to share resources nationally.

For more information, please see www.vetlex.org.

Logistics and Resources

Your most important contacts are the leaders of the Volunteer Lawyer's Project for both Polk County Bar Association and Iowa Legal Aid:

Carol Phillips
Executive Director
Polk County Bar Association
CPhillips@pcbaonline.org
515.243.3904

Meg Norberg
Managing Attorney, VLP
Iowa Legal Aid
mnorberg@iowalaw.org
515-243-1198 Ext. 1675

Both Phillips and Norberg are committed to kick start and oversee a successful pro bono program implementation in your company. The Polk County Bar Association facilitates programs within Polk County and Iowa Legal Aid can assist you throughout the State of Iowa.

Additionally, the following corporate attorneys are available to discuss this Playbook and how we have implemented the program at our companies:

Robert Perna
Sr. VP & General Counsel
Rockwell Collins, Inc.
Robert.Perna@RockwellCollins.com
319.263.0212

Steven Bradford
Sr. VP & General Counsel
HNI Corporation
BradfordS@hnicorp.com
563.272.4919

Travis Sheets
VP & General Counsel
BH Management Services, LLC
TSheets@BHManagement.com
515.348.6504

Angela Reier
Associate General Counsel
HNI Corporation
ReierA@hnicorp.com
563.272.7940

Lisa McCraw
Assistant General Counsel
Deere & Company
mccrawlisaj@johndeere.com
309.765.4611

Julie Rosales
Senior Counsel
Deere & Company
rosalesjuliem@johndeere.com
309.765.5086

The following private practice attorneys have experience partnering with corporate law departments for pro bono work. These individuals have agreed to be a point of contact to help you know what to look for in finding a private practice partner:

Anjela Shutts
Whitfield & Eddy, P.L.C.
Shutts@WhitfiledLaw.com
(515) 246-5536

Judith Herrmann
Lane & Waterman
JHerrmann@L-WLaw.com
563.333.6640

Any concerns you have regarding the potential practice of law in Iowa with an “in-house” license can be directed to:

Jessica J. Taylor
Assistant Director for Boards and Commissions
Office of Professional Regulation of the Supreme Court of Iowa
Jessica.Taylor@iowacourts.gov
515.348.4670

Appendix

If you need some help answering the “why” this is important, please see the attached whitepaper from the Iowa Supreme Court’s Access to Justice Commission’s corporate working group:

Further support for the “why” comes from a letter to Congress from 251 General Counsel for some of the country’s most prominent companies:



Letter to Members of Congress.pdf

Here you can find the Access to Justice Commission’s overview of “limited scope” representation referenced in the Case Studies.



Iowa Limited Scope
Law and Practices.doc

Also attached are the proof of insurance for the Volunteer Lawyer Program through the Polk County Bar Association and Iowa Legal Aid.



NLADA Insurance.pdf

Other resources: Corporate Pro Bono <http://www.cpbo.org/resources/consulting-services/>

¹ Agrast, Mark David, Juan Carlos Botero, & Alejandro Ponce. *The World Justice Project Rule of Law Index 2017-2018*. Washington, D.C.: The World Justice Project, 2018.

Appendix F



“Lack of Access to Affordable Legal Help is Hurting
Businesses: What Business Leaders and In-House Counsel
Can Do to Help”

Lack of Access to Affordable Legal Help Is Hurting Businesses What Business Leaders and In-House Counsel Can Do to Help

The majority of Americans don't have access to affordable legal services. When the World Justice Project measured the accessibility and affordability of civil justice in 113 countries around the world in 2017, the United States tied for 94th place with Cameroon, Uganda and Zambia.¹

This rating measures whether “ordinary people” can resolve their grievances affordably in our justice system. Many find the rating shocking because it not only shows how far we must go as a country to provide access to affordable legal help, but also how widespread this problem is. Contrary to popular belief, it's not just low-income people who can't get the help they need with their legal problems. In fact, one study estimated 60 percent of the legal needs of middle-income people are **not** being met.²

Access to justice issues don't just affect individuals. They impact:

- ✓ Businesses.
- ✓ Employees.
- ✓ Communities.
- ✓ The Court System.

Take the critical impact of limited access to legal services on businesses. Dealing with legal issues is similar to dealing with health issues (and the financial stresses accompanying them) — both lead to employee absenteeism, low productivity and high turnover.

One ARAG legal insurance study found three out of four working Americans experience one or more legal situations a year.³ When they do experience a legal issue, they feel very or somewhat stressed about:



The study also found there is a lot of financial uncertainty surrounding legal issues. When asked about their ability to pay for legal expenses, 76 percent of those surveyed had no defined way to handle such an expense. They also underestimated the average cost of an attorney by nearly \$150 an hour.⁴

How Employee Stress About Legal Issues Impacts Your Bottom Line

The stress from dealing with legal issues seeps into employees' work day: 68 percent of employees surveyed spent time at work dealing with their legal issues — an average of 18 hours per issue. And half of employees had to take an average of four days off work to resolve their legal issues.

All this time spent worrying and trying to sort out what to do or who to ask for help adds up to less productive and engaged employees, which means trouble for your company's bottom line. Experts estimate **American businesses lose more than \$300 billion every year because of employees' stress-related issues**, such as productivity, absenteeism, turnover and worrying about out-of-pocket medical, insurance and legal costs.⁵ In one study, nearly half (47 percent) of employees surveyed said these problems cause performance issues at work.⁶

Many in-house counsel can speak to this because they have seen firsthand employees struggling with legal issues. In-house counsel can be powerful messengers about unequal access to justice and its impact on employees and often they have skills to help address this need.

Corporate America is well aware of the need for access to legal services. A group of 185 senior counsel from some of the largest companies in America, including 3M, Cisco, Fidelity, NBC Universal and Walmart, recently sent a letter to all members of Congress urging increased support for civil legal services.⁷

“As in-house attorneys, we see how employees suffer with personal legal issues they're experiencing — but often we are unsure how to help them.” says Steven Bradford, Senior Vice President and General Counsel, HNI Corporation. “We have the desire to help, but may need guidance on how best to get involved.”

The Impact on Your Community — Why Businesses Should Be Concerned

A company's success is directly impacted by the success and safety of the community where it's located. When you connect the dots about how a lack of legal access can impact the community, it creates a troubling picture for businesses trying to attract and retain employees.

Consider what a community looks like when veterans, children, victims of domestic abuse, tenants being forced out of their homes, and the elderly don't have access to the legal help they need. As Jay Byers, CEO of the Greater Des Moines Partnership, points out, “The lack of access to justice is a workforce issue that negatively impacts economic development and the attraction of new businesses to the region.”

The Link Between Court Budget Cuts and a Company's Bottom Line

Across the nation, the judiciary continues to experience budget cuts year after year, causing staff vacancies and mandatory furloughs that lead to delays in cases being heard and justice being served. The impact of these budget cuts extends far beyond the courthouse. In Iowa, Chief Justice Cady has recognized how budget cuts impact residents. “Iowans are losing access to justice,” Cady said. “Already,

courts have been forced to walk back from our commitment that all cases can be tried in a timely matter, without delay, because we don't have enough people to do the work."

President of the Iowa State Bar Association Stephen R. Eckley points out judiciary budget cuts affect "the individuals, families and businesses who need the courts to achieve justice and resolve disputes.... Businesses will find it harder and more expensive to collect accounts, enforce contracts and resolve disputes."⁸

Why? As the court system becomes overwhelmed with *pro se* litigants, everyone — whether an individual or a business — will experience court delays. Eckley states it's hard to quantify economic costs when it comes to budget cuts, but, as an example, Georgia estimates three years of reduced court funding crippled the state's economic output by somewhere between \$337 and \$802 million every year.

The court system isn't the only area where lack of funding is having an impact. Funding cuts for Legal Services Corporation at the federal level and legal aid at the state level have caused a shortage of legal services for people in need. While one in five Americans is eligible for legal aid and more than 1.7 million people nationwide will reach out to legal aid organizations for support, more than half of those people will receive limited or no legal help due to lack of program funding.⁹

Why Legal Aid Is Important

Legal assistance can stabilize housing and help prevent homelessness, keeping families in communities and children in schools. Around the country, 90 percent of tenants don't use attorneys when they go to court to fight eviction notices (but 90 percent of the landlords **do** use attorneys).¹⁰ One study found when tenants did have an attorney, however, evictions declined by 77 percent.¹¹

The decline in evictions benefits everyone in the community — one pilot program in Boston found for every dollar spent on legal services for eviction, two to three dollars were saved by reducing municipal expenses like the costs of housing, health care and public benefits.¹²

Legal aid can help domestic violence victims build new, safe lives for themselves where they are self-sufficient.

One University of Iowa School of Social Work study, in collaboration with Iowa Legal Aid, demonstrates that legal services dramatically improve the safety, psychological well-being and economic self-sufficiency outcomes for women who experience intimate partner violence.

The study found that when civil legal services were available to domestic abuse survivors:

- Total monthly income increased by an average of \$253/month over one year.
- Program assistance utilization decreased over one year from 1.09 programs used to 0.87.
- Ability to live off their current income significantly increased.
- Resources to meet their family's needs increased substantially.¹³

How to Increase Access to Justice in Your Business and Community

Only when everyone in a community can afford and access legal help will communities prosper – and businesses will reap the benefits. How can in-house counsel and business leaders lead the way in improving access to justice? Here’s how you can help close the gap:

- **Encourage action** from your legislatures, chambers of commerce and business associations that makes access to justice issues a priority on their agendas.
- **Support pro bono services in your community** by lending office resources – including pro bono legal services and non-legal resources – to your local legal aid organizations.
- **Prioritize state legal aid and legal service organizations** when determining your business’s corporate philanthropy and social responsibility priorities and programs.
- **Offer employees a legal insurance plan** with access to legal resources and attorneys for advice and representation. Legal insurance plan members report saving an average of \$2,100 in attorney fees per legal matter¹⁴ and 90 percent report it reduces their stress.¹⁵

“Equal justice . . . is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists . . . it is fundamental that justice should be the same, in substance and availability, without regard to economic status.” — Justice Lewis F. Powell, Jr., U.S. Supreme Court Justice (Ret.), during his tenure as president of the American Bar Association (August 1976)

The Iowa Access to Justice Commission would like to recognize the Association of Corporate Counsel and ARAG legal insurance for their collaboration on this paper.

¹ Agrast, Mark David, Juan Carlos Botero, & Alejandro Ponce. *The World Justice Project Rule of Law Index 2017-2018*. Washington, D.C.: The World Justice Project, 2018.

² Rhode, Deborah. “Access to Justice: Connecting Principles to Practice.” *Georgetown Journal of Legal Ethics* 17 (2004): 369-422.

³ “How Legal and Financial Stress Impacts Employee Wellness.” Russell Research for ARAG. February 2017.

⁴ *Ibid.*

⁵ Workplace Stress.” American Institute of Stress. 2017. stress.org/workplace-stress/

⁶ Bensinger, DuPont & Associates. “Stressed at Work: What We Can Learn from EAP Utilization.” 2013. bensingerdupont.com/stressed-at-work

⁷ <http://online.wsj.com/public/resources/documents/CorporateCounselLSCLetter.pdf>

⁸ Eckley, Stephen R. “President’s Letter.” *Iowa Lawyer*. February 2018.

