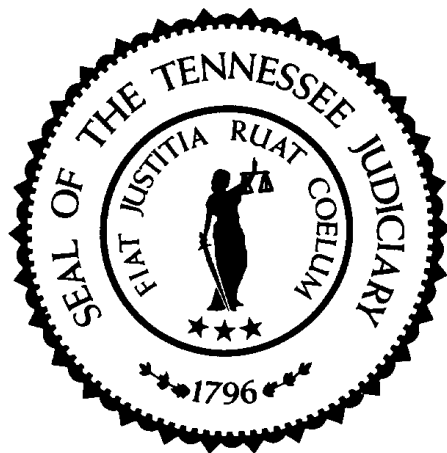


Tennessee  
Access to Justice  
Commission  
2012  
**STRATEGIC  
PLAN**



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## **I. Introduction**

In August 2008, the Tennessee Supreme Court declared Access to Justice its number one strategic priority, and, later that year, launched its Access to Justice campaign. On April 3, 2009, the Court created the Tennessee Access to Justice Commission and charged it with developing its first strategic plan within a year and updating the plan every two years thereafter. The 2012 Plan details the progress in implementing the goals of the Commission's initial 2010 Strategic Plan. The 2012 Plan also addresses new objectives and benchmarks to address the civil legal needs crisis.

The 2010 Plan outlined how the Supreme Court began its Access to Justice Initiative and the Court's impressive efforts to carry out this initiative. During the past two years, the Court's commitment has never wavered and indeed, has intensified. The Court—as individual justices and as a whole—participates in access to justice events and meetings of the Commission and its Advisory Committee, makes prompt decisions to promote the initiative and speaks locally and nationally on this topic. The leadership and visibility of the Court has not only inspired the Commission, but also inspired and galvanized the broader access to justice community, the bar and its associations, the judiciary and the court system as a whole.

The 2010 Plan set forth four overarching goals and identified strategic ways for the Court and Commission to accomplish these goals. This 2012 Plan updates the 2010 Plan by identifying the initiatives and accomplishments of the Supreme Court and the Commission during the past two years. These accomplishments reflect the dedication and support of a broad network of lawyers, law firms, corporate legal departments, bar associations, legal service programs, judges, clerks, law schools, librarians, service providers, nonprofits, faith-based organizations and businesses to accomplish these goals.

The 2012 Plan also sets forth additional goals and initiatives that will aid and expedite the Supreme Court's dynamic and ongoing Access to Justice Campaign. In particular, the 2012 Plan focuses on the Commission's first goal, which is to involve more lawyers and law students in meeting legal needs so that the public is better served. Key to the implementation of this goal is supporting the development of a more comprehensive pro bono delivery system across the state. The 2012 Plan also addresses the necessity of further outreach and public awareness regarding access to justice resources to self-represented individuals and to the community at large.

## **II. Accomplishments and Highlights of the 2010 Plan.**

At each quarterly meeting, the Commission reviewed the 2010 Plan (Appendix I) and received an update regarding how the Commission was proceeding towards accomplishing these goals. The most recent 2010 Strategic Plan Quarterly Update is attached to this Plan in Appendix E. As set forth in the update, the Commission met most of its goals and considered which goals were unmet and needed to be pursued for the 2012 Plan. Some of the highlights of the accomplishments of the 2010 Plan are:

**A. Pro Bono Summit.** The Supreme Court and the Commission sponsored a Pro Bono Summit in Nashville on January 21, 2011. All five members of the Court addressed the Summit and attended the day-long conference. Bar association officers, law firm managing partners, rural practitioners, corporate counsel, deans of Tennessee law schools, law students, legal service providers, representatives from the state libraries, and other service providers also attended the Summit, which focused on increasing pro bono service performed by Tennessee attorneys.

The Summit offered a variety of panel discussions including guidance on developing a pro bono clinic, how to increase attorney pro bono at large law firms and corporations, specific

issues that arise in rural areas, best practices for involving law students in pro bono work and ways that technology helps attorneys reach more indigent Tennesseans. All sessions were recorded and made available online. Participants completed pledge cards stating how they planned to increase pro bono in their practice, and the ATJ Coordinator followed up with participants to assist in carrying out these pledges. New ideas and partnerships were formed as a result of the Summit, including coordination among law school pro bono programs, ideas for uses of technology in the rural communities and introduction of the ATJ website, OnlineTNJustice.org and the Appellate Pro Bono Project.

