

Coalition for Court Access Meeting Minutes

January 15, 2021

10:00 a.m. – 12:00 p.m. ET

Members Attending: Emily Weikert Bryant Chuck Dunlap, Mary Fondrisi, Judy Fox, Carolyn Hall, Amy Horton, Jon Laramore, Hon. Melissa May, Lucinda Nord, Carl Pebworth, Catheryne Pully, Victor Quintinilla, Justice Geoffrey Slaughter, Stephanie Steele, Hon. Elizabeth Tavitias, Hon. Charles Todd, Jr., Mike Tolbert, David Van Gilder, Hon. Martha Wentworth

Guests and staff: Julie Armstrong, Kerry Bennett, Kim Berry, Abbie Bush, Monica Fennell, Margaret Jones, Kendra Key, Sarah Kidwell, Kayla O'Brien, Bob Rath, Marilyn Smith,

The meeting was called to order by Justice Slaughter at 10:02 a.m. and the minutes of the November 13, 2020 meeting were reviewed and unanimously approved.

Kendra Key briefed the Coalition about the ABA's national work group of state access to justice commission staff that is researching race and equity initiatives in the civil legal system. Kendra and Marilyn have joined this work group. In Indiana, the court's Race & Gender Fairness Commission has been tasked for many years with investigating ways to improve race and gender fairness in the courts, legal system, and state and local government, as well as among legal service providers and public organizations.

Judy Fox inquired how the court could best collect data on the impact of race on unrepresented parties. Victor Quintanilla raised the question of how best to train court staff on interacting with diverse parties.

Jon Laramore shared a recent law review article by Prof. Florence Roisman on Indiana landlord-tenant law. Jon posed the question to the Coalition on when is it appropriate for the group to take a position on rule or statutory changes. The Coalition agreed to form a task force to look at this issue and what principles should be applied in considering when the Coalition should advocate for court rule, policy or legislative changes. Coalition members and guests who volunteered to serve on this group: Kerry Hyatt Bennett, Emily Weikert Bryant, Judy Fox, Amy Horton, Carl Pebworth, Catheryne Pully, Victor Quintanilla, and Hon. Charles Todd, Jr.

Kate Guerrero presented on the Indiana Legal Help project (<https://indianalegalhelp.org>) and the Self Help & Court Access work group (SHACA). In 2020, there were 256,000 new visitors to the site; 24% were returning visitors. 68% of visitors are coming from within Indiana. 32%

outside of Indiana; 13% from Illinois; most of the rest from Michigan, Ohio and Kentucky. Many out of state users of the website have Indiana cases. From Indiana, the majority of visitors were from Indianapolis, Ft. Wayne, Bloomington; Evansville; South Bend, and Lafayette. Our goal in the coming year is to market the website in rural and less populated counties.

The SHACA group developed goals for the coming year:

- a. Engage and educate judges and judicial staff on the availability of forms and resources on Indiana Legal Help. Promote acceptance of these forms statewide.
- b. Identify and advocate for revisions to court rules and policies that would increase court access
- c. Support development of guided interviews, video instructions, and user testing.

Mary Fondrissi reported on Pro Bono Indiana & the IN Free Legal Answers project, which had a 74% response rate in 2020 – that’s a significant increase from the prior year. The most frequent category of questions are on family law (55%). Of the most active volunteer attorneys, 3 are solo practitioners, 2 are in large law firms, 1 is in-house counsel, and 1 is retired.

Bob Rath updated the Coalition on the Indiana Innovation Initiative projects, including the remote pro bono pilot project in Lawrence Township (Marion County) and the online dispute resolution (ODR) pilot projects. Two vendors have been engaged for the ODR pilot projects for small claims and family, and launch plans are being defined with the Office of Court Technology and pilot counties. Pro Bono Indiana participated in remote pro bono simulations with the court in Lawrence Township small claims. The goal is to create a replicable process that can assist litigants by video conference both in person at the courthouse and remotely, especially in rural pro bono clinics and remote sites such as libraries.

