

FILED

JUL 31 2019

CLERK SUPREME COURT

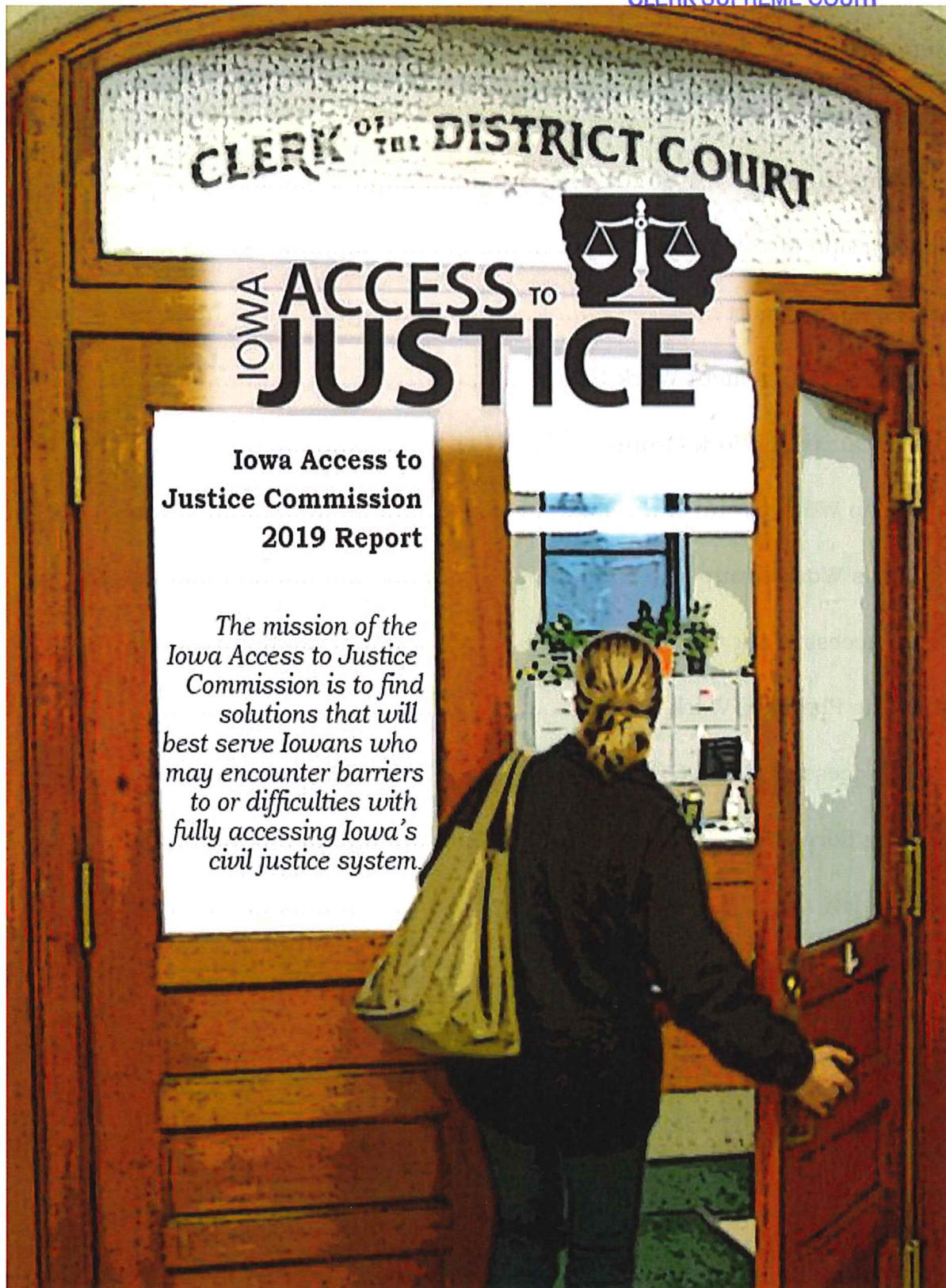


Table of Contents

Members of the Commission	2
Introduction	3
Supreme Court Review of 2018 Report	5
Commission Meetings	6
Structure of Report	8
Corporate Involvement Work Group	9
Public Outreach Work Group	17
Pro Bono Work Group	24
Veterans Work Group	31
Rural Access Work Group	43
Strategic Planning Work Group	54
Case Processing Work Group	57
Looking Forward	65
Conclusion	66
Appendix	67

Members of the Commission



Anthony Allen, Dubuque
Justice Brent Appel, Chair, Ackworth
Willard Boyd III, Des Moines
Steven Bradford, Muscatine
Marvin DeJear, Des Moines
Kristie Fortman-Doser, Iowa City
Brian Farrell, Toddville
Phil Garland, Garner
Joel Greer, Marshalltown
Glennay Jundt, Council Bluffs,
Leslie Kilgannon, Davenport
Amy Kretkowski, Iowa City
Chris Luzzie, Iowa City
Daniel Mart, Polk City
Honorable Kevin McKeever, Iowa City
Bob Oberbillig, Des Moines
Christopher Patterson, Waukee
Carol Phillips, Des Moines
Artemio Santiago, Fort Madison
Anjie Shutts, Vice-Chair, Des Moines
Steve Simmons, Prole
Chantelle Smith, Des Moines
Jennifer Tibbets, Marion
Bruce Walker, Iowa City
Mark Zaiger, Cedar Rapids

Introduction

The 2019 Iowa Access to Justice Commission Report (2019 Commission Report) highlights the Commission's activities and the progress in the State of Iowa towards achieving the Commission's short term recommendations and meeting its long term goals. The Commission presented short term recommendations and long term goals in its 2017 report and added additional short term recommendations and long term goals in its 2018 report. The 2019 Commission Report marks the culmination of the third year of activities of the Iowa Access to Justice Commission. In this report, the Commission identifies 51 short term recommendations and 25 long term goals. The Commission enters its fourth year with energy and with commitment to support the recommendations and goals in this report.

The pressing need to address access to justice issues in Iowa continues unabated. As noted in previous Commission reports, The Iowa State Bar Association (ISBA) 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, a Justice of the California Supreme Court, 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 (WJP) 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. The 2019 WJP Rule of Law Index measured whether people can resolve their conflicts peacefully and effectively through the civil justice system. The United States ranked 30th in the world. The 2019 WJP General Population Poll found that 66% of

Americans experienced a legal problem within the past two years, and of those, only 33% were able to access sources of help for addressing the problem.

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, Iowa Supreme Court Chief Justice Mark 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 25 Iowans whom the chief justice has appointed. Iowa Supreme Court Justice Brent Appel continues to serve as Chair of the Commission. Attorney Anjela Shutts begins her second term as Vice-Chair of the Commission. The Commission continues to work closely with the ISBA, which provides invaluable support to the Commission with financial assistance and conference facilities for Commission meetings. The ISBA has generously committed \$25,000 of available funding for the Commission during its 2019-2020 year. The Commission looks forward to ISBA President-Elect Jerry Schnurr III serving on the Commission during its 2019-2020 year. Timothy Eckley, Assistant Counsel to the Chief Justice, serves as Secretary to the Commission.

Supreme Court Review of 2018 Report



During its 2018 Administrative Term, the Iowa Supreme Court reviewed the Commission's 2018 Report (available on the Iowa Judicial Branch website under "Reports"). The court expressed general approval of the direction and activities of the Commission. In particular, the court noted the following specific recommendations and goals from the 2018 report:

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

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

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 #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 of staff interpreters likely would require additional resources for the judicial branch.

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

In lieu of a formal letter of recognition to the Commission, Iowa Supreme Court Chief Justice Mark Cady delivered remarks to the Commission during its September 2018 quarterly meeting. Chief Justice Cady highlighted the items the court specifically noted during its administrative term meeting, expressed the court's appreciation of the Commission's work and progress, and reaffirmed the court's continuing support of Commission recommendations and goals.

Commission Meetings



The Commission held quarterly meetings featuring educational components, work group breakout sessions, and Commission-wide discussions.

The Commission held its first meeting of the 2018-2019 year on September 21, 2018, at the Iowa Judicial Branch building. The meeting began with introductions of new Commission members, and 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 law student volunteers to assist the Commission with research. Iowa Supreme Court Chief Justice Mark Cady delivered remarks to the Commission, confirming the court's continued support of the Commission's work. Glenn Rawdon, Senior Program Counsel for Technology with the Legal Services Corporation, delivered the presentation "Technology Strategies to Improve Access to Justice." See Appendix at A. After the lunch break, the Commission discussed its structure, including whether to maintain the work group configuration. The Commission agreed to continue its work group structure and to add a Strategic Planning Work Group. Todd Nuccio, Iowa State Court Administrator, addressed the Commission and discussed the judicial branch budget and its ongoing efforts in promoting self-represented litigant services.

The Commission held its second meeting December 7, 2018. Commission Member Brian Farrell presented the University of Iowa College of Law student research projects addressing a national survey of access to justice strategic action plans and addressing steps other states have taken to promote limited scope representation in civil cases. See Appendix at B. Associate Professor Daria Fisher Page from the University of Iowa College of Law described the Community Empowerment & Development practice of the Iowa law legal clinic and research projects focusing on rural access to justice issues. Each of the Commission work groups presented progress updates on specific efforts.

The Commission's third meeting, March 1, 2019, included a report from Iowa State Court Administrator Todd Nuccio regarding Iowa Judicial Branch initiatives addressing rural courts, access to justice, and online dispute resolution efforts. Elizabeth Arledge, Deputy Director of Voices for Civil Justice, presented a webinar on effective communication strategies for access to justice efforts. Patricia Houlihan, Clinician in Residence at the Drake Legal

Clinic at Drake University Law School, discussed the law school's rural access program. Suzan Pritchett, Drake Law School Associate Professor of Law and Director of Clinical and Experiential Programs, described Drake Law School's various clinical programs providing access to legal assistance for those who otherwise might not be able to obtain legal services. The work groups provided updates to the Commission and met for the balance of the meeting.

The Commission's final meeting of the 2018-2019 year, on June 7, 2019, focused on work group presentations, discussions, and approval of work group reports. The meeting included a judicial branch access to justice and budget update from Tim Eckley. Attendees of the 2019 ABA/NLADA Equal Justice Conference and National Meeting of State Access to Justice Commission Chairs gave brief highlights of the conferences. Kimberly Baxter, Director of the Iowa Accountability Program, discussed a Justice for All grant application that the judicial branch will submit. Bill Boyd, now serving as President of the ISBA, identified two areas of focus during his term as president: promoting unbundled or limited scope legal services in Iowa and developing a "Lawyer in the Library" program across the state.

The Commission will hold a special strategic planning meeting on August 5, 2019.

Structure of Report

The Commission's work groups submitted reports detailing 2018-2019 activities and making recommendations for further action. Many of the recommendations and goals made in the Commission's prior reports maintain vitality. To provide the best overview of the Commission's activities to date, this report combines the still relevant recommendations of the Commission's 2017 and 2018 Reports with new recommendations the work groups identified in 2019.

In the work group discussions 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 and 2018. The report identifies and presents 15 new recommendations and 1 long term goal developed in 2019. For continuity in this 2019 Commission Report, the work group recommendations and goals are renumbered from 1 to 51 and 1 to 25 respectively. The Commission acknowledges that several recommendations and goals overlap in scope and subject matter.

Corporate Involvement Work Group



I. Overview of issues

The Corporate Involvement Work Group has been working to: (1) educate the business community about why equal access to justice matters, and (2) engage the business community and business lawyers to support and participate in access to justice initiatives.

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

II. Identification of available resources

As noted in the Commission’s 2017 and 2018 Reports, while there exists a wide variety of resources supporting access to justice, they appear to be of limited utility in addressing the issues the Corporate Involvement Work Group is working to solve. The work group has 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 prepaid legal services benefits as an employee-purchased option.

The work group developed the Playbook and the “Lack of Access” paper 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 business leaders. No clearinghouse of resources exists 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. Promoting access to the judicial system is a logical and important next step for the corporate community. The work group has prepared a report: “Lack of Access to Affordable Legal Help is Hurting Businesses: What Business Leaders and In-House Counsel Can Do to Help.” See Appendix at D. The report delineates the need for funding, education, and providers, and promotes access to justice as an Iowa value. During 2018-2019, the work group began to share and refine the draft report based on its work with the business community.

Recommendation #2 (2017): Encourage traditional business associations to engage 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 with access to justice issues. The work group has held initial discussions with these groups about the importance of access to justice issues to their members.

For example, the work group assisted the Greater Des Moines Partnership with formulation of the Partnership’s annual state legislative agenda. The Partnership included “Access to Justice” as a 2019 policy position as follows:

The Partnership supports funding opportunities and programs that help ensure fair and equal access to the justice system. Recent studies have shown American businesses lose more than \$300 billion annually due to concerns in the legal system and anxieties impacting employees and their inability to get appropriate help. Access to justice initiatives include but are not limited to adequately funding the judicial branch, supporting programs to promote efficient and fair access to the courts and legal system, alternative methods to provide appropriate assistance from legal counsel, including legal aid programs, and various studies and task forces seeking ways to more efficiently and fairly ensure justice for all.

Recommendation #3 (2018): Engage corporate counsel and business associations in access to justice discussions through the Access to Justice Corporate Playbook and the document titled “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 an Access to Justice Corporate Playbook (Playbook) and a paper titled “Lack of Access to Affordable legal Help is Hurting Businesses: What Business Leaders and In-House Counsel Can Do to Help.” These documents provide 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.

The work group engaged the Association of Corporate Counsel (ACC), at both national and state levels, regarding access to justice efforts and objectives. ACC is a global bar association that promotes the common professional and business interests of in-house counsel with over 45,000 corporate counsel members globally. Continuing legal education was held at the Iowa ACC’s annual Des Moines continuing education event in May 2019 and a follow-up regional event was held in Muscatine in July 2019. The objectives of these continuing education events is to provide corporate counsel the “why” and “how” for setting up corporate law department pro bono programs and to expand the impact of the programs.

Additionally, a large, national insurance company with a significant presence in Des Moines engaged its corporate leadership in a discussion regarding support for access to justice initiatives.

The work group is creating an executive summary to present to specific stakeholder audiences, including corporate counsel, business leaders, and nonprofit groups.

Recommendation #4 (2019): Create an executive summary to present to specific stakeholder audiences, including corporate counsel, business leaders, and nonprofit groups.

The Corporate Involvement Work Group will continue working on the executive summary during the 2019-2020 Commission year.

Recommendation #5 (2017): Develop a model Corporate Access to Justice Policy Statement that business associations can endorse and constituent corporations can adopt.

The corporate Playbook includes a “Pro Bono Policy Statement” to be used as an education tool and to ensure appropriate buy-in from corporate leadership. See Appendix at E. 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 #6 (2019): Broaden the outreach of the communication and education program beyond the pilot phase.

During the 2018-2019 Commission year, the work group piloted its communication and education program at volunteer corporate law departments. This included establishing a partnership with an appropriate nonprofit organization (Iowa Legal Aid or the Polk County Bar Association’s Volunteer Lawyer’s Project), creating a corporate plan for pro bono activity, and commencing the volunteer legal work.

Recommendation #7 (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.

Access to justice 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, which encourages use of law firms that share a commitment to access to justice. The work group views this as potentially a high impact activity that would take a modest level of resources to accomplish 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.

As discussed above, the work group has partnered with the ACC regarding opportunities to present the Commission's message and work group's Playbook to corporate counsel.

Recommendation #8 (2017): Partner with corporate counsel to educate and train house counsel on available resources and on effectively providing pro bono legal assistance.

The work group identified a number of activities in this area, including the following: (1) develop a manual in conjunction with legal aid providers to assist in-house counsel 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 organizations, 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 #9 (2019): Broaden corporate counsel training outreach working with pro bono and legal aid groups through multiple CLE presentations addressing perceived obstacles to providing pro bono services.

The work group has engaged meaningfully with the ACC and scheduled multiple education sessions to promote the Playbook and “Lack of Access” resources. On July 12, 2019, in Muscatine, Iowa, the Iowa Chapter of the ACC sponsored “How to Start a Corporate Pro Bono Program,” a free two hour CLE event. The Corporate Involvement Work Group presented the program.

Recommendation #10 (2018): Increase corporate counsel participation in pro bono services through use of the Playbook and “Lack of Access” resources.

The Playbook and “Lack of Access” resources provide a foundation for outreach to the corporate world. See Appendix at C and D. 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 lawyer projects. Finally, the Playbook includes a section on helpful resources. The work group has been addressing the challenge of how best to present this information to wide corporate audiences.

Recommendation #11 (2017): Advocate for change to or clarification of Iowa Court Rules to allow attorneys registered as house counsel to provide pro bono services.

The Iowa Supreme Court approved a memo from the Office of Professional Regulation for dissemination to in-house counsel that clarified the ability of house counsel under the Iowa Court Rules to provide pro bono services.

Recommendation #12 (2017): Encourage members of the corporate counsel community to take a larger role in getting businesses focused on and engaged with the various access issues by volunteering and educating their workforces and communities.

Nonlawyer volunteers within the corporate workforce could be encouraged and trained to serve as legal or courthouse “navigators” (e.g., translator services, providing information, filling out forms). 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 feasible in the short term.

Another initiative in this area is 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 #13 (2017): Encourage corporations to underwrite and produce educational material that promotes access to justice issues.

Iowa corporations should be encouraged to utilize their communications departments to donate time and resources to produce public service messages. Corporations could also produce pamphlets to provide 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; the work group identifies it 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 significantly expand access to justice. The Corporate Involvement Work Group has engaged with economic and business development organizations to create awareness of the need for legislative support and intends to further explore these goals in the next phase of the Commission's work.

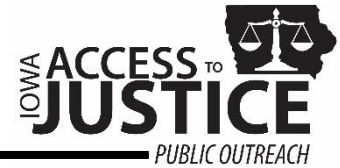
Goal #2 (2017): Increase the visibility and desirability of access to justice as an object for corporate charitable giving and to develop a clearinghouse that can serve as a means of communication between companies about how they are addressing access to justice issues and what is working and not working.

This goal, as well as the goal of increased legislative support for access to justice initiatives, is viewed as having potentially high impact, but it requires long term development and a high level of resources and coordination to accomplish.

Corporate Involvement Work Group Members

Steven Bradford, Co-Chair
Travis Sheets, Co-Chair
Kate Cutler
Jim Hansen
Gerry Neugent
Carol Phillips
Angela Reier
Mark Rosenbury
Sarah Smerage
Mark Zaiger

Public Outreach Work Group



I. Overview of issues

The Public Outreach Work Group is working to promote access to justice 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 communications and strategic plan to help the Commission meet its mission short and long term, which includes exploring the use of social media, public service announcements (PSAs), and press releases similar to those that other state Commissions have used.

The work group is aware that current resources may not be able to handle increased demand, and it recognizes that the Commission does not have substantial funds to assist initiatives. Low or no cost opportunities including social media, general media, PSAs, and electronic communications 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 it is 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 demand due to the Commission's increased education and public outreach.

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, and human service providers.

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 the difficulty of persons knowing that they have a legal problem, 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 increasing demand 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 is incarcerated persons.

IV. Short term recommendations

Recommendation #14 (2017): Conduct an 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. See 2018 Commission Report, 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 2018 Commission Report, Appendix at H.

Recommendation #15 (2018): Establish a single, comprehensive source or website for all access to justice resources and educational tools available for public use.

An electronic central location for all identified public legal access resources should be created. This may require a gatekeeper for updates. Possible locations 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 such a website. The work group has mocked up websites based on other state access commission sites.

Recommendation #16 (2017): Develop a communications plan or report around all public outreach opportunities and events.

During the last two years, the Public Outreach Work Group has primarily worked on drafting a communications plan to better message the work and mission of the Commission. The work group completed an initial draft in early 2018. The workgroup also forged a relationship with Voices for Civil Justice (VCJ), a national not-for-profit organization that seeks to strengthen the connection between civil legal organizations and media.