**B. Access to Justice Website.** In November 2011, the Supreme Court launched [www.JusticeForAllTN.com](http://www.JusticeForAllTN.com). The user-friendly website has an innovative and effective dual purpose of providing information both to the public and the bar. Viewers who click “legal help” can find information on how to find a lawyer, a glossary of common legal terms, links to court forms and plain language information on a variety of legal issues, including divorce, child support, housing information, healthcare, immigration, and mediation. One of the most popular tools on the site is an interactive map of Tennessee’s 95 counties where users are directed to county-specific contact information for legal aid providers, social service providers, governmental agencies and the court system. For lawyers and other website visitors who click “I can help,” the site provides information ranging from how to volunteer with a legal aid provider or a bar association to a step-by-step guide for how to develop a pro bono clinic. (Appendix H).

**C. Supreme Court Rules.** A key component of the 2010 Plan was working with the Supreme Court to adopt rule changes that eliminate barriers to pro bono service and pro se representation. The Court, the Access to Justice Commission, and many strategic partners have made great strides in this area. The Supreme Court has:

- Adopted Tennessee Supreme Court Rule 50A to establish an emeritus attorney licensure status allowing attorneys with inactive licenses to provide pro bono legal services through an established not-for-profit bar association, pro bono program, or legal services program;
- Adopted Tennessee Rule of Civil Procedure 72 to permit unsworn declarations made under penalty of perjury to be filed in lieu of an affidavit or sworn declaration, eliminating unnecessary barriers for persons of limited means to court system;
- Amended Tennessee Rule of Criminal Procedure 11(b)(1) to require judges to inform criminal defendants in the plea colloquy that a guilty plea may have immigration consequences;
- Adopted Tennessee Supreme Court Rule 52 to provide a process for and approve forms that are universally acceptable as legally sufficient in all Tennessee courts;
- Revised Tennessee Supreme Court Rule 9, Section 20.11 to streamline the voluntary pro bono reporting statement included in the annual Tennessee Board of Professional Responsibility attorney licensure renewal statement;
- Revised Tennessee Supreme Court Rule 41 to request court interpreters to aspire to provide pro bono interpretive services each year;
- Revised Tennessee Supreme Court Rule 42 to provide that if the court determines a participant has a limited ability to understand and communicate in English, the court should appoint an interpreter, write a summary of the court's efforts to obtain a certified or registered interpreter and determine the capabilities of the proposed non-credentialed interpreter in open court;
- Amended Tennessee Rule of Civil Procedure 5.02 to provide instruction on how to serve notice when an attorney is providing limited scope representation to an otherwise self-represented party; and
- Amended Tennessee Rule of Civil Procedure 11.01 to provide the procedures by which attorneys providing limited scope representation to an otherwise self-represented party shall notify the court of the limited scope representation and how attorneys may withdraw from the matter once the limited scope representation is complete.

**D. Plain Language Forms.** Pursuant to the adoption of Supreme Court Rule 52, the Court has approved plain language forms drafted at a fifth to eighth grade reading level to be used by those seeking uncontested divorces that do not involve minor children or significant marital assets. Also provided is a packet of instructions on how to complete and file the

uncontested divorce forms with the court. The forms went into effect on September 1, 2011, and have been positively received by the public, the judiciary, and attorneys. Spurred on by the Commission, the Administrative Office of the Courts (“AOC”) converted its existing Order of Protection forms into plain language and translated these forms into Spanish. The Supreme Court has also developed a second packet of plain language forms commonly used in General Sessions Court. Those forms have been submitted for public comment.

**E. Commission Advisory Committees.** The Commission formed seven Advisory Committees to carry out its goals, each headed by one or more Commissioners. These Advisory Committees were:

- Disability and Language Barriers
- Education/Public Awareness
- Faith-Based Initiatives
- Pro Bono
- Pro Se/Forms
- Resources
- Technology.

Each advisory committee was charged with work toward achieving the four over-arching goals outlined in the 2010 Strategic Plan. The Chairs provided quarterly progress reports to the Commission. Each committee made substantive contributions toward achieving the Commission’s goals.

**1. Disability and Language Barriers.** The Disability and Language Barriers Advisory Committee recommended that the AOC form an Interpreter Work Group. This group examines Supreme Court Rules to identify ways to incorporate technology, such as remote court interpreting, in order to better serve Tennesseans with limited English proficiency. Based upon the recommendation of this Advisory Committee and the Interpreter Work Group, the Commission recommended changes to Rules 41 and 42, which were adopted by the Supreme



Court. The Committee and the Commission also continue to encourage and monitor the translation of forms and ATJ website information into Spanish and other languages. The Advisory Committee assisted the AOC in developing the content regarding interpreters, immigration, and assistance for Tennesseans with disabilities for the ATJ website.

**2. Education/Public Awareness.** One of the most significant accomplishments of the Education/Public Awareness Advisory Committee is its development of the “Pro Bono Clinic in a Box” forms, prominently featured at both the Pro Bono Summit and the ATJ website. These forms allow a bar association or informal group of attorneys to create a pro bono advice clinic complete with informational handouts for volunteers and clients, intake sheets, and marketing and public relations information. The Advisory Committee also recommended changes to Supreme Court Rule 31 which would educate mediators on pro bono mediation opportunities and promote pro bono and reduced fee mediation services to judges and court clerks. The Commission has approved these recommendations and forwarded them to the Supreme Court’s Alternative Dispute Resolution Commission for consideration.