The Innovation Initiative launched a new task force on civil court reform with Steve Badger as the chair. This group will complement the work of the Family Law Task Force and Technology Task Force, which are submitting their final report on March 1.

Judy Fox presented from the Data Collection work group, which is supporting an effort to code eviction matters in small claims separately. The group is interested in researching the impact of COVID on case filings, and whether there are innovations resulting from COVID that should be continued after this phase is over. For instance, self-represented litigants (SRLs) who take part in a telephone hearing don’t need to miss an entire day of work. The courts in St. Joseph county think that they’re getting more participation from SRLs during COVID. There are also many concerns about telephone hearings.

Carl Pebworth reported on the work of the Rural Legal Services group and the Law Firm Pro Bono Leadership initiative. The group is focused on developing pilot projects for rural, limited scope help desks and clinics. Carl is meeting with law firms throughout the state and exploring how best to include libraries, law schools and private lawyers. With assistance from Lucinda Nord, Jeff Heck, Marianne Conrad, Monica Fennell, Mary Fondrisi, Judy Fox, Bob Rath, Judge Todd, and Judge Wentworth, the group will identify a group of rural counties – starting in the south and southeast part of the states. They will work on protocols for training, intake, outreach, and exploring a subject specific model such as restoring driving privileges. Lawyers could be recruited from outside the rural county to volunteer.

So far there has been enthusiasm and engagement from the nine largest law firms in Indiana. The next step is to work on volunteer projects together in a more concerted way. Different law firms have dramatically different resources. One goal is to incubate and build a bigger resource of lawyers doing pro bono and engaging firms institutionally. The first pilot will center on larger law firms since there are more lawyers in one place. Once the challenges are worked out, this project would roll out to medium, small, and solo firms. Tenants rights and re-entry initiatives are also advancing with opportunities for law firms to participate.

Chuck Dunlap gave a report from the Resource Development group and provided updates from the Indiana Bar Foundation updates

Meeting materials include a national funding update from the American Bar Association. The biggest decline in revenue is from IOLTA which is keyed to interest rates. Filing fees have also decreased. Legal Services Corporation (LSC) funding has increased. Indiana Legal Services has been able to use this funding increase to help the whole state, including Pro Bono Indiana and Indiana Legal Help. The U.S. House and Senate are showing strong bi-partisan support for LSC. Federal funding for violence against women and victims of crime has also increased.

Indiana's high mark for IOLTA was in Aug. 2019 with \$160k/month. IOLTA revenue is now at \$30k/month. The Foundation did receive two cy pres awards in 2020, totally approximately \$60k. The Resource Development Group presented a proposed change in Cy Pres Trial Rule 23. The current rule has 25% residuals going to the Foundation for civil legal assistance. The proposal is to increase this rule to 50% residual. This proposal was approved by a unanimous vote with Justice Slaughter and Jon Laramore abstaining from the vote.

Prof. Victor Quintanilla reported on his research project on SRLs in virtual hearings in Indiana. The research uses a human centered design approach with a psychological lens. He noted that this project reflects discussions earlier in the meeting from Judy Fox, Carl Pebworth and Bob Rath that focus on understanding the impact of creating remote processes for SRLs and understanding their impact on access to justice in Indiana.

Victor's research project was on a short list of projects being considered for funding by the Pew Charitable Trust and other national funders. Victor and his project partners (Margaret Hagan, Stanford, Dr. Kurt Hugenberg, IU) participated in a "Shark Tank" session at the end of 2020 and were chosen for funding. The project will be presented at a Stanford Law School symposium in February 2021.

First the project will establish an evidence baseline through online observations of remote hearings. IU and Stanford law students will be conducting these observations. They will be evaluating structural, technological, and psychological challenges through exit surveys and archived videos. They will also be looking at internet and phone access and stability. The project is beginning with recruitment of judges who are willing to participate for observations. There are also preliminary discussions on how libraries could partner to address broadband access issues in rural areas. This work will focus on the state courts. The research project wants to track racial and ethnic data to better understand and address the access issues that are exacerbated by race, ethnicity, and low socio-economic status.