⁹ Legal Services Corporation. *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans*. Washington, D.C.: Legal Services Corporation, 2017.

¹⁰ Grabar, Henry. “New York City Has Taken Up the Fight Against the Eviction Machine.” July 21, 2017.

http://www.slate.com/blogs/moneybox/2017/07/21/new_york_city_has_taken_up_the_fight_against_the_eviction_machine_in_a_big.html

¹¹ Frankel, Martin, Carroll Seron, Gregg Van Ryzin, & Jean Frankel. “The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City’s Housing Court: Results of a Randomized Experiment.” *Law and Society Review*, 419. 2001. Indianapolis: Wiley Publishing.

¹² Boston Bar Association. “Investing in Justice: A Roadmap to Cost-Effective Funding of Civil Legal Aid in Massachusetts.” October 2014.

<http://www.bostonbar.org/docs/default-document-library/statewide-task-force-to-expand-civil-legal-aid-in-ma---investing-in-justice.pdf>

¹³ Carolyn Copps Hartley, PhD & Lynette Renner PhD, *The Longer-Term Influence of Civil Legal Services on Battered Women*, University of Iowa School of Social Work & University of Minnesota School of Social Work (2016).

¹⁴ Average amount saved based on 2017 ARAG claims data.

¹⁵ 2016 ARAG plan member satisfy action survey.

Appendix G



Iowa Resources List of Organizations

IOWA RESOURCES

ORGANIZATIONS	SUBJECT MATTER / PRACTICE AREA																
	FAMILY	HOUSING	CONSUMER	PUBLIC BENEFITS	JUVENILE	IMMIGRATION	TAX	HEALTH	EDUCATION	GUARDIANSHIP	NON PROFIT	SMALL BUSINESS	UTILITY ACCESS	CIVIL RIGHTS	CLASS ACTIONS	PRO BONO REFER	LEGIS.
IOWA LEGAL AID	YES	YES	YES	YES	YES	LMTD	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	NO
DISABILITY RIGHTS IOWA	NO	LMTD	NO	YES	LMTD	NO	NO	YES	YES	YES	NO	NO	NO	YES	YES	YES	YES
JUSTICE FOR OUR NEIGHBORS	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
KIDS FIRST	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
UNITED STATES COMMITTEE FOR REFUGEES AND IMMIGRANTS	NO	NO	NO	NO	NO	YES	NO	NO	NO	LMTD	NO	NO	NO	NO	NO	NO	NO
IOWA ACLU	NO	NO	NO	NO	NO	YES	NO	LMTD	NO	NO	NO	NO	NO	YES	YES	YES	YES
NAACP LEGAL REDRESS COMMITTEES	NO	YES	NO	NO	YES	NO	NO	NO	YES	NO	NO	NO	NO	YES	NO	YES	YES
LEGAL AID OF STORY COUNTY	YES	YES	YES	YES	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	YES	NO
MUSCATINE COUNTY LEGAL AID	YES	YES	YES	YES	YES	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO
IOWA COALITION AGAINST DOMESTIC VIOLENCE	YES	YES	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES
DRAKE UNIVERSITY CLINIC	YES	YES	NO	NO	YES	NO	NO	NO	NO	YES	LMTD	LMTD	NO	NO	NO	NO	NO
UNIVERSITY OF IOWA LEGAL CLINIC	YES	YES	YES	YES	NO	LMTD	NO	NO	NO	YES	NO	NO	NO	YES	NO	NO	NO
DOMESTIC VIOLENCE VICTIM ADVOCATES	LMTD	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
AMERICAN LEGION	NO	NO	NO	LIMITED	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
YOUTH LAW CENTER	LMTD	NO	NO	NO	YES	NO	NO	NO	NO	LMTD	NO	NO	NO	NO	NO	NO	NO
PUB DEFENDER & APP'T COUNSEL	LMTD	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NOD	NO	NO	NO	NO	NO
FEDERAL PRO BONO REFERRAL PROGRAMS	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	NO	NO	NO
POLK COUNTY BAR ASSOCIATION VOLUNTEER LAWYER PROJECT	LMTD	LMTD	YES	YES	LMTD	YES	YES	YES	YES	YES	YES	NO	NO	YES	NO	YES	NO
TENANT ASSISTANCE PROJECT	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	NO	NO
NEW IOWANS LEGAL ADVICE CLINIC (NILAC)	YES	YES	YES	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES	NO	NO	NO

IOWA RESOURCES

ORGANIZATIONS	GEOGRAPHIC COVERAGE	ATTORNEY
IOWA LEGAL AID	STATEWIDE	YES
DISABILITY RIGHTS IOWA	STATEWIDE	YES
JUSTICE FOR OUR NEIGHBORS	STATEWIDE	YES
IOWA ACLU	STATEWIDE	YES
NAACP LEGAL REDRESS COMMITTEES	STATEWIDE	YES
LEGAL AID OF STORY COUNTY	STATEWIDE	YES
IOWA COALITION AGAINST DOMESTIC VIOLENCE	STATEWIDE	YES
UNIVERSITY OF IOWA LEGAL CLINIC	STATEWIDE	YES
DOMESTIC VIOLENCE VICTIM ADVOCATES	STATEWIDE	NO
AMERICAN LEGION	STATEWIDE	NO
PUB DEFENDER & APP'T COUNSEL	STATEWIDE	YES
FEDERAL PRO BONO REFERRAL PROGRAMS	STATEWIDE	YES
NEW IOWANS LEGAL ADVICE CLINIC (NILAC)	JOHNSON	YES
UNITED STATES COMMITTEE FOR REFUGEES AND IMMIGRANTS	CENTRAL IOWA	YES
DRAKE UNIVERSITY CLINIC	CENTRAL IOWA	YES
TENANT ASSISTANCE PROJECT	JOHNSON	YES
KIDS FIRST	JOHNSON, LINN, BENTON, IOWA, JONES	YES
MUSCATINE COUNTY LEGAL AID	MUSCATINE COUNTY	YES
YOUTH LAW CENTER	POLK	YES
POLK COUNTY BAR ASSOCIATION VOLUNTEER LAWYER PROJECT	POLK	YES
COMMUNITY LAWYERS OF IOWA	POLK	YES
FORT DODGE LEGAL CLINIC	FORT DODGE	YES

Appendix H



Research memorandum: “Recommendations from review of state ATJ websites & initiatives”

TO: Iowa Access to Justice Commission Public Outreach Working Group

FROM: Austin Carlson, Abbi Olson, Grace Bogart, Matt Scott, Katie Manley

DATE: February 26, 2018

RE: Recommendations from review of state ATJ websites & initiatives

At the request of the Public Outreach Working Group of the Iowa Supreme Court's Access to Justice Commission ("Iowa Commission"), we reviewed the public websites and initiatives implemented by access to justice commissions across the United States. We attempted to assess the effectiveness of each and consider its suitability for Iowa. This memo summarizes our review and recommendations. The table at the end of the memo summarizes our recommendations as to specific features of websites and initiatives.

The Iowa Commission's first priority should be the adoption of a website to host commission resources which is independent of the Iowa Courts website, ideally written so that the average person can easily read and navigate it. Some examples of what an effective website looks like include the access to justice sites of Alabama, Arkansas, and the District of Columbia. Alabama in particular is a strong example, since it has an easily-navigable layout and clear language which the average person should be able to understand. A calendar of commission-hosted events may be a good idea to include on the website. However, inclusion of a calendar is not necessary for the website to be effective. Finally, the importance of having an independent website instead of a subset of the court website and of using language tailored for the layperson to understand rather than attorney-tailored language cannot be stressed enough. Indiana is a prime example of an ineffective website due to the difficulty of finding it and the minimal resources provided, both facts which may be attributed, at least in part, to its status as existing solely on the courts' website. Further, the websites of Wisconsin, Nevada, and Virginia are examples of websites which fail to be as effective as they could be because they employ attorney-centric language, which makes it difficult for the average person to use any resources provided by the Iowa Commission.

The Iowa Commission should also strongly consider working on compiling resources which would make it easier for an interested private attorney to provide pro bono services. Texas does a good job of providing these resources to attorneys who want to volunteer their time. The Texas commission set up a separate website to house a database of legal organizations in need of assistance and created an effective search function so that attorneys can find places to help which are near them. The Texas commission also established a "corporate pro bono" program, where they maintain a list of companies which have pro bono programs for their in-house legal departments. This list is used to allow companies which want to establish new pro bono programs in their legal departments to get into contact with companies that have already done so, which makes it easier to gather and implement ideas about what an effective corporate pro bono policy looks like.

There are plenty of other resources which the Iowa Commission could consider putting together and providing to attorneys and judges throughout the state. Arkansas expands allows

attorneys who are licensed in another state, but are not licensed in their state, to perform pro bono work in Arkansas through their legal aid programs. California has several active law firm incubator projects, hoping that these incubators will expand both the number of practicing attorneys outside of the cities and the number of "low-bono" law firms in the state. Hawaii maintains a model pro bono law firm policy, which can then be easily adopted by any firm in the state without needing to go through the trouble of writing their own. Finally, Alabama, Arkansas, and Louisiana provide specialized training for judges in how to effectively handle pro se litigants. Any of these initiatives could merit consideration in Iowa.

In addition to resources for attorneys who wish to provide pro bono services, the Iowa Commission should strongly consider putting together resources for individuals who require legal assistance. These resources are at their most useful if they are readily accessible and plainly visible through a commission's website. Some of the resources which seem like they would be the most useful include a directory of legal aid providers, a set of simplified and standardized court forms for pro se litigants to use, an outline of basic legal rights so that people can determine whether their rights have been violated in some way, short instructional videos or documents outlining the basics of the law and procedure for matters which pro se litigants most commonly appear such as evictions and child support hearings, and an online legal clinic. Texas and Arkansas have good examples of standardized or simplified legal forms for pro se litigants. New York provides an example of an outline of basic legal rights. Alabama, Texas, and Arkansas all have strong examples of specialized instructional resources for pro se litigants. Finally, Texas has an effective online legal clinic which can be used as a model.

One final resource which may be considered, though more obscure and more difficult to implement, is a dedicated pro bono appellate clinic. Massachusetts has created such a clinic, though the difficulty and possible expense of implementing such a measure means that this resource need not be as strongly considered as the other public resources listed above.

In terms of language access programs, Illinois appears to be at the forefront. Illinois' registry of legal interpreters and translated legal forms are great boons in terms of legal access, and similar measures should be strongly considered for Iowa. Other initiatives which merit consideration are a collection of training resources for aspiring legal interpreters and the creation of an official language access policy and code of ethics. Illinois can provide examples of both of these initiatives in practice as well.

Many access to justice commissions benefit from the publication of several reports which raise awareness of access to justice issues. In accordance with this trend, the Iowa Commission should consider publishing a general annual report and meeting minutes through the website, as well as adopt a mission and goals statement each year. Other types of publications which may be considered include video recordings of commission meetings, press releases to expand public knowledge of access to justice issues, and annual reports of logged pro bono hours.