**3. Faith-Based Initiatives.** The Commission established the Faith-Based Initiatives Committee in recognition that the faith-based community is an untapped point of access for people who need help and a valuable resource for attorneys and legal professionals who are active in their faith-based organizations. The Committee began its outreach with the Tennessee and Memphis Conferences of the United Methodist Church, which already have established social justice programs. The Commission Chair, the Chief Justice, and Committee members are working with the District Superintendents of these Conferences to incorporate pro bono lawyers into congregational care, legal clinics and the church’s social justice programs. The District

Superintendents have approved the plan attached in Appendix J, and the Committee hopes that this partnership can be used as a model to reach out to other faith-based communities.

**4. Pro Bono.** The Pro Bono Advisory Committee was instrumental in planning and participating in the Pro Bono Summit. Through the work of this Committee, the Commission eliminated the lack of malpractice insurance for attorneys doing pro bono through organizations that do not receive federal funds from the Legal Services Corporation. The Committee was also the catalyst for many of the Commission's recommended Supreme Court Rule changes to promote and encourage more pro bono work, including the rules regarding limited scope representation and the streamlined voluntary pro bono reporting form. The Committee actively encouraged and promoted OnlineTNJustice.org and the Appellate Pro Bono Project and asked the Court to encourage more pro bono reporting by including a letter from the Chief Justice in the annual attorney renewal packet. The Committee further addressed ways in which the Court encouraged attorneys employed in the judicial branch to participate in pro bono work.

**5. Pro Se/Forms.** The Pro Se Representation/Forms Committee took a pro-active approach to the direct provision of legal and educational resources. The Committee recommended a process for approval by the Commission and the Supreme Court for the development of plain language forms which are legally sufficient for acceptance in all Tennessee courts. Additionally, the members of the Supreme Court, the Commission and Advisory Committee members have participated in many educational programs for judges and court clerks on the newly-developed forms and guidelines. The first approved form, which concerns "simple" uncontested divorces, was the product of a long, thoughtful process attempting to balance the need for legal representation with the reality that not every person can (or will) engage an attorney to give advice on an activity that has such important legal ramifications. The

Committee is presently developing plain language forms for use in General Sessions Court. In addition to the creation of forms, the Committee recommended guidance for court staff and judges who encounter self-represented parties. The result has been tools such as “Guidelines for Tennessee Clerks Who Assist Self-Represented Litigants” and a Bench Book for General Sessions Judges presiding over proceedings with self-represented litigants. The Bench Book was presented to the General Sessions Judges Conference in February 2012.

**6. Resources.** The Resource Advisory Committee focused on increasing access to justice by increasing resources. Mindful of increasingly restricted funding sources, however, the Committee’s approach was a deliberate attempt at maximizing existing monetary and nonmonetary resources. The Commission has also approved the Committee’s proposal to strengthen its relationship with the state libraries through its partnership with the Tennessee Alliance for Legal Services (“TALS”) and to create a new partnership with the Tennessee Board of Regents to use its Technology Centers across the state as self-help centers. As part of the Commission’s overall approval of the Committee’s recommendations for the 2012 Plan, the Commission approved working with existing funding providers, such as the Tennessee Bar Foundation, to emphasize components of the 2012 plan in the factors for selecting grant recipients. (Appendix L). Based on the Committee’s recommendation, the Commission has approved further study of the current IOLTA and Cy Pres Rules to determine how to maximize funding for pro bono and legal aid services.

**7. Technology.** The Technology Advisory Committee unveiled OnlineTNJustice.org and presented the Court’s access to justice website, JusticeForAllTN.com at the Pro Bono Summit. In response to the identified need for outreach specific to Tennessee’s rural communities, the Committee worked on using technological advances to connect rural

Tennesseans with attorneys in suburban and urban areas. Two pilot projects grew from this endeavor. The first provides automating forms frequently used by attorneys providing pro bono services through a legal services provider. The second pilot project created an online screening system for Tennesseans applying for pro bono help from the Legal Aid Society. The screening system facilitates an initial eligibility determination by sending the potential client's application to the local legal aid office. Legal Aid then connects eligible clients with a pro bono attorney. This project is particularly helpful in areas where potential clients would otherwise be forced to travel long distances to reach a Legal Aid Office, as many offices serve multiple rural counties. The Committee also analyzed the Washington State Access to Justice Technology Principles and recommended a modified version of these Technology Principles, which the Commission approved as part of its 2012 Plan. (Appendix K). Each Advisory Committee should adhere to the Technology Principles when developing new initiatives and pilot projects.