VCJ educated the work group about the elements of a communications plan and then critiqued the work group's initial draft of the plan under the lens of SMART marketing, which ensures that goals are Specific, Measurable, Achievable, Realistic, and Timely. After reviewing a written critique of the first plan, the work group essentially started anew and ultimately produced a second draft communications plan. The plan focuses on six objectives:

1. The general population of Iowa will believe that access to civil justice is a fundamental Iowan and American value.
2. Recruitment of at least five major corporations, chambers of commerce, or other major business associations in the effort to eliminate barriers to access civil justice.
3. The general population, especially nonlawyer service providers, will understand the types of problems that require a civil legal solution.
4. Diversification of and increase in pro bono participation by lawyers.
5. Increase in pro bono participation by nonlawyer professionals.
6. People in need of civil legal services, and those who serve them, will know the full range of options to get assistance.

Each objective includes identification of the Message, Decision-maker, Audiences, Tactics, Capacity, and Timelines. The full, detailed draft communications plan is set forth in Appendix F of this report.

V. Long term goals

Goal #3 (2017): Develop a strategic plan (expanding upon the communications plan) on how, when, and how frequently 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 in Iowa to educate and make them aware of legal issues their clients may face, as well as resources that are available. See 2017 Commission Report, Appendix at F. 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 work group surveyed the participants 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 #5 (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.

The work group has begun planning for a second summit to be held in Fall 2019 in Cedar Rapids, Iowa, and is considering a third summit with a rural Iowa focus.

Goal #6 (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, Corporate 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 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 Commission work groups is required for these efforts. A subcommittee of the Public Outreach Work Group may be required to work on this goal.

Goal #7 (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 that the Commission should continue to watch to determine if it is a good resource for public outreach and education in Iowa. Cost may be an issue.

Public Outreach Work Group Members

Marvin DeJear Co-chair
Alex Kornya, Co-Chair

Anthony Allen
Debora Bussan
Brian Farrell
Kristie Fortman-Doser
Glennay Jundt
Dan Mart
Tina Shaw
Jennifer Tibbetts

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 identify through asset mapping the needs and capacities in three communities in Iowa and to implement limited scope representation options based on those findings. Partnerships developed through the Commission have increased available resources, such as those through the Corporate Involvement and Veterans Work Groups.

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 #17 (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 in 2018 to determine barriers to Iowa attorneys providing pro bono legal assistance. Working with the ISBA, Iowa Legal Aid, and volunteer lawyers projects, nearly all Iowa licensed attorneys received the survey. The survey garnered a robust response of close to 700 participants. Primary impressions from the survey included 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 unbundled 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 for 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 2018 Commission Report, Appendix at J.

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. Commission Chair 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 were 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, the 2018 ISBA Annual Meeting included a panel discussion with attorneys successfully practicing limited scope representation, district court judges who wanted 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 addressing all of the concerns attorneys have about limited scope representation could be replicated statewide to promote limited scope services. The Polk County Bar Association hosted a similar CLE panel about limited scope representation that included a local judge and local practitioners. Attendance at the session was modest. One audience member suggested that the Commission seek to recruit retiring attorneys for pro bono services.

The 2019 ISBA Annual Meeting featured another Access to Justice Track focusing on the benefits and practicalities of limited scope representation.

Various limited scope options are being tested around the state:

- Potential judge referral of parties that appear in court pro se.
- Referral of preparation of child support guidelines to pro bono attorneys.

During the past two years, the work group has achieved several action steps, 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 panel presentations at ISBA Annual Meetings.
- 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 #18 (2018): Promote judicial support for pro bono services by resolution or press release during Pro Bono Week, October 21-27, 2018.

The Commission should consider steps it could take to promote Pro Bono Week under the Commission's auspices.

Recommendation #19 (2019): Work with the Iowa Judicial Branch to promote Pro Bono Week annually.

The supreme court has generally been very supportive of access to justice initiatives and has previously supported Pro Bono Week. The Commission believes promotion of Pro Bono Week is consistent with the court's commitment to access to justice initiatives. Pro Bono Week in 2019 is October 20-26.

Recommendation #20 (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 #21 (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 2018 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 #22 (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 Lawyer's Division is recording a how-to video on incorporating limited scope representation into law practices. In addition, the Polk County Bar Association is developing a new practitioner CLE for the newly admitted attorneys.

Recommendation #23 (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. In July, 2019, Iowa State Court Administration met with the ISBA on this topic in conjunction with judicial branch interactive forms and online dispute resolution projects.

Recommendation #24 (2018): Partner with attorney groups to provide newer attorneys more exposure to the potential practice development of 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 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 #25 (2017): Consider low bono practice options.

Low bono practices are designed to provide legal services to those who cannot pay 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 #8 (2017): As a cumulative effect of the Pro Bono Work Group 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 #9 (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.

Drake Law School is promoting a Law Firm Incubator program and has two attorneys currently involved in this project.

Pro Bono Work Group Members

Chris Luzzie, Co-Chair
Carol Phillips, Co-Chair
Bill Boyd
Glennay Jundt
Charlie Nichols
Meg Norberg

I. Overview of issues

The Veterans Work Group has been working 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. The work group also has been working to identify ways to refine the use of limited resources by relying on statistical data and other research and to identify partnership opportunities with key organizations.

To that end, individual members of the group consulted with state and county veterans service officers, the Iowa Attorney General's Office, officials from Iowa Workforce Development, county bar associations, and representatives from Drake Law School.

The Veterans Work Group is considering expanding its focus to include the approximately 15,000 active and reserve military members in Iowa, many of whom may be in need of legal assistance. The work group would need to identify ways to provide information on resources available to this population. The ABA's "Homefront Program" is a useful resource for current active and reserve military members, but most current military members and their families are not aware of this resource. Also helpful would be information on the potential interplay between military separation benefits and future Veterans Administration (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 2018-2019 Commission year, the Veterans Work Group 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 civil legal 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, and (5) discharge upgrades.

A direct way to reach a large percentage of Iowa veterans with access resources is to focus efforts on the counties with the largest veteran populations. The work group has identified the Iowa counties in which most Iowa veterans live. Those counties include: (1) Polk, (2) Black Hawk, (3) Linn, (4) Scott, (5) Woodbury, and (6) Johnson.

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 robustly improving access to justice for veterans is effectively communicating with them about these resources.

During the 2018-2019 Commission 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, the VA and the ABA have been promoting the use of the VA's Supportive Services for Veterans Families (SSVF) grants to provide legal services for low income veterans and their families. See 2018 Commission Report, Appendix at K. SSVF grant recipients for fiscal years 2018 and 2019

in Iowa were: Primary Health Care, Inc. (Des Moines); Family Alliance for Veterans in America (Sioux City); Hawkeye Area Community Action Program; Humility of Mary Shelter; and Blue Valley Community Action (Council Bluffs). The grantees focus primarily on veterans' housing needs, but the VA is encouraging all grantees to use at least a portion of grant proceeds 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 as identified in the 2016 CHALENG report.

The need for assistance with discharge upgrades is the only unmet legal need on the 2016 list that applies only to veterans and not the general population. 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 they may not be entitled to VA healthcare benefits because of their discharge status.

IV. Short term recommendations

Recommendation #26 (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, the system would help 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 means of identification is 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 #27 (2019): Identify ways to refine the use of limited access to justice resources by relying on statistical data and other research.

The work group reviewed existing studies that have identified the unmet legal needs of veterans nationwide and compared the results of study surveys with the needs veterans in Iowa have reported. These efforts strongly suggest that the work group's preliminary conclusions were correct: these civil legal needs (including matters of eviction and foreclosure, restoring driver's license, child support, outstanding warrants and fines, and military discharge upgrades) significantly impact Iowa's veterans.

The work group believes it is imperative to target the areas in the state likely to have the greatest veterans needs. In support of this endeavor, the work group collected additional data and solicited the help of University of Iowa College of Law students. The data identified the Iowa counties with the largest populations of veterans and the counties with the largest percentages of veterans. The law students also collected the numbers of veterans at or below 250% of poverty. The work group will prioritize the top ten counties by

total number of veterans and by percentage of veterans and deliver presentations to the bar associations of those counties. The work group hopes that this data can be used to develop an efficient approach that will constitute a reasonable and wise use of limited access to justice resources.

Recommendation #28 (2019): Develop and maintain a strong support base for veterans' services among Iowa attorneys.

As other Commission work group have recognized, a 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. The work group has been studying ways to develop and maintain a strong volunteer support base within the Iowa bar. The work group will explore innovative techniques to expand delivery of services, such as limited scope representation. Such a support base could provide much needed legal assistance to veterans.

Recommendation #29 (2019): Study the American Bar Association's Veterans Legal Services Initiative for strategies to employ in Iowa.

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 will continue to study the ABA's Veterans Legal Services Initiative and may emulate some of its strategies.

Recommendation #30 (2019): Incorporate strategies to develop, refine, and achieve long term goals to improve legal services for veterans.

The long term goals the Veterans Work Group has 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—remain aspirational goals for the work group. Strategies to achieve these long term goals will be developed and refined during the coming years. A lack of adequate funding, however, remains a challenge.

Recommendation #31 (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 a “Veterans” section and provide links to existing service providers, including VA medical facilities, Veterans Justice Outreach specialists, county veterans service organizations (VSOs), and congressional constituents’ representatives. 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 #32 (2019): Develop partnerships to increase awareness statewide of the need to increase legal services for veterans.

The work group has concluded in the past year that the formation of partnerships and information dissemination are linked inextricably. Through utilization of partnerships, the work group hopes to increase awareness throughout Iowa both of the need to address the legal issues of veterans and awareness of the resources currently available to meet that need. The work group believes that partnerships will facilitate making connections between the veterans in need of legal help and the volunteer attorneys and other resources available to them. The theory is that by providing information to groups and organizations with whom veterans have regular contact, the groups and organizations will share the relevant information directly with the veterans, after which the veterans will be able to find the services they need.

A major accomplishment of the work group is a partnership it formed with Iowa Legal Aid. Through this partnership, two attorneys were hired to work on legal issues for veterans and their families through the Equal Justice Works Veterans Legal Corps (VLC) program. For additional information on the work of the VLC Fellows, see the discussions at Recommendation #s 35 and 37.

Recommendation #33 (2018): Improve the 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. Iowa Legal Aid currently provides excellent services for veterans, 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 the caller with a volunteer who can help them with their legal issue.

In April of 2019, members of the Veterans Work Group along with the VLC Fellows met with the Veteran Service Officers for all 99 counties. Work group members and the attorneys spoke to the Veteran Service Officers as a group. This is a key component of the work group's outreach as Veteran Service Officers are present in all 99 Iowa counties. The Veteran Service Officers are a valuable resource as they are often in contact with veterans in need of assistance in their counties. This meeting was an effort to conduct outreach and to raise awareness regarding the availability of legal resources in Iowa. The Veteran Service Officers were informally canvassed on their needs and concerns regarding availability of legal resources. A primary need and desire of the Veteran Service Officers was expansion of veterans treatment courts in Iowa. Currently, the only veterans treatment court in Iowa is in Woodbury County.

In May of 2019, members of the Veterans Work Group along with the VLC Fellows (see discussion at Recommendation #37) met with veteran specialists from Iowa Workforce Development, a group of individuals who work exclusively with veterans. These specialists often encounter veterans in need of legal assistance. Providing these specialists with information about legal services available to veterans is an important step to broaden the Commission's outreach efforts.

Recommendation #34 (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 #35 (2017): Encourage Iowa attorneys to provide pro bono 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. Its focus, however, has been to help veterans get VA benefits, which is not a top “unmet legal need” for Iowa veterans. Iowa attorneys can be encouraged to provide pro bono 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 maintains 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.

On May 3, 2019, Iowa Legal Aid’s Volunteer Lawyers’ Project sponsored a three-hour veterans advocacy CLE for attorneys. Iowa Legal Aid’s statewide veterans’ advocate, both VLC Fellows (see discussion at Recommendation #37), and three attorneys from the private bar presented on VA benefits issues and discharge upgrades.

The efforts are still underway to secure partnerships and volunteers from county bar associations across the state. On June 20, 2019, members of the Veterans Work Group met with the Linn County Bar Association and delivered a PowerPoint presentation to encourage its members to volunteer to help veterans. Additional meetings will be scheduled during 2019 to include the Polk County Bar Association and others.

The Iowa Attorney General’s Office has agreed to partner with the work group through the use of its website. Collaboration with the Iowa Attorney General’s Office is ongoing regarding the specific content and is expected to be refined during the next 12 months.

Partners at Iowa Legal Aid, Iowa Workforce Development, the Iowa Attorney General’s Office, local bar associations, and county veterans service

offices will be of great assistance in providing veterans information related to available legal resources.

Recommendation #36 (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 could 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 #37 (2018): Leverage available grants and fellowships to offset lack of funding.

In the fall of 2018, Iowa Legal Aid, with support from the work group, secured funding from the Equal Justice Works AmeriCorps Veterans Legal Corps to host two attorneys in the State of Iowa to work on the legal needs of veterans and their families. In the fall of 2018, these VLC Fellows were officially hired and began to work on legal issues for veterans across Iowa. The two fellows are strategically located in Iowa City and Council Bluffs. The VLC Fellows take referrals from social workers at the VA medical centers and are also holding a series of legal clinics for the benefit of veterans at VA Community Resource and Referral Centers in Cedar Rapids and Davenport. Many western Iowans utilize the center in Omaha, Nebraska, with the Council Bluffs VLC Fellow providing services. See Appendix at F. The VLC Fellows are completing comprehensive legal assessments for veterans referred to the program and assisting veterans with legal needs identified in screenings. In addition to the legal clinics, both attorneys have been regularly handling a variety of cases on behalf of Iowa veterans.

Although securing the help of two full time attorneys to address the legal needs of veterans in Iowa is a significant accomplishment, it is clear that their involvement alone will not fully address the access to justice issues veterans confront.

V. Long term goals

Goal #10 (2017): Establish a veterans legal clinic at one or both of the state's law schools.

The work group has proposed establishment of a veterans legal clinic at 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.

The Veterans Work Group believes the Commission should approach this goal on two fronts: Iowa City/University of Iowa and Des Moines/Drake University. The ultimate goal of the Veterans Work Group is the establishment of one or more full-time, sufficiently staffed offices dedicated to providing comprehensive legal services for veterans.

Drake University Law School already operates *Volunteers for Vets*, begun as part of Operation Stand Down, which is a Department of Veterans' Affairs effort to provide services to homeless vets. After 15 years of law student volunteers working with Operation Stand Down in Des Moines, the Drake Law School formalized the relationship with the Department of Veterans' Affairs with a memorandum of understanding. The project involves students meeting with veterans, gathering information on the veterans' legal issues, and referring them to the appropriate agency.

Goal #11 (2018): Establish a legal clinic in at least one VA medical facility in Iowa.

The Veterans 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. 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.

As discussed at Recommendation #37, the Iowa Legal Aid and grant supported VLC Fellows are taking referrals from social workers from VA medical centers. Legal clinics at the Community Resource & Referral Center in Cedar Rapids are held the first and third Mondays every month, and in Davenport, clinics are held the second and fourth Tuesday every month.

Goal #12 (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). 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.

Goal # 13 (2018): Develop an efficient mechanism for placing volunteers who want to help veterans specifically in contact with veterans in need of civil legal services.

The Veterans Work Group is exploring strategies to locate veterans who are in need of legal services and provide them with 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 a process in place for serving veterans in Iowa's largest counties by the end of 2020. These counties include Johnson, Linn, Scott, Polk, Black Hawk, and Woodbury.

Goal #14 (2018): Confirm that those subject areas where veterans have the greatest civil legal needs are appropriately targeted.

One of the most important components to serving the civil legal 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 legal 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. Those veterans whom volunteers serve through Iowa Legal Aid could take survey to determine satisfaction with the services provided and to identify additional service needs.

Veterans Work Group Members

Honorable Kevin McKeever, Co-Chair

Amy Kretkowski, Co-Chair

Phil Garland

Leslie Kilgannon

Chris Luzzie

Chantelle Smith

I. Overview of issues

The Rural Access Work Group has explored a wide range of issues related to access to justice in Iowa, including the shortage of attorneys in rural Iowa and possible solutions, the potential role of technology, and how reduced judicial resources impacts rural Iowans.

Maintaining and improving availability of legal services through the consistent presence of legal counsel is a crucial lynch pin in addressing access issues in rural communities. 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 difficult for a small town practitioner employing a young attorney to be competitive with salary, benefits such as IPERS and medical insurance, and a ten percent per year debt forgiveness on student loans. In recent years there have been several young attorneys leaving rural Iowa for such government positions. For example, one such attorney was the first graduate placed through the ISBA's Rural Practice Program who had been with her firm for four years. After considerable investment from the employing attorney, she left to become a county attorney for the reasons state above.

II. Identification of available resources

Other state access to justice commissions have attempted to address rural access issues. 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.

Drake Law School has launched its Rural Access to Justice Initiative (RAJI) incubator program. Patricia Houlihan, Clinician in Residence at the Drake Legal Clinic at Drake Law School, discussed the RAJI program at the March 2019 Commission meeting. RAJI’s first pilot office is in Oskaloosa, Iowa. RAJI is in the planning stages with Buena Vista University and the Buena Vista County Bar Association for a collaborative incubator site in Storm Lake. RAJI is also developing placement assistance to rural practitioners who want to retire and are seeking attorneys to assume their practices. RAJI hopes to develop a rural summer law clerk program for Drake law students to develop relationships with rural practitioners.

Rural Access Work Group co-chair Brian Farrell attended the ABA Equal Justice Conference in Louisville in early May and reported back on several sessions focused on rural access. A session on online access tools looked at the use of LawHelp Interactive (LHI) in the District of Columbia, Kansas, and Oklahoma. These jurisdictions have used both the attorney-facing platform probono.net and the public-facing platform lawhelp.org to increase capacity and access. In each of these states, LHI has helped develop systems to assist with online navigation and completion of court forms for self-represented litigants. These have typically employed the A2J Author software tool to create plain English interviews that capture data, which is then populated into HotDocs legal forms (i.e., a “TurboTax” approach). These interviews are built for easy navigation and can include a visual “map” of the process and pop-up definition and help boxes, as well as a live chat assistance (which in Kansas is converted into an email when its judicial branch help desk is not staffed). The Iowa Judicial Branch is in the process of providing a similar interactive court form program for dissolutions of marriage without minor children. The branch will move to other sets of court forms at a later date.

III. Identification of unmet needs

The unmet legal needs in rural Iowa remain as set forth in the Commission's 2017 and 2018 Reports: 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 and 2018 Reports, 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.

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 #38 (2017): Ensure full judicial branch funding to allow full-time court services in 99 counties.

The Iowa Legislature should provide funding necessary to maintain full 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 long distances for legal services.

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 ability or sophistication to fully use technological resources. 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 difficult to effectively use technology.

In addition, the specter of reduced court services in rural counties severely diminishes the likelihood that attorneys will locate in those counties. This further exacerbates the lack of attorneys in rural Iowa. The work group encourages all bar associations at every level and in all parts of the state to

focus on educating and communicating with legislators on the importance of full funding for the Iowa Judicial Branch.

On Friday, May 17, 2019, Governor Reynolds signed into law the Judicial Branch Appropriations Bill (SF 616) for the fiscal year beginning July 1, 2019 (FY 20). The bill includes language stating that the judicial branch operate clerk of court offices in all 99 counties to be accessible to the public as much as reasonably possible. The FY 20 appropriations bill also includes language stating that clerk offices shall be open during regular courthouse hours.

Recommendation #39 (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 a relative lack of clients and attorneys in the rural counties, Iowa Legal Aid now recognizes that rural areas may not be the best market for testing these new models.

Iowa Legal Aid has pilot projects in Iowa City, Cedar Rapids, and Sioux City to increase pro bono participation through limited scope representation. These cities are large enough markets to provide sufficient numbers of clients and volunteers to adequately track the success of the model but are not so large that the model could not be replicable in rural areas. These projects are in the development phase but have utilized asset mapping, which has proved successful and well suited for replication in rural areas. Asset mapping is a research and community development methodology that identifies existing resources within a community, rather than focusing on the deficits. By including the key community partnerships in the development phase of the project, asset mapping mobilizes the community to participate in the solution. The asset mapping phase helped inform the parameters of the projects by providing insight into the unique needs of each community and the resources available to address those needs. This model will also work well in rural areas and has been used in rural communities in Colorado to great success.

Recommendation #40 (2019): Promote effective legal information and legal services delivery methods.

