

Access to Justice Column for December Oklahoma Bar Journal on Professional Responsibility

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On Friday, October 29, 2010, the inaugural “Key Stakeholders Pro Bono Summit” gathered together over fifty Oklahoma judges, bar leaders and practitioners to brainstorm about specific ways to improve access to justice in civil matters statewide. By all accounts, it was a grand success, bringing together the wisdom, energy and enthusiasm of many who care deeply about the quality of affordable justice to Oklahomans of low and moderate incomes. After working several years on various issues, the OBA Access to Justice Committee determined that the only way to make real progress was through statewide collaboration with others. Participating in the Summit were representatives of the bench and bar, the executive branch, law schools, and low-income legal service providers. The Committee gratefully acknowledges the support and assistance of OBA President Allen Smallwood, Executive Director John Williams, and sponsorship by the Board of Governors, Legal Aid Services of Oklahoma, Inc., the University of Oklahoma College of Law, and Oklahoma City University School of Law. Further thanks are due each of the Committee members who worked tirelessly to make the Summit happen and prepare supporting materials, to the Break-out Moderators, and the student scriveners. The Summit, held at the University of Oklahoma College of Law, was planned in conjunction with the National Celebration of Pro Bono Week.

Colorado Supreme Court Justice Gregory Hobbs delivered the keynote address, “Access to Justice: The Single Most Compelling Reason for a Legal Profession.” Justice Hobbs is a leader in pro bono development and access to justice issues; the Colorado Supreme Court has established programs to encourage pro bono and limited scope representation by lawyers and provide statewide forms available for use by *pro se* litigants. Retired Oklahoma County Judge James Paddleford was honored for his trailblazing pro bono activities, which include preparing easily accessible forms for simple guardianships and appearing weekly at the Oklahoma County Courthouse to provide information about the legal process to obtain guardianships for minor children.

OBA Bench and Bar Committee co-chair Jack Brown moderated the afternoon’s plenary sessions. The opening plenary provided guidance on the Summit’s objectives, asking the five break-out groups to discuss and formulate concrete action plans on their areas of focus. Following hour-long break-out sessions, the plenary reconvened to hear and process reports from the small groups. A second round of break-out sessions refined those action plans, which are now being finalized by the moderators and their student assistants. Watch for news of electronic posting of these group summaries and the supporting conference materials. The five break-out groups and their tentative action items are summarized below.

Group 1: Educating the public about the law and how to access courts. Actions: demystify the legal profession and legal system; create and make readily available public information about the legal system.

Group 2: Permissible judicial encouragement of pro bono work. Actions: encourage adoption of proposed Code of Judicial Conduct and Rule 3.7(b) and amendment to Rule of Professional Conduct 6.1; identify permissible innovations by trial and appellate courts; develop mainstream judicial and lawyers' continuing education on access to justice and pro bono activities; pursue malpractice insurance coverage without charge for all lawyers doing pro bono work.

Group 3: Partnering activities by courts, the bar, law schools and civil service providers. Actions: share databases; improve outreach to generate excitement and information about pro bono work/opportunities/recognition among students, practicing and non-practicing lawyers; reduce cost for out-of-state students to become licensed legal interns and encourage private attorneys to make pro bono work available for interns; improve communication among stakeholders.

Group 4: Ethical and practical consideration of pro se forms and clinics that help with forms. Goals: produce or update forms for use by unrepresented persons; expedite resolution of uncontroversial issues; streamline for economy of judicial involvement. Short term actions: identify substantive legal issues appropriate for use of forms; identify and involve cooperation of relevant stakeholders in production and guidance for use of forms. Long term actions: monitor and update for quality forms, measure utility.

Group 5: Ethical and practical issues on unbundled legal services (a/k/a discrete task representation). Action: review and revise draft proposed changes to relevant rules and comments (Rules of Professional Conduct and Rules of Civil Procedure) and user-friendly forms on notice and consent to limited scope representation; develop in conjunction with e-filing proposals, emphasizing benefits of cost-savings to courts, service-providers and consumers; judicial education.

The Summit energized many in attendance, who – we hope – will carry forward and work on implementing the goals, short term and long term action items. To make the dreams a reality, more foot soldiers are needed to do the hard work of implementation. If any of the break-out topics and action items trigger your interest, please contact the ATJ Committee, indicating your specific area of interest.