### **III. Summary of Recommendations of the 2012 Plan.**

The first goal in the Commission's 2010 Plan was to better serve the public by involving more lawyers and law students in meeting legal needs. The Commission, working in conjunction with the Court, made significant strides. Revisions to Supreme Court Rules—particularly the limited scope representation rule—helped eliminate barriers to pro bono work. Additionally, the pledges of increased participation stemming from the Pro Bono Summit helped large law firms, corporate law firms, and solo practitioners “plug in” to pro bono service. The development of the Pro Bono Clinic in a Box and the innovative use of technology have created new ways to connect lawyers with clients. The Commission recognizes, however, that there is still much work to do.

In drafting the 2012 Plan, the Commission took a hard look at what needs to be accomplished to increase the access of Tennesseans to quality representation. The Commission recognizes that maintaining the status quo is not an option. While increasing the educational resources available to self-represented persons undoubtedly provides a useful and necessary service, the Commission's findings have underscored the importance of quality legal representation. Thus, providing quality representation to indigent Tennesseans and creating better ways to connect clients with lawyers is the primary objective of the 2012 Plan. The Commission set a goal that 50% of attorneys residing in Tennessee will provide pro bono services as defined by the Tennessee Supreme Court at an average of 50 hours per year on or before January 1, 2015.

Three years into the Access to Justice Campaign, Tennessee is becoming a model state for the delivery of pro bono legal services. The support of the Supreme Court and the established access to justice partnerships provide a solid foundation. Moving forward, the Commission will continue developing strategies to provide quality representation and access to justice and will launch new initiatives to support those strategies. Attorney education, attorney recruitment, client education, removal of barriers and lawyer-client connections will continue to be areas of special attention. However, it is equally important to develop systems to measure the impact of our programs and adjust goals accordingly.

As an initial step toward measuring the need for pro bono and the resources available, the Commission asked Access to Justice Coordinator Anne-Louise Wirthlin to compile a comprehensive report of all the pro bono activities in Tennessee. The result is "The Pro Bono Report." (Appendix G). Using the Pro Bono Report to establish a baseline for measurement in

the 2012 Plan, the Commission will annually update the report to help measure the success of its strategies and initiatives.

Alongside the primary goal of expanding pro bono services, the Commission continues to address the needs of self-represented persons. There is also continued need for the Commission to focus on removal of barriers. The Commission will continue assisting self-represented persons by recommending more plain language forms to the Supreme Court, producing a series of educational videos with legal information and developing additional training for the bench and bar. Most importantly, the Commission recognizes that it needs to do a better job of educating and enhancing public awareness, including lawyers' awareness, about the resources and opportunities available for self-represented persons and pro bono services.

#### **IV. Goals**

**A. Goal 1: Fifty percent (50%) of attorneys residing in Tennessee will provide pro bono services as defined by the Tennessee Supreme Court at an average of fifty (50) hours per year on or before January 1, 2015.**

**1. The Pro Bono Report (Appendix G).** In May 2011, ATJ Coordinator Anne-Louise Wirthlin attended the Equal Justice Conference presented by the American Bar Association Standing Committee on Pro Bono and Public Service and the National Legal Aid and Defender Association. A common theme among the participants was that there was no comprehensive knowledge of the pro bono activities in each individual state. ATJ groups are generally aware of pro bono efforts, but there is no centrally located information. As a result, there are innovative and effective efforts being applied across the country, but, without centralized data and communications, this lack of knowledge inhibits planning and coordination. The Commission

asked the ATJ Coordinator to compile a comprehensive report on the pro bono services within the state of Tennessee.

The Pro Bono Report thus provides baseline information to help the Commission better understand the conditions affecting access to justice in Tennessee and determine whether the Commission's strategies and efforts are successful. The Pro Bono Report provides a highly detailed and invaluable snapshot of the current state of pro bono in Tennessee. The report addresses the Commission's activities thus far and provides insight into areas that provide the most potential for successful access to justice initiatives by addressing (1) bar association pro bono; (2) law school pro bono; (3) pro bono from Legal Aid providers (4) attorney pro bono volunteer reporting statistics (5) 2011 pro bono month, (6) statistical summaries of [www.OnlineTNjustice.org](http://www.OnlineTNjustice.org), and (7) pro bono CLE hours.