The Rural Access Work Group has continued to investigate availability of brochures, pamphlets, and other reference sources that could help rural Iowans in finding organizations or lawyers or both to provide assistance with their legal needs. The work group investigated a dozen county courthouses and libraries and city halls for their resources. The available resources are inconsistent at best in these places. Some places have too much or confusing information, some have little to no information. Some of the information is outdated or incomplete.

Students from the University of Iowa College of Law have gathered legal resources for a proposed website that would provide information to rural Iowa communities in the community libraries and city halls. Such information could also be placed in county courthouses.

The work group is considering a promotional booth at the Iowa League of Cities annual conference in Dubuque in September 2019 to help cities and municipalities recognize the importance of addressing access to justice needs of rural Iowans.

Recommendation #41 (2019): Develop a mobile legal services vehicle.

Another session at the 2019 Equal Justice Conference focused on the use of “justice busses” in California, Florida, and Kentucky. In California, legal services providers regularly organize one-day self-help clinics in underserved parts of the state staffed by pro bono attorneys from larger markets who travel by bus. In Florida, a similar model was used on an ad hoc basis to provide legal disaster assistance in the Keys after a hurricane. In Kentucky, a regional legal aid organization owns a large van outfitted as a law office with videoconferencing technology, expanding the range of communities in which the organization can offer individual representation. Attorneys remain at their main office and easily and reliably connect with clients who are at the bus location. The University of South Carolina law school is also planning to employ an “office”-style bus to provide pro bono services outside of metropolitan areas.

Recommendation #42 (2019): Seek legislative approval for an increase in the hourly rate for court-appointed attorneys.

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 have remained at \$60 per hour. Increasing funding for both has been a priority of the ISBA legislative program, but it leaves no room for any funding source from the state for attorneys going to small town Iowa. There will be an incremental increase in the hourly rate to \$63 in fiscal year 2019-2020. Further efforts will be made to increase the fees again during the next legislative session. Using the consumer price index, court-appointed attorney fees should have by now increased to at least \$125 per hour.

In rural Iowa and also in larger counties, some lawyers refer to themselves as “juvenile lawyers” because most of their practices consist of court appointed cases. The work group is concerned that these lawyers are not gaining meaningful experience in other common aspects of a general rural practice.

V. Long term goals

Goal #15 (2017): Expand use of low bono representation in rural areas.

The Rural Access Work Group continues to recommend expansion 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 of 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 for legal aid, but would be below a certain income level, the person could qualify for fees at a reduced rate. For example, 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 \$100 per hour.

Goal #16 (2017): Expand limited scope representation in rural areas.

Limited scope representation is another route for increasing access to justice in rural areas. Limited scope representation involves using a lawyer's services for a specifically identified or defined stage of a legal proceeding. Limited scope representation has been available in Iowa since 2007, but the need to educate the public and attorneys on the benefits of this service 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. A small central Iowa law firm has successfully built a practice with a focus on providing unbundled services in a small community. 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.

Since 2007 the Iowa Court Rules have allowed 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 service. 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 #17 (2017): Explore methods to expand recruitment of rural attorneys.

One aspect of maintaining and enhancing access to justice in rural Iowa is ensuring 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 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 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 Association, 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 #18 (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 has attempted to place law students in clerking positions in rural Iowa. There were approximately ten students in the summer of 2011 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 #19 (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 help keep legal services in the community with the expertise of a larger firm.

Goal #20 (2017): Consider increased use of technology, including kiosks with fill-in forms.

Technology should be leveraged to enable self-represented litigants to proceed with limited assistance from the clerk or court. Court 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.

The Iowa Judicial Branch has developed an interactive interview process for self-represented litigants to file a petition for dissolution of marriage with no minor children involved. The branch has begun a pilot project in Polk County with the goal of taking the program statewide later this year.

Rural Access Work Group Members

Phil Garland, Co-Chair
Brian Farrell, Co-Chair
Kristie Fortman-Doser
Dan Mart
Christopher Patterson
Mio Santiago
Bruce Walker

Strategic Planning Work Group



I. Overview of issues

The Commission added the Strategic Planning Work Group during its September 21, 2018 meeting. The work group's primary task is to identify and implement a planning process for the Iowa Access to Justice Commission. During the March 2019 Commission meeting, members discussed the undertaking of strategic planning. Commission members in attendance at the meeting voiced their support for the Commission to develop a strategic plan to follow for the next 2, 3 or 5 years. The plan should identify objectives, goals, and clear measurements for the Commission's progress.

II. Identification of work completed

Initially, the students from the University of Iowa College of Law Citizen Lawyer Program conducted research on behalf of the work group, identifying which states had undergone a strategic planning process and providing a summary of each state's plan. See Appendix at B.

Thereafter, the work group held biweekly telephone conference calls throughout the winter and spring months. The first conference call included Todd Nuccio, State Court Administrator, who reported on the data collected by the Iowa Judicial Branch.

Next, an intern from the Whitfield & Eddy law firm in Des Moines summarized the recommendations made by the various Commission work groups over the past two years, which would allow the work groups to prioritize their recommendations.

The next step included the University of Iowa College of Law students in a call to outline the general overview of assessment processes other states used, how each state used the self-assessment, and whether any strategy plan stood out above other plans. The consensus of the students was that the plans created by Massachusetts and Colorado were the most helpful—particularly in how those states communicated their plans.

The work group also talked with a number of state commissions regarding their strategic planning process to find out the following: What would they do differently? What worked? What did not? How have they used the plan? The

work group or representatives of the work group talked with members of strategic planning committees for the following state commissions: Massachusetts, New Mexico, Montana, and Washington. Each state had its own process and each provided insight into a potential process for Iowa to use—including hiring a consultant to assist with the planning and creation of a written strategic plan, whether public meetings or public input should be a part of the planning, and possible metrics to use in measuring progress.

The work group determined that the Montana Commission's initial strategic planning process would be most helpful in Iowa, as Montana has a similar rural make up, has no full-time staff, and worked within a limited amount of time (its planning process was completed within 6 months). At the time of its initial planning, Montana's Access to Justice Commission was in its second year and focused its planning on the commission structure—including how to set and follow up with priorities. Montana recently has been involved in a second round of strategic planning; it felt the first plan was very helpful to set the stage for the second round.

III. Short term recommendations

Recommendation #43 (2019): The Iowa Access to Justice Commission should undergo a strategic planning process, and the planning should focus on the Commission and its structure rather than the underlying access to justice issues.

The goal should be to have a strategic plan for the Commission to follow for the next 2-3 years. The Commission has scheduled a strategic planning meeting for August 5, 2019.

The meeting should include the following:

1. A SWOT (Strengths, weaknesses, opportunities, threats) or similar analysis of the Commission;
2. Establishment of a system for the Commission's work groups to set priorities and make recommendations, including:
 - a. Setting expectations for each work group.
 - b. Identifying how work groups should deal with overlapping recommendations and goals between work groups.
 - c. Streamlining work group efforts.

- d. Setting priorities for the next 2-3 years.
- e. Planning who will do what, and during what timeframe.
- 3. Developing a Commission values statement or statement of purpose or both that is 2-3 sentences long, similar to an “elevator speech.”

IV. Long term goals

Goal # 21 (2019): An overarching goal of the Commission should be to develop a process for the Commission to measure progress on its access to justice initiatives.

A primary function of the Commission is to monitor or assess the effectiveness of access to justice initiatives in Iowa.

Strategic Planning Work Group Members

Bill Boyd, Co-Chair
Anjie Shutts, Co-chair
Steven Bradford
Glennay Jundt
Carol Phillips
Steve Simmons
Chantelle Smith
Bruce Walker

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

The Case Processing Work Group cautions that not all recommendations may be practical and perhaps some should be reconsidered. For example, the 2018 Commission Report suggested repurposing existing “positions and resources to support efforts to assist SRLs.” See 2018 Commission Report at 58. In reality, existing vacancies very rarely involve newly created positions, but are more about backfilling existing jobs after court staff members have left. Backfilling of existing jobs provides relief to the existing workforce that absorbed additional duties following the departure of a colleague. The

work group cautions that care should be exercised in prioritizing assistance to SRLs above affording a measure of relief to existing staff who likely have been overburdened for some time.

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 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 2017 and 2018 Commission Reports, 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, 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 #44 (2019): The Iowa Judicial Branch should re-engineer workflows and business processes to make delivery of legal services more efficient.

The judicial branch is actively investigating opportunities to gain efficiencies in court processes. The key features of the effort include centralized services, more specialization among clerk offices, increased reliance on electronic access to the court, and remote case processing. When fully implemented, this distributed workload model will better position district court administrators to implement Commission recommendations.

Recommendation #45 (2017): Review the Guardianship and Conservatorship Task Force Report for its impact on self-represented litigants and access to justice.

There are recommendations in the Guardianship and Conservatorship Task Force Report that impact access issues for SRLs. All court efforts that impact case processing should be planned 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 report contained a comprehensive set of recommendations that have been touted as a roadmap toward a more effective and user-friendly 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.

On May 1, 2019, Governor Reynolds signed House File 591 into law. The bill provides for juvenile court jurisdiction over minor guardianship proceedings and establishes a January 1, 2020 effective date. Provisions contained within the bill closely mirror Recommendation 5.3 of the Guardianship and Conservatorship Reform Task Force Report. The report and legislation recommend a variety of changes to existing court forms and development of new forms. The judicial branch is working on these changes.

Recommendation #46 (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.

In 2019, the judicial branch continues moving forward in instituting procedural fairness training as part of the onboarding process for new hires and judges. Similarly, procedural fairness training is being incorporated into in-service training for veteran judges and employees on an ongoing basis.

Recommendation #47 (2017): Provide a comprehensive listing of 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 access existing resources. This effort could be undertaken as a subcommittee project. Wisconsin and Maryland have undertaken similar efforts. 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 committee. Much of the work could be accomplished by telephone conference and email exchanges.

Recommendation #48 (2017): Determine feasibility of making all forms SRLs may use available as fill-in interactive forms to improve ease of efilng.

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.

The Iowa Judicial Branch has developed an interactive interview process for self-represented litigants to file a petition for dissolution of marriage with no minor children involved. A pilot project implementing the program is underway in Polk County, with the goal of taking the program statewide shortly after the pilot is concluded.

Recommendation #49 (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.

The supreme court endorsed this recommendation in its review of the 2018 Commission Report and it should be a priority of the Commission.

Recommendation #50 (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 2018 Commission Report, Appendix at M.

Recommendation #51 (2019): Explore cost efficient ways to gain further information about the nature and frequency of self-represented litigants appearing in Iowa courts.

At the June 2019 Commission meeting, during the Case Processing Work Group discussion, there was emphasis on the need for more information regarding the numbers of self-represented litigants in Iowa’s courts. Comprehensive information in this area would inform virtually every aspect of the Commission’s efforts.

V. Long term goals

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

As judges and employees encounter SRLs they should become more effective in 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. Richard Zorza, former coordinator of the Self-Represented Litigant Network, recommended this practice.

All judges and staff should be made aware of the recommendations of recent task force reports on family law case processing, the 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.

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 #24 (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 #25 (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

Christopher Patterson, Co-Chair
Mark Zaiger, Co-Chair
Chris Luzzie
Bob Oberbillig
Anjie Shutts

Looking Forward



The Commission has scheduled its quarterly in-person meetings for the coming year on the following dates:

- Friday, September 20, 2019
- Friday, December 6, 2019
- Friday, March 13, 2020
- Friday, June 5, 2020

In addition, the Commission will hold a special strategic planning meeting on August 5, 2019.

At the start of its third year in 2018, the Commission added the Strategic Planning Work Group. The Commission will begin its fourth year with an assessment of whether further restructuring of work groups should occur. For example, the Commission has noted in the past year that most if not all work group efforts contain significant elements of pro bono legal services. Perhaps the Pro Bono Work Group could be disbanded for other purposes, and each work group could be tasked with how its ongoing initiatives affect or facilitate pro bono services.

The Commission will continue to review the recommendations and long term goals that the work groups have advanced. Some of the recommendations need reinvigoration or perhaps should be considered for removal from the Commission's efforts as not sufficiently feasible at this time or having become moot. The judicial branch, Commission, and access to justice stakeholders have achieved some recommendations; the Commission may consolidate other recommendations due to overlapping subject matter.

An overriding goal of the Commission has been to continue to broaden the umbrella of stakeholders committed to working with the Commission and work groups on access issues. The Commission should redouble this effort in year four. One step is to include additional nonlawyers as members of the Commission.

As in prior years, the Commission will prepare an annual report for submission to the Iowa Supreme Court. Another topic for the Commission to consider in its fourth year is a reassessment of the report format and utility.

Conclusion



As it has every year during its still early existence, the Iowa Access to Justice Commission realizes that through the preparation of this report, the Commission is still in the beginning stages of 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 initial efforts towards addressing a very large problem. Yet, the Commission believes that its 2019 report provides the basis for future efforts. The Commission draws inspiration for continuing its hard work upon the realization that its work is progressing to instill access to justice as an Iowa value.

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.** “Technology Strategies to Improve Access to Justice,” Glenn Rawdon, Senior Program Counsel for Technology with the Legal Services Corporation
- B.** University of Iowa College of Law student research projects:
 - “Access to Justice Strategic Action Plans,” Seth Balke, Jacob Bennington, & Astrid Tello-Rodriguez, November 28, 2018
 - “Steps Taken in Other States to Promote Limited Scope Representation in Civil Cases,” Alexandra Brennan, Austin Carlson, & Nicholas Wilson, November 28, 2018
- C.** Access to Justice Corporate Playbook
- D.** “Lack of Access to Affordable Legal Help is Hurting Businesses: What Business Leaders and In-House Counsel Can Do to Help”
- E.** Sample Pro Bono Policy Statement
- F.** Iowa Access to Justice Commission draft “Communication Plan”
- G.** “ABE grant helps Iowa open legal clinics in VA medical centers,” *ABA Journal Online*, July 3, 2019

Appendix A



“Technology Strategies to Improve Access to Justice,” Glenn Rawdon, Senior Program Counsel for Technology with the Legal Services Corporation

Technology Strategies to Improve Access to Justice

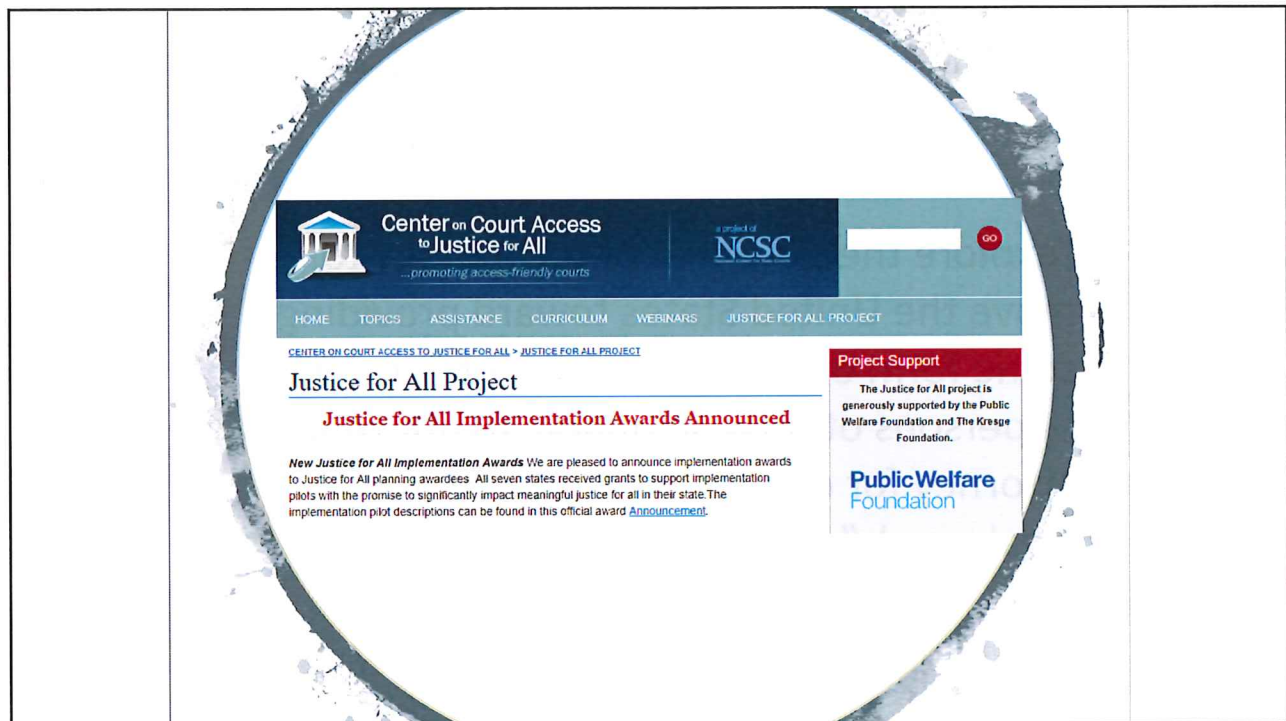
Iowa Access to Justice Commission – September 21, 2018
Glenn Rawdon, Senior Program Counsel for Technology
Legal Services Corporation

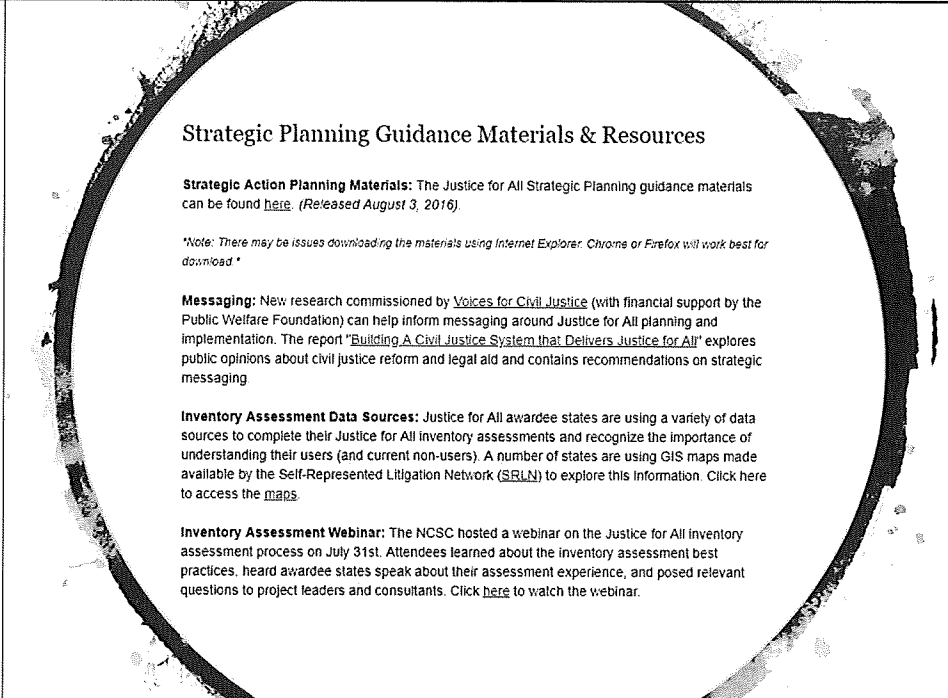
Mission Statement for the LSC Technology Summit

“explore the potential of technology to
move the United States toward providing
some form of effective assistance to 100%
of persons otherwise unable to afford an
attorney for dealing with essential civil
legal needs”

CCJ/COSCA Resolution

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators support the aspirational goal of 100 percent access to effective assistance for essential civil legal needs and urge their members to provide leadership in achieving that goal and to work with their Access to Justice Commission or other such entities to develop a strategic plan with realistic and measurable outcomes; and BE IT FURTHER RESOLVED that the Conferences urge the National Center for State Courts and other national organizations to develop tools and provide assistance to states in achieving the goal of 100 percent access through a continuum of meaningful and appropriate services.





Strategic Planning Guidance Materials & Resources

Strategic Action Planning Materials: The Justice for All Strategic Planning guidance materials can be found [here](#). (Released August 3, 2016).

Note: There may be issues downloading the materials using Internet Explorer. Chrome or Firefox will work best for download.