Another method employed by many commissions to expand public outreach and awareness of access to justice issues is through commission-sponsored events. Legal clinics and access to justice public forums seem to have been highly effective in other states and should be strongly considered for Iowa. Other events which seem highly suitable for Iowa include a symposium series run through the law schools, to ensure that the new lawyers being trained are acutely aware of access to justice issues, and the adoption of an annual "legal aid day," like the

one adopted by Tennessee. Beyond these, the Iowa Commission may consider putting on pro bono training seminars for attorneys interested in providing pro bono service, holding a pro bono recognition reception, or creating a "lawyers in libraries" event akin to the one put on by Louisiana's commission.

In addition, the Iowa Commission should strongly consider making an organized effort to recruit retired attorneys into assisting with pro bono activities. Massachusetts has a strong retired pro bono recruitment program which may be used as a model. The Iowa Commission can also consider creating local sub-commissions, which would carry out initiatives in the field and be able to more specifically report on the access to justice issues in their areas.

A final, relatively simple method to expand public awareness of access to justice issues and events is through social media. The Iowa Commission should strongly consider creating and maintaining a Twitter page and may also consider doing the same for a Facebook profile, either or both of which has the potential to greatly expand public outreach capabilities for few costs.

Funding can be a significant problem when looking to adopt these kinds of measures. To fix that problem, the Iowa Commission should strongly consider including a method to collect donations on the website once it has been created. Other fundraising methods may also be considered, such as an opt-out fee added to bar association dues, a request sent to the state legislature to fund the Iowa Commission by statute, an IOLTA (Interest on Lawyers' Trust Accounts) program, a LawyerCorps program like the one adopted in Connecticut, or a publicized fundraising campaign.

Category	Measure	Recommendations on Implementation (and Example if relevant)		
		YES	MAYBE	NO
Web	Independent Website	X- Alabama, Arkansas, D.C.		
	Language tailored toward attorneys			X- Wisconsin, Nevada, Virginia
	Language tailored toward laymen	X- Alabama		
	Event Calendar		X- Indiana	
	Web Design	X- Alabama, Arkansas		
	Subsection of State Court website/Bar Association website			X- Indiana
Resources For Lawyers	Judicial Training for Handling Pro Se Litigants		X- Alabama, Arizona, Louisiana	
	Pro Bono Representation Resources	X- Texas		
	Licensing Expansion for Pro Bono Attorneys		X- Arkansas	
	Law Firm Incubator Projects		X- California	
	Model Firm Pro Bono Policy (template)		X- Hawaii	
	Pro Bono Incentives		X- Texas	
Resources for Laymen	Immigrant Resources	X		
	Legal Aid Provider Directory	X- Alabama		
	Simplified/Standardized Forms	X- Texas, Arkansas		
	Specialized Full-Time Appellate Pro Bono Clinic		X- Massachusetts	
	Online Clinic	X- Texas		
	Basic Legal Rights Information	X- New York		
	Self-Represented Litigant Resources	X- Alabama, Texas, Arkansas		
Language Access	Interpreter Registry	X- Illinois		
	Regional Meetings			X- Illinois
	Interpreter Training Resources		X- Illinois	
	Language Access Policy and Code of Ethics		X- Illinois	
	Language Access Plan		X- Illinois	
	Translations for Forms	X		

Reports	General Annual Report	X- Connecticut, Arizona, Alabama, Arkansas, Massachusetts		
	Meeting Minutes	X- Montana, Arizona, Louisiana		
	Video Recordings		X- Delaware, Florida	
	Justice Crisis Report		X- Colorado	
	Press Releases		X- New York, Delaware	
	Report on Economic Impact		X- Maine	
	Annual Mission and Goals	X- Arkansas, Texas		
	Annual Report of Pro Bono Hours Logged		X- Indiana	
Events	Legal Clinic Events	X- Arizona, Texas		
	Symposium Series	X- Maine		
	Pro Bono Training Seminars		X- California	
	Public Forum	X- Montana, Connecticut, Delaware		
	Lawyers in Libraries		X- Louisiana	
	Annual "Legal Aid Day"	X- Tennessee		
	Pro Bono Recognition Reception		X- Alabama, Wisconsin, Louisiana, Hawaii	
Funding	Interest of Lawyer's Trust Accounts		X- Arkansas, Maine	
	Publicized Fundraising		X- Maine, D.C.	
	Bar Association Dues - Opt Out Fee		X- Massachusetts (consider contacting them about this)	
	Web-Based Donation Collection	X- Louisiana		
	LawyerCorps		X- Connecticut	
	Statutory Legal Aid Funding		X- Arkansas	
Organization	Retired Pro Bono Recruitment Organization	X- Massachusetts		
	Subdivided Local ATJ Committees	X- Colorado		
	Pro Bono & Limited Scope Representation Resources		X- Illinois, Louisiana, Mississippi	
	Senior Attorney Initiative (SAILS)			X- D.C.
Social Media	Facebook		X	
	Twitter	X- Florida		

Appendix I



Iowa Access to Justice Public Outreach Summit



Iowa Access to Justice Public Outreach Summit

November 28, 2017

DMACC -Ankeny Campus, 2006 South Ankeny Blvd
Building 5, Student Center

The Iowa Access to Justice Commission is proud to host a public outreach summit.

For the first time ever, local leaders representing public service organizations, academics and private industry will come together to discuss and learn more about the access to justice issue in Iowa.

SCHEDULE

- 8:00-8:45 a.m.** **Registration**
- 8:45-9:00 a.m.** **Welcome** — Iowa Access to Justice Public Outreach Working Group Co-Chairs: Robert Denson, President DMACC and Nicolle Schippers, ARAG
- 9:00-9:45 a.m.** **Session One: The Problem of Access to Justice and how you can help**
Moderator: Robert Denson, President DMACC
Speakers:
- Brent Appel, Iowa Supreme Court Justice
 - Anjie Shutts, Iowa Access to Justice Commission
 - Dennis Groenenboom, Executor Director of Iowa Legal Aid
- 9:45-10:45 a.m.** **Session Two: What to Look For (breakout sessions)**
- A: Education**
Moderator: Glennay Jundt
Speakers:
- Thomas Mayes, Iowa Department of Education
 - Nate Kirstein, Disability Rights Iowa
 - Jan Rutledge, Iowa Legal Aid
- B: Consumer Protection**
Moderator: Alex Kornya
Speakers:
- Jessica Whitney, Iowa Attorney General's Office
 - Ray Johnson, Johnson Law Firm
 - Kathy Mansfield, Drake University Law School
- 11:00-12:00 p.m.** **Session Three: What to Look For (breakout sessions)**
- A: Education**
Moderator: Glennay Jundt
Speakers:
- Thomas Mayes, Iowa Department of Education
 - Nate Kirstein, Disability Rights Iowa
 - Jan Rutledge, Iowa Legal Aid
- B: Consumer Protection**
Moderator: Alex Kornya
Speakers:
- Jessica Whitney, Iowa Attorney General's Office
 - Ray Johnson, Johnson Law Firm
 - Kathy Mansfield, Drake University Law School

OVER >>

-
- 12:15-1:00 p.m.** **Lunch (sponsored by ARAG Legal)**
Speaker: Erin Planalp, Iowa Legal Aid and Rachelle Sledge, Nebraska Medicine
- 1:00-1:30 p.m.** **Session Four: What to Look For (breakout sessions)**
A: Housing
Moderator: Marvin DeJear
Speakers:
• Emily Ehlers, Disability Rights Iowa
• Jan Rutledge, Iowa Legal Aid
• Kathy Mansfield, Drake University Law School
B: Elder Law
Moderator: Glennay Jundt
Speakers:
• Scott Hartsook, Iowa Legal Aid Hotline for Older Iowans
• Bob Oberbillig, Drake Legal Clinic
- 1:30-2:00 p.m.** **Session Five: What to Look For (breakout sessions)**
A: Housing
Moderator: Marvin DeJear
Speakers:
• Emily Ehlers, Disability Rights Iowa
• Jan Rutledge, Iowa Legal Aid
• Kathy Mansfield, Drake University Law School
B: Elder Law
Moderator: Glennay Jundt
Speakers:
• Scott Hartsook, Iowa Legal Aid Hotline for Older Iowans
• Bob Oberbillig, Drake Legal Clinic
- 2:10-3:00 p.m.** **Session Six: Q&A Feedback from Sessions**
Moderator: Nicolle Schippers
ARAG Legal Panel: Justice Appel, Anjie Shutts, and session speakers
- 3:00 p.m.** Adjourn
-

Appendix J



2018 Pro Bono Survey results

2018 Pro Bono Survey Results

Demographics

- The majority of respondents (57%) have been licensed more than 20 years, with 36% licensed more than 30 years.
- 73% have offices in a city or suburb, with 24% in rural areas.
- 71% are in private practice, 7% are corporate counsel, and 14% are government. 23 judges responded to the survey.
- 27% of respondents are solo practitioners; 31% work in offices with 2-5 attorneys; 12% work in 6-10; and the remaining 30% are in offices of 11 attorneys and above.
- The majority of respondents (77%) last provided pro bono services in 2017.

Judges

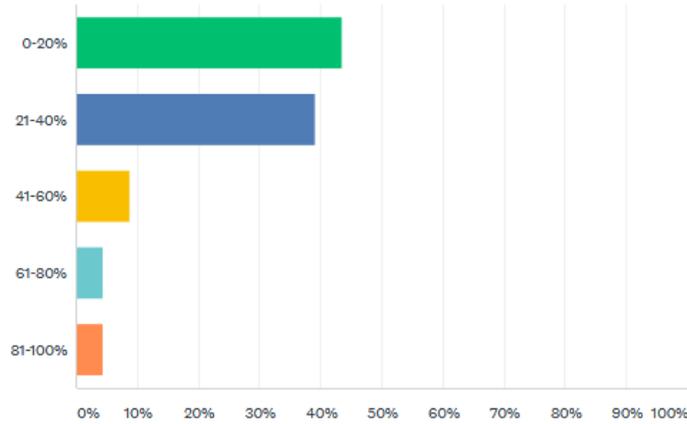
- 14 of 22 judge respondents (64%) believe that pro bono is “very important” and 6 (27%) answered “somewhat important.”
- 7 judges (33%) responded that they “never” encourage attorneys to take pro bono cases, while 43% of judges (9) ask attorneys to take specific cases pro bono.
- Meanwhile, attorneys listed “if a judge solicited my participation in a pro bono case” as the number 1 action (119) which would influence their taking a pro bono case, followed by “malpractice insurance provided by the referring organization” (73).

Q13

Customize Export

Please estimate the percentage of litigants who are self-represented appearing in your courtroom.