The Supreme Court defines "pro bono services" as services provided without a fee or expectation of a fee to persons of limited means or organizations that primarily address the needs of persons of limited means. Tenn. S. Ct. R. 8, RPC 6.1 (a)(1)-(2). Pro bono service can also be the delivery of legal services at a substantially reduced fee to persons of limited means. Tenn. S. Ct. R. 8, RPC 6.1 (b)(2). Attorneys can also do pro bono through the provision of legal services at no fee or at a substantially reduced fee to individuals, groups, or organizations seeking to secure or protect civil rights and liberties, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes where payment of standard legal fees would deplete the organization's resources or would be inappropriate. Tenn. S. Ct. R. 8, RPC 6.1 (b)(1). Participation in activities for improving the law, the legal system, or the legal profession is also deemed pro bono legal services by the Court. Tenn. S. Ct. R. 8, RPC 6.1 (b)(3).

The Pro Bono Report revealed that in 2009, 18.26% of attorneys licensed in Tennessee voluntarily reported pro bono service with their Board of Professional Responsibility Annual Registration Packet. That year, the average attorney reporting pro bono service donated seventy-nine hours per year. For 2010, 38.96% of all licensed attorneys voluntarily reported pro bono service averaging seventy-three hours per year. The 2010 data was broken down further to examine the reporting activity of attorneys residing in Tennessee and attorneys licensed but not residing in Tennessee. The data revealed that 6,598 of the estimated 16,391 attorneys with active licenses residing in Tennessee reported their pro bono service. Thus, in 2010, 40.25% of active licensed attorneys residing in Tennessee voluntarily reported pro bono service at an average of seventy-four hours per year, which exceeds the aspirational goal of 50 hours per year set forth in Tenn. S. Ct. R. 8, RPC 6.1. With this information in hand, the Commission set the goal that 50% of attorneys residing in Tennessee will provide pro bono services as defined by the Court on an average of 50 hours per year on or before January 1, 2015.

**2. Attorney Education.** Although legal advice clinics are an important aspect of pro bono, the Commission wants to emphasize the importance of a lawyer taking up representation of the individual, even if the representation is limited in scope. Practitioners quickly learn that law school does not necessarily provide adequate preparation to immediately handle many of the areas of the law that most often affect indigent Tennesseans. These areas include family law, consumer/credit issues, landlord/tenant, and benefits. It is vital and necessary to provide lawyers with the necessary skills to handle these “High Need” substantive areas of the law, particularly in specific venues, *e.g.*, general sessions, juvenile, family law and bankruptcy courts. Moving forward, a particular emphasis of the Commission will be to focus on preparing pro bono lawyers to take on the direct representation of an individual, if an initial consultation does not resolve the



legal issue. Direct representation can entail handling the entire case or providing “unbundled” legal services per an agreement with the individual.

The Commission will:

1. Develop an online curriculum on High Need areas of the law, beginning with family law and debtor/creditor issues to be available on or before November 1, 2012. Complete the curriculum by August 1, 2013. The Commission will seek to collaborate with the Tennessee Bar Association and other bar associations, legal service providers, the Tennessee Alliance for Legal Services and the groups listed below to accomplish this goal.
  - a. Law Schools: Assist in curriculum development and use the curriculum as template for symposia for law students.
  - b. The Judiciary: Use judges as teachers and instructors for the courses to increase participation and demonstrate judicial support.
  - c. Administrative Office of the Courts: Develop webcast(s) on pro bono opportunities available to lawyers and promote [www.JusticeForAll.com](http://www.JusticeForAll.com) as a method to disseminate information to lawyers. Ask the Court and other judges to participate in the webcasts.
2. Establish a marketing and public relations campaign to communicate strategies and CLE opportunities to lawyers to launch on or before October 1, 2012.
  - a. Inform lawyers that they may obtain Ethics and Professionalism CLE credit for their pro bono work.
  - b. Promote the access to justice website, [www.JusticeForAllTN.com](http://www.JusticeForAllTN.com), as a method for lawyers to find out what pro bono opportunities and resources exist inside and outside their area.
3. Promote to other cities the partnership model established by Nashville law firms, the “Pillar Firm” model, whereby firms with strong commitments educate their attorneys on substantive areas of the law and take more pro bono cases in those areas.
4. By October 1, 2012, propose to the Court/CLE Commission that excess CLE funds be designated by the CLE Commission and the Supreme Court to provide for the High Needs pro bono CLE training, the promotion thereof, and other access to justice initiatives.
5. Measure and track the results of this initiative by tracking attendance and following up with attorneys who participated in the curriculum to determine if they subsequently took a pro bono case.

### **3. Attorney Recruitment**

To increase participation so that 50% of lawyers residing in Tennessee provide an average of 50 hours of pro bono per year, the Commission must add to the existing pool of attorneys engaged in pro bono. Multiple initiatives should be utilized to recruit more lawyers. The Commission understands that there is a wide spectrum of law practices in Tennessee, ranging from solo practitioners to large law firms, and that lawyers practice in urban, suburban, and rural communities and that not every strategy is appropriate for every community.