Amanda Deitman and Kurt Hugenberg, social psychologists, have proposed a low cost and scalable way to increase the amount of pro bono happening on the ground. The idea would give lawyers a voluntary chance to describe why they do pro bono when they renew their registration and report their pro bono activity annually. Their research shows that when people tell the story of why they do what they do, linking this with their higher aspirations, it provides an increase in motivation to do more pro bono in the future. This idea would aim at moving the 5 – 10 pro bono hours/year attorneys to 10-15 hours/year. Some lawyers resent the idea of mandatory pro bono, and some lawyers don't want public recognition because they don't want their paying clients to know they do pro bono work.

The Coalition addressed new business before adjourning:

- SB 380, which would fast track how wage garnishment is done, is coming up for a hearing.

The next meetings will continue via Zoom, at 10:00 a.m. – 12:00p ET:

Friday, March 12, 2021

Friday, June 11, 2021

The meeting was adjourned at 11:50 a.m. ET.

Coalition for Court Access Meeting Minutes

March 12, 2021, 10:00 a.m. – 12:00 p.m. ET

Attending: Justice Slaughter, Chair, Emily Weikert Bryant, Charles Dunlap, Mary Fondrisi, Judith Fox, Carolyn Hall, Jon Laramore, Hon. Melissa May, Lucinda Nord, Carl Pebworth, Catheryne Pully, Stephanie Steele, Michael Tolbert, Hon. Martha Wentworth

Staff: Abbie Bush, Leslie Dunn, Kate Guerrero, Kendra Key, Sarah Kidwell, Kayla O'Brien, Lun Pieper, Bob Rath, Marilyn Smith

Guests: Cynthia Baker, Monica Fennell, Margaret Jones

Justice Slaughter called the meeting called to order at 10:01 and the Coalition approved the minutes of the January 15, 2021 meeting.

Kendra spoke about the American Bar Association research on state access to justice commissions' work on equity in the civil legal system.

Jon Laramore presented on the advocacy task force, which was formed after the January Coalition meeting to develop recommendations on when and how the Coalition would engage with advocacy on court rules, policies and/or statutory issues that affect low-income people in Indiana's civil legal system. The task force expects to present its recommendations at the June 11 Coalition meeting.

Mary Fondrisi updated the Coalition on Pro Bono Indiana's transition to Legal Server, a new case management system that will make it easier to take and share referrals. She shared new resources from the national ABA Free Legal Answers project for questions involving veterans and immigration. Catheryne Pully updated the group on the Indiana State Bar Association's pro bono project for veterans, IN Lawyers for Servicemembers.

Leslie Dunn reported on the work of the Family Law Task Force which submitted its report to the Innovation Initiative on March 1, 2021. The Family Law Task Force (FLT) has been meeting since Sept. 2019, analyzing national and state level research on family court reform with the goal of improving family law processes in Indiana. The FLT submitted its preliminary report with 13 recommendations in September 2020 and received input and considered additional information since that time. Its final report included 19 recommendations for consideration by the Innovation Initiative. The FLT included psychologists, judges, members of the public sector and private bar. The Court applied for and was chosen to participate with National Center for State Court's Implementation Lab for technical assistance on some of the FLT and Technology Task Force projects.

Bob Rath reported on the work of the Technology Task Force which submitted its report to the Innovation Initiative on March 1, 2021. The Technology Task Force used an IAALS report by John Greacen called the “18 Ways That Courts Should Use Technology to Better Serve Their Customers” as the basis of their work. He also noted that the Court launched a Civil Court Reform task force in January 2021 which is being chaired by Steve Badger. That task force will deliver a report at the end of 2021.

Judy Fox gave an update from the Data Collection work group and focused on Prof. Quintanilla’s research to identify which interventions are the most helpful for marginalized people seeking to navigate in a digital world. The group notes that uniformity in process and forms is helpful for marginalized people seeking to access the court system.