Answered: 23 Skipped: 659



ANSWER CHOICES	RESPONSES
0-20%	43.48% 10
21-40%	39.13% 9
41-60%	8.70% 2
61-80%	4.35% 1
81-100%	4.35% 1
TOTAL	23

- “What are the most important reasons for attorneys to provide pro bono assistance?” Had the top answers of “Providing access to justice” and “helps judges make a well informed decision.”
- 11 judges (48%) said that they “never” see attorneys representing clients on a limited scope basis. Only 13% of judges (3) responded that they see limited scope representation on a weekly or monthly basis.

Encouraging Pro Bono

- Respondents do seem to be mostly motivated by altruistic reasons to take pro-bono cases and very little by recognition or networking reasons. This question asked “On a scale of 1-5, how do the following categories motivate you to do pro bono?”
- “Not at all motivating” would have the weight of 1 point, “Extremely motivating” would have the weight of 5 points.

	NOT AT ALL MOTIVATING	MINIMALLY MOTIVATING	SOMEWHAT MOTIVATING	VERY MOTIVATING	EXTREMELY MOTIVATING	TOTAL	WEIGHTED AVERAGE
Helping people in need	1.48% 7	2.97% 14	16.31% 77	41.74% 197	37.50% 177	472	4.11
It is my ethical obligation	6.78% 32	10.38% 49	22.46% 106	31.14% 147	29.24% 138	472	3.66
It is my duty as a member of the legal profession	6.78% 32	12.29% 58	22.03% 104	29.24% 138	29.66% 140	472	3.63
Participating in reducing social inequalities	11.56% 54	17.56% 82	26.55% 124	23.55% 110	20.77% 97	467	3.24
It would make me feel like a good person	12.15% 57	14.29% 67	28.57% 134	28.78% 135	16.20% 76	469	3.23
Helping the profession's public image	17.45% 82	16.17% 76	25.74% 121	26.60% 125	14.04% 66	470	3.04
A firm culture that encourages pro bono	39.70% 185	17.60% 82	22.32% 104	12.66% 59	7.73% 36	466	2.31
Opportunities to interact with low-income populations	33.19% 156	29.57% 139	20.43% 96	10.64% 50	6.17% 29	470	2.27
Helping my firm's public image	43.71% 205	20.68% 97	16.84% 79	13.01% 61	5.76% 27	469	2.16

▼ Opportunities to work directly with clients	50.53% 237	18.55% 87	15.57% 73	9.59% 45	5.76% 27	469	2.01
▼ Opportunities to work with other attorneys	47.01% 220	26.28% 123	17.74% 83	6.20% 29	2.78% 13	468	1.91
▼ Gaining experience in a new area of law	53.80% 248	23.64% 109	15.62% 72	4.56% 21	2.39% 11	461	1.78
▼ Strengthening relationships with the private practice clients who value pro bono engagement.	61.16% 285	19.53% 91	12.45% 58	4.29% 20	2.58% 12	466	1.68
▼ Opportunities to go to court	69.05% 319	12.77% 59	9.31% 43	4.98% 23	3.90% 18	462	1.62
▼ Recognition from colleagues and friends	61.72% 287	23.01% 107	10.32% 48	3.66% 17	1.29% 6	465	1.60
▼ Recognition by employer	72.20% 335	15.52% 72	7.54% 35	3.45% 16	1.29% 6	464	1.46

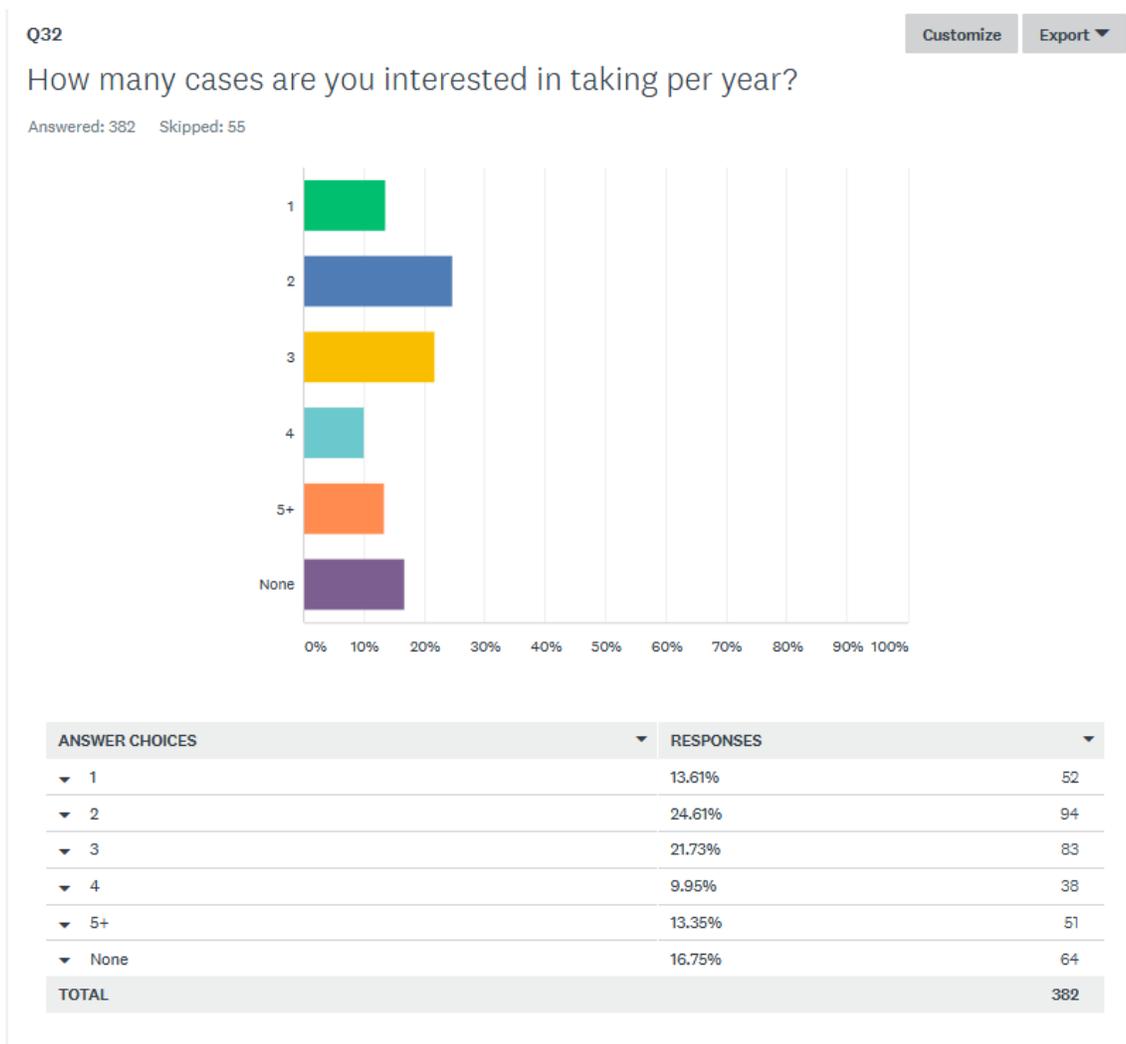
- The top 6 influencing factors for providing pro bono, in order, are:

▼	VERY LITTLE INFLUENCE	(NO LABEL)	(NO LABEL)	(NO LABEL)	A GREAT DEAL OF INFLUENCE	TOTAL	WEIGHTED AVERAGE
▼ If a judge solicited my participation in a pro bono case	12.85% 60	9.42% 44	20.13% 94	26.55% 124	31.05% 145	467	3.54
▼ If a colleague asked me to take a case	13.36% 62	15.30% 71	27.59% 128	29.31% 136	14.44% 67	464	3.16
▼ Online description of case opportunities from which I could select	26.02% 121	14.62% 68	22.58% 105	23.44% 109	13.33% 62	465	2.83
▼ Limited scope representation opportunities, instead of full representation	23.01% 107	19.57% 91	25.59% 119	20.43% 95	11.40% 53	465	2.78
▼ Periodic contact by a referral organization; I'll take a case when I can	28.21% 132	19.44% 91	17.95% 84	21.79% 102	12.61% 59	468	2.71
▼ CLE credit for doing pro bono	34.98% 163	13.30% 62	19.53% 91	17.81% 83	14.38% 67	466	2.63

- The vast majority of respondents preferred to receive referrals from legal aid or bar association pro bono programs, with a few other popular preferences:

ANSWER CHOICES	RESPONSES
Referral from legal aid/services pro bono program	54.74% 254
Referral from a bar association pro bono program	42.24% 196
Referral from a judge or court administrator	32.97% 153
Referral from family or friend	24.35% 113
Approached directly by client	23.71% 110
Referral from attorney outside your organization	16.38% 76
Referral from professional acquaintance	16.38% 76

- Respondents were very split on the number of cases they are willing to take every year.



- The groups who said they would be willing to take on five or more cases a year were the 70+ and 35-39 age groups. Most of them were in the areas of family law, general practice, and estate planning and were mostly private practice.
- Below are good indications of types of pro bono work people would accept; this screenshot represents anything that 20% of the respondents checked.

▼ Real Estate	20.17%	71
▼ Mediation - Family Law	23.58%	83
▼ Guardianship/Conservatorship	26.14%	92
▼ Dissolution of Marriage	28.41%	100
▼ Guardian ad litem	28.69%	101
▼ Financial POA	37.50%	132
▼ Wills	43.47%	153
▼ Health Care POA	44.03%	155
▼ Living Wills	46.02%	162

- It does appear that people would be open to the use of more technology, it was also mentioned in comments that people would be willing to use Skype or Go to Meeting to meet with clients preliminarily, could be a good option for limited scope cases.

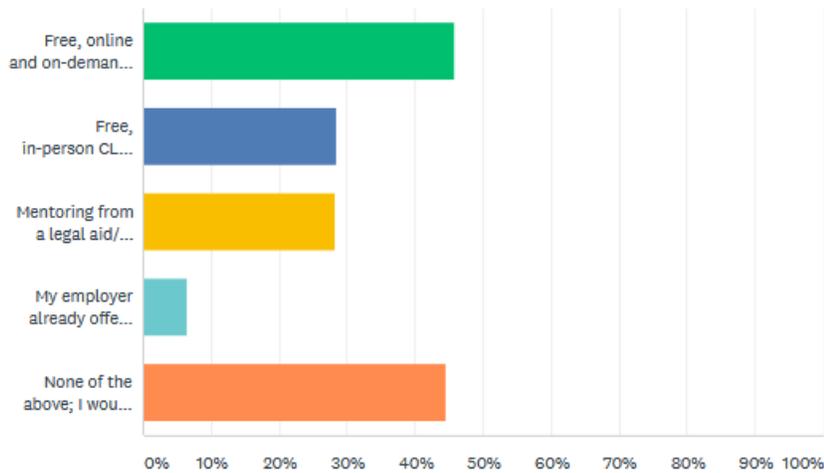
- Approximately the same number of respondents would prefer on-demand CLE (46%) as the number who said they would only accept cases in their area of expertise (45%).