To recruit more lawyers providing pro bono, the Commission will:

1. Promote [www.JusticeForAllTN.com](http://www.JusticeForAllTN.com) and [www.onlineTNjustice.org](http://www.onlineTNjustice.org) to increase awareness of alternative ways to participate.
2. By December 1, 2012, provide attorneys in parts of the state with no organized pro bono program with resources such as Attorney of the Day materials to organize pro bono efforts tailored to their community.
3. Identify firms that do not have pro bono policies and request that those firms adopt a pro bono policy so that 10 additional firms adopt pro bono plans by January 1, 2013, and 5 additional forms adopt pro bono plans by June 1, 2013.
4. Combine efforts with the TBA to recruit law firms in other communities to follow the partnership model established by Nashville law firms, the “Pillar Firm” model so that the Model is adopted in at least two communities on or before January 1, 2013.
5. Convene an in person or telephone conference of law school deans, law school pro bono directors, and students together at least annually to create ways to partner to increase pro bono participation. Develop an exemplar law school bono policy for Tennessee law schools by December 1, 2012.
6. Develop a proposal for recognition by the Court of firms or legal departments with pro bono policies, individual attorneys, and pro bono organizations with exemplary pro bono participation. Present the proposal to the Court on or before August 1, 2012.
7. Update the Pro Bono Report annually by January 31 each year to capture pro bono work statewide and to measure success.

#### **4. Client Education and Removal of Barriers**

Providing Tennesseans with an understanding of how to access a lawyer is integral to delivering access to justice. This requires a public awareness effort to reach Tennesseans in need through partnerships with places the public commonly goes to seek help, such as libraries, faith-based organizations, courthouses and social service providers. In conjunction with educating the public, the Commission will continue its work to remove common barriers encountered in the search for a pro bono lawyer. Many of these objectives compliment the Commission's goals regarding public awareness for self-represented persons discussed in more detail in Section B.

To educate the public on the availability of pro bono services and to remove barriers to finding a pro bono lawyer, the Commission will:

1. Promote the available existing technology such as Online Tennessee Justice, Tennessee Technology Centers, [www.JusticeForAllTN.com](http://www.JusticeForAllTN.com) as ways to access a pro bono lawyer.
2. Provide information and resources to intake staff at legal service organizations through TALS, general sessions courts, and court clerks offices so that they can direct the public to pro bono lawyers. The AOC will supply information to judicial staff and to state and federal elected officials.
3. Explore the creation of an Access to Justice application for smart phones and tablet computers to provide clients with easily accessible information on pro bono resources in their community. Make a recommendation to the Court by November 1, 2012.
4. Make [www.JusticeForAllTN.com](http://www.JusticeForAllTN.com) available in languages other than English, beginning with Spanish by September 1, 2012
5. By September 1, 2012, develop guidance and instructions on the use of interactive technology such as Skype to connect clients in rural areas with pro bono lawyers in other parts of the state.

## **5. Connecting Lawyers With Clients**

Once more lawyers are educated and recruited to take pro bono cases and the public is more aware of the existing and new resources available, the Commission's focus can shift to connecting the lawyers with the clients. The Commission has identified two primary ways that clients are currently connected with pro bono lawyers. One way is through legal aid providers federally funded by the Legal Services Corporation ("LSC providers") and the second is through non-LSC providers. A non-LSC provider describes any organization that provides pro bono legal help but that does not receive federal funding from the Legal Services Corporation. The term includes state and locally funded legal service providers, bar associations, and faith-based organizations that provide legal advice and assistance. A comprehensive pro bono infrastructure must include both LSC providers and non-LSC providers.

Currently, the only widespread pro bono system available to the public consists of the pro bono programs of the four regional LSC programs. Together, their territory covers every county in the state. Federal law requires that at least 12.5% of the federal LSC funding be allocated by the LSC organization toward private attorney involvement or pro bono lawyers. Even though Tennessee's LSC programs allocate more than the required amount toward providing pro bono services, they remain unable to provide pro bono services in every county, and Congress continues to reduce federal funding.

Because of their statewide presence, LSC programs are presently the organizations to which individuals are typically referred for pro bono assistance. Judges refer litigants to them. Notices from the state regarding help with appeal rights for denial of public assistance refer to the LSC providers. Lawyers like to be affiliated with them because of their reputation, CLE opportunities, screening, malpractice insurance, and established system for referrals.

Additionally, LSC organizations have existing, solid partnerships with non-LSC providers and the access to justice community. Even though LSC providers are unable to take certain types of cases due to federal restrictions, they are not restricted from referring those cases to other attorneys to meet client needs.

Many non-LSC organizations provide services to a select population or a specific locality and serve client populations that LSC providers cannot serve. The Commission hopes to encourage other institutions to provide pro bono services. One such example is the plan adopted by the Tennessee and Memphis Conferences of the United Methodist Church which uses the Church's existing infrastructure and commitment to social justice to partner with the Commission to recruit member lawyers to provide pro bono services. (Appendix J). The Commission has devoted much time and resources to the development of projects such as the Pro Bono Summit, Pro Bono Clinic in a Box and endorsed the creation of OnlineTNJustice (which serves clients across the state) to create more pro bono opportunities.