Messaging: New research commissioned by [Voices for Civil Justice](#) (with financial support by the Public Welfare Foundation) can help inform messaging around Justice for All planning and implementation. The report "[Building A Civil Justice System that Delivers Justice for All](#)" explores public opinions about civil justice reform and legal aid and contains recommendations on strategic messaging.

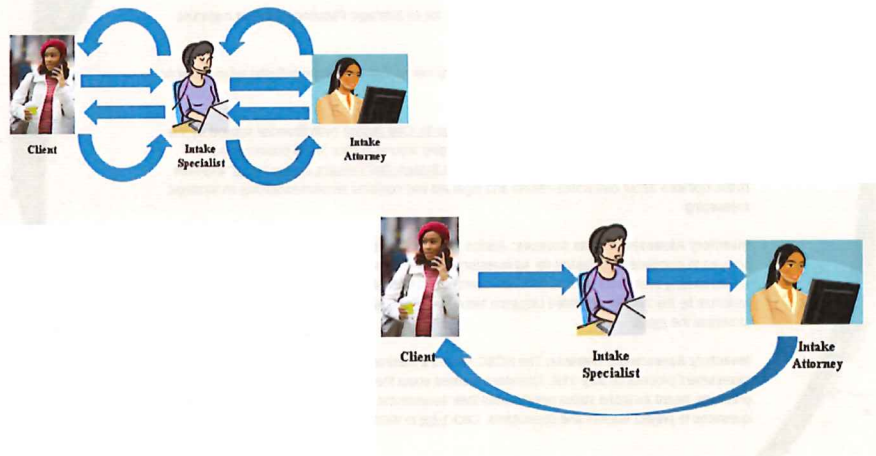
Inventory Assessment Data Sources: Justice for All awardee states are using a variety of data sources to complete their Justice for All inventory assessments and recognize the importance of understanding their users (and current non-users). A number of states are using GIS maps made available by the Self-Represented Litigation Network ([SRLN](#)) to explore this information. Click [here](#) to access the [maps](#).

Inventory Assessment Webinar: The NCSC hosted a webinar on the Justice for All inventory assessment process on July 31st. Attendees learned about the inventory assessment best practices, heard awardee states speak about their assessment experience, and posed relevant questions to project leaders and consultants. Click [here](#) to watch the webinar.

A Vision of an Integrated Service-Delivery System

- Applying business process/analysis to all access-to-justice activities to make them as efficient as practicable.
- Creating automated forms and other documents to support self-help and limited scope legal representation.
- Taking advantage of mobile technologies to reach more persons more effectively.
- Developing "expert systems" to assist lawyers and other services providers.
- Creating in each state a unified "legal portal" using an automated triage process to direct persons to the most appropriate form of legal assistance and to guide them through the process.

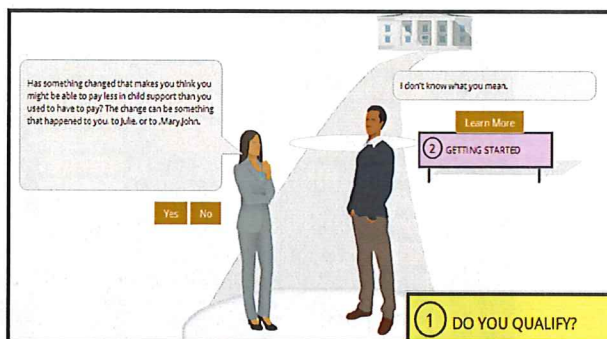
Business Process Analysis



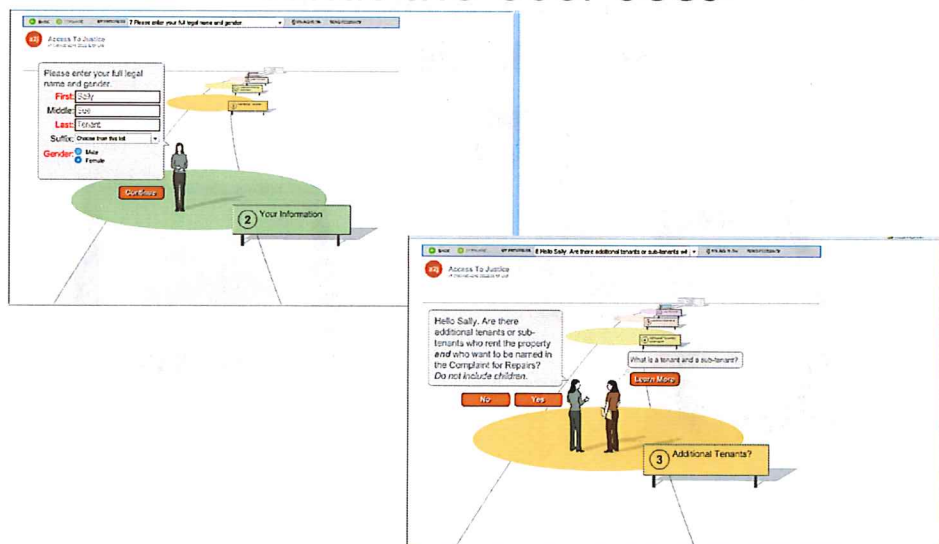
The screenshot shows the LawHelp Interactive website. The header includes the LawHelp Interactive logo with the tagline "Legal documents made simpler". Navigation links for Sign Up, Log In, Help, and Email are present. A banner for "powered by probono.net" with "English" and "Español" options is visible. The main content area features a section titled "Fill Out Legal Forms Faster" with a description of the service and a "Live Help" button indicating it is unavailable. A "Useful Links" sidebar lists: Find Forms, Find Legal Help and Information, Learn More About LawHelp Interactive, and Log In. The footer contains copyright information and logos for LSC, SJI, and HOTdocs.

What is A2J Author?

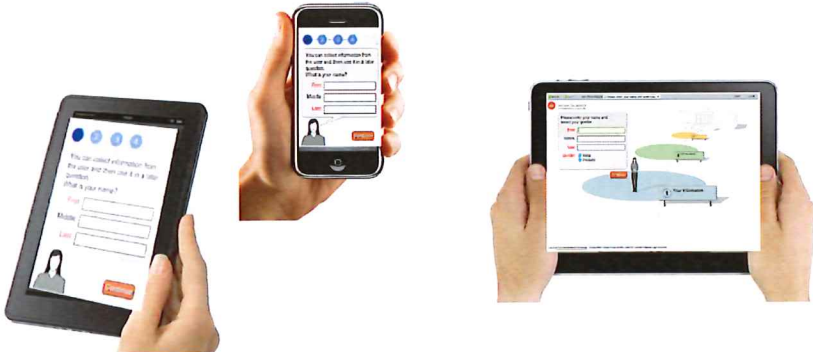
A software development tool designed by Chicago-Kent and CALI to build graphical user interfaces for low-income, self-represented individuals.



What the User Sees



Next Generation A2J Author Goes Mobile!



The image displays three mobile devices (two tablets and one smartphone) held by hands, illustrating the A2J Author interface on mobile platforms. The interface is consistent across all devices, featuring a blue header with three circular icons, a main text area with a question, and a form for user input. The smartphone screen shows a question about a car accident and a form with fields for Name, Email, and Phone, along with a 'Continue' button. The tablet on the left shows a similar question and form. The tablet on the right shows a more complex screen with a diagram of a car accident scene and a form for user input.

Optimized for
Mobile – Video
Information

Video Helps Low-Income Texans Navigate the Court System

Authored By: Texas Legal Services Center

Information



Fotonovela style is
very versatile and
updatable

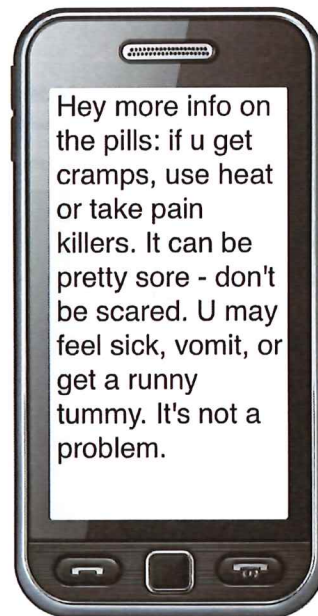


New York State Court's Uncontested Divorce DIY Forms



New York State Court's Uncontested Divorce DIY Forms

Text Messages



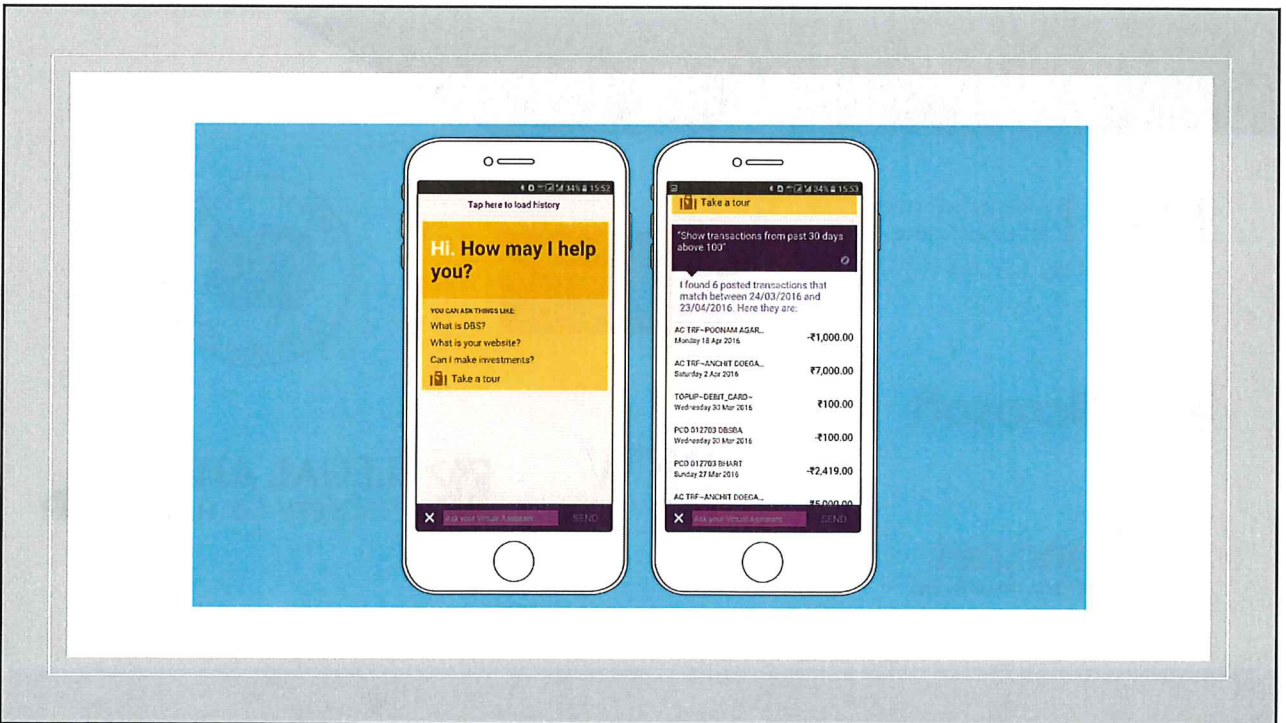
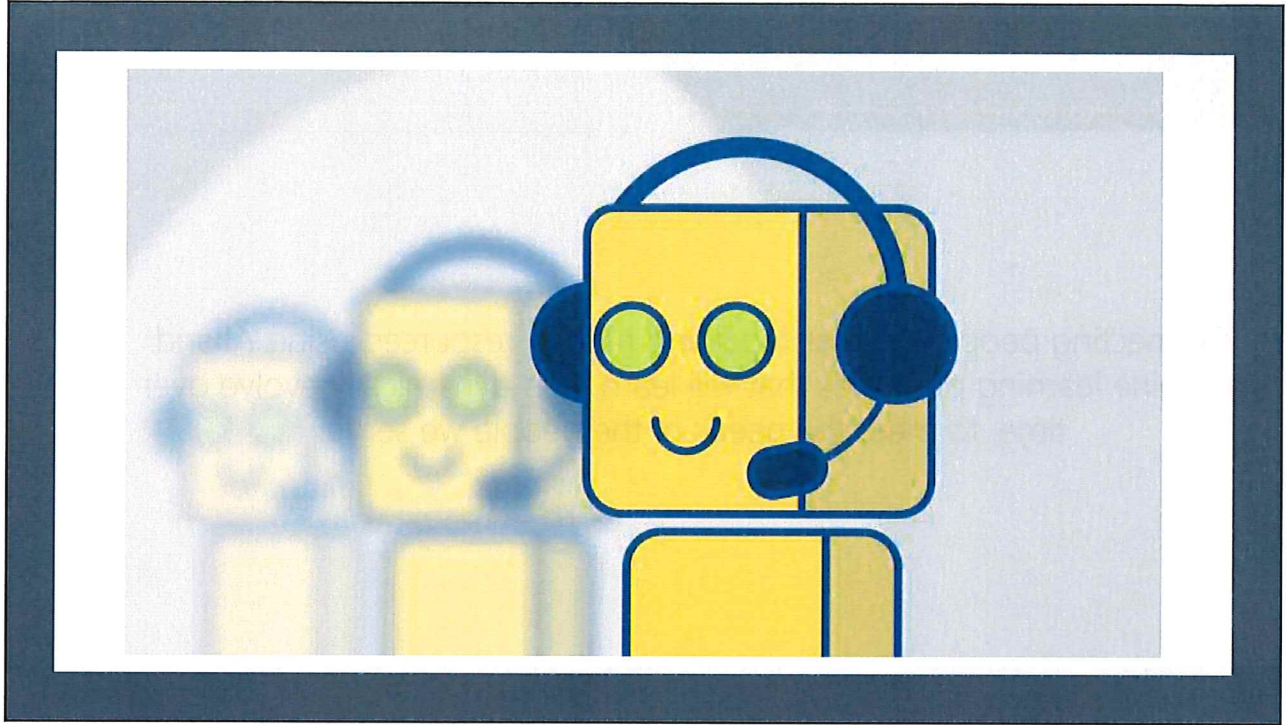
(202) 759-2445 • Sep 20, 2016



We are looking forward to your appt: 4/27/17 at 9:30 AM (Arroyo Center for Aesthetic Dentistry 202-955-5787). Text STOP to Unsubscribe

(202) 759-2445 • Thu, 7:30 AM

Reminders



The Litigant Portal - Our project mission

Connecting people to local, legal and human resources, using AI and machine learning principles that will learn, and dynamically evolve over time, to meet the needs of the people we serve.

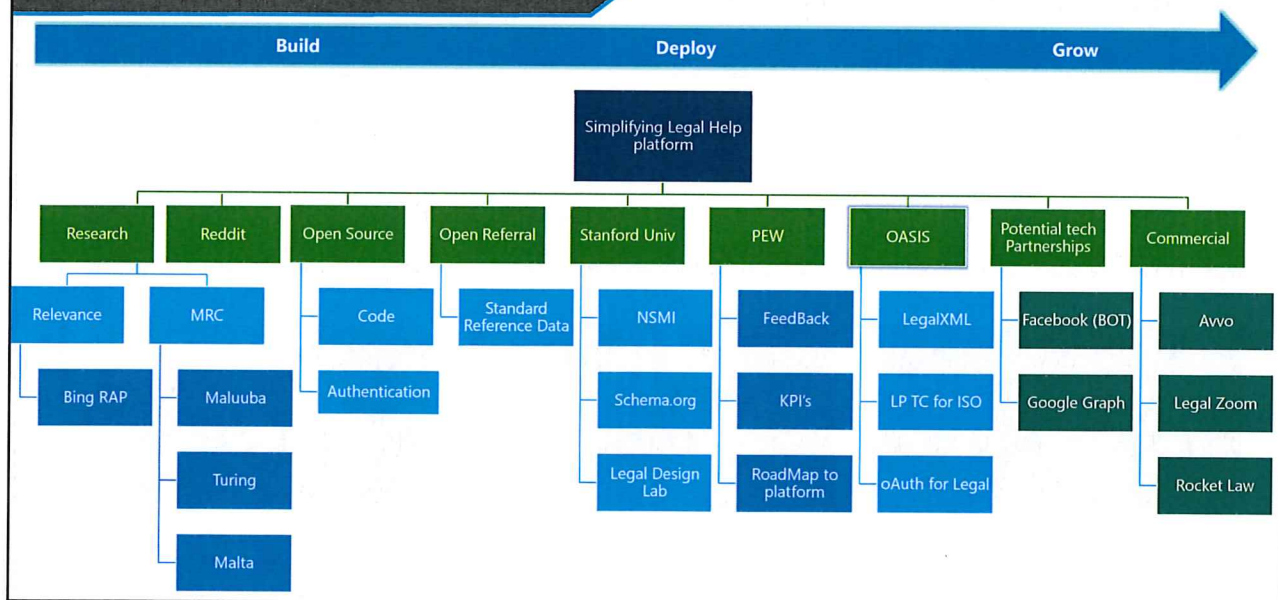
Public/Private Partnership



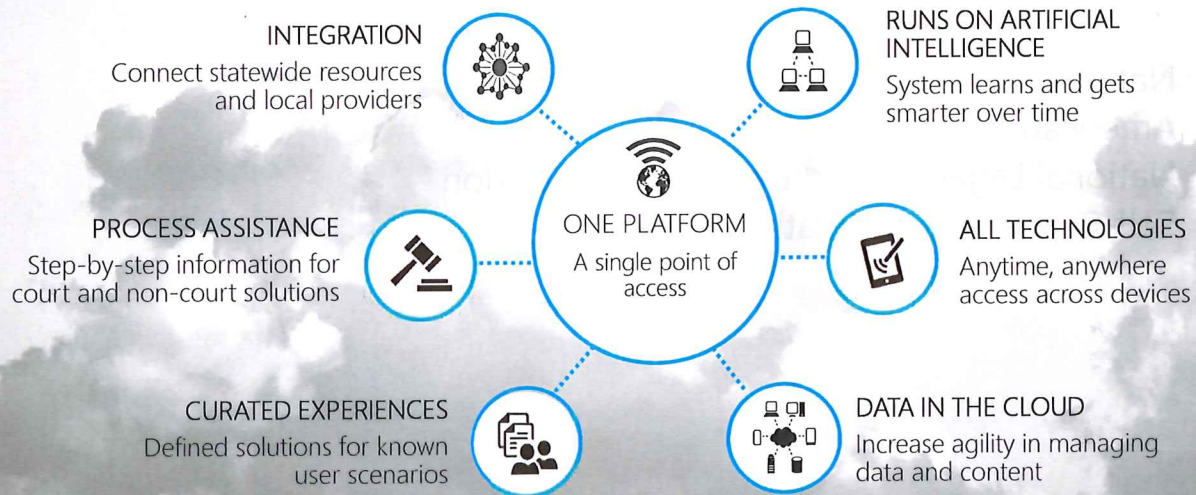
National partners & advisors

- National Center for State Courts
- American Bar Association
- National Legal Aid and Defender Association
- Self-Represented Litigation Network

Technical Partnerships and Collaborations



Envisioning the benefits



Digital Transformation

Data

Vast datasets

Growing availability of data thanks to digitization and inexpensive sensors



Cloud

Efficient computing platform

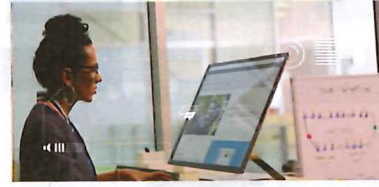
Bringing software and hardware together to build a cloud that is optimized for AI