Q39

Customize Export

What substantive and skills trainings would you most prefer when representing a pro bono client? (check all that apply)

Answered: 380 Skipped: 57



ANSWER CHOICES	RESPONSES
Free, online and on-demand CLE trainings from legal aid/pro bono programs	45.79% 174
Free, in-person CLE trainings from legal aid/pro bono programs	28.42% 108
Mentoring from a legal aid/pro bono staff attorney who has experience in the relevant areas of law	28.16% 107
My employer already offers adequate, in-house training or resources	6.58% 25
None of the above; I would only accept a case that is well within my expertise	44.47% 169
Total Respondents: 380	

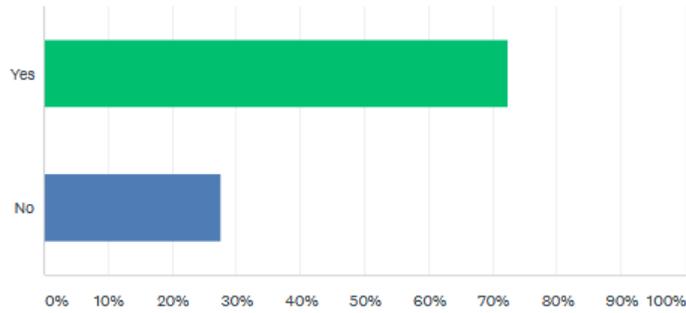
Q41

Customize

Export

In Iowa, much of the attorney population is concentrated in urban areas. However, many low-income people need legal assistance in the rural areas of our state. Would you be willing to use technology to provide pro bono assistance to people in rural areas of Iowa?

Answered: 381 Skipped: 56



ANSWER CHOICES	RESPONSES
Yes	72.44% 276
No	27.56% 105
TOTAL	381

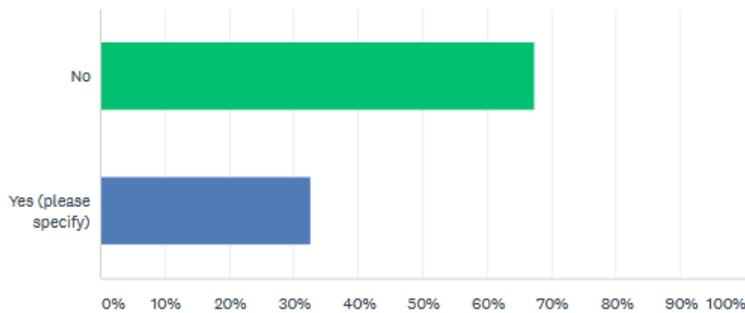
Q44

Customize

Export

Have you had any specific pro bono experiences that have either encouraged or discouraged you to do/from doing more pro bono work?

Answered: 379 Skipped: 58



ANSWER CHOICES	RESPONSES
No	67.28% 255
Yes (please specify)	Responses 32.72% 124

- Here, 71 of 124 responses were negative, most just having to do with over-demanding clients.

The primary factor that discourages pro bono is lack of time. “Very Discouraging” is weighted with 5 points, “Not At All Discouraging” is weighted with one point. Here are the top 5:

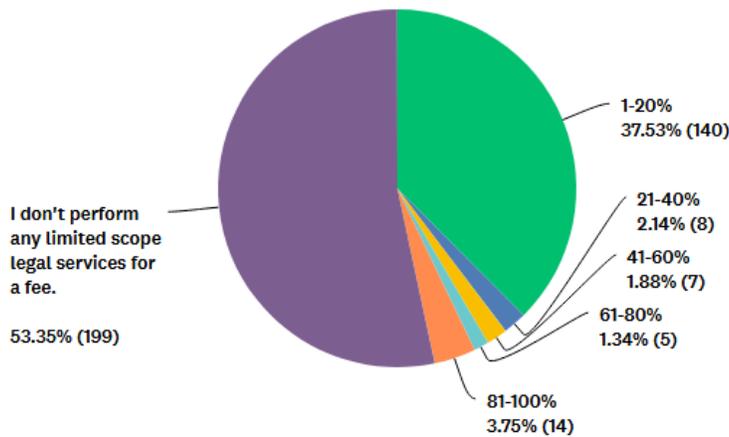
	NOT AT ALL DISCOURAGING	(NO LABEL)	(NO LABEL)	(NO LABEL)	VERY DISCOURAGING	TOTAL	WEIGHTED AVERAGE
▼ Lack of time	5.87% 26	5.19% 23	15.80% 70	23.48% 104	49.66% 220	443	4.06
▼ Commitment to family or other personal obligations	9.80% 45	9.80% 45	21.13% 97	24.84% 114	34.42% 158	459	3.64
▼ Lack of skills or experience in the practice areas needed	14.57% 67	12.83% 59	18.70% 86	20.43% 94	33.48% 154	460	3.45
▼ Unrealistic expectations of clients	17.98% 82	15.57% 71	22.81% 104	20.83% 95	22.81% 104	456	3.15
▼ Lack of clarity on how much time I would end up having to commit in order to complete the representation	23.30% 106	14.73% 67	23.08% 105	21.54% 98	17.36% 79	455	2.95

Limited Scope

47% of respondents provide some kind of limited scope representation for a fee. The responses for pro bono limited scope were just slightly higher (49%).

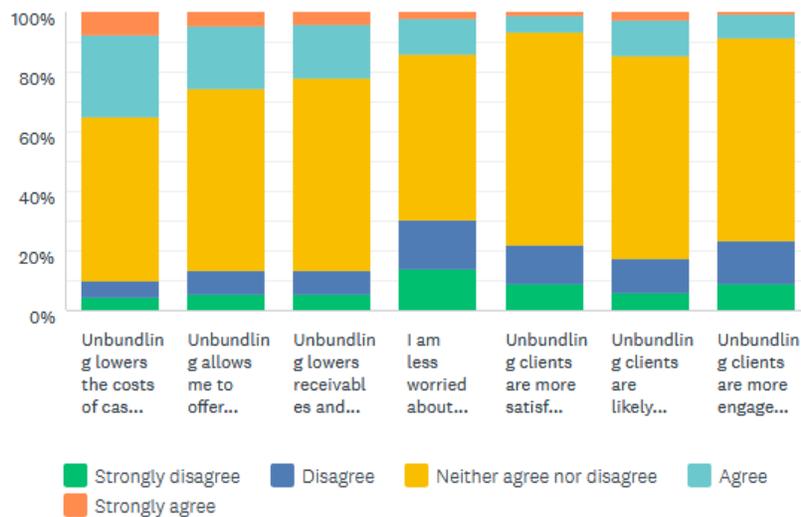
Approximately what percentage of your overall caseload involves limited scope legal services for a fee?

Answered: 373 Skipped: 309



Please indicate your position for each statement below:

Answered: 402 Skipped: 280



Here are the statements from the table, in a more readable form:

- Unbundling lowers the costs of cases so that more people can afford my services.
- Unbundling allows me to offer legal services at a more competitive price.
- Unbundling lowers receivables and results in fewer uncollectable fees.
- I am less worried about disciplinary complaints for unbundled cases.
- Unbundling clients are more satisfied with their service than full-service clients.
- Unbundling clients are likely to become full-service clients.
- Unbundling clients are more engaged in the process and invested in the outcome than full-service clients.

The overwhelming majority of responses to this question are neutral. It’s possible this is due to a lack of understanding or experience with limited scope/unbundling.

In order of most to least popular, here are the responses when asked to rank the factors that might encourage a respondent to provide more limited scope representation. Respondents were asked to rank options from 1-8 with 1 being the most encouraging.

	1	2	3	4	5	6	7	8	TOTAL	SCORE
More guidance/clarity concerning ethical obligations for unbundled matters	29.32% 56	13.09% 25	13.61% 26	12.57% 24	13.09% 25	6.81% 13	7.85% 15	3.66% 7	191	5.63
More guidance/clarity concerning court procedures for unbundled matters	11.11% 22	11.11% 22	33.84% 67	10.61% 21	14.14% 28	9.60% 19	5.05% 10	4.55% 9	198	5.23
Sample limited scope agreements	15.67% 34	13.82% 30	10.60% 23	19.82% 43	15.67% 34	12.44% 27	7.37% 16	4.61% 10	217	5.04
More guidance/clarity concerning malpractice exposure for unbundled matters	9.18% 19	24.64% 51	14.98% 31	13.53% 28	5.80% 12	14.01% 29	13.04% 27	4.83% 10	207	5.00
Programs to connect with prospective clients interested in unbundled legal services	10.84% 22	12.32% 25	7.39% 15	15.76% 32	16.75% 34	15.27% 31	12.81% 26	8.87% 18	203	4.43

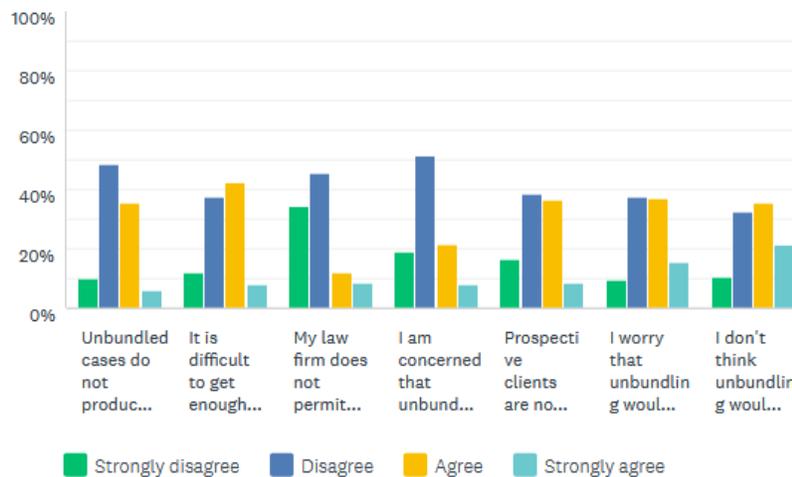
Information to better understand fee structures for unbundled legal services	7.41% 18	15.64% 38	9.05% 22	15.64% 38	13.99% 34	14.40% 35	15.64% 38	8.23% 20	243	4.40
Nothing. Unbundling is just not in my future	32.07% 93	2.07% 6	3.45% 10	4.48% 13	2.41% 7	2.41% 7	4.48% 13	48.62% 141	290	3.89
Opportunities to network with lawyers who unbundle	6.05% 13	6.51% 14	12.09% 26	8.84% 19	14.42% 31	20.47% 44	22.33% 48	9.30% 20	215	3.84

Q50

Customize Export

Regarding limited scope representation, please indicate your position for each statement below.

Answered: 338 Skipped: 344



	STRONGLY DISAGREE	DISAGREE	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
Unbundled cases do not produce enough revenue.	9.94% 31	48.40% 151	35.58% 111	6.09% 19	312	2.38

▼ It is difficult to get enough clients to make unbundling worthwhile.	12.22% 38	37.30% 116	42.44% 132	8.04% 25	311	2.46
▼ My law firm does not permit me to unbundle.	34.32% 104	45.54% 138	11.88% 36	8.25% 25	303	1.94
▼ I am concerned that unbundling may be unethical.	18.81% 60	51.72% 165	21.32% 68	8.15% 26	319	2.19
▼ Prospective clients are not interested in unbundled legal services.	16.51% 52	38.41% 121	36.51% 115	8.57% 27	315	2.37
▼ I worry that unbundling would expose me to more malpractice claims.	9.54% 31	37.54% 122	37.23% 121	15.69% 51	325	2.59
▼ I don't think unbundling would work for much of my practice.	10.68% 36	32.34% 109	35.31% 119	21.66% 73	337	2.68

Some corporate attorneys expressed interested in limited scope representation: “I am in-house and cannot take individual cases. I can do limited scope representation in a clinic setting.”