The Commission hopes to serve as a coordinating arm for LSC and non-LSC pro bono providers to increase pro bono opportunities, serve in a coordinating and sponsoring role for pro bono activities, resources and statistics and develop innovative ideas to provide clients greater access to justice. To accomplish this goal across the state, the Commission will seek input, support and feedback from pro bono service providers, the judiciary, the private bar, the executive branch, social service providers, faith-based institutions, public libraries and other organizations which serve Tennesseans with civil legal needs.

To connect lawyers with clients through LSC and non-LSC providers, the Commission will provide a foundation for a comprehensive system of delivery of pro bono services across the state beginning with the following steps:

1. Coordinate regular meetings with the Executive Directors and Pro Bono Directors of each of the four LSC providers and with non-LSC providers, the TBA, and TALS to determine the framework for a comprehensive approach to connect clients to available resources.
2. By November 1, 2012, develop resources for intake staff to assist them to make referrals and foster accountability when their respective agency cannot provide the client with legal help.
3. Explore the feasibility of establishing a statewide toll free information phone line which lawyers staff, and the public can access to get information on available resources throughout the state.

**B. Goal 2: The Commission Will Continue Its Efforts to Assist Self-Represented Persons.**

Although the Commission will focus primarily upon expanding pro bono services to indigent Tennesseans, it is inevitable that some Tennesseans will not have access to pro bono help. This means that there is a pressing need for the public to better understand the legal system. This need has been particularly noticed by judges, who indicated in response to the Commission's survey that this is an area of special significance and that educational videos could help address this need. (Appendix M—Judges Survey).

The Commission has made significant strides in making the court-system more user-friendly and removing barriers for self-represented persons. Court-approved plain language forms ensure that self-represented persons have acceptable pleadings. "Attorney of the Day" programs place lawyers in courtrooms to serve as informational sources and to provide limited representation to otherwise self-represented persons. However, there is much more work to do.

To assist self-represented individuals, the Commission will:

1. By November 1, 2012 produce a series of educational videos for self-represented parties on specific types of legal issues beginning with family law and debtor/creditor issues, general topics such as "How to Prepare for Court." By November 1, 2012, provide instructions on how to complete plain language forms.

2. By April 1, 2013, develop and recommend additional plain language forms, including expanding the divorce forms to include forms for uncontested divorces with minor children. By October 1, 2013, develop and recommend plain language forms regarding child support guidelines.
3. Foster collaboration with the Tennessee Board of Regents to use Technology Centers as a centralized self-help entity with the goal of establishing one self-help center in each Grand Division by January 1, 2013.
4. By April 1, 2013, examine and make recommendations for systemic change in the general sessions courts, specifically looking at how attorneys can be more involved in helping otherwise self-represented individuals through Attorney of the Day programs and limited scope representation
5. Create a policy clearly distinguishing between legal information and legal advice to provide guidance to court staff, clerks and attorneys assisting in self-help centers on or before September 1, 2012.
6. By March 1, 2013, expand the General Sessions Court Pro Se Bench Book project into universally acceptable instructions for all judges in cases involving self-represented parties.
7. Develop sample plain language signage for the courthouse with the assistance of court staff to be distributed by the AOC to court staff on or before September 1, 2012.

**C. Goal 3: The Commission will continue to develop additional strategies to eliminate access to justice barriers.**

Some of the strategies outlined above address barriers that Tennesseans face including geography, language, and literacy and disability. In order to further address disability and language barriers, the Commission will:

1. By December 1, 2012, offer Commissioner and Committee member expertise, including technological expertise, to assist the Administrative Office of the Courts with remote interpreting pilot projects, its efforts to encourage agencies to ensure the court is aware of the need for interpreters before court hearings, and educate judges, clerks, public defenders and attorneys general of Supreme Court Rule 42 requirement to use credentialed interpreters before non-credentialed interpreters.
2. By December 1, 2012, offer assistance to agencies which provide services to immigrants to provide education to immigrants on issues such as U Visas, unaccompanied immigrant youth and children in the juvenile courts, immigrants

accused of crimes, asylum, eligibility for state benefits, and immigrant issues in family court.

## **V. Conclusion**

When developing the 2012 Plan, the Commission set out to solidify Tennessee as a national leader in the availability of pro bono legal services, in the elimination of barriers to the justice system, and in assisting the public to understand and successfully engage the justice system. To the best of the Commission's knowledge, Tennessee is the only state that has committed to comprehensively track the manner and method in which pro bono services are provided to the public and to use that data to provide accountability for the Access to Justice programs. The full support of the Supreme Court and existing collaboration among Tennessee's lawyers and its access to justice community has inspired the Commission's grand, but achievable, goal of increasing pro bono participation so that 50% of attorneys residing in Tennessee perform an average of 50 hours of pro bono service as defined by the Supreme Court per year.