Hon. Martha Wentworth gave a report from the Pro Bono work group. Judge Wentworth and Marilyn Smith wrote an article for the April 2021 issue of the ISBA’s *Res Gestae* on Indiana’s pro bono publico license for retired and inactive attorneys. The work group is developing a proposal, using Prof. Quintanilla’s research on “redemptive self-intervention,” to get pro bono attorneys to increase their volunteering by giving them a chance to write why they value pro bono and why they do it on their annual attorney registration form. This question would reinforce current pro bono activity and potentially increase the number of hours that attorneys volunteer. This recommendation is aimed at lawyers who are already volunteering 10-20 hours/year.

Carl Pebworth updated the Coalition on the Rural Legal Services work group and Law Firm Pro Bono Leadership initiative. He noted that Marianne Conrad & Jeff Heck (ILS), Lucinda Nord, Scott Wylie, Bob Rath, and Victor Quintanilla have been helpful in the initial phase of developing limited scope brief advice clinics in rural parts of the state. The group is working on ways to connect volunteer attorneys remotely through technology to clients in underserved parts of the state. The goal is to work across pro bono districts so that law firms can support rural areas where there are fewer attorneys. Projects are launching in Davies County; Ripley & Franklin County; Crawfordsville; Jay County. There is also a project in Putnam County which was started in 2016.

Carl is continuing to meet with colleagues in the nine largest law firms, each with different cultures and challenges. Faegre Drinker currently maintains a goal of 50 hours of pro bono per year, per lawyer. The group is seeking ways to bring in more law students for pro bono work.

Kate Guerrero briefed the Coalition on the Indiana Legal Help (ILH) project, which has been exploring how to better connect active attorneys to volunteer opportunities. The Paladin software allows lawyers and law students to search for pro bono opportunities by subject;

types of people you seek help (elderly, veterans, children); and length of time commitment. This tool would help with online pro bono recruiting, matching, scheduling, and training.

Under ILS' Technology Initiative Grant project, ILH has convened focus groups in expungement and driving privileges. These meetings led to great improvements and innovation on the website and development of a guided interview to help people see if they qualify for expungement.

Chuck Dunlap reported on the delegation of the Civil Legal Aid Fund (CLAF) administration to the Indiana Bar Foundation; and introduced Abbie Bush, who began working with the Foundation (as a contractor) in November 2020 as a grant manager. Abbie noted that the CLAF process and deadlines will stay the same for this year and the Foundation will make recommendations to the Court for any changes to the process for next year. The Foundation will be coordinating the timing for IOLTA grants and CLAF distributions to get them on the same calendar cycle by July 1, 2022.

Chuck briefed the Coalition on the pro bono filing fee bill that Sen. Grooms introduced. The bill did not get a hearing from Sen. Brown, chair of Senate Judiciary Committee, despite bipartisan support. The Foundation is continuing to look for other ways to get the pro bono filing fee bill sunset extended beyond 2022.

Justice Slaughter noted the dates of the remaining Coalition meetings for 2021, scheduled for 10:00a – noon ET:

- Friday, June 11, 2021
- Friday, August 20, 2021
- Friday, October 15, 2021

The Coalition for Court Access Conference will be held on Friday, October 22, 2021.

The meeting adjourned at 11:45 a.m. ET.

Coalition for Court Access Meeting Minutes

June 11, 2021, 10:00 a.m. ET

Attending: Emily Weikert Bryant, Charles Dunlap, Mary Fondrisi, Judy Fox, Carolyn Hall, Amy Horton, Jon Laramore, Hon. Melissa May, Lucinda Nord, Carl Pebworth, Catheryne Pully, Victor Quintanilla, Justice Geoffrey Slaughter (Chair), Hon. Stephanie Steele, Hon. Elizabeth Tavitias, David Van Gilder, Hon. Martha Wentworth,

Staff and Guests: Julie Armstrong, Kim Berry, Abbie Bush, Kate Guerrero, Krystal Hunter, Kendra Key, Sarah Kidwell, Kayla O'Brien, Bob Rath, Marilyn Smith, Vernon Wilson, Deion Ziwawo,

The meeting was called to order by the Chair, Justice Slaughter, at 10:00 a.m. ET. The minutes of the March 12, 2021 meeting were reviewed and approved with spelling corrections made and Mary Fondrisi added to the list of members attending the March 12th meeting.