VLP

- Most respondents wrote “no” for other VLP support, but there is a small overview of possibilities:

Is there anything the VLP can do to support your pro bono efforts better?

Answered: 83 Skipped: 354

RESPONSES (83) TEXT ANALYSIS **MY CATEGORIES (8)**

+ New Category

Search responses ?

Showing 8 custom categories

Admin/Clerical Help		1.20%	1	View all	Edit	Delete
Better Intake/Detail		3.61%	3	View all	Edit	Delete
Limited Scope		1.20%	1	View all	Edit	Delete
Malpractice Insurance		1.20%	1	View all	Edit	Delete
Mentors		2.41%	2	View all	Edit	Delete
More referrals		6.02%	5	View all	Edit	Delete
Recognition		1.20%	1	View all	Edit	Delete
Training/CLE		8.43%	7	View all	Edit	Delete
Uncategorized		74.70%	62	View all		

And

- For people who selected “yes” on if they’d had problems with VLP referred clients (71) responses were pretty consistent. However, there were 246 “no” respondents to this question.
- We get a fairly good idea of reasons why they may have turned down cases in the past, most of which don’t come as any surprise:

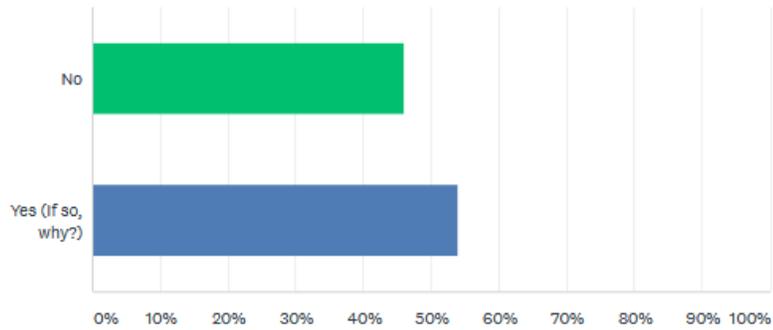
Showing 15 words and phrases

Demanding Attorney Issues Followup Follow Difficult clients
 Unrealistic Expectations Advice Case Ago
 Contact Representation Unreasonable Expectations
 Story VLP

Case		14.47%	11
Unrealistic Expectations		13.16%	10
Contact		13.16%	10
Demanding		7.89%	6
Follow		7.89%	6
Unreasonable Expectations		5.26%	4
Issues		5.26%	4
VLP		5.26%	4
Unreasonable Clients		3.95%	3
Advice		3.95%	3

Have you declined cases in the past from the VLP?

Answered: 321 Skipped: 116



ANSWER CHOICES	RESPONSES
▼ No	46.11% 148
▼ Yes (if so, why?)	Responses 53.89% 173

VLP Typically Experience Field Area of Expertise Family
Client Permit Cases Limitations Conflict Scope
Practice Matters Busy Commitments Not Interested
Far Constraints Inadequate Issues

Conflict		26.60%	50
Cases		16.49%	31
Practice		12.23%	23
Client		10.64%	20
Busy		10.11%	19
Area of Expertise		6.38%	12
Not Interested		3.72%	7
Constraints		3.72%	7
Experience		3.19%	6
VLP		2.66%	5
Issues		2.13%	4
Scope		1.60%	3
Limitations		1.06%	2
Matters		1.06%	2
Permit		1.06%	2
Commitments		1.06%	2
Family		1.06%	2
Far		1.06%	2
Field		1.06%	2
Inadequate		1.06%	2

- There is some interest in involvement outside of case work with the VLP, “Very Willing” is weighted with 5 points and “Not At All Willing” with 1:

	NOT AT ALL WILLING	(NO LABEL)	(NO LABEL)	(NO LABEL)	VERY WILLING	TOTAL	WEIGHTED AVERAGE
Other	62.71% 37	10.17% 6	15.25% 9	5.08% 3	6.78% 4	59	1.83
Mentoring less experienced attorneys	19.94% 64	18.38% 59	22.43% 72	23.68% 76	15.58% 50	321	2.97
Educational presentations	22.12% 71	15.89% 51	23.99% 77	18.38% 59	19.63% 63	321	2.98
Case referrals	18.21% 57	15.02% 47	20.77% 65	23.96% 75	22.04% 69	313	3.17

- There was little in the way of using technology to improve processes, and responses mostly had to do with access to case forms, intake online or ways to connect with mentors, or having a way to access a list of available cases for attorneys to choose from when they’re interested.

Outreach

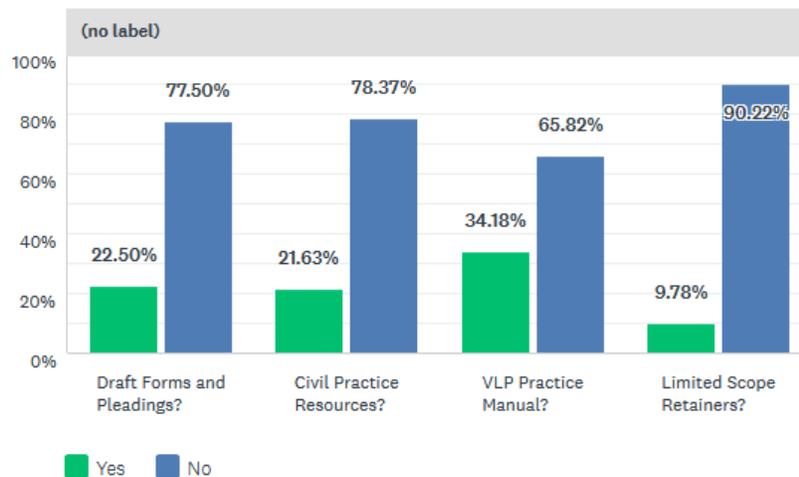
Respondents do not seem to be aware of the benefits available through the VLP. Half of respondents have not been asked to join the VLP. While it’s likely that they may have received information at swearing in or through other means, increasing recruitment efforts would seem beneficial.

Q73

Customize Export

Are you aware of the resources and materials that are available through probono.net/iowa?

Answered: 323 Skipped: 359

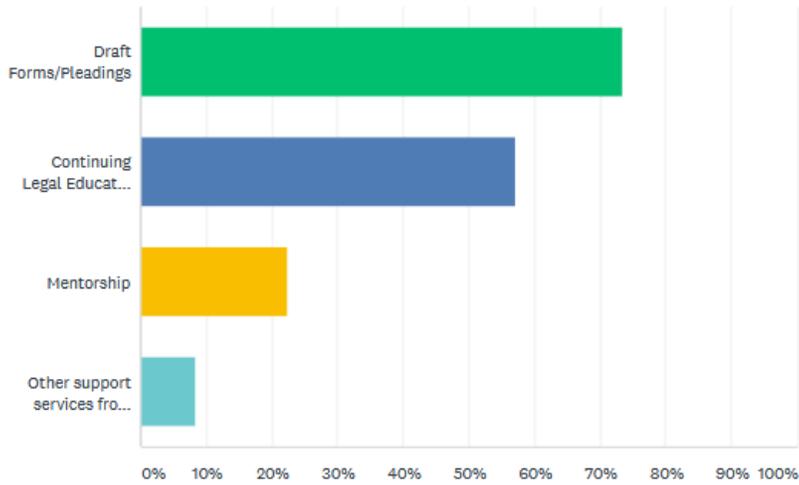


The vast majority of respondents (74%) stated that draft forms and pleadings would benefit their pro bono practice. 57% said the same of CLEs.

A number of attorneys noted that personal contact, especially direct requests from attorneys who currently participate in VLP, is one of the most effective recruitment methods for VLP participation. We may want to consider identifying a few “VLP ambassadors” who could recruit effectively in their circles.

What types of resources would be most beneficial to your pro bono practice?

Answered: 287 Skipped: 395



ANSWER CHOICES	RESPONSES
▼ Draft Forms/Pleadings	73.52% 211
▼ Continuing Legal Education Seminars	57.14% 164
▼ Mentorship	22.30% 64
▼ Other support services from the local regional office (please specify)	Responses 8.36% 24

RESPONSES (24) TEXT ANALYSIS MY CATEGORIES (0)

Cloud View List View

Search responses

Showing 7 words and phrases

Resources Limited Malpractice services Assistance Support Research

Clerical/Research	33.33%	8	View all Edit Delete
Malpractice Coverage	8.33%	2	View all Edit Delete
Nothing	54.17%	13	View all Edit Delete
Uncategorized	4.17%	1	View all

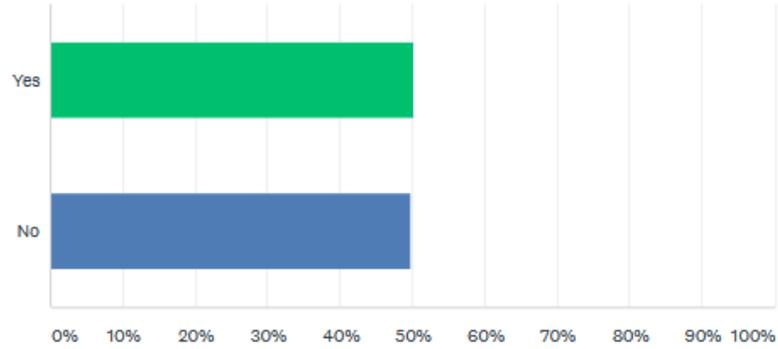
Q77

Customize

Export ▼

Have you ever been asked or recruited to join the VLP?

Answered: 360 Skipped: 77



ANSWER CHOICES	RESPONSES	
▼ Yes	50.28%	181
▼ No	49.72%	179
TOTAL		360

Email solicitations and presentations through the local bar were the top recruitment preferences, and in “other” suggestions, personal outreach was mentioned regularly, either from a current VLP lawyer, judge, or other personal connection.