The existing network of lawyers, law firms, corporate legal departments, bar associations, legal service programs, judges, clerks, law schools, librarians, service providers, nonprofits, faith-based organizations, and businesses will grow as more lawyers are educated, recruited and given the skills to help indigent Tennesseans with civil legal matters. Toward that end, the Commission will focus on promoting existing resources, growing new resources and technology, and cultivating partnerships to connect lawyers with clients to close the civil legal needs gap while simultaneously advancing projects that eliminate barriers and make the court system more user-friendly for self-represented persons. The Commission remains committed to effecting systemic change to address the unmet legal needs of the state, for Tennesseans deserve no less than full, informed and efficient Access to Justice.



# Chronological Timeline with Committee Assignments

May – June 2012

July – Sept 2012

Oct – Dec 2012

## August 2012

- Court recognition of pro bono. *Pro Bono.*

## September 2012

- Make ATJ website available in Spanish. *AOC.*
- Develop guidelines for interactive technology. *Pro Bono.*
- Develop legal information versus legal advice policy. *Self-Represented Litigants.*
- Develop plain language signage. *Self-Represented Litigants.*

## October 2012

- Launch marketing and public relations campaign for lawyers. *Public Awareness.*
- Excess CLE funds proposal. *Education.*

## November 2012

- Family Law and Debtor/Creditor videos available as part of online curriculum. *Education.*
- Make recommendation for creation of access to justice smart phone app. *Public Awareness.*
- Develop resources for intake staff to assist with referrals and foster accountability. *Education.*
- Produce educational and instructional videos for self-represented litigants. *Education and Self-Represented Litigants.*

## December 2012

- Provide resources to attorneys to organize pro bono programs. *Pro Bono.*
- Develop exemplar law school pro bono policy. *Pro Bono.*
- Offer expertise to assist the AOC with remote interpreting pilot projects, its efforts to promote communication with the court when an interpreter is needed, and provide education. *AOC.*
- Assist agencies which provide services to immigrants to provide education to immigrants. *Education.*

# Chronological Timeline with Committee Assignments

Jan – Mar 2013

Apr – June 2013

Jul – Dec 2013

## January 2013

- 10 law firms adopt pro bono policy. *Pro Bono.*
- 2 communities adopt Pillar Law Firm Model. *Pro Bono.*
- Establish self-help center in each Grand Division. *Self-Represented Litigants.*

## March 2013

- Expand Pro Se Bench Book into universally acceptable instructions. *Self-Represented Litigants.*

## April 2013

- Develop additional plain language forms, including expanding the divorce forms. *Self-Represented Litigants.*
- Make recommendations for systemic change in general sessions court. *Self-Represented Litigants.*

## June 2013

- 5 additional firms adopt pro bono policies. *Pro Bono.*

## August 2013

- Complete High Needs online curriculum. *Education.*

## October 2013

- Develop plain language forms regarding child support guidelines. *Self-Represented Litigants.*

# Chronological Timeline with Committee Assignments

On-Going

- Promote to other cities the Pillar Firm Model. *Public Awareness.*
- Measure and track results of attorney education initiative by tracking attendance and following up with attorneys who participated. *ATJ Coordinator.*
- Promote [www.JusticeForAllTN.com](http://www.JusticeForAllTN.com) and [www.OnlineTNJustice.org](http://www.OnlineTNJustice.org) to increase awareness of alternative ways to participate. *Public Awareness.*
- Update the Pro Bono Report annually. *ATJ Coordinator.*
- Convene an in person or telephone conference of law school deans, law school pro bono directors, and students together at least annually to create ways to partner to increase pro bono participation. *Pro Bono.*
- Promote available existing technologies such as Online Tennessee Justice, Tennessee Technology Centers, [www.JusticeForAllTN.com](http://www.JusticeForAllTN.com) as ways to access a pro bono lawyer. *Pro Bono.*
- Provide information and resources to intake staff at legal service organizations through TALS, general sessions courts, and court clerks offices so that they can direct the public to pro bono lawyers. AOC will supply information to judicial staff and state and federal elected officials. *Education.*
- Coordinate regular meetings with the Executive Directors and Pro Bono Directors of each of the four LSC providers and with non-LSC providers, the TBA, and TALS to determine the framework for a comprehensive approach to connect clients to available resources. *Pro Bono.*
- Explore feasibility of establishing statewide toll free information phone line which lawyers staff, and the public can access to get information on available resources throughout the state. *Pro Bono Committee.*