Jon Laramore reported for the Advocacy Task Force on its recommendation to form a Coalition committee to engage with advocacy on court rules, policies, or statutory issues that affect low income people in Indiana's civil legal system. The motion to form this advocacy committee was unanimously approved by the Coalition. The discussion included the conclusion that other work groups could still develop rule change proposals for the Coalition's consideration without needing to go through the advocacy committee for pre-approval.

Mary Fondrisi reported on the IN Free Legal Answers project, noting that there are 5 – 10 new questions posted daily and ongoing efforts to recruit new volunteer attorneys. She observed that the Pro Bono Indiana staff tries to weed out questions that are not appropriate for brief online advice. She noted that the Coalition is co-sponsoring a virtual CLE training with the Indiana State Bar Association, Indiana Legal Services and Pro Bono Indiana on Eviction 101 on June 25 @ 10:00a ET.

Judy Fox reported that Victor Quintanilla will step in as chair of the Data Collection work group as Judy's second term on the Coalition is ending June 30 and the Coalition has term limits after two terms.

Victor Quintanilla presented on the Pew Research Trust funded research on unrepresented persons in virtual hearings, where 75% of the cases involve at least one party who is unrepresented and many self-represented litigants (SRLs) need more

education to appear in court, and have mental/physical vulnerabilities. The SRL research project is observing mostly small claims, evictions, and debt collection cases (455 cases). In 97% of these cases, the SRL is the defendant. Default rates by defendants appear to be decreasing with virtual hearings. In the majority of these cases, the plaintiff has appeared by video and the defendant has dialed in without video access. Victor defined this as an asymmetry which adds burdens for the defendant. He noted that there are a number of conveniences for SRLs in remote hearings, and if the default rate is lowering we should look to preserve the remote option going forward, with an attempt at addressing the asymmetries. Some lawyers are liking the remote option, finding it more efficient and cost effective sometimes.

The Coalition discussed possible interventions, including a symmetry rule that would require both parties to use the same platform, i.e., if one party only has phone access the other party would also dial in. Another intervention could allowing parties to opt into a specific type of hearing in advance, i.e., phone, virtual, or in person. The group discussed:

- the fact that remote and virtual appearances could be an important step in increasing legal assistance for people in rural areas.
- Virtual waiting rooms could include more education content for SRLs, including possible streaming of the court process to familiarize them with how it works.

Hon. Martha Wentworth reported for the Pro Bono Work Group which is exploring a number of goals, including:

- Developing a bench book for pro bono assistance for SRLs.
- Developing more education tools for judges to learn about remote tools and increase representation for SRLs
- Starting a subcommittee for in-house attorneys
- Working on increasing resources for eviction matters
- Launching an online pro bono recruiting tool, Paladin
- Including a “redemptive self intervention” question on the annual attorney registration form by asking lawyers why they do pro bono. Research shows that attorneys could become more invested in doing pro bono after answering the question, potentially increasing the number of hours they donate to pro bono.

The Coalition unanimously approved a motion, with J. Slaughter abstaining, to approach the Court about adding a question to the annual attorney registration, pro bono reporting section: “Many say that they became lawyers because they wish to help people in need and contribute to society. Can you tell us how your pro bono efforts this past year have helped fulfill this calling for you?”

The Pro Bono work group now has three clinical professors as members– Carwina Weng, Cynthia Baker and Jana Matthews – and a goal of getting law students more involved with pro bono.