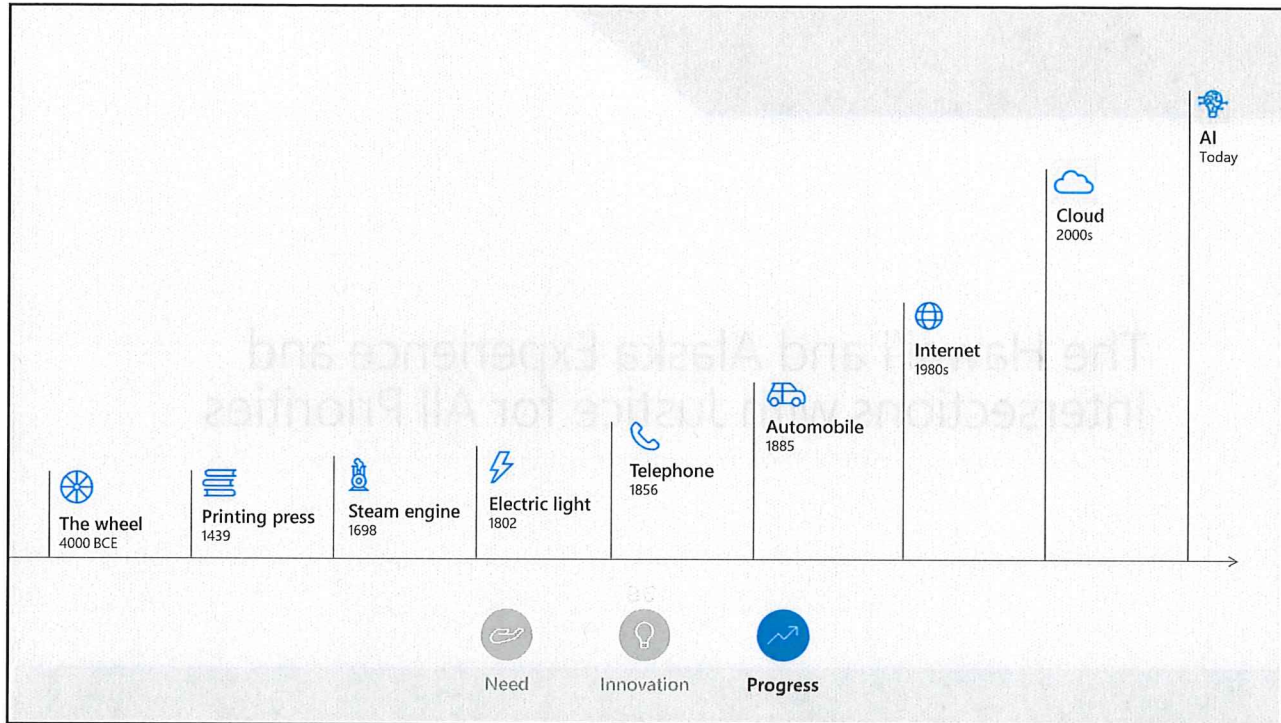


Algorithms

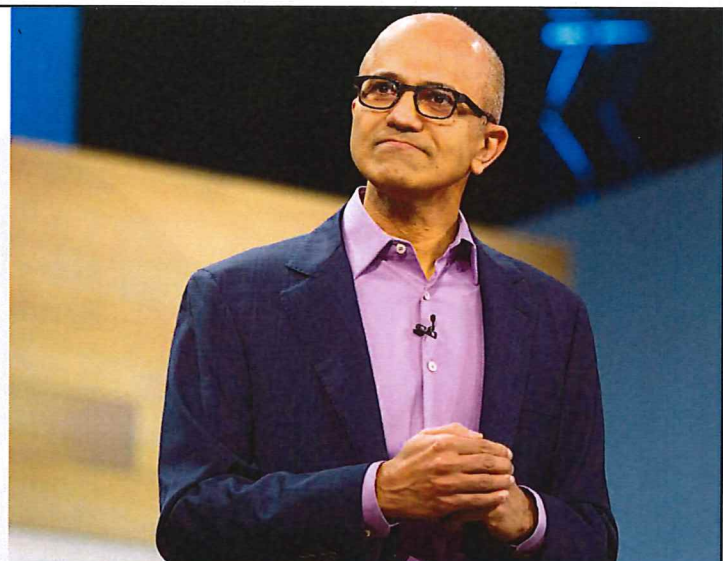
Breakthrough advancements

Milestones in vision, speech recognition, natural language processing, and machine learning





Microsoft's vision:
design AI to
**amplify human
ingenuity**



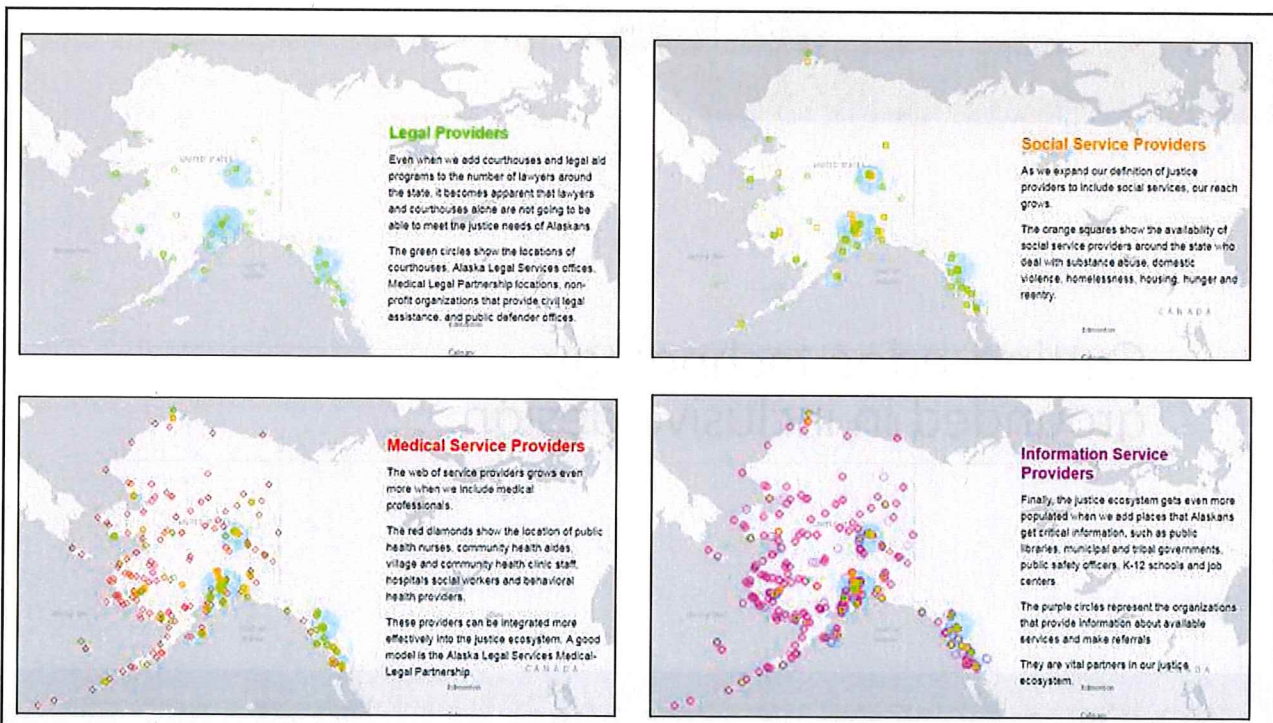
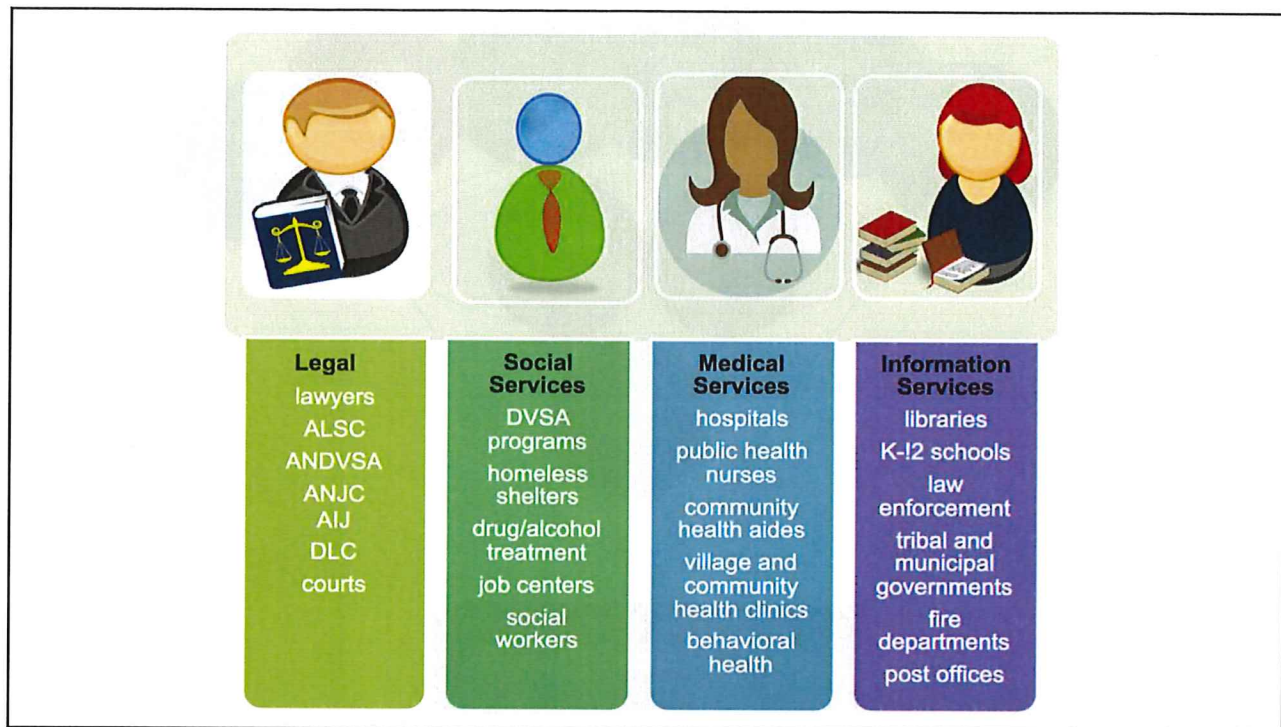
We are pursuing AI to empower every person and every institution .. so that they can go on to solve the most pressing problems of our society and our economy.

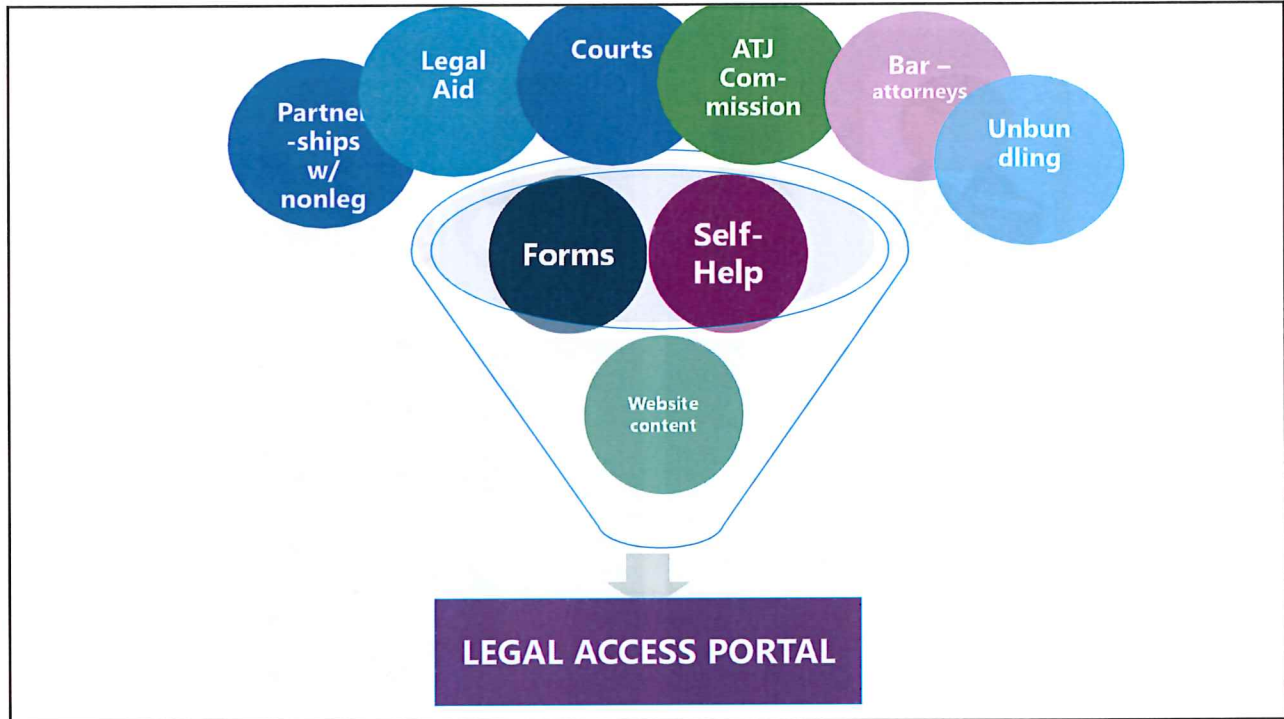
– Satya Nadella

The Hawai'i and Alaska Experience and Intersections with Justice for All Priorities

Integration - JFA and Legal Access Platform Projects







Cutting-edge technology
grounded in inclusive design

Inclusive Design

Design systems to understand
context, needs &
expectations of all users

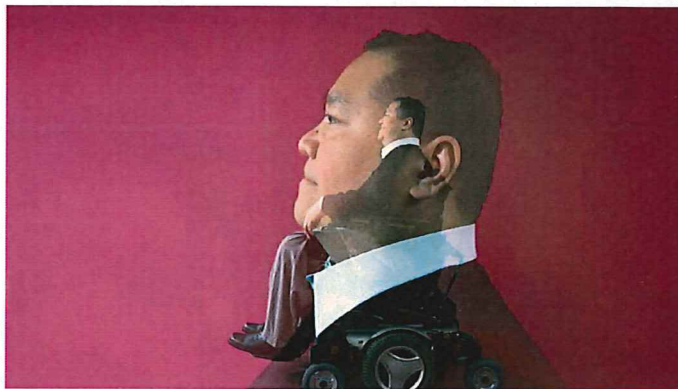
Work toward emotional
intelligence

FAST COMPANY

02.17.16 | THE BIG IDEA

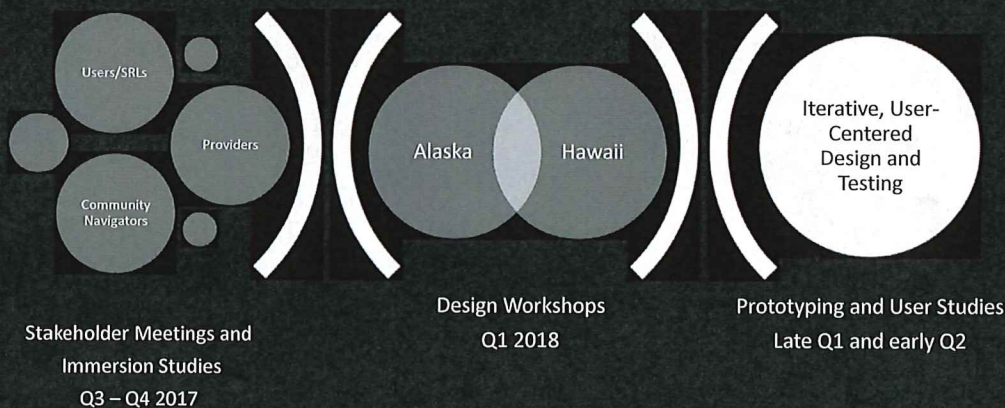
Microsoft's Radical Bet On A New Type Of Design Thinking

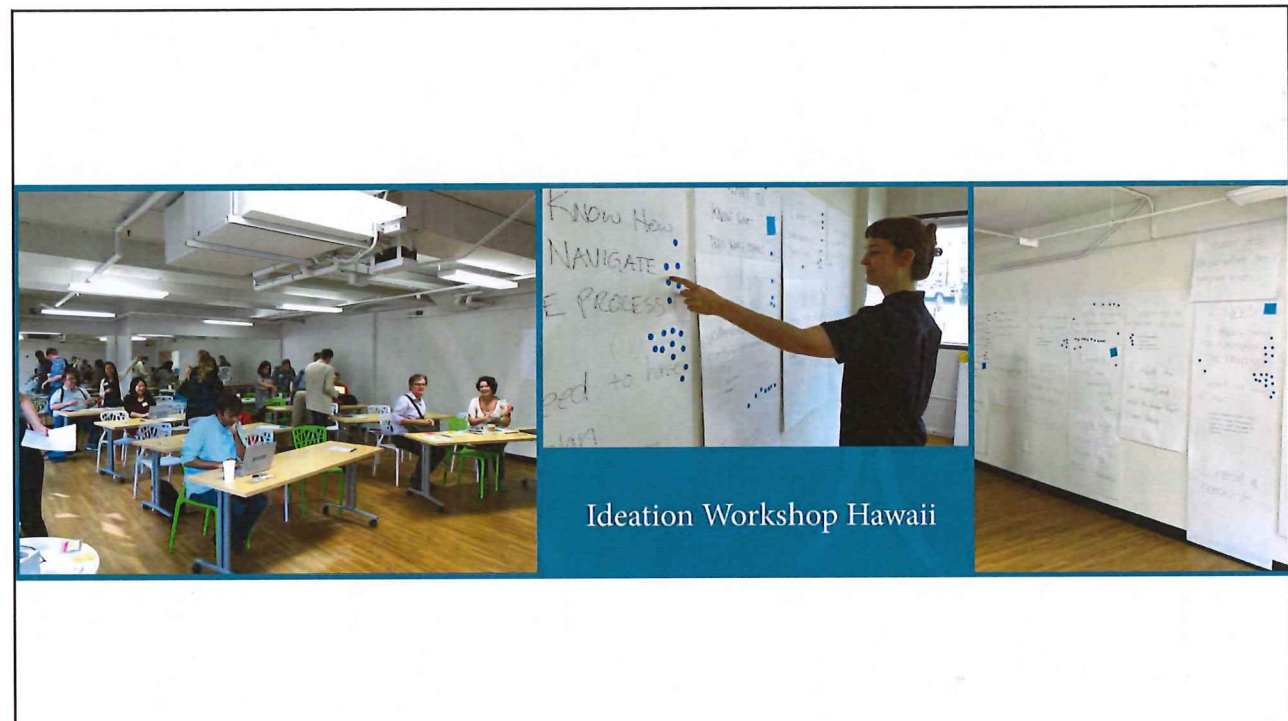
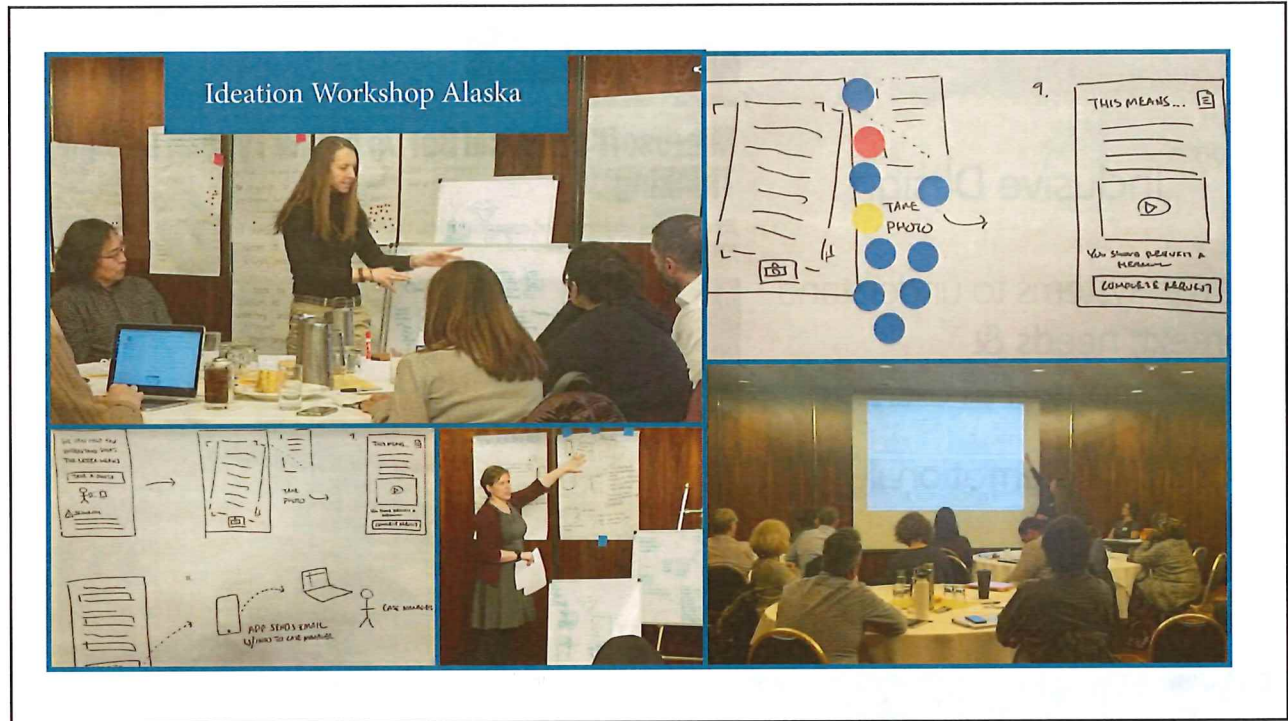
By studying underserved communities, the tech giant hopes to improve the user experience for everyone.