Appendix K



VA's Legal Services and SSVF Program

Legal Services and SSVF

The Role of Legal Services for Veterans
in the SSVF Program

1

LARA EILHARDT, VA OFFICE OF GENERAL COUNSEL
BEN HERNANDEZ-STERN, DOJ OFFICE FOR ACCESS TO JUSTICE
ROBERT LISCORD, PINE TREE LEGAL ASSISTANCE
JILL ALBANESE, VA SSVF PROGRAM OFFICE
Audio: <https://attendee.gotowebinar.com/recording/68650355766012162>

Introduction

2

Objectives:

- Define legal needs of Veterans in SSVF programs
- Define civil legal services and the other legal resources for clients
- Provide tools to identify the unmet needs that affect housing stability and their legal causes or solutions.
- Provide tools for SSVF programs to identify legal resources to address the social factors that affect a client's long term housing stability
- Provide a framework for partnering with civil legal services

Emerging Focus on Legal Barriers

3

The VA has recognized the importance of targeted legal services for Veterans:

- VA's Supportive Services for Veterans and Families (SSVF) grant includes legal services in the list of benefits supported by grant dollars.
- Several VA Health Care Systems support on-site legal clinics and legal professionals serving low-income Veterans. VA currently houses 120 of these clinics on site, authorized by VHA Directive 2011-34.
VHA Directive 2011-024: It is VHA policy to encourage staff to refer homeless Veterans to legal service providers or referral services for assistance with matters such as child support or outstanding warrants or fines, and to provide office space to legal service providers, when possible.
- The VA has placed Veteran Justice Outreach (VJOs) in VAHCS to help Veterans navigate involvement with the criminal justice system. Re-entry specialists do outreach to Veteran prisoners to connect them with benefits and services available for them in their transition back to the community.
- HVRP HFVWF grant (urban and non-urban) now allows funds for legal assistance. (Department of Labor grant)

CHALENG Report (2010-2015)

Top Ten Highest Unmet Needs Identified by Consumers FY 2010, 2015

4

2010 (all genders)	2015 (male)	2015 (female)
Welfare payments	Registered sex offender housing	Registered sex offender housing
Child Care	Child care	Child care
Legal assistance for child support issues	Legal assistance to prevent eviction/foreclosure	Credit counseling
Family reconciliation assistance	Legal assistance to restore a driver's license	Family reconciliation assistance
Guardianship (financial)	Legal assistance for child support issues	Legal assistance for child support matters
Legal assistance for outstanding warrants/fines	Family reconciliation assistance	Legal assistance to help restore a driver's license
SSI/SSDI process	Legal assistance for outstanding warrants/fines	Dental care
Credit Counseling	Financial guardianship	Legal assistance to prevent eviction and foreclosure
Job training	Credit counseling	Legal assistance for outstanding warrants and fines
Legal assistance to help restore driver's license	Discharge upgrade	Discharge upgrade

SOAR and Legal Survey (FY17)

Legal Issues Identified by SSVF Providers

Eviction pending	57%
Child visitation or custody	50%
Assistance for obtaining SSI/SSDI	43%
Assistance obtaining VA benefits	38%
Outstanding warrants or court fees	34%
Criminal records expungement	34%
Assistance obtaining a driver's license	33%
Problems with landlord	29%
Debt collection	24%
Legal assistance to modify a court order related to family issues including child support	20%
Criminal allegations	12%
Bankruptcy	12%

SOAR and Legal Survey (FY17)

- Only 36% of SSVF grantees are providing legal services directly using SSVF funds
 - Of those not providing, 54% stated different prioritization of grant funds
 - 35% Lack of grant funds available
 - 34% Lack of demand/need
- Flat fee payment method most common, followed by hourly fee for legal services
- 73% of SSVF grantees spent all budgeted legal services
- 56% of legal cases opened in FY16 were fully resolved, 23% were open and pending, 21% unresolved

Department of Justice: Access to Justice

Office for Access to Justice

- ATJ's mission is to help the justice system efficiently deliver outcomes that are fair and accessible to all, irrespective of wealth and status.

Legal Aid Interagency Roundtable (LAIR)

- Comprised of 22 federal agencies including the U.S. Department of Veterans Affairs
- Goal of integrating legal aid into myriad Federal programs, policies, and initiatives (www.justice.gov/lair)

LAIR: Legal Aid Support to Veterans

- Department of Labor Veterans' Employment and Training Service (VETS) Homeless Veterans Reintegration Program
- Department of Health & Human Services Office of Child Support Enforcement & the American Bar Association Child Support Debt Partnership
- Federal Communications Commission Lifeline Program
- Department of Justice Veterans & Servicemembers Initiative (www.servicemembers.gov)

Legal Needs: The Justice Gap

9

- No constitutional right to counsel for civil legal issues.
- Individuals in poverty experience 1-3 legal problems. (Legal Service Corporation 2009 Justice Gap Report)
- 6.9% of Veterans live in poverty.



For every client served by a grantee, at least one eligible person seeking help was turned down because of limited resources.

Legal Needs: The Justice Gap

10

From John Kuhn, National Director, SSVF, Department of Veteran Affairs on Legal Need:

- 100 million Americans face civil justice problems that can impact housing, jobs, income, and children.
- Many poor Americans do nothing in response or try to avoid, likely due to lack of access to legal assistance or lack of knowledge about their rights
- In light of continued funding cuts for legal aid, the practical reality for local programs is that without a sub-award their Vets won't get the help they need with just a referral.

VA SSVF's National Training for SSVF
http://7899.na.gov/DEB/ALGOVERNMENT/jobs/responses/civil_legal_needs_training_material/SSVF_Coverage.pdf

Legal Needs: Understanding Legal Issues

11

- "When asking a Veteran if they have a legal problem, he or she often responds that they don't have a problem with the police." - VA Maine Healthcare System GPD Coordinator
- Over 50% of households don't identify a problem as having a legal cause or solution. -2003 Washington State Civil Legal Needs Study

Goal: Help clients to reframe their basic needs to understand that their may be a legal cause or solution.

Understanding Civil Legal Aid:

12

- Civil legal aid provides necessary legal information, advice and representation for low-income individuals in issues such as:
 - Family law,
 - Housing (Eviction, voucher terminations, discrimination) and foreclosure,
 - Consumer issues (debt collection & bankruptcy)
 - Employment (wrongful termination, unemployment claims)
 - Income maintenance (Appealing denials of benefits, overpayments)
- Nearly 60 million Americans – 1 in 5 – qualify for free civil legal assistance (125% or less Federal Poverty Level);
- Only 1 in 5 individuals who qualify are able to get the assistance they need.
- Broad mix of funding: state, federal private foundation=Patchwork of priorities, areas of expertise and capacity.
- Patchwork of Laws/Regulations: Municipal ordinance, state law, state and federal regulations, federal law.

Understanding Civil Legal Aid

13

Uniting Principle: Due Process

Legal Aid can help you answer “what process is due?” if a Veteran is:

- denied or cut off from benefits
 - facing debt collectors
 - denied federal housing
 - discriminated against
 - Facing Eviction
 - And more...

Understanding Civil Legal Aid

14



What this means?

15

- Legal Aid's mission is complementary to the housing first model of SSVF and the mission of our agency.

The mission of Preble Street is to provide accessible barrier-free services to empower people experiencing problems with homelessness, housing, hunger, and poverty, and to advocate for solutions to these problems.

The mission of Pine Tree Legal is to ensure that state and federal laws affecting poor people are enforced while also addressing the systemic barriers to justice that low-income Mainers face. We are committed to ensuring that all Mainers have access to justice.

How Legal Aid Helps: (HP)

16

Jeremy calls your SSVF program because he is behind on his rent and has received a summons for eviction court. Your team kicks in to high gear, enrolls the family and schedules an inspection. The unit does not pass inspection: bed bugs, a large leak from the bathroom ceiling and possible lead paint are just some of the issues. You can't pay to resolve the eviction as you might in other cases.

- How might legal aid help?
- How might your team help the legal aid program?

How Legal Aid Helps: (RRH)

17

Jeff arrives at an area homeless shelter after being kicked out of a couch surfing situation and presents to SSVF. He receives SSDI but has over 50% garnished for a child support order that dates back to when he worked. He also has limited mobility so he uses a walker.

SSVF staff know that Jeff has limited income so they help him apply for a Low Income Tax Credit Housing (LIHTC) property and also submit an application for a Section 8 voucher. Jeff is approved for the voucher, but is denied the housing because his credit report shows multiple medical debts, 3 debt collection items and a large \$50,000 tax lien.

1. What are Jeff's barriers to stable permanent housing?
2. What are the legal issues?

How Legal Aid Helps: Coordinated Entry & the By Name List

18

- Legal Aid can be a key stakeholder-reframing the barriers to housing for our most chronic clients.
- Strategically maximize limited legal aid dollars and resources.

Case #	Name	DOB	Gender	Race	Marital Status	Current Address	Phone	Case Status
1	John Doe	1950	M	W	Married	123 Main St	555-1234	Open
2	Jane Smith	1965	F	W	Single	456 Oak St	555-5678	Open
3	Robert Johnson	1970	M	W	Married	789 Pine St	555-9012	Open
4	Emily White	1980	F	W	Single	101 Elm St	555-3456	Open
5	Michael Brown	1985	M	W	Married	202 Maple St	555-7890	Open
6	Sarah Green	1990	F	W	Single	303 Cedar St	555-2345	Open
7	David Lee	1995	M	W	Married	404 Birch St	555-6789	Open
8	Amanda King	2000	F	W	Single	505 Walnut St	555-0123	Open
9	Christopher Hill	2005	M	W	Married	606 Cherry St	555-4567	Open
10	Nicole Adams	2010	F	W	Single	707 Peach St	555-8901	Open
11	Brandon Taylor	2015	M	W	Married	808 Apple St	555-2345	Open
12	Kyle Walker	2020	M	W	Single	909 Orange St	555-6789	Open
13	Olivia Young	2025	F	W	Married	1010 Grape St	555-0123	Open
14	Ethan Scott	2030	M	W	Single	1111 Lemon St	555-4567	Open
15	Sophia Baker	2035	F	W	Married	1212 Lime St	555-8901	Open
16	Lucas Hall	2040	M	W	Single	1313 Coffee St	555-2345	Open
17	Isabella King	2045	F	W	Married	1414 Tea St	555-6789	Open
18	Benjamin Lee	2050	M	W	Single	1515 Herb St	555-0123	Open
19	Mia Wilson	2055	F	W	Married	1616 Basil St	555-4567	Open
20	James Moore	2060	M	W	Single	1717 Parsley St	555-8901	Open

Step 1: Identify your regional resources:

19

1. Identify Veteran specific legal services?
 - o Law School Veterans Services Clinics
 - o Veterans Medical-Legal Collaborations with the VA
 - o Other legal aid programs with veteran projects/prioritization
2. Identify your regions' legal aid providers
 - o Specially funded projects: Low Income Tax Payer Clinics
 - o General civil legal aid
 - o General Practice Law School Clinics
3. Identify the Criminal Law resources

Step 2: Identify the legal needs of the Veterans you serve:

20

- Avoid: "Do you have any legal problems?"
- Use a Legal Aid Check Up Tool instead:
 - o Subject specific questions:
 - × "Problems with the IRS?"
 - × "Child Support Payments"
 - × "Denied housing because of an animal?"
 - × "Debt collectors calling or sending threatening letters?"
 - × "Student loan debt?"

Consult with local Legal Aid to get a specific tool such as the Tool used by the Legal Aid Society of Cleveland

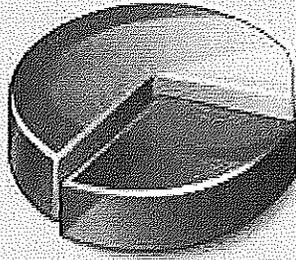
-Or-

Use the check up tool on Statesidelegal.org

Step 3: Share your Data!