Carl Pebworth reported for the Rural Legal Services work group, which is currently running five trial clinics, working across pro bono districts and aiming to support lawyers from urban counties to work in rural areas– focused now in Davies, Ripley, Franklin, Montgomery, Jay, and Putnam counties.

Expanding technology into rural Indiana is a high priority. Limited scope counsel and advice is easier to deliver using technology. Lucinda Nord and the libraries, ILS and PBI have been partners with expanding technical capacity and recruiting. Each library uses a slightly different platform, and the lawyer staffing model is different in each county. The clinics are relying on Rule 6.5 for limited scope representation. The Jay and Montgomery County projects have between 10 – 16 clients once/month with a few lawyers. The ongoing challenge is modulating supply and demand. The Lafayette centered pro bono districts are experimenting with virtual office hours in rural counties.

Goals include engaging judges and bar leaders in rural counties and continuing to focus on re-entry, mental and physical health and opiate issues. Including the medical, social and human service and private sector is a priority. Continuing to work with the academic community is also a priority, including IU’s School of Health and scholars who are working on rural health issues.

Lucinda noted how remote legal assistance is similar to telehealth from the library perspective in helping residents. The libraries continue to focus on expanding broadband access.

Carl reported on a presentation scheduled for July 1st for law students working in Indianapolis over the summer to better understand opportunities for service. He is also working on expanding the law firm initiative to include more medium sized firms, with between 20-50 lawyers. There are 9 large law firms already involved.

Chuck Dunlap reported on the Resource Development work group and Indiana Bar Foundation updates. The Foundation was unable to get a hearing for the pro bono filing fee legislation last session. The sunset for that bill is June 30, 2022. The pro bono filing fee generated approximately \$350,000 annually for civil legal aid. IOLTA revenues crashed in the spring of 2020. The Supreme Court will be supporting the Civil Legal Aid Fund with a supplemental amount for the coming year, beyond the \$1.5 million that's traditionally allocated. Abbie Bush, Marilyn Smith and Kendra Key have been working on organizing the civil legal aid data.

Kate Guerrero reported for Indiana Legal Help (ILH) and the Self Help and Court Access work group. Liz Fiscus, a new staff attorney at Neighborhood Christian Legal Clinic, and Mary Fondrisi, helped to finalize the divorce forms. The next set of forms being developed are for grandparent visitation and lost car titles. ILH's current marketing plan includes distributing educational material to local bar associations around the state. Karen Weyrich, ILH volunteer, has reached out to 70 local bar association and bar leaders with marketing materials for ILH. The Technology Initiative Grant is focused on improving assistance for people moving through expungement, name and gender marker change. One recently developed app is helping people understand if they're eligible for expungement and if they have the records needed to get started. The first Spanish translation of guided interviews and forms has been completed.

ILH is also exploring a plan to launch a curated search engine to track what people are asking. The need for plain language review is also important.

Justice Slaughter noted that when the Coalition for Court Access launched in 2016, there were staggered terms and term limits put in place to build capacity over the beginning years, and to encourage continual new recruitment. Rule 6.6 of Indiana's Rules of Professional Conduct sets out term limits after two consecutive terms. There are several founding Coalition members who are completing their second consecutive term and are not currently eligible for re-appointment. The Coalition is grateful for their service and great contributions over many years:

1. Professor Judy Fox from Notre Dame Law School
2. Amy Horton from the Neighborhood Christian Legal Clinic
3. Carl Pebworth from Faegre Drinker
4. Hon. Martha Wentworth from the Indiana Tax Court

The next Coalition meetings are scheduled for August 20, hopefully at the Indiana Supreme Court conference room; and October 15, 2021 meeting, hopefully at the

Indiana Bar Foundation. These meetings will run from 10:00 a.m. – noon ET and will have a Zoom option if we're able to meet in person.

The Coalition for Court Access Conference is scheduled for Friday, October 22, 2021, hopefully in person at the Ivy Tech Conference Center with a Zoom option.

The Coalition meeting was adjourned at 11:47 a.m.