Design, unbound: Xbox's August de los Reyes came to a new understanding of design after thinking about disability. [PHOTOS: CHLOE AFTEL]

Community engagement in design process



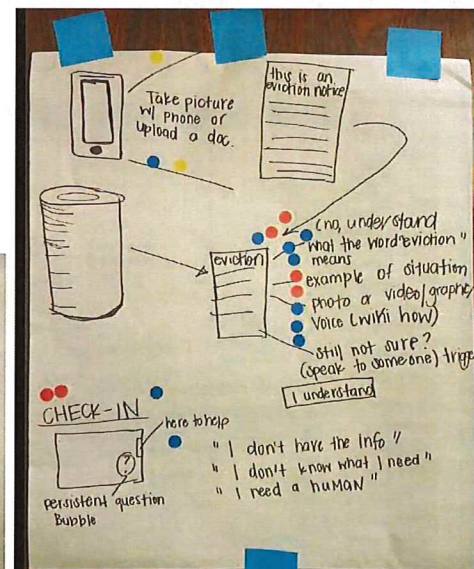
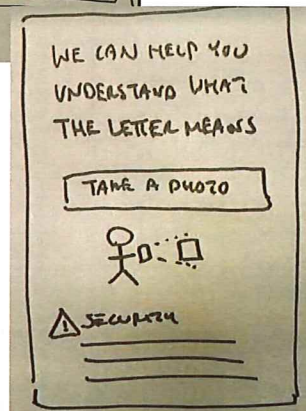
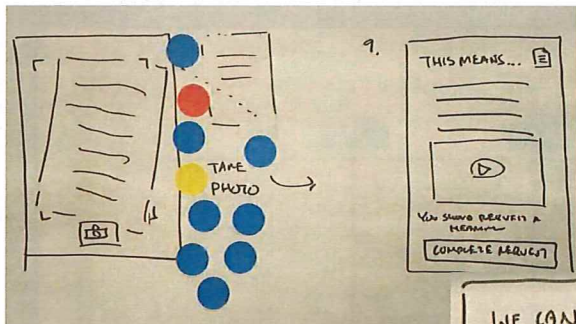
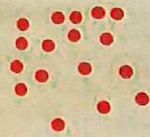


Defining and prioritizing user needs and wants

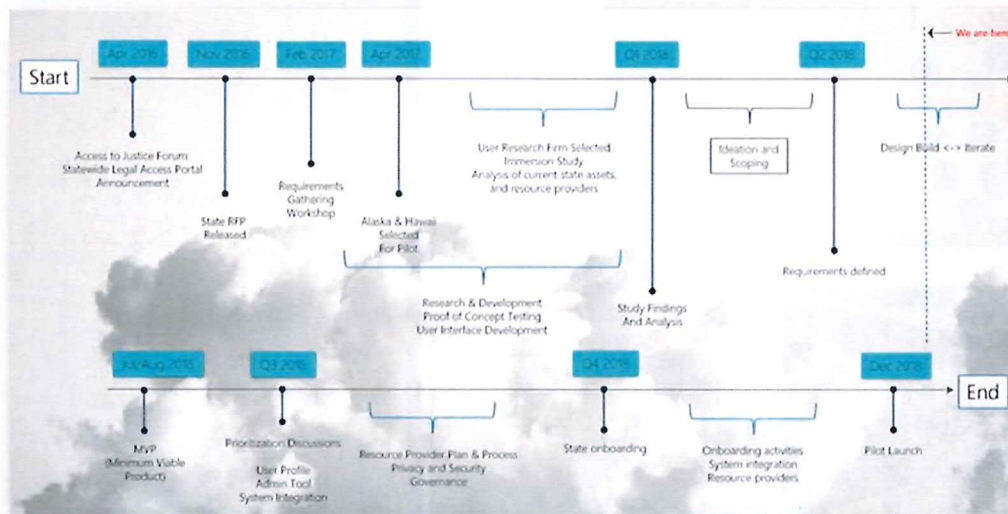
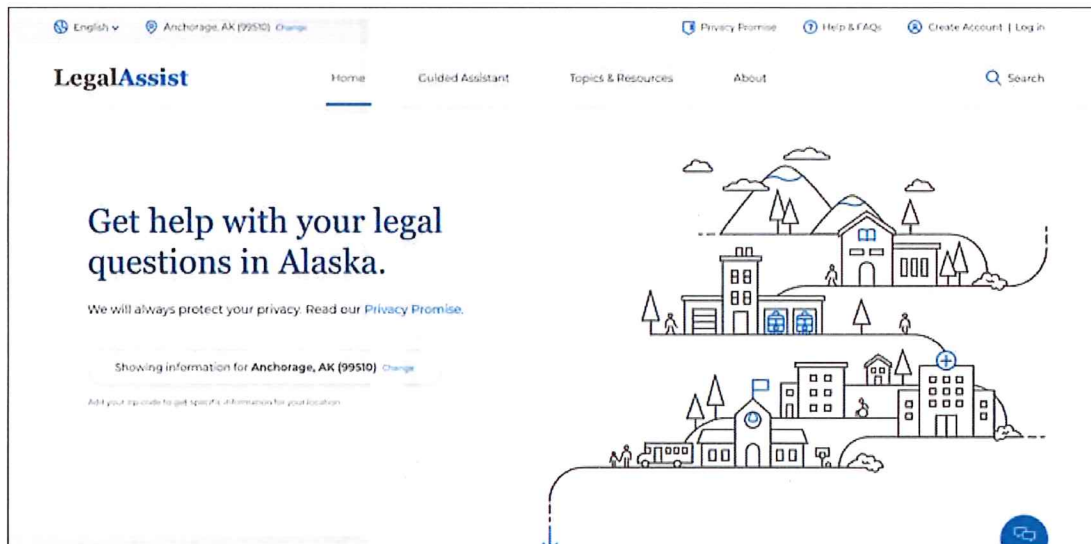
Top Priority User Needs & Wants

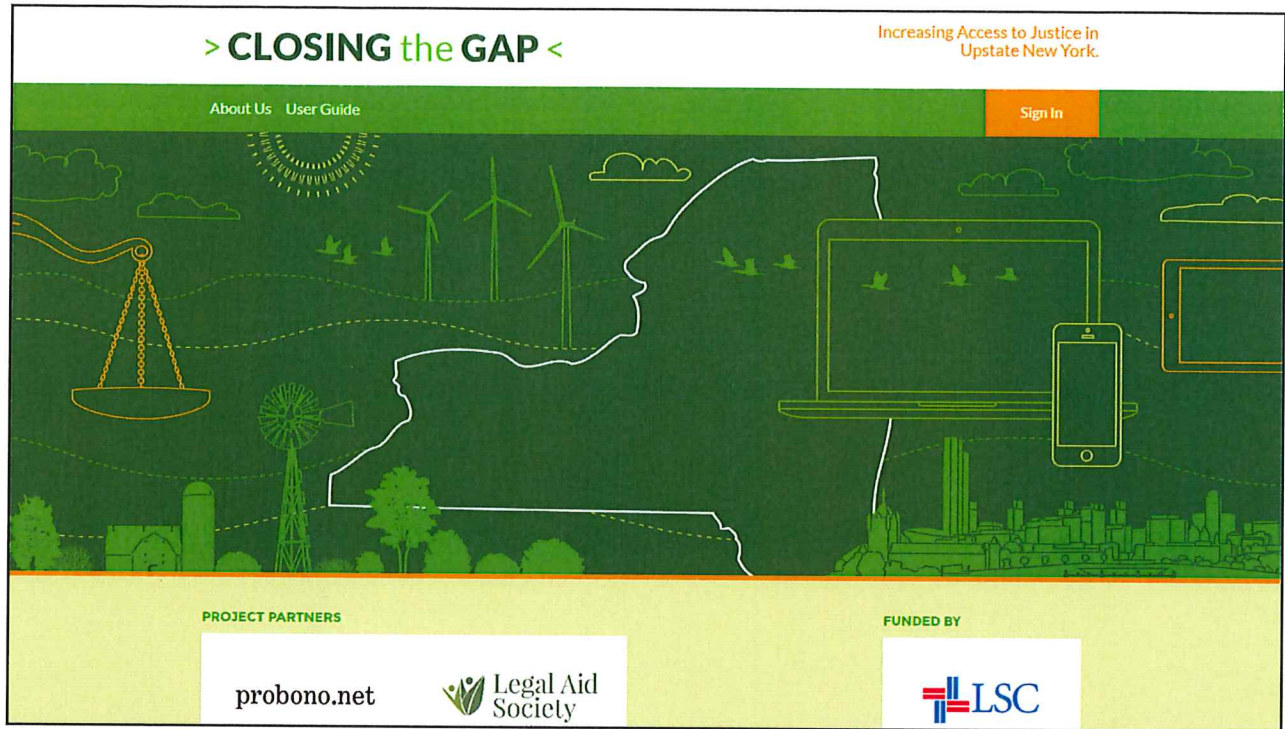
1. I need information I can understand, in my own language, that is respectful of my culture.
2. I need to connect with the right people in my community.
3. I need to know where to start, and get step-by-step instructions to help me along the way.
4. I need accurate and trustworthy information.
5. I need a secure way to store my personal information and case files.

I need to be able
to make a connection
to the right people in
my community for
information



Initial Mock Up of Homepage





Report of The Summit on the Use of Technology to Expand Access to Justice
<http://tig.lsc.gov/resources/grantee-resources/report-summit-use-technology-expand-access-justice>

Building a Litigant Portal – National Center for State Courts
<http://ncsc.contentdm.oclc.org/cdm/ref/collection/accessfair/id/375>

Justice for All Project resource materials
<https://www.ncsc.org/~media/Microsites/Files/access/Justice%20for%20All%20Guidance%20Materials%20Final.ashx>

Resource Guide on Serving Self-Represented Litigants Remotely
<https://www.srln.org/node/997/report-resource-guide-serving-self-represented-litigants-remotely-srln-2016>

Glenn Rawdon - grawdon@lsc.gov

Appendix B



University of Iowa College of Law student research projects:

“Access to Justice Strategic Action Plans,” Seth Balke, Jacob Bennington, & Astrid Tello-Rodriguez, November 28, 2018

“Steps Taken in Other States to Promote Limited Scope Representation in Civil Cases,” Alexandra Brennan, Austin Carlson, & Nicholas Wilson, November 28, 2018

TO: Iowa Supreme Court Access to Justice Commission
FROM: University of Iowa College of Law Citizen Lawyer Program volunteers Seth Balke, Jacob Bennington, & Astrid Tello-Rodriguez
RE: Access to Justice Strategic Action Plans
DATE: November 28, 2018

Summary

According to the American Bar Association, an effective access to justice commission should have a strategic plan with clear goals and objectives and clear measurements to assess the progress of those goals and objectives.¹ The majority of states have access to justice (ATJ) commissions, and they all have guiding mission statements and goals. Many states also have working groups addressing those goals. However, few states have publicly provided their commissions' strategic action plan (SAP). Further, few states have concrete metrics used to measure the effectiveness of their commissions. Nevertheless, Iowa's ATJ commission can use other states' goals, working groups, and SAPs as a guide in creating its own SAP.

Goals

The primary goal of the majority of ATJ commissions is increasing access to legal services for low-income and rural populations in civil legal matters. Most commissions focus on: removing barriers to accessing legal services; improving legal access service delivery; improving ease of self-representation in court by simplifying forms and the process overall; increasing public education and awareness of legal access; improving collaboration amongst service providers; and encouraging pro bono work. However, there are also a variety of goals not consistently found amongst all states. These include: collecting data, monitoring, and evaluating effectiveness of services; encouraging sharing of resources or funding among service providers; using technology to address barriers; increasing aide to moderate income populations; increasing funding for services from public and private sources; and creating a strategic plan.

Working Groups

The working groups of each state varies, and some states do not have working groups at all. States choose their groups based on their particular state needs. The main groups focus on the current state of accessibility to the legal system, the array of services their state offers, and action groups

1. *Hallmarks of Effective Access to Justice Commissions*, American Bar Association Access to Justice Commissions (May 2014), https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_atj_hallmarks.authcheckdam.pdf

to increase service availability. States achieve this focus through forums, community workshops, surveys, and other public research means. These are groups such as: self-represented litigation; delivery of services; community focus/collaboration (including pro bono work); language access; funding; communications and public awareness; law/policy reform; and coordination. Some states' working groups are uncommon elsewhere because of that particular states' needs. For instance, Virginia's establishing document charges them to find the geographical areas in need of the most help from attorneys. The state therefore has a specific group focused on mapping out how clients currently find lawyer services. Other examples of less common working groups are Louisiana's modest means (moderate income) group; Maryland's data and indicators group; and Mississippi's medical-legal partnership group.

Technology is a less common group, but it focuses on how to best utilize current technology to reach the most people. While this is not a common stand-alone working group, many states use technology as a method to achieve their goals within their working groups. Although it does not have a specific technology working group, Maryland is a good example of effective technology use to improve access to justice. Their Law Help App offers a variety of services on the go, such as access to a law library, informational videos, tip sheets, a law help chat, lawyer and court directory information, explanation of laws, and instructions for special needs accommodations. Moreover, their website offers the same user-friendly services. Texas is another example of effective technological use; it has created a YouTube channel with informational videos that seems to be fairly unique, but perhaps an effective manner of education.

Strategic Action Plans (SAP)

Although many states have an ATJ commission and are improving access to justice through various working groups, few states have publicly provided comprehensive SAPs for their commission. Massachusetts, Montana, and New Mexico are three states that have made their SAPs available online. Each of these states' SAP was spearheaded by a working group; Massachusetts and Montana had grants and used consulting groups to create their plans. Each state's SAP creation process is described below. However, in general, they all identify themes each working group should address, the methods each group should use to address those themes, and a plan to assess outcomes.

To create its SAP plan, Massachusetts used a Justice For All (JFA) grant, and the commission created a Project Management Team (PMT) that worked with a consultant, Capstone Practice Systems, Inc. The PMT then created working groups around four specifically identified focus areas. These areas are housing, consumer debt, and family law. The PMT chose these areas to avoid duplicating work already being done by the commission while utilizing their JFA grant. The working groups then identified their own themes (such as navigation; simplification; barriers at different court stages) and created recommendations to address those goals. Some of the recommendations include having: video conferencing for courts; a virtual court center; information

available in multiple languages; expanded court hours; and courthouse cell phone storage plan. Additionally, the SAP identified the necessity for an inventory of legal resources and a survey of needs.²

Interestingly, the Massachusetts trial courts have also been working off of a prior SAP for access to justice. The JFA grant plan is not supposed to replace the trial court's plan, but can be a supplement. Again, a strategic leadership team led the creation of the plan and they worked with a consultant, The Ripples Group. This plan has six focus areas:

1. Access to Justice and the User Experience
2. Case-flow Management
3. The Judicial Experience
4. Next Generation Technology
5. Organizational Decision-Making and Support
6. Talent & Career Development³

The trial courts offer in person court service centers that include: computers with access to resources; help filling out forms; information about rules and procedures; interpreter services; assistance with legal research. Their online self-help website offers general information, glossary, videos, and an attorney directory.⁴

Montana also created their SAP using a grant proposal. Its SAP has four guiding objectives: addressing barriers to access; coordinating and facilitating networking; educating across the board about the importance of access for all; and securing adequate resource funding. The plan then applies strategies used by other ATJ commissions to the objectives identified in the plan along with a timeline for implementing each proposal. Finally, the plan suggests a centralized location for an inventory of available services and programs and evaluations of each of these.⁵

The strategies used by various states, identified by Montana's SAP and cited by the ABA, appear below:

2. *Massachusetts Access to Justice Commission's Justice For All (JFA) Strategic Action Plan*, Mass A2J Library (Dec. 2017), http://www.massa2j.org/a2j/?page_id=9

3. *Massachusetts Trial Court Strategic Plan 2.0*, Mass.gov Access to Justice Initiative Strategic Plan (Oct. 2016), <https://www.mass.gov/files/documents/2016/10/tw/strategic-plan-2.pdf>

4. *Massachusetts Access to Justice Initiative* (April 2018), <https://www.mass.gov/info-details/access-to-justice-initiative>

5. *Montana Access to Justice Commission Strategic Planning Report*, Montana Access to Justice Commission (Dec. 2013), <https://courts.mt.gov/portals/189/supreme/boards/a2j/docs/revisedreport2-14.pdf>

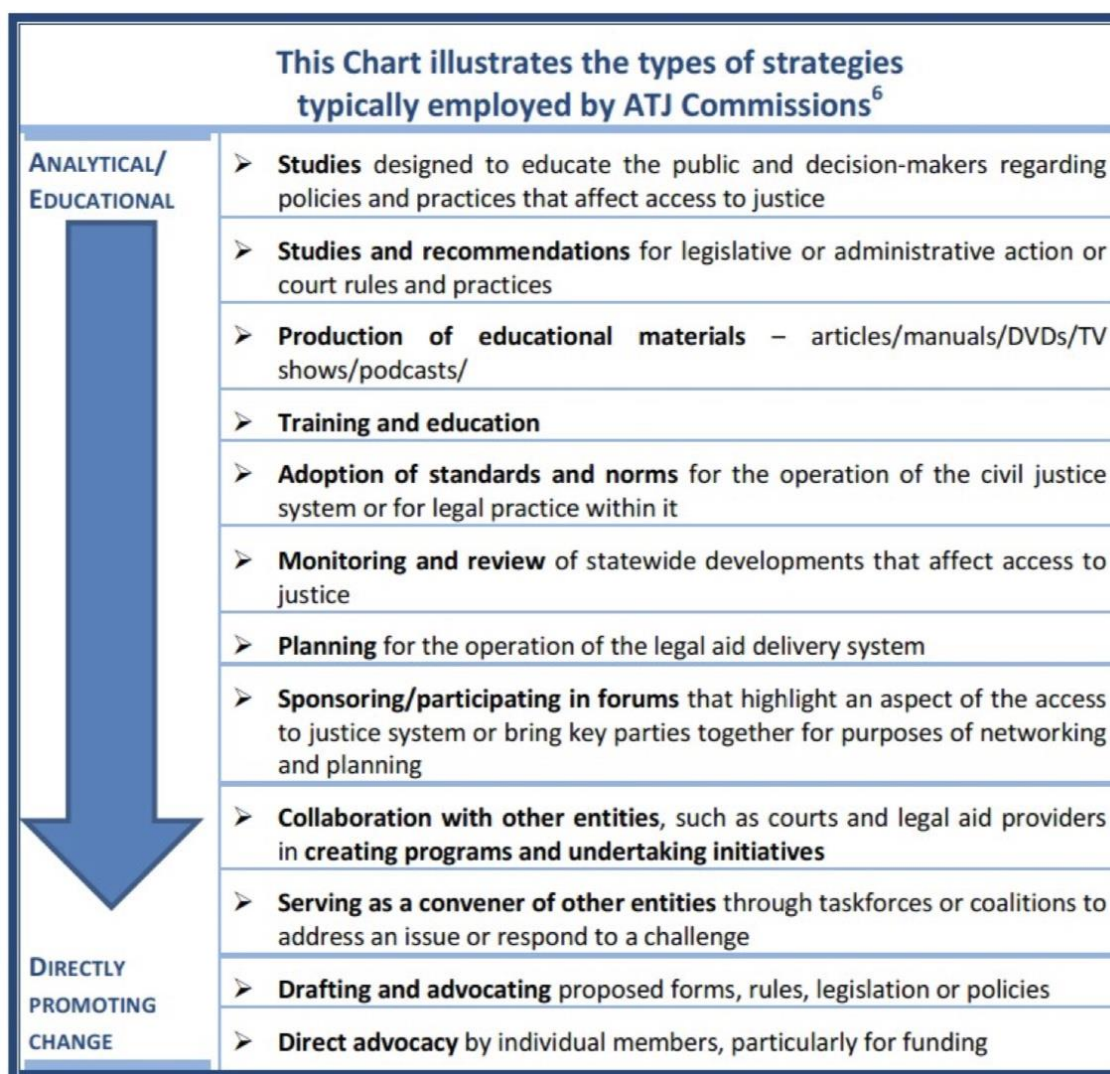


Figure 1: Common ATJ strategies⁶

Similarly to the Massachusetts and Montana SAPs, the New Mexico state plan was led by their commission system planning workgroup. It follows ABA guidelines, identifies their focus areas, and identifies methods of addressing those areas. For example, the methods for addressing rural services include having: Paraprofessionals or other non-attorney staff for non-legal support; legal

6. *A Framework for Outcome Evaluations of Access to Justice Commission Projects*, American Bar Association Access to Justice Commissions (Aug. 2014).
https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_atj_comm_ooutcome_evals_framework.authcheckdam.pdf

clinics; traveling attorneys; and traveling offices. Most importantly, the state's plan recommends measuring progress for each focus area.⁷

Self-Assessments

The ABA acknowledges that self-assessments are imperative for managing projects and demonstrating how successful those projects are. ATJ commissions can use self-assessments as a way of identifying and correcting weaknesses or guiding new strategies. Assessment outcomes also provide evidence of the effects of a commission's projects to community partners, policymakers, and funders. Moreover, the ABA suggests a planning model for creating an outcome evaluation and incorporating that evaluation into a commission's strategic plan.