21

- Use the Check up tool results to start a conversation
 - Identify gaps in services where new programs might be needed
 - Identify existing Legal Aid resources for the identified needs
- Establish a referral protocol for cases that fit within existing programs



Step 5: I've started a partnership... now what do we do?

22

Keys to a Successful Partnership:

1. **Identify the Unique Roles:** Articulate the role of Legal Aid versus SSVF case managers.
2. **Mission Driven:** Both partners should work to address: "What are the barriers to permanent stable housing?"
3. **Open and continuous dialog:** Build in time for client services staff, program managers and legal aid staff to consult on clients, meet and train regularly. Both administrative staff and front line staff should be in communication.
4. **A realistic billing structure:** Provision of legal services cannot be cut off when a client exits SSVF.

Conclusion: Key Points

23

1. CHALENG and the Legal Services/SOAR survey of grantees continues to show Legal needs for veterans facing housing instability.
2. SSVF allows direct funded partnerships with legal services and can complement case management
3. Legal Services does not have sufficient funding to meet the needs of low income individuals
4. Funding a partnership with legal services ensures that SSVF clients get access to legal help that will allow them to maintain stable permanent housing.

Questions

24

FROM THE GROUP

HUD-VASH SSVF TFA Referral Packet

FOR RAPID REHOUSING ONLY VERSION 2

HUD-VASH SSVF Referral Packet

- Developed in partnership by National HUD-VASH program office and National SSVF program office
- Goal to codify best practices from field, streamline process, clarify expectations, increase efficiency, support communication
- Packet is focused on rapid-rehousing (Veterans experiencing literal homelessness) only
 - Veteran household must be literally homeless
- Packet is for one-time TFA requests

HUD-VASH Referral Packet Summary of Changes

- Clarification of purpose of the packet
 - One time Temporary Financial Assistance (TFA)
 - Security deposits, brokers' fees, utility deposits
 - Other TFA (i.e. mattress, bus pass, kitchen utensils)
 - Contact SSVF to determine types of TFA available
 - Households requiring SSVF supportive services other than TFA must be referred to SSVF for intake
 - SSVF Employment or Legal Services
 - Supportive services for non-Veteran household members

HUD-VASH Referral Packet Service Alert

- SSVF may not be utilized as transitional housing (Public Law 110-387, and 38 CFR 62)
- SSVF must utilize available GPD and HCHV for HUD-VASH Veterans awaiting vouchers or HQS inspections.
- Veterans enrolled in SSVF with initial intent of permanent housing placement may be connected to HUD-VASH as part of progressive engagement
- Emergency Housing Assistance may be used if GPD or HCHV unavailable; limits apply to EHA

HUD-VASH Referral Packet Summary of Changes

- **HMIS Data Elements**
 - Removal of HMIS Data Entry form
 - HOMES Assessment provides most HMIS elements
 - Local CoC requests for additional HMIS information
 - HUD-VASH and SSVF meet with CoC and stakeholders to determine what and why this is needed
 - HMIS data collection must not be burdensome to HUD-VASH
 - Limit situations in which Veterans must also meet with SSVF to provide HMIS data

HUD-VASH Referral Packet Summary of Changes

- **Clarification of Intent to Rent form**
 - Use when requesting deposit assistance
 - Landlord or agent agreement to rent to the Veteran
 - Form will assist SSVF providers in processing TFA payments
 - SSVF should provide payment upon move in and lease signing if possible or within 5 days
 - SSVF must obtain a copy of the signed lease for files
 - Landlords or property managers can use their own version of intent to rent forms
 - Must contain all necessary information to process payment

HUD-VASH Referral Packet Summary of Changes

- Document is printer friendly
- Clarification chronic homeless status
 - As documented in HOMES
- Removal of some required signatures
 - Supervisor signature not required
 - SSVF signature not required on Intent to Rent
- Reorganization of forms
 - Basic Eligibility moved to beginning of packet

HUD-VASH SSVF Referral Packet Reminder of Process

- HUD-VASH staff completes packet
 - Include HOMES Assessment, W-9 (if deposit requested), local HMIS ROI
- Send via fax, encrypted email or other secure method to SSVF provider
- No need for Veteran to go to SSVF office
 - HOMES Assessment used for HMIS data entry
 - W9 and payment information included for TFA processing
- No SSVF case management for Veteran
- SSVF issues check to landlord/landlord agent at lease signing if possible

Appendix L



Iowa Supreme Court Order, September 14, 2017

In the Iowa Supreme Court

FILED

SEP 14 2017

In the Matter of the Establishment)
of the Language Access in the)
Courts Advisory Committee and)
Appointment of Members to the)
Committee)

Order

CLERK SUPREME COURT

In its initial report to the Iowa Supreme Court, the Access to Justice Commission recommended that the Iowa Supreme Court appoint a Language Access in the Courts Committee pursuant to Iowa Court Rule 47.9. The purpose of the committee is to provide guidance to the court and state court administrator regarding language access policies in the courts and to assist the Office of Professional Regulation in administering the continuing education and disciplinary systems for court interpreters.

The supreme court hereby appoints the following persons to be committee members, and designates their terms of service:

<u>Members:</u>	<u>Term expires:</u>
Judge Karen Romano, Des Moines, co-chair	September 30, 2019
Kathy Gaylord, Davenport, co-chair	September 30, 2020
Judge Kirk Daily, Ottumwa	September 30, 2020
Magistrate Karen Egerton, Coralville	September 30, 2019
Emily Chafa, Des Moines	September 30, 2020
Alfonso Erdmann, Sioux City	September 30, 2020
Diana Kautzky, West Des Moines	September 30, 2019
Ernest Nino-Murcia, Des Moines	September 30, 2020
Heidi L. Oligmueller, South Sioux City	September 30, 2019
Bill Watson, Fort Dodge	September 30, 2019
Jessica Taylor, Des Moines	September 30, 2020
Director, Department of Human Rights or designee	Permanent
State Public Defender or a designee	Permanent
Director, Office of Professional Regulation or a designee	Permanent
State Court Administrator or a designee	Permanent

Beginning in 2018, by June 1 of each year the committee will submit to the court a report identifying the committee's three highest priorities for

improving language access in the state courts for the following fiscal year. The committee may submit additional recommendations or reports to the state court administrator or the director of the Office of Professional Regulation as the committee deems appropriate. The committee will also serve duties related to the disciplinary process for court interpreters and translators identified in Iowa Court Rule 47.10(3).

Dated this 14th day of September, 2017

The Iowa Supreme Court

By Mark S. Cady
Mark S. Cady, Chief Justice

Cc: ~~J~~ustices of the Supreme Court
~~C~~hief Judges of the Judicial Districts
~~S~~tate Court Administrator
~~D~~irector of the Office of Professional Regulation
~~M~~embers of the Language Access in the Courts Advisory Committee
~~D~~istrict Court Administrators
~~L~~egal Counsel, State Court Administration
~~D~~irector of Finance and Personnel, State Court Administration
~~D~~eputy State Court Administrator

Appendix M



“Free Legal Clinic Empowers Parents,” June 5, 2017

We hope you enjoy the [June 2017 Child Support Report](#) posted to our website!

The [June 2017 Child Support Report](#) features a new, free legal clinic for residents in two Ohio counties. Iowa child support professionals experience what life is like for some of their clients who try to reenter society after incarceration. Georgia celebrates the important role fathers play in their children's lives. Kansas provides grant funding to a non-profit that helps men be better fathers, find employment, and feel better about themselves. Some New Hampshire veterans find legal services and child support assistance closer to home. And the federal Insurance Match program set a milestone this year. [Click here for previous editions.](#)

Vol. 39 No. 5 June 2017

COMMUNITY CONNECTIONS

Free Legal Clinic Empowers Parents

Katie Wright
Assistant Prosecutor

*Clinton County
Child Support
Enforcement Agency*

Thanks to our local courts, agencies, and legal community, Clinton County, OH, has a new, free family law clinic that empowers parents to resolve their legal problems. The service will expand to Highland County soon. As a Child Support Enforcement Agency prosecutor, I regularly meet parents who need assistance with issues such as child support modifications or parenting time. I realized that these issues were lingering because parents could not afford counsel, so I reached out to the Ohio Volunteer Lawyers Project to help me find a solution.

I met with the Volunteer Lawyers Project managing attorney in December 2016. We decided to develop a free, walk-in legal clinic starting at the Clinton County Courthouse with local attorneys volunteering to give free consultations to needy clients. The local American Bar Association was receptive to the idea, and many local lawyers attended our volunteer attorney orientation in January 2017. With support from the staff at the Volunteer Lawyers Project, the Child Support Enforcement Agency, and the Domestic Relations and Juvenile Court, we formed the Clinton/Highland County Family Law Clinic.

Inside this Issue

- 1 Free Legal Clinic Empowers Parents
- 2 Reentry Simulation Is Eye-Opening Experience
- 3 Outreach Events Celebrate Georgia Fathers
- 4 Mirror, Inc. Helps Dads Succeed
- 5 Legal Clinic Helps Vets Closer to Home

Insurance Match Celebrates its Anniversary

The OCSE Insurance Match program began 10 years ago with a receipt of claims from Colorado and Wisconsin workers' compensation agencies. Today, almost 1,300 insurers and workers' compensation agencies participate! Insurance Match

Clients eager for help

By publicizing the clinic through local newspapers, social media, and flyers at every court office, we hoped to draw a good crowd. During our first clinic hours on March 3, we had a line of clients waiting for assistance. Our volunteers gave out advice on issues such as parenting time, powers of attorney, and child support. We also provided forms for common family law motions so clients could walk to the clerk's office and file their motions. Clients who had been frustrated with the system were not only heartened by the free assistance, but they felt empowered to resolve their legal problem and stabilize their situation.

Next Steps

As the clinic gains traction in the community, we plan to expand into neighboring southeast Ohio counties - such as Highland County - that also need to provide free legal help for low-income individuals. Soon, the Family Law Clinic will work with another local organization, the Clinton County Fatherhood Initiative. The county is receiving a grant from the Ohio Commission on Fatherhood to design a program that provides mentorship and resources to help noncustodial dads play a positive role in their children's lives.

A large part of child support prosecution and collection is resolving problems and seeking stability for both parents so support can flow consistently. The legal clinic and the fatherhood program will provide creative solutions to promote stability and hope for child support clients. Thanks to the hard work of our agency caseworkers and excellent community partnerships, the Child Support Enforcement Agency saw collections reach their highest level in Clinton County history in October 2016. We will continue to work with our courts and community to foster even better outcomes for clients. Our next clinic is in late July or early August.

For information on the Clinton/Highland County Family Law Clinic, contact Katie at kwright@clintonctyprosecutor.com.

continues to provide new matches to increase child support collections. As of March 2017, the program has sent a million matches to states and collected \$55 million in child support. That's the amount voluntarily reported by 27 states.

You can find recent success stories in the **Insurance Match Fact Sheet**. To learn more, contact the **Insurance Match team**.

Subscribe to the Child Support Report.
Sign up on the newsletter homepage