There is no limit on what can be evaluated. Some of the examples the ABA provides are: "A decrease in the amount of time in which a court can hear and act on self-represented litigants' cases, because of greater knowledge on the part of the litigants of what to do; (...) A change in practice or the operation of the civil legal aid delivery system that has resulted in increased access to services by a previously underserved population."⁸ There are also various methods one can use to evaluate outcomes. Methods can range from a qualitative collection of stakeholders' opinions to more thorough experimental or quasi-experimental investigations comparing results to a baseline. However, the evaluations do not have to be complex or costly; the decisions are based on the needs of the commission. The ABA framework continues explaining the process of creating an outcome evaluation and lists strategies identified by the Montana SAP above. The framework also provides guidance on identifying objectives, creating evaluation questions, using data sources, gathering data, and analyzing findings. The commission can see several useful examples of specific evaluation strategies, questions, and data sources at the end of the ABA document.⁸

A notable example of self-assessment is reflected in the Colorado SAP. After establishing their intended objectives, the SAP goes into detail on how these objectives are to be achieved. The strategies are ordered from highest to lowest priority, and by the ease by which they can be accomplished. Clear-cut objectives that could be undertaken immediately and were deemed most important were placed at the top of the list, and objectives that required further research to determine their viability or were less impactful were placed near the bottom.

Each strategy concludes with clearly defined steps for implementation and categorical estimates of the costs to implement these strategies. In addition to the objective and the strategy, each page

7. *2014 State Plan for the Provision of Civil Legal Services to Low Income New Mexicans*, NM AtJ Reports and Supreme Court Orders (Jan. 2015). <https://accesstojustice.nmcourts.gov/atj-reports.aspx>

8. *A Framework for Outcome Evaluations of Access to Justice Commission Projects*, American Bar Association Access to Justice Commissions (Aug. 2014). https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_atj_comm_ooutcome_evals_framework.authcheckdam.pdf

of the SAP indicates who was to oversee and implement the objective, a timeline for implementation, and a metric for determining success. By clearly delineating each of these categories, the commission makes it clear the expectations it will be holding itself to. Most importantly, the measurement column lays out guidelines, but acknowledges that these metrics may not be boiled down to exact numbers. Instead, it allows the commission to assess based on broader methods, such as response from focus groups, data collected from web users, or even simply observable diversification of funding for various programs.

Stratifying the objectives like this allows both members of the commission and those casually reading the report to understand both the broader concepts and the small details. Additionally, the stratification clearly lays out not only how the objectives are to be measured, but ensures that a certain committee is responsible for assessing those measurements and the timeline in which the committee can make those measurements. Accountability is incorporated clearly into this version of the SAP as well as clear instructions on how to know when the objectives have been achieved to a satisfactory degree for the overarching Commission.

This example from the Colorado SAP lays out the structure of the assessment, and details one of the high priority objectives with a less number-focused measurement metric:

Foundational Capacities – Resource development				
Colorado has not been as successful as other states in obtaining public monies to support the access to justice system – outside of strong support in the Judicial Branch for self-help activities. It has been more successful in recent years, but much more can be done to raise funds from public and private sources, including for legal aid. At the core of Colorado's challenge in raising public funds is the TABOR Amendment, which prevents any tax increase that is not directly approved by voters, which generally constrains the availability of public funds. To increase funding from both public and private sources, there is a strong need for a solid communication strategy to make the public and decision-makers aware that all Coloradans have an interest in having a robust access to justice system in the state.				
OBJECTIVES	STRATEGY	BY WHOM?	WHEN?	HOW MEASURED?
<ul style="list-style-type: none"> To increase the understanding of the importance of robust access to justice capacity and increase public support for appropriate levels of funding 	<p>Strategy One: External communication strategy regarding access to justice</p> <p>Develop and disseminate an effective framework for communicating the role of the civil justice system in supporting commerce, enhancing economic security, fostering the rule of law and assuring justice, in order 1) to ensure interest in the civil justice system is not seen as the exclusive province and concern of the legal profession or of low-income persons and 2) to garner broad support for providing adequate funding</p> <p>Implementation Steps</p> <ul style="list-style-type: none"> Seek funding for a full-time communications director, perhaps beginning as a consultant until the need is determined Work with Voices for Civil Justice and other communication experts to help frame and promulgate a message to educate the public and decision-makers about access to justice and civil legal aid and garner their support. 	<p>ATJC Communications Committee</p> <p>JFA Consultant or ATJ Coordinator, supported by staff of Voices for Civil Justice</p>	<p>First and second quarters</p> <p>Meetings of the ATJ Communications Committee with communication experts</p> <p>Third quarter and ongoing</p> <p>Ongoing efforts according to the plan developed</p>	<p>In two years and in conjunction with research by Voices for Civil Justice, if possible, conduct Colorado focus groups on public perceptions regarding access to justice and civil legal aid</p>
		<p>Implementation Steps (continued)</p> <ul style="list-style-type: none"> Rely on ongoing research provided by Voices for Civil Justice regarding reaction of the public to various messages regarding access to justice and legal aid Obtain the support of well-known local public figures, such as sports personalities, to convey the message Record persuasive 30 second YouTube videos and develop TED-type talks <p>Estimates of cost and resources: Implementation \$\$\$. Ongoing – \$\$.</p>		

Figure 2: Example of Colorado's assessment plan⁹

9. *Justice for All Colorado Strategic Action Plan*, American Bar Association Access to Justice Commissions (December, 2017)

APPENDIX A

Links to State ATJ Commission Strategic Action Plans

Colorado: “Justice For All Colorado Strategic Action Plan”

https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ATJReports/lisclaid_atj_strategic_co_2017.pdf

Massachusetts: “Massachusetts Justice for All Strategic Action Plan

http://www.massa2j.org/a2j/?page_id=9

Montana: “Montana Access to Justice Commission Strategic Planning Report”

<https://courts.mt.gov/portals/189/supreme/boards/a2j/docs/revisedreport2-14.pdf>

New Mexico: “2014 State Plan” <https://accesstojustice.nmcourts.gov/atj-reports.aspx>

https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ATJReports/lisclaid_atj_strategic_co_2017.pdf

TO: The Iowa Supreme Court's Access to Justice Commission
FROM: University of Iowa College of Laws Citizen Lawyer Program volunteers Alexandra Brennan, Austin Carlson, & Nicholas Wilson
RE: Steps Taken in Other States to Promote Limited Scope Representation in Civil Cases
DATE: November 28, 2018

Every state has provisions in their rules of professional conduct which allow attorneys to engage in limited scope representation of clients. It is only beyond this point which the states diverge. Broadly speaking, one can divide the fifty states and District of Columbia into four categories regarding the extent to which they promote limited scope representation. The first category contains the states which only allow for limited scope representation through their rules of professional conduct. The second category have adopted additional procedural rules to help enable limited scope representation on a provisional basis, withholding judgment on whether to keep these rules permanently. The third category have adopted these additional procedural rules, but restricted them in some way. Finally, the fourth category have fully adopted the procedural rules enabling limited scope representation in both their civil and family courts.

The states falling into the first category are Georgia, Hawaii, Kentucky, Minnesota, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Texas, and West Virginia. Notably, South Carolina is currently considering whether they will adopt the procedural rules promoting limited scope representation which a majority of jurisdictions have adopted. New York is also notable in this group for passing down an ethics ruling declaring that the state favors limited scope representation and that their courts should allow it in most circumstances.

The second category is the smallest category, containing only Rhode Island and Virginia. However, Virginia limited their new provisional rules so that only attorneys working for "qualified legal services providers" and attorneys doing uncompensated referral work for those organizations can make use of them. This effectively created a pilot program for unbundled services where their legal aid organizations would act as testers.

The states in the third category are Delaware, Florida, Idaho, Nevada, and Oklahoma. Among these states, the limitations vary. Delaware and Florida limit their procedural protections for limited scope representation to family court cases. Idaho only allows attorneys working pro bono to use their procedural protections. Oklahoma has only adopted increased protections for ghostwriting. Finally, Nevada has only adopted procedural benefits for the family courts in one of their judicial districts.

The states in the fourth category are Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Oregon, Tennessee, Utah, Vermont, Washington, Wisconsin, Wyoming, and the District of Columbia. These states, with two exceptions, adopted the most important procedural protection for limited

scope representation: allowing an attorney providing limited scope representation to withdraw from their representation as a matter of course when the purposes of that representation come to an end. Attorneys in these states may do so by filing a notice of termination of their representation. The first exception to this is Maine, which does not require an attorney providing limited representation to file a notice of withdraw. Instead, Maine simply exempts limited scope attorneys from the typical formal withdrawal procedures. The second exception is California, which still requires the attorney to file an application to withdraw from their representation. But, the California rule states that the court has to approve the application unless an interested party files an objection. Another rule commonly, though not universally, adopted by the states in this category exempts attorneys who ghostwrite documents for pro se litigants from the signature and appearance requirements typically associated with scriveners.

Procedural safeguards are not the only way which the various territories promote limited scope representation. The most common technique for promoting unbundled legal services is to publish articles through the state bar association or by sponsoring continuing legal education events discussing the practice. Courts also frequently post articles or news releases regarding limited scope representation on their judicial branch websites. In addition to these official articles, many firms advertise unbundled legal services, and legal aid organizations frequently post articles explaining limited scope services and why it might be an appropriate option for their potential clientele. Finally, law schools occasionally integrate limited scope representation into their curriculum. However, this is a rare occurrence and, when it does occur, it is often through the students providing these limited services in the schools' clinics.

State	Notes	Bar Ass'n	Court Website	Law School	Firms/Nonprofits	Links
Alabama	Bar adopted it into their rules; considered "best set" in the country"; notices posted to court webpages/sent to attorneys	X	X	X		http://www.huntsvillebar.org/Resources/Documents%20CLE/2013/limitedscoperepresentation.pdf
Alaska	Adopted by rules of conduct	X	X			
Arizona	Adopted, seems more limited	X			X	http://www.garyfranklaw.com/practice-areas/limited-scope-representation/
Arkansas	Adopted, person getting limited scope is considered "unrepresented"	X	X	Mentioned, but not in curriculum	X	https://whlawoffices.com/limited-scope-legal-services/
California	Adopted 1st about 40 years ago; one of the most encompassing	X	X	X- Built in as topic to larger subject	X	https://law.ucla.edu/academics/curriculum/course-list/law-783/
Colorado	Adopted, person getting limited scope is considered "unrepresented"	X	X		X	
Connecticut	Adopted, can use if it's "reasonable" under the circumstances	X	X	X-Clinic/Program	X	https://law.yale.edu/yls-today/news/students-launch-pilot-program-aid-residents-facing-foreclosure
Delaware	Adopted, very limited it scope		X-in rules, but not easily readable			
Florida	Adopted, requires written consent. Litigants are "unrepresented" unless clear writing to the contrary	X	X		X	
Georgia	Unclear whether adopted. If it is, it's not advertised well.	X	X	X- Clinic	X	https://law.gsu.edu/2016/10/19/lawyers-equal-justice-provides-affordable-representation-underserved/
Hawaii	Adopted, limited		X			
Idaho	Adopted, not noticeably active	X				
Illinois	Adopted	X	X		Mostly legal aid	
Indiana	Adopted, looking to broaden scope	X	X	Journal Article	Heavy firm work	
Iowa	Adopted, explicitly made rules for unbundling services	X	X- reiterating Bar			
Kansas	Adopted, explicitly made rules for unbundling services	X	X		X	
Kentucky	Adopted; developing. Not prominent	X	X		Legal Aid	

Louisiana	Adopted under rules of professional conduct (1.2C) (if reasonable and if client gives informed consent). One case where Supreme Court said that limited scope representations "fraught with possible dangers"	X	X			https://www.ladb.org/Resources/Publications/
Maine	Adopted, many professional conduct rules to guide attorneys. No references on any websites.					https://www.maine.gov/tools/whatsnew/index.php?topic=mebaroverseers_bar_rules&id=87817&yv=article
Maryland	Adopted, seems highly encouraged. Access to Justice Commission produced "white page" report on limited scope representation.	X	X	X (CLE seminar available online)	X	https://www.msba.org/for-members/sections/delivery-of-legal-services/limited-scope-resources/
Massachusetts	Adopted, seems highly encouraged.	X	X		X	https://www.mass.gov/service-details/limited-assistance-representation
Michigan	Adopted, seems highly encouraged, including by state bar's 21st Century Practice Task Force	X	X		X	https://www.michbar.org/file/future/21c_WorkProduct.pdf
Minnesota	Adopted, studies suggest majority of small/solo firms use unblundered services or other alternative billing method.	X	X		X	http://mnbenchbar.com/2016/08/think-unbundled/
Mississippi	Adopted, comments to rules of professional conduct encourage limited scope, but little information on website.					https://www.msbar.org/ethics-discipline/ethics-opinions/formal-opinions/261/
Missouri	Adopted	X	X		X	https://www.courts.mo.gov/hosted/probono/LimitedRepresentation.htm
Montana	Adopted	X	X		X	https://courts.mt.gov/cao/ct_services/probono/resourcearticles/lsr
Nebraska	Adopted, though seems more tightly controlled (lawyers cannot encourage laypersons to practice law)	X	X (disclaimer that not appropriate in all situations)		X	https://supremecourt.nebraska.gov/limited-scope-representation
Nevada	Adopted, lawyer must disclose role to court and specific withdrawal procedure. No mention in terms of ATJ.					https://www.leg.state.nv.us/court/rules/RPC.html
New Hampshire	Adopted but limited scope not directly connected to ATJ	X	X	X (online CLE)	X	https://www.nhbar.org/unbundled-legal-services/

New Jersey	Adopted, but not widely used. Seen in practice but not referenced as part of ATJ or court websites.				X	https://www.njcourts.gov/notices/ethics/ACPE713.pdf
New Mexico	Adopted, attorney must disclose work and relationship to court	X	X			https://www.law.cornell.edu/ethics/nm/code/
New York	Adopted, ATJ created report on limited scope representation in NY	X	X	X	X	http://www.nysba.org/workarea/DownloadAsset.aspx?id=71030
North Carolina	Adopted, no written consent necessary for limited scope	X	X		X	https://www.ncbar.gov/for-lawyers/ethics/rules-of-professional-conduct/rule-12-scope-of-representation-and-allocation-of-authority-between-client-and-lawyer/
North Dakota	Adopted, including rules of procedure to assist LSR		X (Notice and explanation of updates to ethics rules)			https://www.ndcourts.gov/court/news/limited0716.htm
Ohio	Adopted				X - Some Firms	http://www.courtnewsoriohio.gov/happening/2017/BPCAdvisoryOpinion_101717.asp#W-PmC5XQZ9A
Oklahoma	Adopted, including special protections for ghostwriting	X			X - Some Firms	https://www.okbar.org/map/lss/
Oregon	Adopted, including rules of procedure to assist LSR	X - Some Ethics Articles			X - Some Firms	https://www.courts.oregon.gov/programs/family/sflac/Conference%20Materials/3.LimitedScopeRepresentationCombined.pdf
Pennsylvania	Adopted			X - Faculty Article, see Links	X - Some Firms, PA Pro Bono Society Advertized a National Webinar on LSR which was approved for PA CLE	https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2532&context=faculty_scholarship
Rhode Island	Adopted, Provisional Rules of Procedure promoting LSR exist, but haven't been formally adopted.	X - Notice of New Update, CLE last year discussing new update			X - Some Firms	https://www.ribar.com/NewsDetail.aspx?NewsId=734

South Carolina	Adopted, currently considering procedural rules to promote LSR	X - CLE	X			https://www.sccourts.org/whatsnew/displayWhatsNew.cfm?indexId=2316
South Dakota	Adopted					
Tennessee	Adopted	? - Listed as part of Tennessee Bar Association Pro Bono Strategy			X - Dedicated Limited Scope Firm Exists	http://www.tnlaw4u.com/
Texas	Adopted		X - Kind of. Through ATJ Commission.		X - Dedicated Limited Scope Firms Exist	http://www.texasatj.org/limited-scope-representation
Utah	Adopted, including Rules of Procedure to Assist LSR	X	X	X - Students provide limited scope representation in the Tax Law Clinic.	X	https://www.utcourts.gov/howto/egalassist/#limited
Vermont	Adopted, including Rules of Procedure to Assist LSR	X - Article in the Bar Association Journal			X - A few private practitioners expressly advertise LSR as an option that they use	http://clarkcunningham.org/FLP/Ashcroft-Unbundling.pdf
Virginia	Adopted, kind of including Rules of Procedure to Assist LSR (changes to this effect were adopted as a temporary program on October 31, 2018 and haven't made their way into the electronic version of the rules of procedure yet, they will be in effect starting January 1, 2019). However, these procedural rules only benefit "qualified legal services providers," meaning, in effect, legal aid attorneys, or attorneys doing pro bono work on referral from one of these organizations.	X				http://www.vsb.org/docs/SCV-orderrules_1_5_etc-103118.pdf

Washington	Adopted, including Rules of Procedure to Assist LSR				X	
West Virginia	Adopted					
Wisconsin	Adopted with specific rules for ghostwriting. The state code provides procedural protections for LSR.	X			X	https://docs.legis.wisconsin.gov/statutes/statutes/802/045
Wyoming	Adopted, including Rules of Procedure to Assist LSR.				X - Equal Justice Wyoming	https://www.legalhelpwy.org/index.php/get-legal-help/limited-scope-representation/
District of Columbia	Adopted, including Rules of Procedure to Assist LSR	X			X	http://pdfserver.amlaw.com/nlj/Limited%20Scope%20Representation%20order.pdf

Appendix C



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.ⁱ

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@WhitfieldLaw.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 Meml

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 D



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

Appendix E



Sample Pro Bono Policy Statement

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 satisfaction survey.

Sample Pro Bono Policy

_____ (the “Company”)

Pro Bono Program Policy

I. Policy

Recognizing the ethical obligation of every attorney to provide legal services to those of limited means and to undertake activities to improve the legal system, and in furtherance of the Company’s corporate responsibilities to the community, it is the policy of the Company to strongly encourage and facilitate pro bono service by its legal professionals. In support of this policy, the Company has established a Pro Bono Committee to administer and support the provision of pro bono services by the Company’s legal staff through the Pro Bono Program (Program).

II. Pro Bono Program

A. Scope of Program. The Program facilitates the provision of pro bono legal services by Company legal staff to people and organizations that could not otherwise afford them. Iowa Rule of Professional Conduct 6.1(a) defines *pro bono* as: legal services without fee or expectation of a fee to individuals of limited means; or charitable, religious, civic, community, governmental and educational organizations in matters designed to address the needs of persons of limited means.

1. The types of engagements that qualify as pro bono work are varied. Examples include:
 - Representing an indigent client in a landlord-tenant dispute;
 - Drafting advance directives for a senior citizen;
 - Developing and presenting a training session on a substantive law topic for pro bono attorneys; and
 - Assisting veterans with applying for governmental benefits.
2. Not all charitable activities qualify as pro bono work, nor do matters handled on behalf of employees, family and friends. Examples of activities that do not constitute pro bono work include:
 - Community service activities, such as volunteering at a homeless shelter or soup kitchen;
 - Judging a mock trial program;
 - Serving as a director of a charitable or civic organization; and
 - Fundraising for organizations.

B. Goal. The Company strongly encourages each of its attorneys to provide 50 hours of pro bono legal services annually. This is an aspirational goal. The decision to

participate in the Program is an individual one. No employee will be penalized for declining to participate in the Program.

C. Work Quality. The Company believes that pro bono matters must be handled with the same level of competence and professionalism as any other matter handled by Company attorneys.

D. Time Devoted to Pro Bono Activities. The Company expects that pro bono work may be done during normal business hours. Any pro bono work undertaken is in addition to assigned work responsibilities. Please make sure to coordinate the provision of pro bono services with your supervisor and co-workers in your department to make sure that the performance of the pro bono services does not interfere with the performance of the duties by you or your department.

III. Administration of the Program

A. Pro Bono Committee. The Program will be administered by a Pro Bono Committee, who will be appointed by the General Counsel. The responsibilities assigned to the Pro Bono Committee include the following:

1. Implement and monitor the Program.
2. Select pro bono service projects.
3. Pre approve not-for-profit agency partners for whom Program participants may perform pro bono services without the prior approval of the Pro Bono Committee
4. Receive and approve or deny requests to perform pro bono services for other than pre approved non profit agency partners or Company-sponsored pro bono service projects.
5. Ensure that pro bono service is in compliance with the objectives of the Program and that such service would not present an ethical, legal, or business/public relations conflict with the Company.
6. Provide for training opportunities (which may be provided by a law firm, a not-for-profit agency partner or by continuing legal education providers) in areas unfamiliar to members of the Legal Department (i.e., landlord-tenant, wills and trusts, probate, etc.).
7. Maintain a list of resources for pro bono opportunities and serve as a source of information regarding the Program.
8. Promote the Program, celebrate successes and communicate information regarding the Program both internally and externally.
9. Assess the Program's participation and effectiveness annually.

B. Coordination and Approval The Company legal staff desiring to perform pro bono legal services as part of the Program must request and receive approval from the Pro Bono Committee unless such services will be performed for one of the pre-approved non-profit agency partners, or such service is part of a the Company-

sponsored pro bono service project.

C. Time, Expenses, and Recordkeeping. Employees performing pro bono services as part of the Program will report time spent and expenses incurred in the manner designated by the Pro Bono Committee. The Pro Bono Committee shall maintain a record of all current and closed pro bono matters.

D. Use of Company Resources and Facilities. Legal support staff, legal assistants, secretaries, copiers, computers, and the like may be utilized as appropriate for Company approved pro bono matters. Requirements for support staff and expenses of a non-routine nature must be reviewed in advance and approved by the volunteer's supervisor. Program participants should make every effort to minimize all Program costs. The Company will reimburse Program participants for reasonable pre-approved out-of-pocket costs incurred in providing pro bono services including parking, mailings, copying, and training.

It is anticipated that most client interviews or other meetings will take place at the office of one of the non-profit agency partners. If that option is not suitable, members of the legal staff may host pro bono client meetings at a Company location with the prior approval of the Pro Bono Committee. The attorney hosting the meeting should take care to remind the pro bono client that, although the meeting is taking place at a Company location, the client is represented by the attorney not the Company.

E. Insurance. Professional liability insurance is generally provided by the non-profit organization or partnering law firm through which pro bono services are provided. Participants should not engage in pro bono service activities for which adequate insurance coverage is not provided, unless approved by the Pro Bono Committee.

F. Affiliation with the Company. While the Company strongly endorses the provision of pro bono services by its legal staff, pro bono clients are clients of the attorney, not the Company. The Company does not endorse the position taken by members of the legal staff on behalf of pro bono clients, and the Company does not have an attorney-client relationship with pro bono clients. As such, actions conveying the impression that the Company is providing legal services should be avoided. The Company's letterhead, including e-mail letterhead, may not be used for pro bono activities. Similarly, Company business cards must not be distributed to pro bono clients.

G. Contacts. The Company legal staff interested in participating in the Program should contact the Pro Bono Committee. The Pro Bono Committee will provide interested staff information regarding the Program and available opportunities for pro bono services.

H. Training. Legal staff providing pro bono services should exercise their best judgment regarding their qualifications to handle the issues necessary to provide pro

bono services. Those providing pro bono services should obtain training on the legal issues they most likely will be asked to handle. Training is available through various pro bono organizations, bar associations, law firms, and CLE course offerings.

I. Conflict of Interest. Employees may not engage in the provision of any pro bono service which would create a conflict of interest or give the appearance of a conflict of interest. This includes, but is not limited to, direct conflicts, business/public relations conflicts, and politically sensitive issues. Conflicts analysis must be ongoing throughout the course of any representation as an issue raising a conflict may present itself at any time during the course of representation.

IV. Legal Ethics Rules Governing Pro Bono

All attorneys who are members of the Iowa Bar and those registered as “house counsel” must comply with the Iowa Rules of Professional Conduct in pursuing pro bono activities, including ensuring the confidentiality and security of all files, communications and other matters involving your pro bono clients. Under Rule 31.16(3)(b), those attorneys registered as house counsel may not handle a pro bono matter alone, but rather must only provide pro bono services through an established not-for-profit bar association, pro bono program or legal services program.

Date of adoption: _____

Appendix F



Iowa Access to Justice Commission draft
“Communication Plan”

IOWA ACCESS TO JUSTICE :: **DRAFT** COMMUNICATION PLAN

1. **OBJECTIVE:** The general population of Iowa will believe that access to civil justice is a fundamental Iowan and American value.

○ **MESSAGE:** Access to Civil Justice is an Iowa Value.

▪ **Decision-maker:** Legislative, Executive, and Judicial policy makers.

- **Audience:** Specific geographic audiences - (1) Des Moines Metro; (2) Cedar Rapids / Iowa City; (3) Quad Cities; (4) Dubuque; (5) Waterloo; (6) Mason City; (7) Council Bluffs; (8) Sioux City / Northwest; (9) Rural Southeast [Burlington / Ottumwa]; (10) Rural Southwest.

○ **Tactic:** Op-eds.

▪ **Capacity.**

• *Writing*

- We already have one op-ed that a member of the Working Group ghost-wrote in 2017, focusing on the connection between Iowa's state motto and the ideals of access to justice.
- Voices for Civil Justice has offered their assistance with writing op-eds.
- Examples:
 - Talk about client success stories hold in an Op Ed.
 - Have a business owner say how solving an employee legal matter helped the business.

• *Authors*

- Local may be better. Judges & attorneys may be good, but better still would be non-lawyers with community standing - e.g. clergy, business owners, elected officials, etc.
- Alternatively, it might be good to find those whose lives have been changed by having or not having access to the civil legal system.

▪ **Timeline.** One op-ed in each market by June 2020.

○ **Tactic:** Judicious use of social media

▪ **Capacity.** Twitter would be the easiest first step into social media. For this, the Commission would need to:

- **Set-up.** Set up an official Twitter account.
- **Content.** Create a system for generating content. We would need to develop a pipeline of appropriate content in advance to mete out at regular intervals and avoid "dead air" or message creep when no prepared content available. One approach could be that each

working group provides one tweet each month. Ideally there would always be a backlog of at least four weeks before going live. Content could highlight work being done by the Commission, promotion of Commission events, and information of general interest touching upon access to justice issues.

- **Manage.** Designate someone to approve and then post content. Centralizing this responsibility in one person ensures that content remains on-message, and is regularly updated.
- **Post.** A bi-weekly posting would probably be an attainable goal, with additional postings to be added as timely and appropriate.
 - **Timeline.** Set up twitter account with initial content, choose responsible coordinating person, and go live by Winter 2019.
- **Audience:** The general public (i.e. not lawyers)
 - **Tactic:** Public forums. Commission members and service providers would present to the public at venues throughout the state. We would need to make sure that both the marketing and content of the presentations are primed to laypeople, not lawyers. Using terms like “Access to Justice” without more may not drive attendance the way we hope.
 - **Capacity.** As yet undetermined.
 - **Timeline.** As yet undetermined.

2. **OBJECTIVE:** Recruit at least five major corporations, chambers of commerce, or other major business associations in the effort to eliminate barriers to access civil justice.

- **MESSAGE:** Lack of Access to Affordable Legal Help is Hurting Businesses
 - **Decision-maker:** Corporate upper management, public policymakers.
 - **Audience:** Corporate upper management
 - **Tactic:** Distribute the doc to selected figures in corporate upper management.
 - **Capacity.** Connect with corporate involvement workgroup.
 - **Timeline.** Coordinate with corporate involvement workgroup.
 - **Tactic:** Distill the essence of this document into an op-ed.
 - **Capacity.** We need to find a recognizable figure with community clout; could be ghostwritten by someone from the committee.
 - **Timeline.** Coordinate with corporate involvement workgroup. Will need to wait until we have a final draft from that workgroup.
- **Audience:** The general public

- **Tactic:** Highlight this issue through an Iowa A2J commission web presence, starting with Twitter and eventually building out into a full website.
 - **Capacity.**
 - Twitter. (see above)
 - Full website. In order to put together a website for the Commission, we would need:
 - Domain name.
 - Hosting.
 - Design.
 - Content.
 - Resources and a responsible party to provide upkeep and maintenance.
 - **Timeline.** An incremental approach may be best, starting first with Twitter alone. This way, systems and responsibilities for content creation can be developed before adding the additional complexities inherent in a full website.

3. OBJECTIVE: The population, especially non-lawyer service providers, will understand the types of problems that require a civil legal solution.

- **MESSAGE:** The need for access to civil justice is underestimated because people don't understand that many everyday problems require civil legal solutions.
 - **Decision-maker:** Service providers and community leaders who currently don't know when to refer their own clients for legal assistance, teachers looking to remove barriers for students.
 - **Audience:** Non-legal service providers who assist the low-income, elderly, and other vulnerable populations.
 - **Tactic:** Summits: Legal education for social service providers working in the government and non-profit sector.
 - **Capacity.** We know that we have the capacity for this because we have already accomplished one in November 2017. This workgroup has determined that the best way forward is to plan for a second iteration of the summit to be held in Cedar Rapids sometime in 2019, with another to follow focusing on rural Iowa.
 - **Timeline.** Planning for a summit in CR has begun. Dates to be selected in late June, with a target of Autumn 2019. Content and speakers will largely mirror the November 2017 summit in Ankeny.
 - **Audience:** School Counselors, especially those working in districts with higher populations of low-income households.
 - **Tactic:** Legal education for school counselors, with marketing focused on districts with high indicators for poverty and other social factors (LEP population, etc).
 - **Capacity.** This would be very similar in form and substance to the summit described above and the one we conducted in 2017.

- **Timeline.** Undetermined. Research is currently being done as to whether there are any annual statewide conferences or gatherings that could incorporate an Access to Justice element.
- **Audience:** Those who serve diverse communities - e.g. New Iowans, communities of color, LGBT, Iowans with disabilities.
 - **Tactic:** Forums & community engagement meetings, with panels including A2J members and members of the community itself.
 - **Capacity.** This work group, the Commission, and provider organizations have many connections to these communities or are themselves leaders within these communities.
 - **Timeline.** Plan for at least two forums or community engagement meetings before June 2020.
- **Audience:** Churches and Faith-Based Groups (explain the issues and show how they can help case-manage their parishioners' issues).
 - **Tactic:** Forums & community engagement meetings
 - **Capacity.** This work group, the Commission, and provider organizations have many connections to these communities or are themselves leaders within these communities.
 - **Timeline.** Plan for at least one interfaith forum or community engagement meetings before June 2020.

4. **OBJECTIVE:** Diversify and increase pro bono participation by lawyers.

- **MESSAGE:** More pro bono work can be done if we do use smart, efficient, and innovative methods such as unbundled / limited scope services, structured clinical programs, etc.
 - **Decision-maker:** Attorneys licensed in Iowa
 - **Audience:** Attorneys in general
 - **Tactic:** Promote judicial support for pro bono services by resolution or press release during Pro Bono Week, October 20-26, 2019.
 - **Capacity.** This task should be done in conjunction and under the direction of members of the pro bono workgroup.
 - **Timeline.** Outreach to state YLD and three other local YLD by Winter 2019.
 - **Audience:** Young attorneys
 - **Tactic:** Direct outreach to state and local YLD organizations, focusing on presentations about limited scope and other pro bono activities. Ideally, on the local level, a Commission member would co-present with a local "champion" of pro bono in that county's YLD.
 - **Capacity.** This task should be done in conjunction and under the direction of members of the pro bono workgroup.

- **Timeline.** Outreach to state YLD and three other local YLD by Winter 2019.
- **Audience:** Government pro bono
 - **Tactic:** Utilize research done by the pro bono workgroup to reach out to government agencies where there is untapped pro bono potential.
 - **Capacity.** This task should be done in conjunction and under the direction of members of the pro bono workgroup.
 - **Timeline.** Outreach plan to be developed with the pro bono workgroup by Winter 2019.
- **Audience:** Corporate counsel
 - **Tactic:** Op-eds and personal outreach to corporate management, with a focus on messaging the products generated by the corporate involvement workgroup.
 - **Capacity.** This task should be done in conjunction and under the direction of members of the pro bono and corporate involvement workgroups.
 - **Timeline.** Outreach plan to be developed with the pro bono and corporate involvement workgroups by Winter 2019.
- **Audience:** Rural practitioners
 - **Tactic:** Outreach to rural county bar associations.
 - **Capacity.** This task should be done in conjunction and under the direction of members of the pro bono and rural access workgroups.
 - **Timeline.** Outreach plan to be developed with the pro bono and rural access workgroups by Winter 2019.
- **Decision-maker:** Consumers who cannot easily afford traditional “bundled” legal services, as demand for limited scope will likely increase the use of this approach among providers.
 - **Audience:** Low to moderate income people with family law issues
 - **Tactic:** Op-eds
 - **Capacity.** Research will need to be conducted to determine the best publications to reach this population.
 - **Timeline.** Undetermined.
 - **Tactic:** Flyers to be posted at Clerk’s offices in all 99 counties and other appropriate locations.
 - **Capacity.** We would need to create and refine content. Content should be focused and concise, and should be laid out in an eye-catching way. We would then need to engage the Court and
 - **Timeline.** Create and distribute flyers before June 2020.

5. **OBJECTIVE:** Increase pro bono participation by non-lawyer professionals

- **MESSAGE:** Pro bono is not just for lawyers.

- **Decision-maker:** Non lawyer professionals like accountants, paralegals, tax preparers, court reporters, IRS enrolled agents, Board of Immigration Appeal reps, Board of Veterans Appeals reps, etc.
 - **Audience:** All professionals
 - **Tactic:** Guest article in the Iowa Lawyer highlighting pro bono contributions of non-lawyer professionals.
 - **Capacity.** It would be good to have this written from the perspective of a nonlawyer pro bono “champion” – i.e. someone who we can hold out as an example to their peers.
 - **Timeline.** Undetermined – we still need to locate our champion on this issue.
 - **Tactic:** Presentation at a nonlawyer professional conference about pro bono service.
 - **Capacity.** Again, the first step here is to identify a “champion” of nonlawyer pro bono work who would be the face of this presentation.
 - **Timeline.** Undetermined.

6. **OBJECTIVE:** People in need of civil legal services, and those who serve them, will know the full range of options to get assistance.

- **MESSAGE:** Resources are available - and fulfil a critical need.
 - **Decision-maker:** Members of the general public who need, or know someone who needs, civil legal services.
 - **Audience:** Low-income lowans who are eligible for free legal services.
 - **Tactic:** Creating a central directory of the widest possible array of resources and hosting it on the Commission’s website, when it becomes available. In the interim, direct users to public information available from providers such as ISBA, ILA, DRI, and others.
 - **Capacity.** There are already many resources out there, and so the main issue would be making sure that there is a central portal where people could go. This would probably also require a full website, which is an intermediate term goal of this proposed plan. Great care must be taken to ensure maximum comprehension of limited english-proficient and cross cultural populations.
 - **Timeline.** Undetermined.
 - **Decision-maker:** Non-lawyers serving those who need civil legal services and can make referrals
 - **Audience:**
 - **Tactic:** This will be a secondary function of the summits for service providers - see Objective 3 above.
 - **Capacity.** See objective 3.
 - **Timeline.** See objective 3.

Appendix G



“ABE grant helps Iowa open legal clinics in VA medical centers,” *ABA Journal Online*, July 3, 2019

ABE grant helps Iowa open legal clinics in VA medical centers

BY [AMANDA ROBERT](#)

JULY 3, 2019, 10:36 AM CDT

-
- [Tweet](#)
- [Share](#)
-



Image from Shutterstock.com.

A medical-legal partnership that aims to assist veterans in Iowa has opened its doors, thanks in part to a \$20,000 grant from the American Bar Endowment.

[Iowa Legal Aid](#), a recipient of the [ABE's Opportunity Grant Program](#)—which provides annual awards to local projects that advance access to justice, improve the justice system or increase civic engagement—is addressing legal problems that affect veterans' health in several new clinics in the state's VA medical centers.

Part of the impetus for Iowa Legal Aid's application for the grant stemmed from Iowa being one of only nine states left without a medical-legal partnership in a VA medical center, says Todd Schmidt, a senior staff attorney with Iowa Legal Aid.

"The overarching goal here is to build trust and relationships with social workers and other personnel with the VA medical centers so they can connect us with veterans in need who may not necessarily

be as apt to walk into a law office,” he says. “There was a demonstrated need where we are, and this is really going to improve our services to this population.”

According to a [2018 Iowa Access to Justice Commission report](#), nearly 15,000 active and reserve military members in Iowa may be in need of legal assistance.

In the past year, Iowa Legal Aid has worked with the Iowa Access to Justice Commissions’ Veterans Work Group on the report’s recommendations for addressing unmet legal needs, which included establishing a legal clinic in at least one VA medical center in the state, Schmidt says.

In 2016, then-ABA President Linda Klein launched the [ABA Veterans Legal Services Initiative](#), which also called for increasing the use of medical-legal partnerships at VA facilities.

Iowa Legal Aid, which has managed medical-legal partnerships in hospitals and health care facilities for more than a decade, staffs the new clinics with two fellows from its Iowa City and Council Bluffs offices who already exclusively serve veterans.

One fellow meets with veterans in VA Community Resource and Referral Centers in Cedar Rapids and Davenport twice a month. The other will work with veterans at the VA Community Resource and Referral Center in Omaha, Nebraska, located across the Missouri River from Iowa Legal Aid’s Council Bluffs office.

The fellows, along with four law students, assist with various civil legal issues, including eviction and foreclosure defense, subsidized housing benefits appeals, government benefits applications and appeals, military discharge upgrades and family law matters.

“My hope is that there will be long-term repercussions from this,” Schmidt says. “Having this additional funding has allowed us to get out across the state more, and hopefully that will be reflected in the numbers of veterans that we’re serving.”

The ABE offered its Opportunity Grant Program for the third consecutive year, awarding a total of nearly \$414,000 to Iowa Legal Aid and 10 other organizations in April.

Jonathan Cole, chair of the ABE Grants Committee, says the ABE selected Iowa Legal Aid to help the organization provide services that were nonexistent for veterans in Iowa.

“It’s very important especially in these times to support those who served our country,” he says. “All of these individuals generally have some type of legal need, so there was a huge gap in the access-to-justice system in Iowa. This clearly addresses a substantive need right there.”

The ABE, an independent, not-for-profit public charity, sponsors insurance plans for ABA lawyer members who can then donate any available dividends back to the ABE. The ABE uses those funds to support its annual grant programs.

The ABE also awarded more than \$3.2 million each to the American Bar Foundation and ABA Fund for Justice and Education in the 2019 grant cycle.